

**Kentucky Department of Education
FFY 2012 Annual Performance Report
February 3, 2014**





Executive Summary: FFY 2012 Kentucky Part B Annual Performance Report

The Annual Performance Report (APR) for FFY 2012 details the work of the Kentucky Department of Education (KDE) toward improving educational outcomes for students with disabilities. The 2004 Reauthorization of the Individuals with Disabilities Education Act (IDEA) required KDE to report the State's performance to the Secretary of Education and to the public through the State Performance Plan (SPP). The SPP is updated yearly through the APR. This APR is due February 3, 2014 and covers the 2012-2013 academic year.

In 2010, KDE implemented a major reorganization that has had a profound effect on the work of the Division of Learning Services (DLS). The restructuring of the agency ensured that DLS was housed in the Office of Next Generation Learners, which focuses on teaching and learning for *all* Kentucky students. Since then, KDE has worked continuously to break down the barriers that have kept the educational outcomes of students with disabilities separate from all other students. Nowhere is this commitment more evident than in the strategies the Kentucky Board of Education (KBE) adopted to ensure all Kentucky students demonstrate proficiency, so they can graduate from high school ready for college and career.

KDE initially developed four key strategies to implement the KBE vision, as noted in the FFY 2011 APR. Instead of adopting separate strategies for students with disabilities, KDE incorporated its strategies for all students as its strategies for the SPP. These KDE strategies are reflected in the SPP indicators as indicator activities.

The KBE vision is found in the following delivery plans:

The College and Career Readiness Delivery Plan:

<http://education.ky.gov/commofed/cdu/documents/ccr%20delivery%20plan.pdf>

The Proficiency Delivery Plan:

<http://education.ky.gov/commofed/cdu/documents/proficiency%20delivery%20plan.pdf>

The Gap Delivery Plan:

<http://education.ky.gov/CommOfEd/CDU/Documents/Gap%20Delivery%20Plan.pdf>

The Next Generation Professionals Delivery Plan (including specialty teachers):

<http://education.ky.gov/CommOfEd/CDU/Documents/NxGen%20Professionals%20Delivery%20Plan.pdf>

Over the course of the last three years, Kentucky students have demonstrated progress, particularly in the area of College and Career Readiness and proficiency. However, post-school

outcomes and proficiency in state assessments for students with disabilities lag behind the outcomes of their non-disabled peers.

As the Office of Special Education Programs (OSEP) continues to reinforce the importance of results driven accountability for students with disabilities, Kentucky has strengthened its commitment to improving results and outcomes for *all* students, including students with disabilities. In response to the most recent data for educational performance and gap, KDE is currently in the process of restructuring its plans and refining strategic activities so that goals for all students can be reached.

The connection between the strategic plans and the APR is critical because improving educational results and outcomes for students with disabilities will be a major factor in determining whether KDE achieves its vision for all Kentucky students. DLS staff is significantly involved in the restructuring of KDE's strategic plans. This will serve to facilitate work on Indicator 17- the State Systemic Improvement Plan (SSIP)- to be submitted in February 2015.

KDE is also taking steps to form strong partnerships with other agencies whose work directly impacts students, especially students with disabilities. The Department is making intentional connections to its partners by working together and leveraging opportunities to affect student outcomes. Those partners include:

- The Cabinet for Health and Family Services
- The Department for Behavioral Health, Developmental and Intellectual Disabilities
- Institutions of Higher Education
- The federal Office of Elementary and Secondary Education (OESE)
- KY-SPIN (Kentucky's Parent Training Center)
- The Office of Vocational Rehabilitation
- The State Inter-Agency Collaborative (SIAC)

KDE has continued to work closely with other partners over the course of this year in improving outcomes of students with disabilities as reflected in its APR. Kentucky's Educational Cooperative Network (Co-ops) provides regional technical assistance on behalf of students with disabilities. The Co-ops have been instrumental in delivering the vision of KDE to school districts, while continuing to provide technical assistance to directors of special education and instructional support to schools and teachers.

KDE's relationship with the State Advisory Panel for Exceptional Children (SAPEC) is a collaborative relationship that strives to improve outcomes for students with disabilities. KDE continues to consult the SAPEC when determining targets for SPP indicators and to advise the SAPEC on KDE's progress toward meeting its targets. KDE looks forward to working with the SAPEC as the SSIP is developed and implemented.

The State Personnel Development Grant (SPDG), awarded to Kentucky in 2012, has continued the implementation of personnel initiatives related to the achievement gap, low incidence disabilities and college and career readiness. These initiatives directly relate to the achievement and performance of Kentucky students with IEPs, and are expected to make a direct impact across the state in improving educational results and outcomes for students with disabilities.

KDE's partners at the University of Kentucky's Human Development Institute (HDI) have assisted KDE with developing surveys, collecting data, evaluating results and developing activities for Indicators 8 and 14 for many years. HDI's expertise and teamwork are greatly appreciated by the Department. The technical assistance from the Mid-South Regional Resource Center (MSRRC), also a part of HDI, has been vital in helping KDE improve its SPP outcomes over the years. Since 2005, Kentucky's MSRRC contact, Jeanna Mullins, has provided KDE with unparalleled technical assistance in the development of its SPPs and APRs.

Lastly, the technical assistance KDE has received from OSEP has proved invaluable in the development of Kentucky's SPP and APR. Dr. Curtis Kinnard and Dr. Al Jones, Kentucky's OSEP state contact and monitoring team leader respectively, have continued OSEP's tradition of assisting KDE's APR work by providing timely and accurate advice to KDE. They have also provided technical assistance that has been instrumental in helping KDE obtain a "meets" determination from the U.S. Department of Education. KDE values its partnership with OSEP and looks forward to future collaboration, as KDE refines its focus on results in anticipation of next year's SSIP.

The FFY 2012 APR and revised SPP are posted on the KDE web site at:

<http://education.ky.gov/specialed/excep/Pages/Public-Reporting-of-District-Data.aspx>

The Kentucky Department of Education and the Division of Learning Services look forward to the upcoming year, as we continue to move forward in its vision that all students are proficient and prepared for success.

Sincerely,

Johnny W. Collett, Director
Division of Learning Services
Office of Next Generation Learners
Kentucky Department of Education

February 3, 2014

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***Denotes a compliance indicator**

Part B State Annual Performance Report (APR) for FFY 2012

Overview of the Annual Performance Report Development: The vision of the Kentucky Department of Education (KDE) is to ensure that **all students** reach proficiency and graduate from high school ready for college and careers.

Indicators 1 and 2 activities are aligned with the KDE College and Career Readiness strategies of data collection and use, related to persistence to graduation and implementation of college and career advising.

Monitoring Priority: FAPE in the LRE

Indicator 1: Percent of youth with IEPs graduating from high school with a regular diploma.

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

Measurement: States must report using the adjusted cohort graduation rate required under the Elementary and Secondary Education Act (ESEA).

OSEP requires use of the same data for Indicator 1 that is reported to the federal Department of Education under Title I of the Elementary and Secondary Education Act (ESEA). When disaggregated ESEA data are not available, OSEP permits use of the data source employed by the State in its FFY 2009 APR.

On July 21, 2009, the federal Office of Elementary and Secondary Education (OESE) granted the Kentucky Department of Education (KDE) an extension of the deadline in which to report its four-year adjusted cohort graduation rate in Adequate Yearly Progress (AYP) determinations under the ESEA. Under the language of the OESE extension, KDE was allowed to report these data in 2013-2014.

The Indicator 1 Measurement Table requires use of 2011-2012 school year data. Although KDE now has the disaggregated data as anticipated, it became available during the 2012-2013 school year. KDE does not have disaggregated data for the 2011-2012 school year.

KDE contacted OSEP for its advice on which year's data KDE should use in its measurement for Indicator 1. Pursuant to OSEP guidance, KDE is using its Section 618 data previously submitted last year (FFY 2011). These data are not disaggregated.

KDE used the following measurement to calculate the graduation rate for students with disabilities.

graduates receiving regular diplomas

graduates + # certificates + # dropouts + # who maxed in age + # deceased

Data Source: 2011-2012 Section 618 Data.

Note: The Division of Learning Services (DLS) is reporting 2011- 2012 data for Indicators 1 and 2 based on OSEP guidance. This is a repeat of FFY 2011 APR data.

FFY	Measurable and Rigorous Target
2012	<i>Eighty-five and one-tenth percent (85.1%) of students with disabilities will graduate with a regular diploma.</i>

Actual Target Data for FFY 2012: 73.21%

Kentucky did not meet the target for this indicator. As explained above, this is the same actual target data reported in last year’s FFY 2011 APR and does not reflect graduation rate data for FFY 2012.

The measurement requires the following calculation be used:

$$3258 \text{ graduates with regular diploma} \div 4450 \text{ (total of 3258 graduates + 457 certificates + 680 dropouts + 38 who maxed in age + 17 deceased)} = .7321 \times 100 = 73.21\%$$

Youth with IEPs must meet the same conditions as all Kentucky youth in order to graduate with a regular diploma. See Indicator 1 in the FFY 2012 State Performance Plan (SPP).

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2012:

Explanation of Progress or Slippage:

This is the same data reported in Kentucky’s FFY 2011 APR. Slippage from FFY 2010 to FFY 2011 was discussed in the FFY 2011 APR. Since slippage was discussed last year, OSEP advised KDE that it is not required to discuss the same slippage factors again.

Discussion of Improvement Activities Completed:

In FFY 2010, DLS amended its SPP activities to include the use of KDE’s Persistence to Graduation Tool (PtGT) and Toolkit, to detect students who are off-track for graduation by identifying students who are at-risk before they drop out of school. The persistence to graduation strategy, once it is fully implemented, is expected to increase the number of students graduating from high school.

Beginning with FFY 2012, districts used the data from the PtGT to plan for improvement in programming for students with disabilities through the use of the Adaptive System of School Improvement Support Tools (ASSIST) process.

Actions completed for Indicators 1 and 2 are:

- Beginning with FFY 2012, schools and districts have embedded their improvement planning process for students with disabilities within their comprehensive improvement planning efforts. All schools and districts now use the ASSIST to document their self-assessment, data analysis, goals, objectives, strategies and activities.

Data specific to special education that is not included within KDE's Continuous Instructional Improvement Technology System (CIITS) is provided to districts through a spreadsheet posted on the Comprehensive Improvement Planning webpage. This spreadsheet includes data for students with disabilities on graduation rates, dropout rates, suspension rates, least restrictive environment and postsecondary outcomes.

- The DLS and Educational Cooperatives continue to encourage districts to use Investigative Questions when conducting root cause analysis during the use of ASSIST. District, school and some student-level data are examined by district personnel through the PtGT to determine the causes for students with disabilities not completing school.

Investigative questions and evidence-based strategies for Indicators 1 and 2 are included in the ASSIST Special Education Guidance Document. The guidance document is on the KDE website at:

<http://education.ky.gov/school/csip/Pages/default.aspx>

- KDE provided effective strategies for dropout prevention to districts as part of the Persistence to Graduation Evidence-Based Strategies Toolkit. The Toolkit is on the KDE website at:

<http://education.ky.gov/school/Pages/Dropout-Prevention.aspx>

- Districts use the ASSIST self-assessment for reviewing and improving upon their Graduation Rates and Dropout Rates.
- Materials and information continue to be added or updated to assist school districts with preparing community volunteers for meeting with students with disabilities during Operation Preparation.
- A technical assistance document for using the Individual Learning Plan process with students on alternate assessment is being developed.

Evaluation of Activities:

Activity 1- DLS surveyed districts that reported one or more students dropping out. Districts were asked a series of questions related to the implementation of evidence-based strategies for dropout prevention. DLS will continue to survey districts following their use of the ASSIST process this school year.

Activity 2- Operation Preparation is a joint effort of the Kentucky Department of Education and the Department of Workforce Development. It provides a powerful opportunity for schools,

students, parents and communities to collaborate in the process of effective advising and focus attention on the importance of planning for college, career or both.

During Operation Preparation, trained volunteer community advisors meet one-on-one with every 8th- and 10th-grade student. The community advisor uses the student's Individual Learning Plan (ILP) to discuss:

- The student's career aspirations, required education/training and workforce skills
- Whether the student is on target to meet his or her goals
- Whether the student is taking the courses recommended to prepare the student for a successful future

DLS surveyed the districts that participated in Operation Preparation during March of 2013. 63.9% of districts responding indicated that 100% of students with IEPs in the grade levels served by Operation Preparation participated in their district's Operation Preparation activities. 88.5% of districts responding indicated that 80-99% of students with IEPs in the grade levels served participated in their district's Operation Preparation activities.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2012:

Not applicable.

Part B State Annual Performance Report (APR) for FFY 2012

Overview of the Annual Performance Report Development: The vision of the Kentucky Department of Education (KDE) is to ensure that **all students** reach proficiency and graduate from high school ready for college and careers.

Indicators 1 and 2 activities are aligned with the KDE strategies of data collection and use regarding persistence to graduation and implementation of college and career advising.

Monitoring Priority: FAPE in the LRE

Indicator 2: Percent of youth with IEPs dropping out of high school.

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

Measurement: States must report a percentage using the number of youth with IEPs (14-21) who exited special education due to dropping out in the numerator and the number of all youth with IEPs who left high school (ages 14-21) in the denominator.

As allowed by OSEP Memorandum 14-2, KDE chose to report Indicator 2 data using the same data source and measurement that was used for FFY 2010. KDE is using 2011- 2012 school year data, as directed in the Measurement Table.

KDE utilized the following measurement to calculate the dropout rate for students with disabilities:

$$\frac{\text{Special education dropouts from grades 9-12}}{\text{Total number of special education students enrolled in grades 9-12}}$$

Data Source: 2011-2012 Section 618 Data.

Note: Based on OSEP guidance and Memorandum 14-2, DLS is reporting 2011-2012 data for Indicators 1 and 2. This is a repeat of FFY 2011 APR data.

FFY	Measurable and Rigorous Target
2012	<i>The dropout rate for students with disabilities will decrease by four tenths of one percent (0.4%) from Kentucky’s FFY 2011 APR dropout rate, or will be no higher than the baseline of 5.48% established in FFY 2004, whichever is lower.</i>

Actual Target Data for FFY 2012: +0.12%

In 2011- 2012, the dropout rate was 2.71%, an increase of 0.12% from the 2010- 2011 rate of 2.59%. KDE did not meet its target of reducing the dropout rate by 0.4% for this indicator, since the dropout rate increased by 0.12%. This repeats the 2011- 2012 school year data reported in the FFY 2011 APR.

The Measurement requires the following calculation be used:

$680 \text{ special education dropouts from grades 9-12} \div 25,108 \text{ special education students grades 9-12}$
 $= .0271 \times 100 = 2.71\%$

Discussion of Improvement Activities and Explanation of Slippage, if the State did not meet its target that occurred for FFY 2012:

Explanation of Progress or Slippage:

This is data from the 2011-2012 school year data that was reported in Kentucky's FFY 2011 APR. Slippage from FFY 2010 to FFY 2011 was discussed in FFY 2011 APR. Based on OSEP guidance, slippage does not need to be discussed again for this year's FFY 2012 APR.

Discussion of Improvement Activities:

See Indicator 1 for discussion of Improvement Activities.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2012:

Not applicable.

Part B State Annual Performance Report (APR) for FFY 2012

Overview of the Annual Performance Report Development:

The vision of the Kentucky Department of Education (KDE) is to ensure that **all students** reach proficiency and graduate from high school ready for college and careers.

Indicator 3 supports the vision of KDE by focusing efforts of the State, districts, schools and teachers toward improving the proficiency rates of students with disabilities, to ensure that all students are college and career ready upon exiting school.

Monitoring Priority: FAPE in the LRE

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

- A. Percent of the districts with a disability subgroup that meets the State’s minimum “n” size that meet the State’s AYP/AMO targets for the disability subgroup.
- B. Participation rate for children with IEPs.
- C. Proficiency rate for children with IEPs against grade level, modified and alternate academic achievement standards.

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

Measurement:

KDE chose the A.2. AMO option

A.2 AMO percent = [(# of districts with a disability subgroup that meets the State’s minimum “n” size that meet the State’s AMO targets for the disability subgroup) divided by the (total # of districts that have a disability subgroup that meets the State’s minimum “n” size)] times 100.

B. Participation rate percent = [(# of children with IEPs participating in the assessment) divided by the (total # of children with IEPs enrolled during the testing window, calculated separately for reading and math)]. The participation rate is based on all children with IEPs, including both children with IEPs enrolled for a full academic year and those not enrolled for a full academic year.

C. Proficiency rate percent = [(# of children with IEPs scoring at or above proficient against grade level, modified and alternate academic achievement standards) divided by the (total # of children with IEPs who received a valid score and for whom a proficiency level was assigned, and calculated separately for reading and math)]. The proficiency rate includes both children with IEPs enrolled for a full academic year and those not enrolled for a full academic year.

Targets and Actual Target Data for FFY 2012:

FFY 2012	Measurable and Rigorous Targets									
	<i>Districts Meeting AMO for Disability Subgroup (3A.2)</i>		<i>Participation for Students with IEPs (3B)</i>				<i>Proficiency for Students with IEPs (3C)</i>			
<i>Targets for FFY 2012 (2012-2013)</i>	54%*		<i>Reading</i>		<i>Math</i>		<i>Reading</i>		<i>Math</i>	
			100%		100%		29.01%		25.44%	
Actual Target Data for FFY 2012 (2012-2013)			#	%	#	%	#	%	#	%
	State Rate Reading	State Rate Math	42784	99.93	42004	99.93	10171	24.04	8051	19.38
	21.20%*	17.16%*								

*In the FFY 2011 APR, KDE reported it was establishing new Indicator 3A baselines and targets for reading and math for Districts Meeting Annual Measurable Objectives (AMO) for the Disability Subgroup. KDE’s new statewide assessment based on the Kentucky Core Academic Standards (KCAS) made collecting new baseline data necessary. The new baseline and targets were to be reported in the FFY 2012 SPP.

In 2012, Kentucky also received an Elementary and Secondary Education Act (ESEA) Waiver. All Kentucky school districts established Annual Measurable Objectives (AMOs) during the 2012-2013 school year based on the 2011-2012 accountability results released on November 2, 2012.

OSEP subsequently provided guidance, stating that new targets were not required for FFY 2012, due to OSEP’s upcoming changes to the SPP process for FFY 2013.

Since KDE’s AMOs were not consistent with the measurement for Indicator 3A, KDE sought additional guidance from OSEP related to establishing new targets that would have been inconsistent with ESEA reporting. OSEP agreed that KDE was not required to set new targets for FFY 2012.

As a result of OSEP’s guidance, KDE did not establish new 3A targets for FFY 2012. The targets and actual target data displayed above for Indicator 3A are from the 2011- 2012 school year and were reported in Kentucky’s FFY 2011 APR.

Actual Target Data for FFY 2012:

3A= Reading 21.20%, Math 17.16%;

3B= Reading 99.93%, Math 99.93%;

3C= Reading 24.04%, Math 19.38%.

The actual target data for 3A was 21.20% of districts reached their Annual Measurable Objectives (AMO) in reading and 17.16% of districts reached it in math. This data was reported in KDE's FFY 2011 APR and is repeated this year, based on OSEP guidance.

The actual target data for 3B was 99.93% for reading and 99.93% for math. Kentucky did not meet the target of 100% for 3B. The state made progress in FFY 2012 on the number of students with disabilities taking the statewide assessment. Last year's APR reported 99.87% students with disabilities taking the state reading assessment and 99.88% taking the statewide assessment in math. The state increased its rate this year by 0.06% in Reading and 0.05% in Math.

The actual target data for 3C was 24.04% of students with disabilities reached proficiency in reading and 19.38% reached proficiency in math. Kentucky did not meet its targets for Indicator 3C. The state made progress of 2.92% in reading and 2.22% in math based on last year's APR results, which reported 21.12% proficiency in reading and 17.16% in math.

The Measurements require the following calculations be used:

***3A Measurement:**

A.2 Annual Measurable Objectives (AMO) percent = [(# of districts with a disability subgroup that meets the State's minimum "n" size that meet the State's AMO targets for the disability subgroup) divided by the (total # of districts that have a disability subgroup that meets the State's minimum "n" size)] times 100.

As noted above, based on OSEP guidance, KDE repeated its FFY 2011 data for Indicator 3A for this year's (FFY 2012) APR.

3B Measurement:

Participation rate percent = [(# of children with IEPs participating in an assessment) divided by the (total # of children with IEPs enrolled during the testing window, calculated separately for reading and math)]. The participation rate is based on all children with IEPs, including both children with IEPs enrolled for a full academic year and those not enrolled for a full academic year.

Reading:

42,784 children with IEPs participating in the reading assessment divided by 42,813 children with IEPs enrolled during the testing window =99.93%

Math:

42,004 children with IEPs participating in the math assessment divided by 42,032 children with IEPs enrolled during the testing window =99.93%

Note: The difference in the number of students with IEPs participating in the reading assessment compared to the number of students with IEPs participating in the math assessment is due to different grades being tested for math and reading. The denominators differ because there were more tenth grade students tested in reading (42,813 students with IEPs) than eleventh graders tested in math (42,032 students with IEPs).

3C Measurement:

Proficiency rate percent = ((# of children with IEPs scoring at or above proficient against grade level, modified and alternate academic achievement standards) divided by the (total # of children with IEPs who received a valid score and for whom a proficiency level was assigned, and, calculated separately for reading and math)].

Reading:

10,171 children with IEPs scoring at or above proficient against grade level, alternate academic achievement standards divided by 42,305 children with IEPs who received a valid score and for whom a proficiency level was assigned= 24.04%

Math:

8,051 children with IEPs scoring at or above proficient against grade level, alternate academic achievement standards divided by 41,538 children with IEPs who received a valid score and for whom a proficiency level was assigned= 19.38%

Note: As explained in 3B, the difference in the denominators of students with IEPs participating in the reading and math assessments is due to different grades being tested for reading and math.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY2012:**Explanation of Progress or Slippage:**

3A: No explanation of progress or slippage is required for Indicator 3A, since the data is repeated from last year's APR.

3B: KDE made progress on participation of students with disabilities on both the reading and math statewide assessments since last year. No explanation is required.

3C: KDE made progress in the numbers of students with disabilities reaching proficiency on the statewide assessment for both reading and math. No explanation is required.

Discussion of Improvement Activities

The KDE Proficiency Delivery Plan provides schools and districts with the annual progress needed to meet their 2017 Proficiency Plan goals. The overall Proficiency Plan targets and goals

were created based on the combined percentage of students scoring proficient or higher in math and reading.

As reported in the APR Executive Summary, KDE is in the process of revising its delivery plans to focus its efforts on improving proficiency for students with disabilities and decreasing the gap between students with disabilities and their nondisabled peers. Even though Kentucky increased its proficiency rates for students with disabilities, Kentucky's Commissioner of Education is not satisfied with the amount of progress made. The new delivery plans will be presented to the Kentucky Board of Education at its February 2014 meeting.

Further information on the current delivery plans can be found on the Kentucky Department of Education website. Links to the plans may be found in the Executive Summary.

Public Reporting Information:

KDE is in the process of establishing new rules on public reporting. In FFY 2011, OSEP raised questions about KDE's methodology for suppressing data, which were based on KDE's concerns about confidentiality. KDE is working with OSEP to establish rules on data suppression that meet the reporting requirements of the IDEA and the confidentiality requirements of the federal Family Educational Rights and Privacy Act (FERPA).

Kentucky's School Report Card is found at the following link:

<http://applications.education.ky.gov/SRC/>

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2012:

Not applicable.

Part B State Annual Performance Report (APR) for FFY 2012

Overview of the Annual Performance Report Development:

The vision of the Kentucky Department of Education (KDE) is to ensure that **all students** reach proficiency and graduate from high school ready for college and careers.

Reduction in the number of students expelled or suspended over 10 days per year for behavior is an important prerequisite to increasing academic engaged time, which is highly correlated with student performance.

Monitoring Priority: FAPE in the LRE

Indicator 4: Rates of suspension and expulsion:

- A. Percent of districts that have a significant discrepancy in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs

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

Measurement:

- A. Percent = [(# of districts that have a significant discrepancy* in the rates of suspensions and expulsions for greater than 10 days in a school year of children with IEPs) divided by the (# of districts in the State)] times 100.

Kentucky's definition of significant discrepancy* for this indicator is as follows:

- 1) The LEA's suspension/expulsion rate is equal to or greater than three times the state rate of suspensions and expulsions of students with disabilities for greater than 10 days in a school year, and
- 2) There are more than 10 students with disabilities in the district who have been suspended for greater than 10 days in a school year.

Data Source: Section 618.

Definition of Significant Discrepancy and Methodology for 4A:

KDE has selected a comparison methodology found at 34 CFR §300.170(a) to determine whether significant discrepancies are occurring. Kentucky has chosen to:

- Compare the rates of suspensions and expulsions of greater than 10 days in a school year for children with IEPs among districts in the State.

Kentucky revised its methodology for calculating significant discrepancy for Indicator 4A beginning with the FFY 2010 APR and data from the 2009-2010 school year. Since that time, KDE annually calculates a statewide rate of out-of-school removals greater than 10 days for

children with disabilities, using data obtained through the Kentucky Student Information System (KSIS). This rate is based on the total number of Kentucky children with disabilities subject to out-of-school removals greater than 10 days divided by the total number of children with disabilities within the state. A similar rate is calculated for each individual school district in the state, based on its local discipline data and count of children with disabilities.

For the Measurement, a Kentucky district is found to have a significant discrepancy under Indicator 4A if the following two criteria are met:

- A. The district suspends/expels students with disabilities for greater than 10 days during a school year at a rate that is three times or greater than the statewide rate for these types of removals that year, and
- B. The district has at least 10 students with disabilities who are subject to out-of school removals for greater than 10 days.

FFY	Measurable and Rigorous Target
<p>2012 <i>(FFY 2012 APR, using 2011-2012 data)</i></p>	<p><i>Kentucky will identify 4 or less districts with a significant discrepancy in the rates of suspensions and expulsions of children with disabilities for greater than 10 days.</i></p> <p><i>4 districts with significant discrepancies ÷ 176 districts x 100 = 2.27%</i></p>

Actual Target Data for FFY 2012 (using 2011-2012 data): One district or 0.56%

Kentucky met and exceeded its target of 4 districts or 2.27% for Indicator 4A. One Kentucky school district or 0.56% of districts had a significant discrepancy.

The Measurement requires the following calculation be used:

One district with significant discrepancy ÷ 176 Kentucky districts × 100 = 0.56 % of all Kentucky districts.

The denominator includes 174 school districts plus the Kentucky School for the Deaf and Kentucky School for the Blind, for a total of 176 districts.

The denominator includes 174 school districts plus the Kentucky School for the Deaf and Kentucky School for the Blind, for a total of 176 districts.

“N Size”: Kentucky uses a minimum “n” size of 10 or more students with a disability enrolled in the district. No districts were excluded from the calculation, based on this ‘n’ size requirement.

Ten districts of 176 had discrepancies that were three times or more than the state rate. This meets the first of two criteria for significant discrepancy. Of those ten, only one district also met

the second criteria for significant discrepancy - that of suspending or expelling ten or more students with disabilities for greater than ten days. Thus, only one district met both criteria for determining significant discrepancy and was deemed to have significant discrepancy in suspension/expulsion of students with disabilities for greater than ten days.

As shown in Table 1 below, Kentucky has made great progress on this indicator since the 2004 baseline year. The number of districts with significant discrepancies has decreased sharply, from a high of 21 districts (11.79% of districts) in FFY 2004 to FFY 2012’s total of one district (0.56% of districts).

**Table 1
Indicator 4A – Projected and Actual Target Data**

FFY	<u>SPP Target Data:</u> Number of districts projected as having significant discrepancy	<u>Actual Target Data:</u> Number of districts with significant discrepancy	<u>SPP Target Percentage:</u> Percent of districts projected as having significant discrepancy	<u>Actual Percentage:</u> Percent of districts with significant discrepancy
FFY 2004 (Baseline)	N/A	21/ 178 districts	N/A	11.79% of KY Districts
FFY 2005	18 districts	20/ 178 districts	10.11%	11.23%
FFY 2006	16 districts	16/ 177 districts	9.04%	9.04%
FFY 2007	14 districts	13/ 176 districts	7.95%	7.39%
FFY 2008	12 districts	13/176 districts	6.82%	7.39%
FFY 2009	10 districts	NA	5.68%	NA
FFY 2010	8 districts	1/176 districts	4.55%	0.56%
FFY 2011	6 districts	1/176 districts	3.41%	0.56%
FFY 2012 (2011-2012 data)	4 districts	1/ 176 districts	2.27%	0.56%

Table 1 contains trend data since FFY 2004 using the Measurement adapted in FFY 2007 and again in FFY 2010. Table 1 shows KDE met its target for the current year.

Districts with Significant Discrepancy in Rates for Suspension and Expulsion:

Year	Total Number of DISTRICTs	Number of DISTRICTs that have Significant Discrepancies	Percent
FFY 2012 (using 2011-2012 data)	176 districts	1 district	0.56%

Review of Policies, Procedures, and Practices (completed in FFY 2012 using 2011-2012 data), if any districts are identified with significant discrepancies:

a. **How Kentucky reviewed policies, procedures and practices of districts with significant discrepancy:**

- For the one district with a significant discrepancy, KDE reviewed district policies and procedures, relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards and found one area of non-compliance. The district promptly corrected the policy upon notification by KDE. The district currently maintains discipline policies and procedures which fully comply with IDEA.
- A KDE team originally made an on-site visit in December 2010 to the one district with a significant discrepancy using 2009-2010 suspension data. The purpose of the visit was to review the district’s disciplinary practices to ensure the practices complied with IDEA. District leaders had already conducted a self-investigation and acknowledged the district had non-compliant practices, which contributed to significant discrepancies in suspensions or expulsions of students with disabilities for more than 10 days.

During the visit, KDE staff reviewed a new administrative process the district had developed to review long-term suspensions and expulsions for students with IEPs. Based on the review, KDE found district practices that did not comply with IDEA, related to the development and implementation of IEPs, the use of positive behavior interventions and supports and procedural safeguards.

In subsequent on-site visits in December 2011 and November 2012, KDE staff reviewed individual student records, including ARC Conference Summaries, Manifestation Determinations, IEPs, Functional Behavior Assessments (FBA) and Behavior Intervention Plans (BIP) of students who had been suspended/expelled for greater than 10 days in the previous school year.

- In the 10 districts where a significant discrepancy (greater than 3 times the state rate) was present, regardless of the number of students suspended, actions were required. With the assistance of the Educational Cooperative staff, directors of special education were

required to analyze district and school-level data and identify district practices that were root causes of any suspension problems related to those discrepancies.

b. Number of districts identified with non-compliance for Indicator 4A:

KDE identified one district as non-compliant with Part B requirements as a result of the review required by 34 CRF 300.170(b). KDE made 3 additional findings of non-compliance in two other districts related to this indicator (see 4A/4B section of B-15 worksheet) as a result of formal written complaint investigations.

c. How Kentucky required districts to revise policies, procedures or practices to comply with IDEA:

- KDE identified one district as non-compliant with IDEA, due to practices which did not comply with the IDEA requirements related to discipline. KDE cited the district for noncompliance and continued a Corrective Action Plan (CAP) for the district, which targeted specific practices related to Indicator 4A.

KDE required quarterly progress reporting on district CAP activities and data analysis. KDE conducted an on-site visit in November 2012, near the end of the one-year timeline, and reviewed suspension data and individual student records in key schools. While the individual student noncompliance identified in 2011 had been corrected, a random review of other student folders revealed that systemic problems remained.

Subsequently, CAP requirements for the one district were significantly increased in intensity and the district was required to revise zero-tolerance policies. In addition, CAP activities for 2013 were revised to include mandatory training for ARC chairpersons and systemic Positive Behavior Interventions and Supports (PBIS) training district-wide.

- KDE staff concluded that a significant district-wide joint general and special education discipline initiative would be required to address systemic suspension issues. As a result, KDE staff met with the district Superintendent, all Assistant Superintendents and the Director of Special Education to address systemic suspension concerns, including the practices of general education administrators.
- KDE has since provided technical assistance for a systemic district-level initiative which has united general and special education leaders at the highest levels. District level leaders now review school-level suspension data together and are creating a more focused and coordinated joint effort to intervene around systemic district-wide suspension issues. For example, this district has already begun mandatory multi-year PBIS training cohorts in high suspension schools based on data, so these schools can change common punitive practices and learn to implement positive behavior interventions and multi-tiered systems of behavior support school-wide.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY2012:

Explanation of progress or slippage that occurred in FFY 2012:

Not required since KDE met its 4A target and no slippage has occurred.

Discussion of Improvement Activities Completed for Indicator 4A:

Not required since KDE met its 4A target and no slippage has occurred.

Correction of FFY 2011 Findings of Noncompliance:

1. Number of findings of noncompliance the State made during FFY 2011 (the period from July 1, 2011 through June 30, 2012) using 2010-2011 data	4
2. Number of FFY 2011 findings the State verified as timely corrected (corrected within one year from the date of notification to the district of the finding)	3
3. Number of FFY 2011 findings <u>not</u> verified as corrected within one year [(1) minus (2)]	1

Correction of FFY 2011 Findings of Noncompliance Not Timely Corrected (corrected more than one year from identification of the noncompliance):

4. Number of FFY 2011 findings not timely corrected (same as the number from (3) above)	1
5. Number of FFY 2011 findings the State has verified as corrected beyond the one-year timeline (“subsequent correction”)	0
6. Number of FFY 2011 findings <u>not</u> yet verified as corrected [(4) minus (5)]	1

Actions Taken if Noncompliance Not Corrected:

This provides a summary of systems change actions taken over an extended two-year period. The one district of concern was cited for non-compliance with Indicator 4A for FFY 2011, based on examination of 2010-2011 data and again for 2011-2012.

The district has corrected all individual student instances of non-compliance (Prong 1 of *OSEP Memorandum 09-02*). It has made tremendous progress regarding systemic issues (Prong 2), but

has not fully corrected all of the many systemic issues at the root of the non-compliance within the one year timeline.

The 2013 Corrective Action Plan for the one district was significantly intensified due to its continued noncompliance with Indicator 4A. KDE is providing increased technical assistance to the district around systemic issues involving general education administrators. Training for IEP team chairs and administrators is now mandatory. The district has made substantial progress and has significantly reduced the number of students with disabilities being suspended more than 10 days in a year, with 2011-12 numbers cut in half in during the 2012-13 school year).

The district is a large urban district with many schools and serious student behavior challenges. It will continue to require significant effort to solve its discipline issues and will need adequate time for effective implementation of its revised district-wide discipline practices. KDE continues to provide intensive technical assistance for the ongoing initiative.

More work remains to correct a systemic over-reliance on suspension. However, KDE staff expects this district to continue to progress substantially this coming year, as a result of major joint efforts and intensive professional learning initiatives led by district leadership in both general and special education.

Correction of FFY 2010 Findings of Noncompliance:

1. Number of findings of noncompliance the State made during FFY 2010 (the period from July 1, 2010 through June 30, 2011) using 2009-2010 data	1
2. Number of FFY 2010 findings the State verified as timely corrected (corrected within one year from the date of notification to the district of the finding)	0
3. Number of FFY 2010 findings <u>not</u> verified as corrected within one year [(1) minus (2)]	1

Correction of FFY 2010 Findings of Noncompliance Not Timely Corrected (corrected more than one year from identification of the noncompliance):

4. Number of FFY 2010 findings not timely corrected (same as number (3))	1
5. Number of FFY 2010 findings the State has verified as corrected beyond the one-year timeline (“subsequent correction”)	0
6. Number of FFY 2010 findings <u>not</u> yet verified as corrected [(4) minus (5)]	1

Correction of FFY 2009 Findings of Noncompliance:

No districts were cited for non-compliance with Indicator 4A for FFY 2009, based on examination of 2008-2009 data, district monitoring, formal complaints or due process hearings.

Correction of FFY 2008 Findings of Noncompliance:

One finding of noncompliance for 4A was made in FFY 2008 as part of a complaint investigation. The noncompliance was timely corrected within one year.

Correction of Any Remaining Findings of Noncompliance from FFY 2007 or Earlier:

Not applicable.

Additional Information required by the OSEP APR Response Table for this Indicator

Statement from the Response Table	State’s Response
<p>The state must report, in its FFY 2012 APR, on the correction of non-compliance that the state identified in FFY 2011 as a result of the review it conducted pursuant to 34 CRF 300.170(b). When reporting on the correction of this noncompliance, the State must report that it has verified that each LEA with noncompliance identified by the state: (1) is correctly implementing the specific regulatory requirements (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a state data system; and (2) has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the LEA, consistent with <i>OSEP Memo 09-02</i>. In the FFY 2012 APR, the state must describe the specific actions that were taken to verify correction.</p>	<p>See 4A APR – Actions taken...</p> <p>One district was cited for non-compliance with Indicator 4A for FFY 2011. This district has corrected all individual student instances of non-compliance (<i>OSEP Memo 09-02</i>, prong 1), but has not yet fully corrected all systemic issues (prong 2).</p>

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY2012:

Not applicable.

Part B State Annual Performance Report (APR) for FFY 2012

Overview of the Annual Performance Report Development:

The vision of the Kentucky Department of Education (KDE) is to ensure that **all students** reach proficiency and graduate from high school ready for college and careers.

Reduction in the number of students expelled or suspended over 10 days per year for behavior is an important prerequisite to increasing academic engaged time, which is highly correlated with student performance.

Monitoring Priority: FAPE in the LRE

Indicator 4B: Rates of suspension and expulsion:

Percent of districts that have:

- (a) a significant discrepancy, by race or ethnicity, in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs (Individualized Education Programs); and
- (b) policies, procedures or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.

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

Measurement:

Percent = [(# of districts that have: (a) a significant discrepancy*, by race or ethnicity, in the rates of suspensions and expulsions of greater than 10 days in a school year of children with IEPs; and (b) policies, procedures or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards) divided by the (# of districts in the State)] times 100.

Kentucky's definition of significant discrepancy* for this indicator is as follows:

- 1) The LEA's suspension rate for any race/ethnicity category is equal to or greater than three times the statewide rate of suspensions and expulsions of all Kentucky students with disabilities for greater than 10 days in a school year, and
- 2) There are 10 or more students with disabilities in the district race or ethnicity subgroup, who have been suspended for greater than 10 days in a school year.

Overview of Issue/Description of System or Process:

KDE has selected a comparison methodology found at 34 CFR §300.170(a) to determine whether significant discrepancies are occurring. Kentucky has chosen to:

- Compare the rates of suspensions and expulsions by race and ethnicity of greater than 10 days in a school year for children with IEPs among districts in the state. Kentucky has revised its methodology to annually compare the rate of an individual district's out-of-school removals greater than 10 days of children with disabilities in each racial or ethnic subgroup to the *annual statewide rate* of these types of removals for all students with disabilities that year. This is the same annual statewide rate now used for Indicator 4A calculations.

Beginning with the 2009-2010 school year, KDE annually calculates a statewide rate of out-of-school removals greater than 10 days for all Kentucky students with disabilities, using data obtained through the Kentucky Student Information System (KSIS). This rate is based on the total number of Kentucky students with disabilities subject to out-of-school removals greater than 10 days, divided by the total number of children with disabilities within the state.

For each local school district in the state, a similar rate is calculated for each of seven racial and ethnic categories (White, Black, Hispanic, Asian, Native American, Pacific Islander and Multiple), based on its local discipline data and disaggregated count of children with disabilities. The category of "Multiple" signifies two or more racial or ethnic categories. The comparison currently used to determine discrepancy for this indicator is to compare the statewide rate for all students with disabilities described above to the district rate in each category of race or ethnicity.

Definition of Significant Discrepancy and Methodology:

For the Measurement, a Kentucky district is found to have a "significant discrepancy" under Indicator 4B if both of the following two criteria are met:

- A. The district suspends/expels students with disabilities in any racial or ethnic category for greater than 10 days during a school year at a rate that is three times or greater than the *annual statewide rate* for these types of removals for all Kentucky students with disabilities that year, and
- B. The district has at least 10 students with disabilities in that racial or ethnic category who are subject to out-of-school removals for greater than 10 days in the school year.

See KDE's State Performance Plan for a detailed rationale regarding changes to the definition of significant discrepancy.

If a district is found to have a significant discrepancy in a particular racial or ethnic category, KDE will review the district's policies, procedures and practices. KDE then assesses whether the policies, procedures and practices contributed to the significant discrepancy, by not complying with IDEA requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports and procedural safeguards.

Since Indicator 4B is a compliance indicator, KDE must verify districts have corrected all non-compliances associated with this indicator within one year from the date of notification of the non-compliance to the district.

FFY	Measurable and Rigorous Target
<p>FFY 2012 APR <i>(using 2011-2012 data)</i></p>	<p><i>Kentucky will identify 0 districts with a significant discrepancy in the rates of suspensions and expulsions of children with IEPs of a particular race or ethnicity for greater than 10 days due to inappropriate policies, procedures or practices.</i></p> <p>0 districts with significant discrepancies and inappropriate policies or practices ÷ 176 districts x 100 = 0 %</p>

Actual Target Data for FFY 2012 (using 2011-2012 data): One district or 0.56%

Kentucky did not meet the target of 0% for Indicator 4B. One district (0.56%) of 176 Kentucky school districts had a significant discrepancy due to inappropriate practices.

The actual target data remains the same as reported in the FFY 2011 APR; however, the one district of concern has made substantial progress toward the goal of achieving systemic compliance.

The Measurement requires that the following calculation be used:

One district with significant discrepancy due to inappropriate practices ÷ 176 Kentucky districts × 100 = 0.56 % of all Kentucky districts

Note: The denominator includes 174 school districts ,plus the Kentucky School for the Deaf and Kentucky School for the Blind, for a total of 176 districts in the state.

‘N’ Size: Kentucky uses a minimum ‘n’ size for Indicator 4B. The district must have at least 10 students with a disability in the racial or ethnic category being considered, who are currently enrolled in the district.

The following numbers of districts (out of 176 total districts) were excluded from the calculation due to small numbers of students in a specific racial or ethnic category, based on the ‘n’ size requirement:

1. No districts were excluded due to having <10 ‘White’ students with disabilities enrolled.
2. 97 districts were excluded due to having <10 ‘Black’ students with disabilities enrolled.
3. 116 districts were excluded due to having <10 ‘Hispanic’ students with disabilities enrolled in the district.
4. 166 districts were excluded due to having <10 ‘Asian’ students with disabilities enrolled.
5. 170 districts were excluded due to having <10 ‘Native American’ students with disabilities enrolled in the district.
6. 176 districts were excluded due to having <10 ‘Pacific Islander’ students with disabilities enrolled in the district.

7. 116 districts were excluded due to having <10 ‘Multiple’ students with disabilities enrolled in the district.

Many districts in Kentucky are small and rural. In these districts, the number of students with IEPs in any given racial or ethnic category except “White,” is often very small. These small numbers can compromise the validity of risk ratio data and make it difficult to protect the identity of individual students in the process of public reporting, unless a minimum ‘n’ size is employed.

Of the districts that met the ‘n’ size (at least 10 students with IEPs in a race/ethnicity category in the district), the following number of districts met the first criteria for a significant discrepancy, by having a discrepancy in a race/ethnicity category that was 3 or more times the state rate for all students with disabilities.

- Nine (9) districts had a discrepancy for the ‘White’ category,
- Three (3) districts had a discrepancy for the ‘Black’ category,
- Zero (0) districts had a discrepancy for the ‘Hispanic’ category,
- Zero (0) districts had a discrepancy for the ‘Asian’ category,
- Zero (0) districts had a discrepancy for the ‘Native American’ category,
- Zero (0) districts had a discrepancy for the “Pacific Islander’ category, and
- Four (4) districts had a discrepancy for the ‘Multiple’ category.

Most districts with discrepancies in one of these categories suspended very few students for greater than 10 days.

Of those districts listed above, only one district also met the second additional criteria required by KDE to meet the “significant discrepancy” criteria. The second requirement is that at least 10 students in the specific race/ethnicity subgroup were subject to disciplinary removals for greater than 10 days in a school year. Only one district in Kentucky met both criteria required for significant discrepancy under Indicator 4B.

Data Source: Section 618.

4B(a). Districts with Significant Discrepancy, by Race or Ethnicity, in Rates of Suspension and Expulsion:

Year	Total Number of Districts**	Number of Districts that have Significant Discrepancies by Race or Ethnicity	Percent
FFY 2012 (using 2011-2012 data)	176	1	0.56% of KY districts

4B(b). Districts with Significant Discrepancy, by Race or Ethnicity, in Rates of Suspensions and Expulsions; and policies, procedures or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports (PBIS), and procedural safeguards:

Year	Total Number of Districts	Number of Districts that have Significant Discrepancies, by Race or Ethnicity, and policies, procedures or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.	Percent
FFY 2012 (using 2011-2012 data)	176	1	0.56% of all KY districts

Review of Policies, Procedures, and Practices (completed in FFY 2012 using 2011-2012 data) if any districts were identified with significant discrepancies:

- a. **How Kentucky reviewed policies, procedures and practices of districts with significant discrepancy, in accordance with 34 CRF 300.170 (b):** For the one district with a significant discrepancy, KDE initially reviewed district policies and procedures, related to IDEA disciplinary requirements and found one area of non-compliance. KDE notified the district and the district promptly corrected its policies. The district currently maintains discipline policies and procedures that fully comply with IDEA.

To meet the second requirement under this part, a KDE team made an on-site visit in November 2012, for the purpose of reviewing the district’s practices associated with IDEA disciplinary requirements to ensure the practices complied with IDEA. KDE randomly reviewed discipline and IDEA records for individual students with disabilities in the relevant race or ethnicity, who had been suspended for more than 10 days during a school year.

KDE staff also reviewed an administrative process the district had developed to review long-term suspensions and expulsions for students with IEPs. The purpose of the district process was to review manifestation determination documentation and to correct individual student non-compliances related to IEPs, the use of positive behavior interventions, and procedural safeguards. District leaders, who had already conducted a self-investigation, acknowledged that, despite progress, the district still had practices that contributed to significant discrepancies in suspension/expulsion by race or ethnicity of students with disabilities. They also acknowledged that the administrative review process, which took place well after disciplinary decisions for individual students had already been made, was not proactive enough to change administrator practices.

Based on the review, KDE documented progress but also verified noncompliant district practices, which require ongoing technical assistance related to the development and implementation of IEPs, the use of positive behavior interventions and supports and procedural safeguards.

b. Number of district identified non-compliances for Indicator 4B:

KDE identified the one district as non-compliant with Part B requirements as a result of the review required by 34 CRF 300.170(b). KDE made no other findings of non-compliance related to this indicator as a result of district monitoring, on-site visits, complaint investigations, or the provision of technical assistance.

c. How Kentucky required districts to revise policies, procedures or practices to comply with IDEA:

KDE identified one district as non-compliant, due to practices which did not comply with IDEA. As a result, the district's superintendent was notified in writing of the non-compliance and required to correct the noncompliance as soon as possible, but prior to the one-year timeline so KDE could verify compliance within a year.

The district was required to re-convene Admissions and Release Committee (ARC) meetings and individually correct all the student-specific violations for files which were reviewed in November 2012 and subsequently cited for non-compliance. These files were reviewed on-site again in November 2013 and were found to be 100% corrected.

In addition, the district was provided technical assistance related to their intensified Corrective Action Plan (CAP), which targeted specific additional systemic practices associated with Indicators 4A and 4B.

The intensified CAP began in 2013. It requires both individual student and systemic corrective action, including:

- 1) Joint monthly data review and analysis by district leadership in general and special education;
- 2) Priority ranking of the highest suspension schools to receive intensive Positive Behavioral Interventions and Supports (PBIS) training and technical assistance;

- 3) Root cause analysis of suspension patterns for priority schools with high suspension rates;
- 4) Revision of the district’s “zero tolerance” Code of Student Conduct;
- 5) Mandatory ARC Chair training regarding manifestation determination and placement options for students with disabilities;
- 6) Training regarding effective IEPs, functional behavior assessments (FBAs), and behavior intervention plans (BIPs), positive behavior interventions and supports and progress monitoring (specific to behavior needs of students) for special educators;
- 7) Review of appropriateness of alternative school placement and programming for students with disabilities suspended/expelled over 10 days per year;
- 8) A detailed review of the nature of the provision of educational services for students suspended/expelled over 10 days per year; and,
- 9) Correction of all individual student non-compliances previously cited.

KDE conducted an on-site review of all individual student folders that were cited for non-compliance the previous year. KDE confirmed that these student folders were now in full compliance (consistent with Prong 1 of *OSEP Memorandum 09-02*).

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred in FFY 2012:

Explanation of Progress or Slippage that occurred in FFY 2012:

There was no change in actual target data from the previous year for Indicator 4B. KDE has one district that remains in non-compliance for Indicator 4B; however, the district has made significant progress. Though challenges remain, KDE is optimistic that ongoing progress and improvement will continue to be substantial, due to recent district leadership initiatives involving extensive collaboration of general and special education leaders at the highest levels of the district administration.

The district is one of the largest urban school districts in the country, with many schools and sizeable concentrations of high-risk students in poverty, some with significant behavior challenges. The suspension of black students with disabilities has been part of an overall district-wide pattern of repeated general education suspension of students for discipline purposes.

The superintendent and key district leadership publicly committed to addressing systemic problems regarding district suspension practices. The district has begun important district-wide initiatives and messaging around expectations for change regarding discipline practices for all students. Suspension reduction has become a new district-wide priority for increasing student engagement and instructional time, to address achievement gaps of student sub-groups, including students with disabilities.

KDE has provided considerable additional training, consultation and technical assistance in 2012-2013 for data analysis and planning for implementation of positive behavior interventions and supports across the district in 2013-2014. The district now has all high-suspension priority schools engaged in a mandatory multi-year PBIS professional learning cohort for 2013-2014 and beyond. Training and consultation began in spring 2013 to improve the districtwide process used for manifestation determinations. The district also plans in 2013-2014 to address the quality of IEPs and the lack of specific behavior-related specially designed instruction, which, if included, could prove essential to addressing the needs of students with disabilities who are repeatedly suspended.

Discussion of Improvement Activities Completed:

Improvement activities listed in the SPP for this indicator are continuing, but have been integrated within the larger framework of the KDE delivery plans, which are focused on improving all student outcomes.

Correction of FFY 2011 Findings of Noncompliance:

1. Number of findings of noncompliance the State made during FFY 2011 (the period from July 1, 2011 through June 30, 2012) using 2010-2011 data	1
2. Number of FFY 2011 findings the State verified as timely corrected (corrected within one year from the date of notification to the district of the finding)	0
3. Number of FFY 2011 findings <u>not</u> verified as corrected within one year [(1) minus (2)]	1

Correction of FFY 2011 Findings of Noncompliance Not Timely Corrected (corrected more than one year from identification of the noncompliance):

4. Number of FFY 2011 findings not timely corrected (same as the number from (3) above)	1
5. Number of FFY 2011 findings the State has verified as corrected beyond the one-year timeline (“subsequent correction”)	0
6. Number of FFY 2011 findings <u>not</u> yet verified as corrected [(4) minus (5)]	1

Discussion of Correction of FFY 2011 Findings of Non-Compliance:

As discussed under Indicator 4A, the district in question is a large urban district with significant challenges and large numbers of schools and students. It is expending substantial efforts on an evidenced-based course of action and needs sufficient time to change system-wide practices. KDE is already witnessing significant efforts of district leaders. There has been a substantial reduction in suspension/expulsion rates of more than ten days and improvement in the quality of IEPs, FBAs, BIPs and manifestation determination meetings. The district has corrected all identified individual student non-compliances consistent with Prong 1 of *OSEP Memorandum 09-02*. The district needs more time, however, to fully correct identified systemic non-compliance under Prong 2.

Actions Taken if FFY 2011 Noncompliance Not Corrected:

Based on the substantial progress of the district cited above, KDE is giving the district additional technical assistance and time to continue making needed systemic changes and district-wide improvements. KDE is also tracking evidence of progress in suspension/ discipline data over time, and monitoring district progress through the CAP and district determinations reviews. KDE expects that district data will keep improving significantly over time.

KDE continues to meet with the district Superintendent and top district leadership in both general and special education, including Assistant Superintendents and the Director of Special Education, to outline the remaining issues and review additional activities and outcomes required. The intensified CAP will be continued, to allow time for the district to fully implement and complete systemic changes already underway. KDE will continue to provide substantial ongoing technical assistance support.

Correction of FFY 2010 Findings of Noncompliance:

1. Number of findings of noncompliance the State made during FFY 2010 (the period from July 1, 2010 through June 30, 2011) using 2009-2010 data	1
2. Number of FFY 2010 findings the State verified as timely corrected (corrected within one year from the date of notification to the district of the finding)	0
3. Number of FFY 2010 findings <u>not</u> verified as corrected within one year [(1) minus (2)]	1

Correction of FFY 2009 Findings of Noncompliance:

No districts were cited for noncompliance with Indicator 4B during FFY 2009 (the period from July 1, 2009 through June 30, 2010) using 2008-2009 data.

Actions Taken if FFY 2009 Noncompliance Not Corrected:

Not applicable.

Verification of Correction (either timely or subsequent):

Not applicable

Additional Information required by the OSEP APR Response Table for this Indicator:

Statement from the Response Table	State’s Response
<p>4B: Because the State reported less than 100% compliance (greater than 0% actual target data for this indicator) for FFY 2011, the State must report on the status of correction of noncompliance identified in FFY 2011 for this indicator. The state must demonstrate, in the FFY 2012 APR, that the districts identified with noncompliance in FFY 2011 have corrected the noncompliance, including that the State verified that each district with noncompliance: (1) is correctly implementing the specific regulatory requirements(s) (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the district, consistent with <i>OSEP Memo 09-02</i>. In the FFY 2012 APR, the State must describe the specific actions that were taken to verify the correction.</p>	<p>See Above – Indicator 4B APR – Actions taken...</p> <p>One district was cited for non-compliance with Indicator 4B for FFY 2011. This district has since corrected all individual student instances of non-compliance (<i>OSEP Memorandum 09-02</i>, Prong 1), but has not yet fully corrected all systemic issues under Prong 2</p>

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY2012:

Not applicable.

Part B State Annual Performance Report (APR) for FFY 2012

Overview of the Annual Performance Report Development:

The vision of the Kentucky Department of Education (KDE) is to ensure that **all students** reach proficiency and graduate from high school ready for college and careers.

Focusing the efforts of the State, districts, schools and teachers toward the *appropriate* setting for educating students with disabilities supports KDE’s vision that all students are college and career ready upon exiting school.

Monitoring Priority: FAPE in the LRE

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

- A. Inside the regular class 80% or more of the day;
- B. Inside the regular class less than 40% of the day; and
- C. In separate schools, residential facilities, or homebound/hospital placements.

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

Measurement:

- A. Percent = [(# of children with IEPs served inside the regular class 80% or more of the day) divided by the (total # of students aged 6 through 21 with IEPs)] times 100.
- B. Percent = [(# of children with IEPs served inside the regular class less than 40% 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 separate schools, residential facilities, or homebound/hospital placements) divided by the (total # of students aged 6 through 21 with IEPs)] times 100.

Indicator 5A:

FFY	Measurable and Rigorous Target
<i>FFY 2012</i>	<i>Maintain the percentage of students served inside the regular class 80% or more of the day at 65 percent.</i>

Actual Target Data for FFY 2012: 71.75%

Kentucky met its target for Indicator 5A. During FFY 2012, 71.75% of Kentucky students with IEPs were in general education classrooms 80% or more of the instructional day. KDE met its target of 65% and exceeded it by 6.75%. It was also an increase of 0.40% from the FFY 2011 rate of 71.35%.

The Measurement requires that the following calculation be used:
 $57,473 \text{ students with disabilities in General Education} > 80\% \div 80,099 \text{ total students with disabilities} = .7175 \times 100 = 71.75\%$

Data Source: Section 618 data.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred in FFY 2012:

KDE achieved its target and is not required to explain its progress or discuss Improvement Activities.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2012:

Not applicable.

Indicator 5B:

FFY	Measurable and Rigorous Target
FFY 2012	<i>Maintain the percentage of students served inside the regular class less than 40% of the day at 11.0%.</i>

Actual Target Data for FFY 2012: 8.73%

Kentucky met its target of 11.0% for this indicator. This was progress from the FFY 2011 APR in which the state reported 8.88%. The state improved its rate by 0.15% and exceeded its target by 2.27%.

The Measurement requires the following calculation be used:

$6,992 \text{ students with IEPs served inside the regular class less than 40\% of the day} \div 80,099 \text{ total students with disabilities} = 0.0873 \times 100 = 8.73\%$

Data Source: Section 618 data.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred in FFY 2012:

KDE achieved its target and is not required to explain its progress or discuss Improvement Activities.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2012:

Not applicable.

Indicator 5C:

FFY	Measurable and Rigorous Target
FFY2012:	<i>Maintain the percentage of students receiving their special education services in public and private residential day schools at 2.0%.</i>

Actual Target Data for FFY 2012: 1.90%

Kentucky met the target of 2.0% or less for Indicator 3C. This was progress from the FFY 2011 APR in which the state reported 1.93%. The state improved its rate by 0.03% and exceeded its target by 0.10%.

The Measurement requires the following calculation be used:

1,525 children with IEPs served in separate schools, residential facilities, or homebound/ hospital placements ÷ divided by 80,099 students aged 6 through 21 with IEPs = $0.0190 \times 100 = 1.90\%$.

Data Source: Section 618 data

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred in FFY 2012:

KDE achieved its target and is not required to explain its progress or discuss Improvement Activities.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2012:

Not applicable.

Part B State Annual Performance Report (APR) for FFY 2012

Overview of the Annual Performance Report Development:

The vision of the Kentucky Department of Education (KDE) is to ensure that **all students** reach proficiency and graduate from high school ready for college and careers.

Indicator 6 directly relates to improving the outcomes for children with disabilities by identifying and serving students in appropriate environments in their early childhood years.

Monitoring Priority: LRE for children ages 3 through 5

Indicator 6: Percent of children age 3 through 5 with IEPs attending a:

- A. Regular early childhood program and receiving the majority of special education and related services in the regular early childhood program; and
- B. Separate special education class, separate school or residential facility.

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

Measurement:

- A. Percent = [(# of children aged 3 through 5 with IEPs attending a regular early childhood program and receiving the majority of special education and related services in the regular early childhood program) divided by the (total # of children aged 3 through 5 with IEPs)] times 100.
- B. Percent = [(# of children aged 3 through 5 with IEPs attending a separate special education class, separate schools or residential facility) divided by the (total # of children aged 3 through 5 with IEPs)} times 100.

FFY	Indicator	Measurable and Rigorous Target
<i>FFY 2012</i>	<i>6A</i>	<i>63.30%</i>
<i>FFY 2012</i>	<i>6B</i>	<i>6.81%</i>

Actual Target Data for FFY 2012:

6A= 64.94%;

6B= 5.04%

Kentucky met its targets for both 6A and 6B.

KDE increased the percentage of children attending a regular early childhood program to 64.94%, exceeding the Indicator 6A target by 1.64%.

For Indicator 6B, it reduced the number of preschool students attending a separate education classroom, separate school or a residential facility to 5.04%. This exceeded the target by 1.77%

The measurement requires the following calculation to be used:

Indicator 6A:

11,335 children aged 3 through 5 with IEPs attending a regular early childhood education program and receiving the majority of special education and related services in the regular early childhood program divided by 17,454 children aged 3 to 5 with IEPs x 100 = 64.94%.

Indicator 6B:

880 children aged 3 through 5 with IEPs attending a separate special education class, separate school or residential facility divided by 17,454 children aged 3 through 5 with IEPs x 100 = 5.04%.

Data Source:

In analyzing data for this indicator, KDE used data collected in its preschool program performance report for all students with IEPs aged 3 through 5.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred in FFY 2012:

KDE achieved its target and is not required to explain its progress or discuss Improvement Activities.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2012:

Not applicable.

Part B State Annual Performance Report (APR) for FFY 2012

Overview of the Annual Performance Report Development:

The vision of the Kentucky Department of Education (KDE) is to ensure that **all students** reach proficiency and graduate from high school ready for college and careers.

Indicator 7 directly relates to improving the outcomes for preschool children with disabilities by focusing on improving social-emotional, communication/early literacy and behavior skills, with resulting improvement of educational outcomes as the child grows older.

Monitoring Priority: Early Intervention Services in Natural Environments

Indicator 7: Percent of preschoolers with IEPs who demonstrated improved:

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

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

- A. Measurement:** Positive social-emotional skills (including social relationships):
- a. Percent of preschool children who did not improve functioning = [(# of preschool children who did not improve functioning) divided by the (# of preschool children with IEPs assessed)] times 100.
 - b. Percent of preschool children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers = [(# of preschool children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers) divided by the (# of preschool children with IEPs assessed)] times 100.
 - c. Percent of preschool children who improved functioning to a level nearer to same-aged peers but did not reach it = [(# of preschool children who improved functioning to a level nearer to same-aged peers but did not reach it) divided by the (# of preschool children with IEPs assessed)] times 100.
 - d. Percent of preschool children who improved functioning to reach a level comparable to same-aged peers = [(# of preschool children who improved functioning to reach a level comparable to same-aged peers) divided by the (# of preschool children with IEPs assessed)] times 100.
 - e. Percent of preschool children who maintained functioning at a level comparable to same-aged peers = [(# of preschool children who maintained functioning at a level comparable to same-aged peers) divided by the (# of

preschool children with IEPs assessed)] times 100.

If $a + b + c + d + e$ 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 did not improve functioning = [(# of preschool children who did not improve functioning) divided by the (# of preschool children with IEPs assessed)] times 100.
- b. Percent of preschool children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers = [(# of preschool children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers) divided by the (# of preschool children with IEPs assessed)] times 100.
- c. Percent of preschool children who improved functioning to a level nearer to same-aged peers but did not reach it = [(# of preschool children who improved functioning to a level nearer to same-aged peers but did not reach it) divided by the (# of preschool children with IEPs assessed)] times 100.
- d. Percent of preschool children who improved functioning to reach a level comparable to same-aged peers = [(# of preschool children who improved functioning to reach a level comparable to same-aged peers) divided by the (# of preschool children with IEPs assessed)] times 100.
- e. Percent of preschool children who maintained functioning at a level comparable to same-aged peers = [(# of preschool children who maintained functioning at a level comparable to same-aged peers) divided by the (# of preschool children with IEPs assessed)] times 100.

If $a + b + c + d + e$ does not sum to 100%, explain the difference.

C. Use of appropriate behaviors to meet their needs:

- a. Percent of preschool children who did not improve functioning = [(# of preschool children who did not improve functioning) divided by the (# of preschool children with IEPs assessed)] times 100.
- b. Percent of preschool children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers = [(# of preschool children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers) divided by the (# of preschool children with IEPs assessed)] times 100.
- c. Percent of preschool children who improved functioning to a level nearer to same-aged peers but did not reach it = [(# of preschool children who improved functioning to a level nearer to same-aged peers but did not reach it) divided by the (# of preschool children with IEPs assessed)] times 100.
- d. Percent of preschool children who improved functioning to reach a level comparable to same-aged peers = [(# of preschool children who improved functioning to reach a level comparable to same-aged peers) divided by the (# of preschool children with IEPs assessed)] times 100.
- e. Percent of preschool children who maintained functioning at a level

comparable to same-aged peers = [(# of preschool children who maintained functioning at a level comparable to same-aged peers) divided by the (# of preschool children with IEPs assessed)] times 100.
 If a + b + c + d + e does not sum to 100%, explain the difference.

FFY	Measurable and Rigorous Target
2012	<p><i>Outcome A: Positive social-emotional skills</i></p> <p><i>Outcome B: Acquisition & use of knowledge & skills (early language/communication; early literacy)</i></p> <p><i>Outcome C: Use of appropriate behaviors to meet their needs</i></p>

Table 4. Targets and Actual Data for Part B Section 619 Students Exiting in FFY 2012 (2012-13):

Summary Statements	Actual FFY 2011 (% and # children)	Actual FFY 2012 (% and # children)	Target FFY 2012 (% of children)
Outcome A: Positive social-emotional skills (including social relationships)			
1. Of those children who entered or exited the program below age expectations in Outcome A, the percent who substantially increased their rate of growth by the time they exited the program. Formula: c+d/a+b+c+d	84% (n=5,691)	88% (n=6,745)	82%
2. The percent of children who were functioning within age expectations in Outcome A by the time they exited the program. Formula: d+e/a+b+c+d+e	40% (n=5,691)	64% (n=6,745)	61%
Outcome B: Acquisition and use of knowledge and skills (including early language/communication and early literacy)			
1 Of those children who entered or exited the program below age expectations in Outcome B, the percent who substantially	72% (n=5,691)	74% (n=6,745)	82%

increased their rate of growth by the time they exited the program. Formula: c+d/ a+b+c+d			
2. The percent of children who were functioning within age expectations in Outcome B by the time they exited the program. Formula: d+e/ a+b+c+d+e	28% (n=5,691)	30% (n=6,745)	59%
Outcome C: Use of appropriate behaviors to meet their needs			
1 Of those children who entered or exited the program below age expectations in Outcome C, the percent who substantially increased their rate of growth by the time they exited the program. Formula: c+d/ a+b+c+d	84% (n=5,691)	85% (n=6,745)	82%
2. The percent of children who were functioning within age expectations in Outcome C by the time they exited the program. Formula: d+e/ a+b+c+d+e	35% (n=5,691)	57% (n= 6,745)	63%

Progress Data for Preschool Children FFY 2012:

A. Positive social-emotional skills (including social relationships):	Number of children	% of children
a. Percent of children who did not improve functioning	146	2%
b. Percent of children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers	372	6%
c. Percent of children who improved functioning to a level nearer to same-aged peers but did not reach	1,894	28%
d. Percent of children who improved functioning to reach a level comparable to same-aged peers	1,713	25%
e. Percent of children who maintained functioning at a level comparable to same-aged peers	2,620	39%
Total	N = 6,745	100.00%
B. Acquisition and use of knowledge and skills (including early language/communication and early literacy):	Number of children	% of children
a. Percent of children who did not improve functioning	222	3%

b. Percent of children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers	1,281	19%
c. Percent of children who improved functioning to a level nearer to same-aged peers but did not reach	3,232	48%
d. Percent of children who improved functioning to reach a level comparable to same-aged peers	1,016	15%
e. Percent of children who maintained functioning at a level comparable to same-aged peers	994	15%
Total	N = 6,745	100.00%
C. Use of appropriate behaviors to meet their needs:	Number of children	% of children
a. Percent of children who did not improve functioning	158	2%
b. Percent of children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers	532	8%
c. Percent of children who improved functioning to a level nearer to same-aged peers but did not reach	2,185	32%
d. Percent of children who improved functioning to reach a level comparable to same-aged peers	1,600	24%
e. Percent of children who maintained functioning at a level comparable to same-aged peers	2,270	34%
Total	N = 6,745	100.00%

Actual Target Data for FFY 2012:

This is the seventh year of data collection for Part B, Section 619 OSEP indicators in Kentucky and the second year data have been collected from all 173 districts in the state.

For FFY 2012, **Summary Statement 1**, the percentage of students who made significant improvement during their time in preschool ranged from **88% to 74% to 85% respectively for Outcomes A, B, and C**; the targets were met and exceeded for each outcome.

For **Summary Statement 2**, the percentage of students functioning within age expectations upon exit for all approved assessments ranged from **64% to 28% to 57% respectively for Outcomes A, B, and C**. Considering students assessed with all approved instruments, **targets were met and exceeded for Outcome A but not for Outcomes B or C**.

When considering students assessed with all instruments other than GOLD, **all Outcomes were exceeded for Summary Statement 2 (percentages ranged from 77% to 69% to 73% for non-GOLD assessments).**

Data Source: The Kentucky Early Childhood Data System (KEDS) collected assessment data from classroom teachers of all Kentucky preschool students.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred in FFY 2012:

Summary Statement 1

KDE met its targets for Outcomes A, B and C under Summary Statement 1 and is not required to explain progress or discuss Improvement Activities.

Summary Statement 2

KDE did not meet its targets for Outcomes B and C.

Explanation of Slippage for Outcomes B and C:

The transition from Creative Curriculum to GOLD appears to have been a continuing factor in Kentucky's outcome data. Analyses indicated that GOLD offered more of a challenge for students than did Creative Curriculum and the other KY-approved instruments. With GOLD, fewer exiting students attained age-appropriate functioning (d and e) for OSEP Outcomes B and C. This result was likely due to GOLD's increased age range, which extends to six years. One study (Kim & Smith, 2010) supports this conclusion, as it found that GOLD measured a broader scope of development in the birth to six-year age range than did Creative Curriculum.

FFY 2012 data include $N = 6,745$, which is an increase in numbers of students with complete data from FFY 2011. The data included required assessments for students with compliance from all districts. Students who did not have two complete points of data, who did not receive services for at least 6 months, or who had less than 75% complete assessments were not included in the analyses.

Districts have begun to express more interest in using their results to improve program quality. FFY 2012 data reflect the following:

1. All preschool districts are now participating in student progress measures;
2. Many districts submitted complete demographic and assessment data;
3. Rates of data completion continue to improve; and,
4. Differential scores for students assessed with GOLD as opposed to all other approved assessment instruments continue.

Discussion of Improvement Activities Completed:

Several steps were taken this year to improve assessment and data entry reliability.

- Early Learning Leadership Networks (ELLN) and Regional Training Centers (RTCs) teams continued to assist with technical assistance to districts across the state with compliance for assessment, data entry, and increased reliability of data.
- Recorded tutorials were maintained on the KEDS website, to allow 24/7 viewing of data entry procedures.
- Three new videos on the KEDS assessment and data entry process were posted on the KDE website.
- KEDS staff presented updates on the KEDS process at all fall ELLN leadership meetings.
- Providers continued to be trained in data entry and reliability through face-to-face meetings, recorded tutorials, webinars, phone calls, and emails.
- Frequently Asked Questions (FAQs) documents were updated as needed to reflect changes in policy and in response to teacher and administrator questions.
- KEDS maintained district verification of all student demographic fields, to increase accuracy of data received.
- Additional steps were taken to review all data prior to inclusion in analyses, including a careful review of prior year's assessments to ensure complete assessments were included, as well as computer and staff verification of scoring rules for each assessment.
- Through the Preschool Program Reviews (P2Rs) KED worked with districts to improve the quality of teaching and interventions provided to students.
- KED and RTCs provided training and technical assistance to teachers on the development and implementation of IEPs.
- RTCs provided technical assistance and training on the implementation of evidence-based practices to improve the quality of instruction and services to students.
- District ELLN teams were trained in the implementation of evidenced-based practices to share with families, colleagues, support staff and child care providers in order to build capacity within the school district.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2012:

Not applicable.

Part B State Annual Performance Report (APR) for 2012

Overview of the Annual Performance Report Development:

The vision of the Kentucky Department of Education (KDE) is to ensure that **all students** reach proficiency and graduate from high school ready for college and careers.

Efforts to effectively communicate with and involve parents in schools and districts are present in KDE’s strategic plans.

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.

FFY	Measurable and Rigorous Target
2012	31.5%

Actual Target Data for 2012: 31.5%

The actual target data was 31.5%. Kentucky met its target for this indicator. This shows progress of 0.4 from the FFY 2011 APR in which the state reported 31.1%. The state increased its rate by 0.4%.

The Measurement requires the following calculation be used:

241 parents of students with disabilities surveyed who report schools facilitated parent involvement ÷ 763 parents of students with disabilities surveyed × 100 = 31.5%.

Data Source: KDE’s Indicator 8 parent survey

The parent survey used in FFY 2012 is included in Kentucky’s most recent SPP.

Indicator 8 allows states to use a sampling of parents. KDE has chosen to sample parent responses and does not send the survey to all Kentucky parents of students with disabilities.

KDE’s Indicator 8 sampling plan and methodology was approved in 2006 by OSEP. KDE’s sampling plan is found in the FFY 2009 SPP.

Kentucky uses a mailed paper survey with a link to an online version of the same survey. Respondents may elect to fill out and return the paper version of the survey (n=660) or go to the designated URL to complete the survey (n=103). The percentage of respondents who were found to agree that schools facilitated parent involvement was not significantly different based on survey type.

Table 1 contains data on the distribution on race/ethnicity in the sample.

Table 1

Distribution of Race/Ethnicity in the Sample			
Race/Ethnicity	Number	Percentage Of Sample	Kentucky’s Population Percentage
White	523	68.6%	86.03%
Black or African – American	129	16.9%	11.61%
Hispanic or Latino	26	3.4%	1.75%
Asian or Pacific Islander	11	1.4%	0.46%
American Indian or Alaskan Native	3	0.4%	0.15%
Not Specified	71	9.3%	-

The statewide response rate to the survey was 7.6%. This percentage is somewhat less than the minimum required for an adequate confidence level to acquire valid and reliable data based on survey sample guidelines.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for 2012:

KDE met its target for Indicator 8 and is not required to explain progress or discuss Improvement Activities.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for 2012:

Not applicable.

Part B State Annual Performance Report (APR) for FFY 2012

Overview of the Annual Performance Report Development:

The vision of the Kentucky Department of Education (KDE) is to ensure that **all students** reach proficiency and graduate from high school ready for college and careers.

Achievement gaps exist on each of the state-tested areas by grade level between the various groups of students. Implementation of Indicator 9 supports the vision of KDE by focusing the efforts of the State, districts, schools and teachers toward the appropriate identification of students with disabilities and ensuring that all students are college and career ready upon exiting school.

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 the (# of districts in the State)] times 100.

FFY	Measurable and Rigorous Target
<i>FFY 2012</i>	0%

Actual Target Data for FFY 2012: 0%

Kentucky met the target for Indicator 9. This was progress from the FFY 2011 APR in which the state reported 0.57%. The state decreased its rate by 0.57%.

The measurement requires the following calculation to be used:

Zero (0) districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification divided by 176 districts in the State times 100 = 0%.

There were 174 Kentucky school districts in FFY 2012, plus the Kentucky School for the Deaf and Kentucky School for the Blind, for a total of 176 districts used in the calculations. KDE has been advised by OSEP to include the two state schools in the denominator for Indicator 9.

Districts Excluded from the Calculations:

KDE uses an “n” size of 10 students with disabilities for confidentiality and data validity purposes for Indicator 9.

Use of the “n” size yielded the following results for Indicator 9.

- 176 districts met the “n” size of 10 **White** students in special education. 0 districts were excluded due to failure to meet the “n” size;
- 74 districts met the “n” size of 10 **Black** students in special education. 102 districts were excluded due to failure to meet the “n” size;
- 2 districts met the “n” size of 10 **Native American** students in special education. 174 districts were excluded due to failure to meet the “n” size;
- 7 districts met the “n” size of 10 **Asian** students in special education. 169 districts were excluded due to failure to meet the “n” size;
- 0 districts met the “n” size of 10 **Pacific Islander** students in special education. All 176 districts were excluded due to failure to meet the “n” size;
- 51 districts met the “n” size of 10 **Hispanic** students in special education. 125 districts were excluded due to failure to meet the “n” size;
- 49 districts met the “n” size of 10 **Multiple Race** students in special education. 127 districts were excluded due to failure to meet the “n” size.

Counts of Districts Identified with a Disproportionate Representation that are Over Identified:

- 1 district had disproportionate representation of **White** students with disabilities. 0 districts were disproportionate due to inappropriate practices, policies, or procedures;
- 4 districts had disproportionate representation of **Black** students with disabilities. 0 districts were disproportionate due to inappropriate practices, policies, or procedures;
- 0 districts had disproportionate representation of **Native American** students with disabilities. 0 districts were disproportionate due to inappropriate practices, policies, or procedures;
- 0 districts had disproportionate representation of **Asian** students with disabilities. 0 districts were disproportionate due to inappropriate practices, policies, or procedures;
- 0 districts had disproportionate representation of **Pacific Islander** students with disabilities. 0 districts were disproportionate due to inappropriate practices, policies, or procedures;
- 0 districts had disproportionate representation of **Hispanic** students with disabilities. 0 districts were disproportionate due to inappropriate practices, policies, or procedures.

Definition of “Disproportionate Representation” and Methodology:

The FFY 2012 SPP contains Kentucky’s definition of disproportionate representation for over-identification, as well as the methodology used. See Indicator 9 in the FFY 2012 SPP.

KDE uses the Risk Ratio (RR) method to calculate disproportionate representation. The RR calculation for Indicator 9 is as follows:

$RR \geq 2.0$ with a minimum of 10 special education students of a particular race/ethnicity, and a minimum of 50 students of a particular race/ethnicity enrolled in the district

Districts with Disproportionate Representation of Racial and Ethnic Groups that was the Result of Inappropriate Identification:

Year	Total Number of Districts	Number of Districts with Disproportionate Representation	Number of Districts with Disproportionate Representation of Racial and Ethnic Groups that was the Result of Inappropriate Identification	Percent of Districts
FFY 2012	176	5	0	0.00%

Step One: States must provide the number of districts identified with disproportionate representation of racial and ethnic groups in special education and related services identified by specified race/ethnicity groups.

As indicated in the table above, KDE identified five districts with disproportionate representation of racial and ethnic groups receiving special education and related services.

Step Two: Determining if Disproportionate Representation is the Result of Inappropriate Identification

The Division of Learning Services (DLS) has reviewed policies and procedures for the five districts and found them to be in compliance with the IDEA’s related requirements for Indicator 9.

The five districts that met the risk ratio for having disproportionate representation related to Indicator 9 received desk audits. The child find, evaluation and eligibility practices were examined through reviews of student due process records. All of the districts were found to be in compliance with the requirements of Indicator 9.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred in FFY 2012:

KDE achieved its target and is not required to explain its progress or discuss Improvement Activities.

Correction of FFY 2011 Findings of Noncompliance:

Level of compliance (actual target data) State reported for FFY 2010 for this indicator: 0.57%

1. Number of findings of noncompliance the State made during FFY 2011 (the period from July 1, 2011 through June 30, 2012)	1
2. Number of FFY 2011 findings the State verified as timely corrected (corrected within one year from the date of notification to the LEA of the finding)	1
3. Number of FFY 2011 findings <u>not</u> verified as corrected within one year [(1) minus (2)]	0

Correction of FFY 2011 Findings of Noncompliance Not Timely Corrected (corrected more than one year from identification of the noncompliance):

4. Number of FFY 2011 findings not timely corrected (same as the number from (3) above)	0
5. Number of FFY 2011 findings the State has verified as corrected beyond the one-year timeline (“subsequent correction”)	0
6. Number of FFY 2011 findings <u>not</u> yet verified as corrected [(4) minus (5)]	0

Actions Taken if Noncompliance Not Corrected:

Not applicable.

Verification of Correction (either timely or subsequent):

As set forth in the next section, DLS verified correction of noncompliance for Indicator 9 according to the requirements in 34 CFR §§300.111, 300.201 and 300.301 through 300.11; and based on *OSEP Memorandum 09-02* for the one district identified with FFY 2011 Indicator 9 noncompliance.

In verifying correction of noncompliance, DLS reviews Indicator 9 records in accordance with *OSEP Memorandum 09-02* through the following process:

- Prong 1 – As part of the individual student review process for all student files identified with Indicator 9 noncompliance, DLS verifies through record reviews that Indicator 9 noncompliance for each affected student file has been corrected.

- Prong 2 – To determine correction of the Indicator 9 noncompliance as a systemic level, DLS randomly chooses and reviews additional student files, thus verifying that there are no systemic violations.

Based on the record reviews, KDE has reasonable confidence that the one district identified with noncompliance for Indicator 9 has corrected the noncompliance according to both prongs specified in *OSEP Memorandum 09-02*.

Describe the specific actions that the State took to verify the correction of findings of noncompliance identified in FFY 2011:

KDE took the following actions to verify that the correction of noncompliance for the one district, consistent with *OSEP Memorandum 09-02*:

- Reviewed documentation and verified the district had completed all activities required by the Corrective Action Plan (CAP).
- Reviewed the noncompliant individual files of all students still in the jurisdiction of the district to verify the violations had been corrected and were in compliance.
- Verified systemic compliance by reviewing random files of other students from the applicable racial/ethnicity groups, who were evaluated subsequent to the district’s implementation of its CAP activities.

Correction of Remaining FFY 2010 Findings of Noncompliance:

Not applicable.

Correction of Any Remaining Findings of Noncompliance from FFY 2009 or Earlier:

Not applicable.

Additional Information Required by the OSEP APR Response Table for this Indicator:

Statement from the Response Table	State’s Response
<p>Because the State reported less than 100% compliance (greater than 0% actual target data for this indicator) for FFY 2011, the State must report on the status of correction of noncompliance identified in FFY 2011 for this indicator. The State must demonstrate, in the FFY 2012 APR, that the districts identified with noncompliance in FFY 2011 have corrected the noncompliance, including the State verified that each district with noncompliance: (1) is correctly implementing the specific regulatory requirement(s) (i.e., achieved 100% compliance) based on a review</p>	<p>All findings of noncompliance pertaining to Indicator 9 identified in FFY 2011 have been corrected, consistent with the requirements of <i>OSEP Memorandum 09-02</i>.</p> <p>The specific actions taken by the State are identified above in the sections titled “Verifications of Correction” (either timely or subsequent) and “Describe the specific actions that the State took to verify the correction of findings of noncompliance identified in FFY 2011.”</p>

<p>of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the district, consistent with <i>OSEP Memorandum 09-02</i>. In the FFY 2012 APR, the State must describe the specific actions that were taken to verify the correction.</p>	
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Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2012:

Not applicable.

Part B State Annual Performance Report (APR) for FFY 2012

Overview of the Annual Performance Report Development:

The vision of the Kentucky Department of Education (KDE) is to ensure that **all students** reach proficiency and graduate from high school ready for college and careers.

Achievement gaps exist on each of the state-tested areas by grade level between the various groups of students. Implementation of Indicator 10 supports the vision of KDE by focusing the efforts of the State, districts, schools and teachers toward the *appropriate* identification of students with disabilities and ensuring that all students are college and career ready upon exiting school.

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 special education and related services that is the result of inappropriate identification) divided by the (# of districts in the State)] times 100.

FFY	Measurable and Rigorous Target
FFY 2012	0%

Actual Target Data for FFY 2012: 0.57%

Kentucky did not meet the target of zero percent for this indicator. It made progress from FFY 2011’s percentage of 1.14% and reduced its percentage by 0.57%.

The measurement requires the following calculation to be used:

One district with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification divided by 176 districts in the state times 100 = 0.57%.

There were 174 Kentucky school districts in FFY 2012, plus the Kentucky School for the Deaf and Kentucky School for the Blind, for a total denominator of 176 districts. KDE has been advised by OSEP to include the two state schools in the denominator for Indicator 10.

Districts excluded from the Calculations:

KDE uses an “n” size of 10 students with disabilities for confidentiality and data validity for purposes for Indicator 10.

Use of the “n” size yielded the following results for Indicator 10:

Indicator 10: Mental Disabilities:

- 157 districts met the “n” size of 10 **White** students in special education. 19 districts were excluded due to failure to meet the “n” size;
- 22 districts met the “n” size of 10 **Black** students in special education. 154 districts were excluded due to failure to meet the “n” size;
- 0 districts met the “n” size of 10 **Native American** students in special education. 176 districts were excluded due to failure to meet the “n” size;
- 1 district met the “n” size of 10 **Asian** students in special education. 175 districts were excluded due to failure to meet the “n” size;
- 0 districts met the “n” size of 10 **Pacific Islander** students in special education. All 176 districts were excluded due to failure to meet the “n” size;
- 3 districts met the “n” size of 10 **Hispanic** students in special education. 173 districts were excluded due to failure to meet the “n” size;
- 2 districts met the “n” size of 10 **Multiple Race** students in special education. 174 districts were excluded due to failure to meet the “n” size.

Indicator 10: Speech Language:

- 166 districts met the “n” size of 10 **White** students in special education. 10 districts were excluded due to failure to meet the “n” size;
- 20 districts met the “n” size of 10 **Black** students in special education. 156 districts were excluded due to failure to meet the “n” size;
- 0 districts met the “n” size of 10 **Native American** students in special education. 176 districts were excluded due to failure to meet the “n” size;
- 4 districts met the “n” size of 10 **Asian** students in special education. 175 districts were excluded due to failure to meet the “n” size;
- 0 districts met the “n” size of 10 **Pacific Islander** students in special education. All 176 districts were excluded due to failure to meet the “n” size;
- 19 districts met the “n” size of 10 **Hispanic** students in special education. 157 districts were excluded due to failure to meet the “n” size;
- 11 districts met the “n” size of 10 **Multiple Race** students in special education. 165 districts were excluded due to failure to meet the “n” size.

Indicator 10: Emotional Behavior Disability:

- 89 districts met the “n” size of 10 **White** students in special education. 87 districts were excluded due to failure to meet the “n” size;

- 11 districts met the “n” size of 10 **Black** students in special education. 165 districts were excluded due to failure to meet the “n” size;
- 0 districts met the “n” size of 10 **Native American** students in special education. 176 districts were excluded due to failure to meet the “n” size;
- 0 districts met the “n” size of 10 **Asian** students in special education. 176 districts were excluded due to failure to meet the “n” size;
- 0 districts met the “n” size of 10 **Pacific Islander** students in special education. All 176 districts were excluded due to failure to meet the “n” size;
- 1 district met the “n” size of 10 **Hispanic** students in special education. 175 districts were excluded due to failure to meet the “n” size;
- 3 districts met the “n” size of 10 **Multiple Race** students in special education. 173 districts were excluded due to failure to meet the “n” size.

Indicator 10: Other Health Impaired:

- 146 districts met the “n” size of 10 **White** students in special education. 30 districts were excluded due to failure to meet the “n” size;
- 19 districts met the “n” size of 10 **Black** students in special education. 157 districts were excluded due to failure to meet the “n” size;
- 0 districts met the “n” size of 10 **Native American** students in special education. 176 districts were excluded due to failure to meet the “n” size;
- 1 district met the “n” size of 10 **Asian** students in special education. 175 districts were excluded due to failure to meet the “n” size;
- 0 districts met the “n” size of 10 **Pacific Islander** students in special education. All 176 districts were excluded due to failure to meet the “n” size;
- 3 districts met the “n” size of 10 **Hispanic** students in special education. 173 districts were excluded due to failure to meet the “n” size;
- 8 districts met the “n” size of 10 **Multiple Race** students in special education. 168 districts were excluded due to failure to meet the “n” size.

Indicator 10: Specific Learning Disability:

- 153 districts met the “n” size of 10 **White** students in special education. 23 districts were excluded due to failure to meet the “n” size;
- 22 districts met the “n” size of 10 **Black** students in special education. 154 districts were excluded due to failure to meet the “n” size;
- 0 districts met the “n” size of 10 **Native American** students in special education. 176 districts were excluded due to failure to meet the “n” size;
- 0 districts met the “n” size of 10 **Asian** students in special education. 176 districts were excluded due to failure to meet the “n” size;
- 0 districts met the “n” size of 10 **Pacific Islander** students in special education. All 176 districts were excluded due to failure to meet the “n” size;
- 14 districts met the “n” size of 10 **Hispanic** students in special education. 162 districts were excluded due to failure to meet the “n” size;

- 6 districts met the “n” size of 10 **Multiple Race** students in special education. 170 districts were excluded due to failure to meet the “n” size.

Indicator 10: Autism:

- 90 districts met the “n” size of 10 **White** students in special education. 86 districts were excluded due to failure to meet the “n” size;
- 4 districts met the “n” size of 10 **Black** students in special education. 172 districts were excluded due to failure to meet the “n” size;
- 0 districts met the “n” size of 10 **Native American** students in special education. 176 districts were excluded due to failure to meet the “n” size;
- 2 districts met the “n” size of 10 **Asian** students in special education. 174 districts were excluded due to failure to meet the “n” size;
- 0 districts met the “n” size of 10 **Pacific Islander** students in special education. All 176 districts were excluded due to failure to meet the “n” size;
- 2 districts met the “n” size of 10 **Hispanic** students in special education. 174 districts were excluded due to failure to meet the “n” size;
- 2 districts met the “n” size of 10 **Multiple Race** students in special education. 174 districts were excluded due to failure to meet the “n” size.

Indicator 10: Developmentally Delayed:

- 128 districts met the “n” size of 10 **White** students in special education. 48 districts were excluded due to failure to meet the “n” size;
- 10 districts met the “n” size of 10 **Black** students in special education. 166 districts were excluded due to failure to meet the “n” size;
- 0 districts met the “n” size of 10 **Native American** students in special education. 176 districts were excluded due to failure to meet the “n” size;
- 0 districts met the “n” size of 10 **Asian** students in special education. 175 districts were excluded due to failure to meet the “n” size;
- 0 districts met the “n” size of 10 **Pacific Islander** students in special education. All 176 districts were excluded due to failure to meet the “n” size;
- 5 districts met the “n” size of 10 **Hispanic** students in special education. 171 districts were excluded due to failure to meet the “n” size;
- 2 districts met the “n” size of 10 **Multiple Race** students in special education. 174 districts were excluded due to failure to meet the “n” size.

Count of Districts Identified with Disproportionate Representation That Are Over Identified:

Mental Disabilities:

- 0 districts had disproportionate representation of **White** students with disabilities. 0 districts were disproportionate due to inappropriate practices, policies, or procedures;

- 10 districts had disproportionate representation of **Black** students with disabilities. 1 district was disproportionate due to inappropriate practices, policies, or procedures;
- 0 districts had disproportionate representation of **Native American** students with disabilities. 0 districts were disproportionate due to inappropriate practices, policies, or procedures;
- 0 districts had disproportionate representation of **Asian** students with disabilities. 0 districts were disproportionate due to inappropriate practices, policies, or procedures;
- 0 districts had disproportionate representation of **Pacific Islander** students with disabilities. 0 districts were disproportionate due to inappropriate practices, policies, or procedures;
- 0 districts had disproportionate representation of **Hispanic** students with disabilities. 0 districts were disproportionate due to inappropriate practices, policies, or procedures;
- 0 districts had disproportionate representation of **Multiple Race** students with disabilities. 0 districts were disproportionate due to inappropriate practices, policies, or procedures.

Speech Language:

- 0 districts had disproportionate representation of **White** students with disabilities. 0 districts were disproportionate due to inappropriate practices, policies, or procedures;
- 0 districts had disproportionate representation of **Black** students with disabilities. 0 districts were disproportionate due to inappropriate practices, policies, or procedures;
- 0 districts had disproportionate representation of **Native American** students with disabilities. 0 districts were disproportionate due to inappropriate practices, policies, or procedures;
- 1 district had disproportionate representation of **Asian** students with disabilities. 0 districts were disproportionate due to inappropriate practices, policies, or procedures;
- 0 districts had disproportionate representation of **Pacific Islander** students with disabilities. 0 districts were disproportionate due to inappropriate practices, policies, or procedures;
- 2 districts had disproportionate representation of **Hispanic** students with disabilities. 0 districts were disproportionate due to inappropriate practices, policies, or procedures;
- 0 districts had disproportionate representation of **Multiple Race** students with disabilities. 0 districts were disproportionate due to inappropriate practices, policies, or procedures.

Emotional Behavior Disability:

- 0 districts had disproportionate representation of **White** students with disabilities. 0 districts were disproportionate due to inappropriate practices, policies, or procedures;
- 6 districts had disproportionate representation of **Black** students with disabilities. 0 districts were disproportionate due to inappropriate practices, policies, or procedures;

- 0 districts had disproportionate representation of **Native American** students with disabilities. 0 districts were disproportionate due to inappropriate practices, policies, or procedures;
- 0 districts had disproportionate representation of **Asian** students with disabilities. 0 districts were disproportionate due to inappropriate practices, policies, or procedures;
- 0 districts had disproportionate representation of **Pacific Islander** students with disabilities. 0 districts were disproportionate due to inappropriate practices, policies, or procedures;
- 0 districts had disproportionate representation of **Hispanic** students with disabilities. 0 districts were disproportionate due to inappropriate practices, policies, or procedures;
- 1 district had disproportionate representation of **Multiple Race** students with disabilities. 0 districts were disproportionate due to inappropriate practices, policies, or procedures.

Other Health Impaired:

- 1 district had disproportionate representation of **White** students with disabilities. 0 districts were disproportionate due to inappropriate practices, policies, or procedures;
- 2 districts had disproportionate representation of **Black** students with disabilities. 0 districts were disproportionate due to inappropriate practices, policies, or procedures;
- 0 districts had disproportionate representation of **Native American** students with disabilities. 0 districts were disproportionate due to inappropriate practices, policies, or procedures;
- 0 districts had disproportionate representation of **Asian** students with disabilities. 0 districts were disproportionate due to inappropriate practices, policies, or procedures;
- 0 districts had disproportionate representation of **Pacific Islander** students with disabilities. 0 districts were disproportionate due to inappropriate practices, policies, or procedures;
- 0 districts had disproportionate representation of **Hispanic** students with disabilities. 0 districts were disproportionate due to inappropriate practices, policies, or procedures;
- 1 district had disproportionate representation of **Multiple Race** students with disabilities. 0 districts were disproportionate due to inappropriate practices, policies, or procedures.

Specific Learning Disability:

- 0 districts had disproportionate representation of **White** students with disabilities. 0 districts were disproportionate due to inappropriate practices, policies, or procedures;
- 4 districts had disproportionate representation of **Black** students with disabilities. 0 districts were disproportionate due to inappropriate practices, policies, or procedures;
- 0 districts had disproportionate representation of **Native American** students with disabilities. 0 districts were disproportionate due to inappropriate practices, policies, or procedures;
- 0 districts had disproportionate representation of **Asian** students with disabilities. 0 districts were disproportionate due to inappropriate practices, policies, or procedures;

- 0 districts had disproportionate representation of **Pacific Islander** students with disabilities. 0 districts were disproportionate due to inappropriate practices, policies, or procedures;
- 1 district had disproportionate representation of **Hispanic** students with disabilities. 0 districts were disproportionate due to inappropriate practices, policies, or procedures;
- 0 districts had disproportionate representation of **Multiple Race** students with disabilities. 0 districts were disproportionate due to inappropriate practices, policies, or procedures.

Autism:

- 0 districts had disproportionate representation of **White** students with disabilities. 0 districts were disproportionate due to inappropriate practices, policies, or procedures;
- 0 districts had disproportionate representation of **Black** students with disabilities. 0 districts were disproportionate due to inappropriate practices, policies, or procedures;
- 0 districts had disproportionate representation of **Native American** students with disabilities. 0 districts were disproportionate due to inappropriate practices, policies, or procedures;
- 0 districts had disproportionate representation of **Asian** students with disabilities. 0 districts were disproportionate due to inappropriate practices, policies, or procedures;
- 0 districts had disproportionate representation of **Pacific Islander** students with disabilities. 0 districts were disproportionate due to inappropriate practices, policies, or procedures;
- 0 districts had disproportionate representation of **Hispanic** students with disabilities. 0 districts were disproportionate due to inappropriate practices, policies, or procedures;
- 0 districts had disproportionate representation of **Multiple Race** students with disabilities. 0 districts were disproportionate due to inappropriate practices, policies, or procedures.

Developmental Delay:

- 0 districts had disproportionate representation of **White** students with disabilities. 0 districts were disproportionate due to inappropriate practices, policies, or procedures;
- 3 districts had disproportionate representation of **Black** students with disabilities. 0 districts were disproportionate due to inappropriate practices, policies, or procedures;
- 0 districts had disproportionate representation of **Native American** students with disabilities. 0 districts were disproportionate due to inappropriate practices, policies, or procedures;
- 0 districts had disproportionate representation of **Asian** students with disabilities. 0 districts were disproportionate due to inappropriate practices, policies, or procedures;
- 0 districts had disproportionate representation of **Pacific Islander** students with disabilities. 0 districts were disproportionate due to inappropriate practices, policies, or procedures;

- 0 districts had disproportionate representation of **Hispanic** students with disabilities. 0 districts were disproportionate due to inappropriate practices, policies, or procedures;
- 0 districts had disproportionate representation of **Multiple Race** students with disabilities. 0 districts were disproportionate due to inappropriate practices, policies, or procedures.

No districts were entirely excluded due to the “n” size.

Definition of “Disproportionate Representation” and Methodology:

The FFY 2012 SPP contains Kentucky’s definition of disproportionate representation for over-identification, as well as the methodology used. See Indicator 10 in the FFY 2012 SPP.

KDE uses the Risk Ratio (RR) method to calculate disproportionate representation. The RR calculations for Indicator 10 are as follows:

- $RR \geq 2.0$ with a minimum of 10 special education students of a particular race/ethnicity in a specified disability category, and a minimum of 50 students of a particular race/ethnicity group enrolled in the district

Districts with Disproportionate Representation of Racial and Ethnic Groups in Specific Disability categories that was the Result of Inappropriate Identification:

Year	Total Number of Districts	Number of Districts with Disproportionate Representation	Number of Districts with Disproportionate Representation of Racial and Ethnic Groups in specific disability categories that was the Result of Inappropriate Identification	Percent of Districts
FFY 2012	176	24	1	0.57%

Step One:

States must provide the number of districts identified with disproportionate representation of racial and ethnic groups in special education and related services, as well as by specified race/ethnicity groups.

As indicated in the above table for Indicator 10, KDE identified 24 districts as having disproportionate representation by race/ethnicity groups in specified categories.

Step Two: Determining if Disproportionate Representation is the Result of Inappropriate Identification

DLS has reviewed policies and procedures for all 24 districts and found the policies and procedures to be in compliance with OSEP’s *Related Requirements* for Indicator 9 and Indicator 10.

The methodology used for determining if the disproportionate representation was the result of inappropriate identification varied slightly, depending on the circumstances of the district:

- Six of the 24 districts identified as having disproportionate representation related to Indicator 10 were newly identified, meaning they did not meet the state’s criteria for having disproportionate representation for FFY 2011. The child find, evaluation and eligibility practices were examined through reviews of student due process records. Zero of the newly identified districts were found to have disproportionate representation due to inappropriate identification.
- Fifteen of the 24 districts were identified as having disproportionate representation for Indicator 10 for both FFY 2011 and FFY 2012, but were found to be in compliance with Indicator 10 through desk audits conducted both years. Correction of all student-specific instances of noncompliance were verified through a desk review along with the review of additional student files subsequent to the districts’ implementation of their Corrective Action Plans (CAP), consistent with *OSEP Memorandum 09-02*. By this means, DLS determined that the 15 districts were in compliance with Indicator 10 for FFY 2012.
- Two of the 24 districts were cited for noncompliance with Indicator 10 for FFY 2011. DLS used the same procedure described above, consistent with *OSEP Memorandum 09-02* and determined that both districts have corrected all student-specific and systemic violations, thus are now in compliance with Indicator 10.
- One of the 24 districts was identified as having disproportionate representation for Indicator 10 was in compliance for FFY 2011, but has been cited for noncompliance with Indicator 10 for FFY 2012. This district is currently in the CAP development and implementation phase of correcting this finding of noncompliance for Indicator 10.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred in FFY 2012:

KDE made progress, as its percentage of districts that had disproportionate representation under Indicator 10 decreased from 1.14% for FFY 2011 to 0.57% for FFY 2012. KDE is thus not required to discuss Improvement Activities or explain its progress.

Correction of FFY 2011 Findings of Noncompliance:

Level of compliance (actual target data) State reported for FFY 2011 for this indicator: 1.14%

1. Number of findings of noncompliance the State made during FFY 2011 (the period from July 1, 2011 through June 30, 2012)	2
2. Number of FFY 2011 findings the State verified as timely corrected (corrected within one year from the date of notification to the LEA of the finding)	2

3. Number of FFY 2011 findings <u>not</u> verified as corrected within one year [(1) minus (2)]	0
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Correction of FFY 2011 Findings of Noncompliance Not Timely Corrected (corrected more than one year from identification of the noncompliance):

4. Number of FFY 2011 findings not timely corrected (same as the number from (3) above)	0
5. Number of FFY 2011 findings the State has verified as corrected beyond the one-year timeline (“subsequent correction”)	0
6. Number of FFY 2011 findings <u>not</u> yet verified as corrected [(4) minus (5)]	0

Actions Taken if Noncompliance Not Corrected:

Not applicable.

Verification of Correction (either timely or subsequent):

As set forth in the next section, DLS verified correction of noncompliance for Indicator 10 according to requirements in 34 CFR §§300.111, 300.201, and 300.301 through 300.11; and based on *OSEP Memorandum 09-02* for both districts identified with FFY 2011 Indicator 10 noncompliance.

In verifying correction of noncompliance, DLS reviews Indicator 10 records in accordance with *OSEP Memorandum 09-02* through the following process:

- Prong 1 – As part of the individual student review process for all students identified with Indicator 10 noncompliance, DLS verifies through record reviews that Indicator 10 noncompliance for each affected student has been corrected.
- Prong 2 – To determine correction of the Indicator 10 noncompliance at a systemic level, DLS randomly chooses and reviews student folders, thus verifying that there are no systemic violations.

Based on its record reviews, KDE has reasonable confidence that all districts identified with noncompliance have corrected the noncompliance according to both prongs specified in *OSEP Memorandum 09-02*.

Describe the specific actions that the State took to verify the correction of findings of noncompliance identified in FFY 2011:

KDE took the following actions to verify that correction of noncompliance for the two districts was consistent with *OSEP Memorandum 09-02*:

- Reviewed documentation and verified the district had completed all activities required by the CAP
- Reviewed the noncompliant individual files of all students still in the jurisdiction of the district to verify the violations had been corrected
- Verified systemic compliance by reviewing random files of other students from the specified racial/ethnicity groups, who were evaluated subsequent to the district’s implementation of its CAP activities.

Correction of remaining FFY 2010 findings of noncompliance:

Not applicable.

Verification of correction of remaining FFY 2010 findings:

Not applicable.

Describe of the specific actions that the State took to verify the correction of findings of noncompliance identified in FFY 2010:

Not applicable.

Correction of any remaining findings of noncompliance from FFY 2009 or earlier:

Not applicable.

Additional information required by the OSEP APR Response Table for this Indicator:

Statement from the Response Table	State’s Response
<p>Because the State reported less than 100% compliance (greater than 0% actual target data for this indicator) for FFY 2011, the State must report on the status of correction of noncompliance identified in FFY 2011 for this indicator. The State must demonstrate, in the FFY 2012 APR, that the districts identified with noncompliance in FFY 2011 have corrected the noncompliance, including the State verified that each district with noncompliance: (1) is correctly implementing the specific regulatory requirement(s) (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State</p>	<p>All findings of noncompliance pertaining to Indicator 10 identified in FFY 2011 have been corrected, consistent with the requirements of <i>OSEP Memorandum 09-02</i>.</p> <p>The specific actions taken by KDE are identified above in the sections titled “Verifications of Correction” (either timely or subsequent) and “Describe the specific actions that the State took to verify the correction of findings of noncompliance identified in FFY 2011.”</p>

<p>data system; and (2) has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the district, consistent with <i>OSEP Memorandum 09-02</i>. In the FFY 2012 APR, the State must describe the specific actions that were taken to verify the correction.</p>	
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Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2012:

Not applicable.

Part B State Annual Performance Report (APR) for FFY 2012

Overview of the Annual Performance Report Development:

The vision of the Kentucky Department of Education (KDE) is to ensure that **all students** reach proficiency and graduate from high school ready for college and careers.

Implementation of Indicator 11 supports the vision of KDE by focusing the efforts of the State, districts, schools and teachers toward timely identification of students with disabilities and ensuring that all students receive the services they need to close the achievement gap, reach proficiency, and be college and career ready upon exiting school.

Monitoring Priority: Effective General Supervision Part B / Child Find

Indicator 11: Percent of children who were evaluated within 60 days of receiving parental consent for initial evaluation or, if the State establishes a timeframe within which the evaluation must be conducted, within that timeframe.

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

Measurement:

- a. # of children for whom parental consent to evaluate was received.
- b. # of children whose evaluations were completed within 60 days (or State-established timeline).

Account for children included in a, but not included in b. Indicate the range of days beyond the timeline when the evaluation was completed and any reasons for the delays.

Percent = [(b) divided by (a)] times 100.

FFY	Measurable and Rigorous Target
<i>FFY 2012</i>	<i>100%</i>

Actual Target Data for FFY 2012: 99.54%

Kentucky did not meet the target of 100%. Its rate of 99.54% compliance was progress of 0.27%, from the 99.27% compliance rate reported in last year’s APR.

The Measurement Table requires the following calculation to be used:

2,394 children whose evaluations were completed within Kentucky’s 60 school day timeline ÷ 2,405 children for whom parental consent to evaluate was received times 100 = 99.54%.

KDE collects APR data for Indicator 11 by requiring districts to submit a report by June 15 of each year to KDE containing randomly selected, child-specific data for the indicator.

KDE validates these data by random desk audits using its student information system or reviewing actual student due process records through desk audits or onsite visits. The student records reported by the district are verified along with additional student files for comparison purposes.

During the 2012- 2013 school year, KDE independently verified Indicator 11 data while conducting onsite monitoring visits for 12 districts that self-reported 100% during the 2011-2012 school year. Of those districts, one district was cited for noncompliance with the 60 school day evaluation timeline.

Children Evaluated Within 60 Days (or State-established timeline):

A. Number of children for whom parental consent to evaluate was received	2405
B. Number of children whose evaluations were completed within 60 days (or State-established timeline)	2394
Percent of children with parental consent to evaluate, who were evaluated within 60 days (or State established-timeline) (Percent = [(b) divided by (a)] times 100)	99.54%

The range of days in the state beyond the timeline was:

- Least number of days = 1
- Greatest number of days =100

The most common reasons for the delays include the following:

- Availability of evaluation personnel
- Parental factors (excluding incidents when parent repeatedly failed to produce the child for evaluation)
- Excessive student absenteeism

Other reasons cited include:

- District personnel training issues
- Difficulty in obtaining external evaluation components

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2012:

Explanation of Progress:

KDE improved its rate of compliance from FFY 2011 by 0.27%. It reached a high rate of compliance (99.54%), but did not reach its target of 100%.

- KDE has examined its data and believes the reasons for reaching and maintaining its high rate of compliance over the last three years is due to KDE’s continued efforts at monitoring compliance, along with verification of additional student data. KDE’s long time monitoring activities have raised the importance of compliance for districts and have resulted in higher rates of compliance, which have been maintained.
- One of the districts cited for noncompliance for Indicator 11 for FFY 2011 was cited again for FFY 2012. The district will be required to receive technical assistance from its regional Educational Cooperative, as well as submit quarterly status update reports to KDE for students who were initially evaluated during the 2013-2014 school year.
- As the result of a review of district-submitted data, eight districts were cited for noncompliance with the requirements of Indicator 11 during FFY 2012. All eight districts are currently within the one-year time frame for correcting the findings of noncompliance. This number has decreased from 14 districts cited during FFY 2011.

In the past, the Educational Cooperatives have made reviewing districts’ APR data and their improvement plans a top priority. The efforts of the cooperatives have helped KDE reach its current high percentage of compliance.

Discussion of Improvement Activities:

SPP improvement activities for this indicator are continuing. To the extent possible, they are integrated within the larger framework of KDE’s “Delivery Plans,” which are the focus of all efforts to improve educational outcomes for Kentucky students with and without disabilities.

Correction of FFY 2011 Findings of Noncompliance (if State reported less than 100% compliance):

Level of compliance (actual target data) State reported for FFY 2011 for this indicator: 99.27%

1. Number of findings of noncompliance the State made during FFY 2011 (the period from July 1, 2011 through June 30, 2012)	14
2. Number of FFY 2011 findings the State verified as timely corrected (corrected within one year from the date of notification to the LEA of the finding)	14
3. Number of FFY 2011 findings <u>not</u> verified as corrected within one year [(1) minus (2)]	0

Correction of FFY 2011 Findings of Noncompliance Not Timely Corrected (corrected more than one year from identification of the noncompliance):

4. Number of FFY 2011 findings not timely corrected (same as the number from (3) above)	0
5. Number of FFY 2011 findings the State has verified as corrected beyond the one-year timeline (“subsequent correction”)	0
6. Number of FFY 2011 findings <u>not</u> verified as corrected [(4) minus (5)]	0

Actions Taken if Noncompliance Not Corrected:

Not applicable.

Verification of Correction of FFY 2011 noncompliance (either timely or subsequent):

In verifying correction of noncompliance, DLS reviews Indicator 11 records in accordance with *OSEP Memorandum 09-02* through the following process:

- Prong 1 - As part of the individual student review process for all students identified with Indicator 11 noncompliance, DLS verifies through record reviews that Indicator 11 noncompliance for each affected student has been corrected
- Prong 2 –To determine correction of the Indicator 11 noncompliance at a systemic level, DLS randomly chooses and reviews student folders, thus verifying that there are no systemic violations.

Describe the specific actions that the State took to verify the correction of findings of noncompliance identified in FFY 2011:

The steps KDE took to verify the correction of findings of noncompliance identified in FFY 2011 are as follows:

- Based on a review of district-submitted data, DLS notified districts of their noncompliance when the district self-reported less than 100% compliance with Indicator 11. Districts were required to submit the student files to DLS that were identified as exceeding the 60 school day timeline.
- During review of student files, DLS verified that, for all student records exceeding the 60 school day timeline, the evaluation had been completed, eligibility determined and, if eligible, an IEP was developed for the student, even if late. This is consistent with Prong 1, *OSEP Memorandum 09-02*.

- DLS also reviewed additional records for students who were initially evaluated subsequent to the districts’ implementation of their CAP activities, and determined the districts were in systemic compliance with Prong 2 of *OSEP Memorandum 09-02*.

Based on record reviews, KDE has reasonable confidence that all districts identified with noncompliance in FFY 2011 corrected the noncompliance according to both prongs specified in *OSEP Memorandum 09-02*.

Correction of Remaining FFY 2010 Findings of Noncompliance:

Not applicable.

1. Number of remaining FFY 2010 findings noted in OSEP’s June 2013 FFY 2011 APR response table for this indicator	0
2. Number of remaining FFY 2010 findings the State has verified as corrected	0
3. Number of remaining FFY 2010 findings the State has NOT verified as corrected [(1) minus (2)]	0

Verification of Correction of Remaining FFY 2010 findings:

Not applicable.

Describe the specific actions that the State took to verify the correction of findings of noncompliance identified in FFY 2010:

Not applicable.

Correction of Any Remaining Findings of Noncompliance from FFY 2009 or Earlier:

Not applicable.

Additional Information required by the OSEP APR Response Table for this Indicator:

Not applicable.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2012:

Not applicable.

Part B State Annual Performance Report (APR) for FFY 2012

Overview of the Annual Performance Report Development:

The vision of the Kentucky Department of Education (KDE) is to ensure that **all students** reach proficiency and graduate from high school ready for college and careers.

Indicator 12 directly relates to improving the outcomes for children with disabilities by identifying and serving students in appropriate environments in the early childhood years.

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 for Part B 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.
- d. # of children for whom parent refusal to provide consent caused delays in evaluation or initial services or to whom exceptions under 34 CFR §300.301(d) applied.
- e. # of children who were referred to Part C less than 90 days before their third birthdays.

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

Percent = [(c) divided by (a – b – d – e)] times 100.

FFY	Measurable and Rigorous Target
<i>FFY 2012</i>	<i>100%</i>

Actual Target Data for FFY 2012: 99.82%

Kentucky did not meet the target for this indicator. There was slippage of 0.04% from the FFY 2011 APR in which the state reported 99.86%. The state missed its target of 100% by 0.18% for FFY 2012.

The Measurement requires the following calculation be used:

2241 children found eligible who had an IEP developed by their third birthday ÷ 2245 children* ×100= 99.82%.

*The denominator of 2245 children was obtained by the following calculations:

2851 children served in Part C and referred to Part B, minus 250 children determined not eligible, minus 222 children whose parents refused to provide consent that caused delay, minus 34 children who were late referrals from Part C for a total of 2245 children.

Data source:

Preschool Program End of Year Performance Report completed and submitted to KDE by every district in the state.

KDE Early Childhood Division staff reviewed transition data submitted by districts for errors. Districts received a preliminary compliance rate calculation to check and revise if needed before state level analysis was conducted. Districts were required to revise and re-submit data when errors were noted.

Districts occasionally found errors in their data when they began their data analysis for the district self-assessment. Educational Cooperative staff worked with districts to correct data as needed and conducted regional data analysis sessions for their member districts.

Actual State Data (Numbers)

a. # of children who have been served in Part C and referred to Part B for Part B eligibility determination.	2851
b. # of those referred determined to be NOT eligible and whose eligibility was determined prior to third birthday	350
c. # of those found eligible who have an IEP developed and implemented by their third birthdays	2241
d. # for whom parent refusals to provide consent caused delays in evaluation or initial services or to whom exceptions under 34 CFR §300.301(d) applied.	222
e. # of children who were referred to Part C less than 90 days before their third birthdays.	34
# in a but not in b, c, d, or e.	4

<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 Percent = [(c) / (a-b-d-e)] * 100</p>	<p>99.82%</p>
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There were 4 children included in a, but not in b, c, d, or e. The reasons for delay:

- District was unable to locate child/family in timely manner
- Inclement weather
- Continued request for delay due to child’s illness

The range of days beyond the third birthday was fourteen to 60 days.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2012:

Several factors contributed to the high positive performance of Kentucky districts:

1. KDE staff and Part C Lead Agency staff met to discuss the issue of late referrals from Part C service coordinators. Changes in Part C procedures and contractual obligations reduced the number of late referrals. Also, significant technical assistance on early childhood transition was provided by Part C staff to service coordinators, which resulted in more timely transition conferences.
2. KDE technical assistance to districts with late referrals addressed the districts’ responsibility to contact parents who are on the Notification List no later than 90 days prior to the child’s third birthday if a transition conference has not been scheduled by that time.
3. Districts that assigned transition responsibilities to specific people cited this as contributing to the districts’ ability to meet the target.
4. KDE’s Gap Delivery Plan and the Proficiency Delivery Plan continue to assist in addressing the needs of early childhood students.

Discussion of Improvement Activities Completed:

KECTP, Early Childhood Regional Training Centers, regional Educational Cooperative staff, and KDE staff provided ongoing training and technical assistance to districts.

The second activity of developing the data sharing process between Part C and Part B has been completed and is in the testing stage. Testing revealed technical issues that require resolution by the contracted student information system vendor. Implementation of the system is expected, following the planned solutions to technical issues from the contractor.

Correction of FFY 2011 Findings of Noncompliance:

Level of compliance (actual target data) State reported for FFY 2011 for this indicator: 99.86%

1. Number of findings of noncompliance the State made during FFY 2011 (the period from July 1, 2011 through June 30, 2012)	2
2. Number of FFY 2011 findings the State verified as timely corrected (corrected within one year from the date of notification to the LEA of the finding)	2
3. Number of FFY 2011 findings <u>not</u> verified as corrected within one year [(1) minus (2)]	0

1. Number of FFY 2011 findings not timely corrected (same as the number from (3) above)	0
2. Number of FFY 2011 findings the State has verified as corrected beyond the one-year timeline (“subsequent correction”)	0
3. Number of FFY 2011 findings <u>not</u> verified as corrected [(4) minus (5)]	0

Actions Taken if Noncompliance Not Corrected:

Not applicable.

Verification of Correction (either timely or subsequent):

During desk audit monitoring activities, KDE verified that, for all students transitioning from Part C for whom an IEP was not in place by the third birthday, there was documentation showing an IEP was developed and implemented, although late, unless the child was no longer within the district’s jurisdiction. This is consistent with Prong 1, *OSEP Memorandum 09-02*.

KDE reviewed random records for students who transitioned from Part C to Part B and found them to be in compliance. By doing this, KDE determined the district was in systemic compliance, pursuant to Prong 2 of *OSEP Memorandum 09-02*.

Desk audits and monitoring were conducted for districts under corrective action plan in FFY 2012. Two districts were identified as not having IEPs implemented by their third birthday, but an IEP was in place at a later date. Individual student and systemic procedures indicated that corrections were completed and the issue was not systemic.

Based on the record reviews, KDE has reasonable confidence that all districts identified with noncompliance have corrected the noncompliance according to both prongs specified in *OSEP Memorandum 09-02*.

Describe of the specific actions that the State took to verify the correction of findings of noncompliance identified in FFY 2011:

KDE verified the correction of findings of noncompliance in all districts identified in two ways:

- When noncompliance was identified for Indicator 12, KDE verified that, for students identified as having an Indicator 12 noncompliance, an IEP was developed and implemented, although late, unless the child was no longer in the district. This is consistent with Prong 1, *OSEP Memorandum 09-02*.
- As part of the verification process, additional files of students transitioning from Part C to Part B were randomly selected, examined, and verified that an IEP was in place for the student by the third birthday. KDE now has an electronic student information system that allows random access to any Kentucky student receiving special education services. Through the student information system, KDE randomly selects students, reviews folders and determines that an evaluation was completed, eligibility determined and, if eligible, an IEP was developed by the third birthday, consistent with Prong 2, *OSEP Memorandum 09-02*.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2012 (if applicable):

Not applicable.

Part B State Annual Performance Report (APR) for FFY 2012

Overview of the Annual Performance Report Development:

The vision of the Kentucky Department of Education (KDE) is to ensure that **all students** reach proficiency and graduate from high school ready for college and careers.

Appropriate secondary transition planning and support are correlated to improved successful post-school outcomes of students with disabilities.

Monitoring Priority: Effective General Supervision Part B / Effective Transition

Indicator 13: Percent of youth with IEPs aged 16 and above with an IEP that includes appropriate measurable postsecondary goals that are annually updated and based upon an age appropriate transition assessment, transition services, including courses of study, that will reasonably enable the student to meet those postsecondary goals, and annual IEP goals related to the student’s transition service needs. There also must be evidence that the student was invited to the IEP Team meeting where transition services are to be discussed and evidence that, if appropriate, a representative of any participating agency was invited to the IEP Team meeting with the prior consent of the parent or student who has reached the age of majority.

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

Measurement:

Percent = [(# of youth with IEPs aged 16 and above with an IEP that includes appropriate measurable postsecondary goals that are annually updated and based upon an age appropriate transition assessment, transition services, including courses of study, that will reasonably enable the student to meet those postsecondary goals, and annual IEP goals related to the student’s transition service needs. There also must be evidence that the student was invited to the IEP Team meeting where transition services are to be discussed and evidence that, if appropriate, a representative of any participating agency was invited to the IEP Team meeting with the prior consent of the parent or student who has reached the age of majority) divided by the (# of youth with an IEP age 16 and above)] times 100.

FFY	Measurable and Rigorous Target
<i>FFY 2012</i>	<i>One hundred percent (100%) of youth with IEPs aged 16 and above will have IEPs that include all the regulatory requirements for SPP Indicator 13</i>

Actual Target Data for FFY 2012: 97.07%

Kentucky did not meet the target of 100%. The Indicator 13 compliance rate decreased to 97.07% for FFY 2012 from last year’s rate of 98.37%. This was slippage of 1.3%.

The Measurement requires the following calculation be used:

2151 youth with an IEP aged 16 and above ÷ 2216 youth with IEPs aged 16 and above with an IEP that includes all the regulatory requirements referenced in the Indicator 13 Measurement = 0.97066 x 100 = 97.07%.

The validity and reliability of the Section 618 data are addressed under Indicator 20.

Year	Total number of youth aged 16 and above with an IEP	Total number of youth aged 16 and above with an IEP that meets the requirements	Percent of youth aged 16 and above with an IEP that meets the requirements
FFY 2012 (2012-2013)	2216	2151	97.07%

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred in FFY 2012:

Explanation of Progress or Slippage:

The Indicator 13 compliance rate decreased to 97.07% for FFY 2012 from last year’s rate of 98.37%.

KDE reviewed district-level data and compared it against the APR state target Indicator 13. KDE found:

- 148 districts met or exceeded the state target, progress from last year’s count of 133 districts
- 23 districts did not meet the state target, progress from last year’s count of 33 districts
- 5 districts were not required to report graduation rate (K-8 schools)

The Indicator 13 compliance rate for the state has decreased to 97.07 % for FFY 2012. Further review of the different subcomponents of Indicator 13 showed continued compliance rates of over 95%, and a maintenance or increase in the percentage of compliance in all subcomponents except in subcomponent 1 (the IEP includes appropriate measurable postsecondary goals related to training or education, and employment, and when appropriate, independent living skills).

The IEP includes appropriate measurable postsecondary goals related to training or education, and employment, and when appropriate, independent living skills.	98.51%
The IEP includes transition services that will reasonably enable the child to reach the postsecondary goals.	99.59%
For transition services likely to be provided or paid for by another agency, the other agency is invited to send a representative, if appropriate.	99.46%
If an agency was invited to send a representative, signed Consent for Outside Agency Invitation is included.	99.37%
As a transition service, the child has a multi-year course of study as outlined in the Individual Learning (Graduation) Plan.	99.28%
Annual goal(s) included in the IEP are related to the transition service needs.	99.82%
Measurable postsecondary goals are based on age-appropriate transition assessment.	99.68%
The child is invited to the ARC meeting where transition services are discussed.	99.50%
The measurable postsecondary goals are updated annually.	99.37%

During the 2012-13 school year, KDE independently verified Indicator 13 data while conducting onsite monitoring visits for 13 districts that self-reported 100% during 2011-12 school year. Of those districts, four (4) districts were cited for Indicator 13 noncompliance.

KDE emphasizes college and career readiness for all students as described in the College and Career Readiness Delivery Plan (CCR). One of the strategies of the CCR Delivery Plan is for all secondary students to receive the support and guidance they need to make sound decisions regarding life after high school.

The Gap Delivery Plan is a driver behind KDE’s vision to ensure all students reach proficiency and to empower students with the skills, knowledge, and dispositions to make them college and career ready. This strategy will intentionally address the instructional needs of students in the gap subgroups.

Discussion of Improvement Activities Completed:

Improvement Activity 1 was completed. It provided targeted technical assistance to districts based on the analysis of the data. The development of common and consistent training materials and methods ensured that training content and resources are being implemented with fidelity. Continuous collection of data through review of records informed the development and delivery of training and technical assistance.

The Continuous Instructional Improvement Technology System (CIITS) offers PD 360, which is a web-based Professional Development Management System. The system supports easy record-keeping, tracking, and reporting of the many components of school and district professional learning programs. PD 360 also supports individuals, mentors, observers, school administrators, district administrators and activity facilitators.

Educator Development consists of two parts: PD Planner, which helps manage PD course offerings, register for resources and attend activities, award credit and recertification; and general Educator Development, which consists of multiple measures that score on teacher effectiveness such as classroom observations, professionalism reviews, professional growth plans, and student growth.

Activity 1 provided specific, targeted training and technical assistance to districts that have self-reported noncompliance for Indicator 13 for two or more consecutive years. DLS required districts that had historical noncompliance with Indicator 13 to conference with the APR Indicator 13 lead. An action plan was developed and approved by DLS to achieve sustained systemic compliance.

KDE is implementing a plan to address a larger vision for all students to ensure they graduate from high school and are ready for college and career. The College and Career Readiness Delivery Plan, developed in 2011, is the driver behind the vision. It focuses accountability at the school/district level to increase the rate of its students leaving high school who are ready for college, career or both.

Improvement Activity 2 was established in FFY 2011. It was not completed.

Correction of FFY 2011 Findings of Noncompliance:

Level of compliance (actual target data) State reported for FFY 2011 for this indicator: 98.37%

1. Number of findings of noncompliance the State made during FFY 2011 (the period from July 1, 2011 through June 30, 2012)	33
2. Number of FFY 2011 findings the State verified as timely corrected (corrected within one year from the date of notification to the LEA of the finding)	26

3. Number of FFY 2011 findings <u>not</u> verified as corrected within one year [(1) minus (2)]	7
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During FFY 2011, KDE cited 32 districts for noncompliance with Indicator 13, based on district self-reporting and formal complaint investigations. In addition, one district was cited for noncompliance through self-reported data as well as findings from a formal complaint investigation, which resulted in 33 findings of noncompliance. All findings of noncompliance were verified through KDE’s review of individual student records and random folders, in accordance with both prongs of *OSEP Memorandum 09-02*.

In reviewing the records, KDE verified 26 districts met compliance with the regulatory requirements of 34 CFR §300.320(b) and 300.321(b). KDE also verified seven districts did not meet compliance with the regulatory requirements of 34 CFR §300.320(b) and 300.321(b). All 32 districts were notified by KDE whether each had corrected noncompliance within the one-year timeline.

Correction of FFY 2011 Findings of Noncompliance Not Timely Corrected (corrected more than one year from identification of the noncompliance):

1 Number of FFY 2011 findings not timely corrected (same as the number from (3) above)	7
2 Number of FFY 2011 findings the State has verified as corrected beyond the one-year timeline (“subsequent correction”)	7
3 Number of FFY 2011 findings <u>not</u> yet verified as corrected [(4) minus (5)]	0

Actions Taken if Noncompliance Not Corrected:

Not applicable.

Verification of Correction: See above explanation under *Correction of FFY 2011 Findings of Noncompliance*.

Correction of Remaining FFY 2010 Findings of Noncompliance:

1. Number of remaining FFY 2010 findings noted in OSEP’s July 1, 2013 FFY 2011 APR response table for this indicator	1
2. Number of remaining FFY 2010 findings the State has verified as corrected	1

3. Number of remaining FFY 2010 findings the State has NOT verified as corrected [(1) minus (2)]	0
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Verification of Correction of Remaining FFY 2010 findings:

The number of findings of noncompliance the State made during FFY 2010 (the period from July 1, 2010 through June 30, 2011) is one (1). KDE cited one district for noncompliance with Indicator 13 based on an onsite monitoring visit in FFY 2010. All findings of noncompliance were verified through KDE’s review of individual student records and random folders, in accordance with both prongs of *OSEP Memorandum 09-02*.

All records reviewed by DLS were required to correct all findings of Indicator 13 noncompliance in accordance with *OSEP Memorandum 09-02* through the following:

- Prong 1 - As part of the individual student review process for all students identified with Indicator 13 noncompliance, DLS verifies through record reviews that Indicator 13 noncompliance for each affected student has been corrected.
- Prong 2 –To determine correction of the Indicator 13 noncompliance at a systemic level, random record reviews are conducted.

Based on the record reviews of student-level and randomly selected folders, KDE has reasonable confidence that the one district identified with noncompliance corrected its noncompliance according to both prongs specified in *OSEP Memorandum 09-02*.

Describe the specific actions that the State took to verify the correction of findings of noncompliance identified in FFY 2010:

1. Intensive technical assistance related to Indicator 13 was provided by the regional technical assistance provider (Kentucky’s Educational Cooperatives) for nearly two years, including training and on-site coaching.
2. Before the end of year one, KDE went onsite and reviewed the individual student folders that were out of compliance with Indicator 13. While the individual files had been corrected, a random review of files showed there was still noncompliance, indicating a systemic issue.
3. Before the end of the second year, KDE requested the folders of the students whose files were found out of compliance the previous year, as well as several student files chosen at random. During a desk audit, both the individual files and the random folders were found to be in compliance, indicating both individual and systemic compliance.

Correction of Any Remaining Findings of Noncompliance from FFY 2009 or Earlier:

Not applicable.

Additional Information required by the OSEP APR Response Table for this Indicator:

Statement from the Response Table	State’s Response
<p>The State must demonstrate, in the FFY 2012 APR that the State is in compliance with the secondary transition requirements in 34 CFR §300.320(b) and 300.321(b). Because the state reported less than 100% compliance for FFY 2011, the State must report on the status of correction of noncompliance identified in FFY 2011 for this indicator.</p>	<p>The specific actions taken by the State are identified above in the section titled: <i>Correction of FFY 2011 Findings of Noncompliance</i></p>
<p>When reporting on the correction of noncompliance, the State must report, in its FFY 2012 APR, that it has verified that each LEA with noncompliance identified in FFY 2011 for this indicator: (1) is correctly implementing the specific regulatory requirements (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and</p>	<p>The specific actions taken by the State are identified above in the section titled: <i>Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that Occurred in FFY 2012</i></p>
<p>(2) has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the LEA, consistent with <i>OSEP Memo 09-02</i>. In the FFY 2012 APR, the State must describe the specific actions that were taken to verify the correction.</p>	<p>The specific actions taken by the State are identified above in the section titled: <i>Correction of FFY 2011 Findings of Noncompliance</i></p>

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2012:

Not applicable.

Part B State Annual Performance Report (APR) for 2012

Overview of the Annual Performance Report Development:

The vision of the Kentucky Department of Education (KDE) is to ensure that **all students** reach proficiency and graduate from high school ready for college and careers.

Successful post-school outcomes are the ultimate measure of any educational system. Improvement activities for Indicator 14 are closely aligned with KDE's strategic plans.

Monitoring Priority: Effective General Supervision Part B / Effective Transition

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

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

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

Measurement:

A. Percent enrolled in higher education = [(# of youth who are no longer in secondary school, had IEPs in effect at the time they left school and were enrolled in higher education within one year of leaving high school) divided by the (# of respondent youth who are no longer in secondary school and had IEPs in effect at the time they left school)] times 100.

B. Percent enrolled in higher education or competitively employed within one year of leaving high school = [(# of youth who are no longer in secondary school, had IEPs in effect at the time they left school and were enrolled in higher education or competitively employed within one year of leaving high school) divided by the (# of respondent youth who are no longer in secondary school and had IEPs in effect at the time they left school)] times 100.

C. Percent enrolled in higher education, or in some other postsecondary education or training program; or competitively employed or in some other employment = [(# of youth who are no longer in secondary school, had IEPs in effect at the time they left school and were enrolled in higher education, or in some other postsecondary education or training program; or competitively employed or in some other employment) divided by the (# of respondent youth who are no longer in secondary school and had IEPs in effect at the time they left school)] times 100.

APR Development:

Part B Indicator 14 was considered a new indicator in FFY 2009, due to changes in the Measurement.

KDE collected new baseline data for the three new measures (A, B and C) using the language of the May 2010 revised measurement table. KDE also developed new measurable and rigorous targets for 14 A, B and C with advice and input from the State Advisory Panel for Exceptional Children, and wrote new improvement activities through FFY 2012.

Indicator 14 data were obtained through the Youth One Year Out (YOYO) former student interview. The YOYO is a computer- assisted telephone interview developed and analyzed by KDE's contractor, the Kentucky Post School Outcomes Center (KyPSO) and administered by local school districts. KyPSO uses a census to determine eligibility for the YOYO.

KyPSO developed the YOYO and its various training modules with input from an advisory group consisting of multiple state-level agencies, regional and local education personnel, parents and Institutes of Higher Education representatives.

Dissemination:

For Indicator 14, individual district reports are made available to each district following a modified version on the Data Use Toolkit developed by the National Post School Outcomes Center.

Definitions:

Higher Education means youth have been enrolled on a full- or part-time basis in a community college (2-year program), or college/university (4 or more year program) for at least one complete term, at any time in the year since leaving high school.

Competitive employment means that youth have worked for pay at or above the minimum wage in a setting with others who are nondisabled for a period of 20 hours a week for at least 90 days at any time in the year since leaving high school. This includes military employment.

Other postsecondary education or training means youth enrolled on a full- or part-time basis for at least one complete term at any time in the year since leaving high school in an education or training program (e.g., Job Corps, adult education, workforce development program, or vocational technical school which is less than a 2-year program).

Some other employment means youth have worked for pay or been self-employed for a period of at least 90 days at any time in the year since leaving high school. This includes working in a family business, such as a farm, store, fishing, ranching, catering services, etc.

Respondents are youth or their designated family member who answer the interview questions.

Leavers are youth who left school by graduating with a regular or modified diploma, aging out, left school early, by dropping out of school.

FFY	Measurable and Rigorous Target
2012	<p><i>A= 25.5% enrolled in higher education</i></p> <p><i>B= 54.7% enrolled in higher education or competitively employed</i></p> <p><i>C= 65.4% enrolled in higher education or in some other postsecondary education or training program; or competitively employed or in some other employment</i></p>

Actual Target Data for 2012: 14A= 19.8%

14B= 55.7%

14C= 65.8%

For 14A, Kentucky did not meet its target of 25.5%. The state made progress on 14A from its FFY 2011 rate of 19.7%. Kentucky increased the rate by 0.1%.

For 14B, Kentucky met the target and exceeded it by 1.0 %. While meeting the target, the state had slippage of 1.4% from the FFY 2011 result of 57.1%.

Kentucky also met the target for 14C. The actual target data for 14C was 65.8%, with Kentucky exceeding the target by 0.4%. The state had slippage of 2.2% from the actual target data of 68.0% reached in FFY 2011 APR.

The following sections describe the overall FFY 2012 outcomes, including an analysis of the “not engaged” and outcomes disaggregated by subgroups of gender, disability, race/ethnicity, and method of exit.

There were 4525 leavers identified through KDE exit data for the 2011-2012 school year. The Youth One Year Out (YOYO) targets all exiters and does not use a sample. Of the leavers, 2623 could be contacted, then agreed to participate in the YOYO interview. This represents a response rate of 58%.

Each respondent is counted only once in the highest level of engagement of the following categories:

1 = 519 respondent leavers were engaged in “higher education.”

2 = 941 were engaged in “competitive employment” (and not counted in 1 above).

3 = 112 respondent leavers were engaged in “some other postsecondary education or training” (and not counted in 1 or 2 above).

4 = 154 respondent leavers were engaged in “some other employment” (and not counted in 1, 2 or 3 above).

Thus,

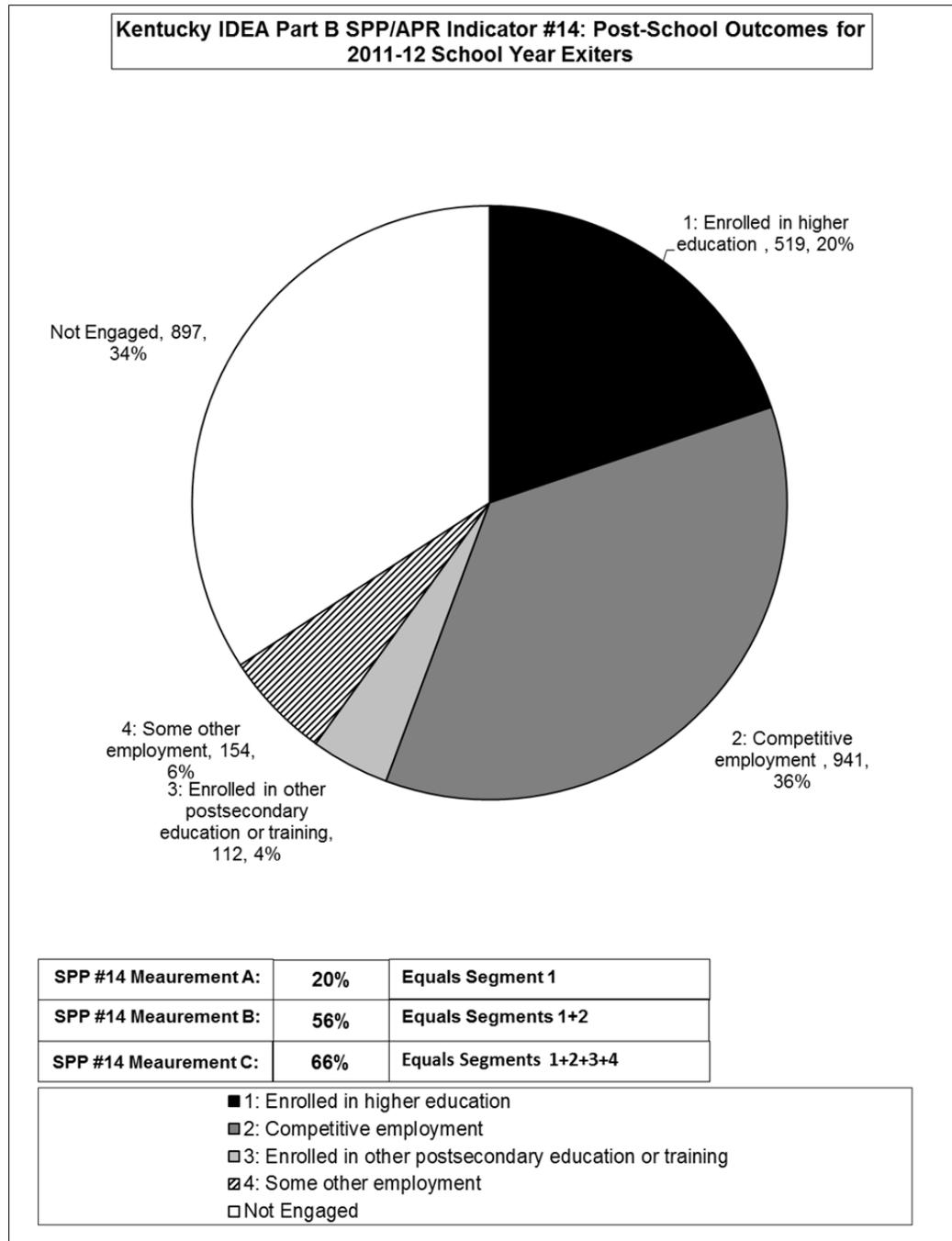
14A = 519 (#1) divided by 2623 (total respondents) = **19.8%**

14B = 519 (#1) + 941 (#2) divided by 2623 (total respondents) = **55.7%**

14C = 519 (#1) + 941 (#2) + 112 (#3) + 154 (#4) divided by 2623 (total respondents) = **65.8%**

As seen in Figure 1, Pie Chart of Kentucky’s Post-School Outcomes for 2011-12 School Year, Kentucky’s largest percentage of leavers was in the outcome category, “Competitive Employment.” There were 36% (n=941) of leavers counted in this category. The second largest percentage of leavers was the outcome category, “Not Engaged” with 34% (n=897). The remaining categories, in order of largest to smallest percentage, were: “Higher Education” with 20% (n=519); “Some other Employment,” 6% (n=154); and “Some other postsecondary education or training,” 4% (n=112).

Figure 1. Pie Chart of Kentucky’s Post-School Outcomes for 2011-12 School Year

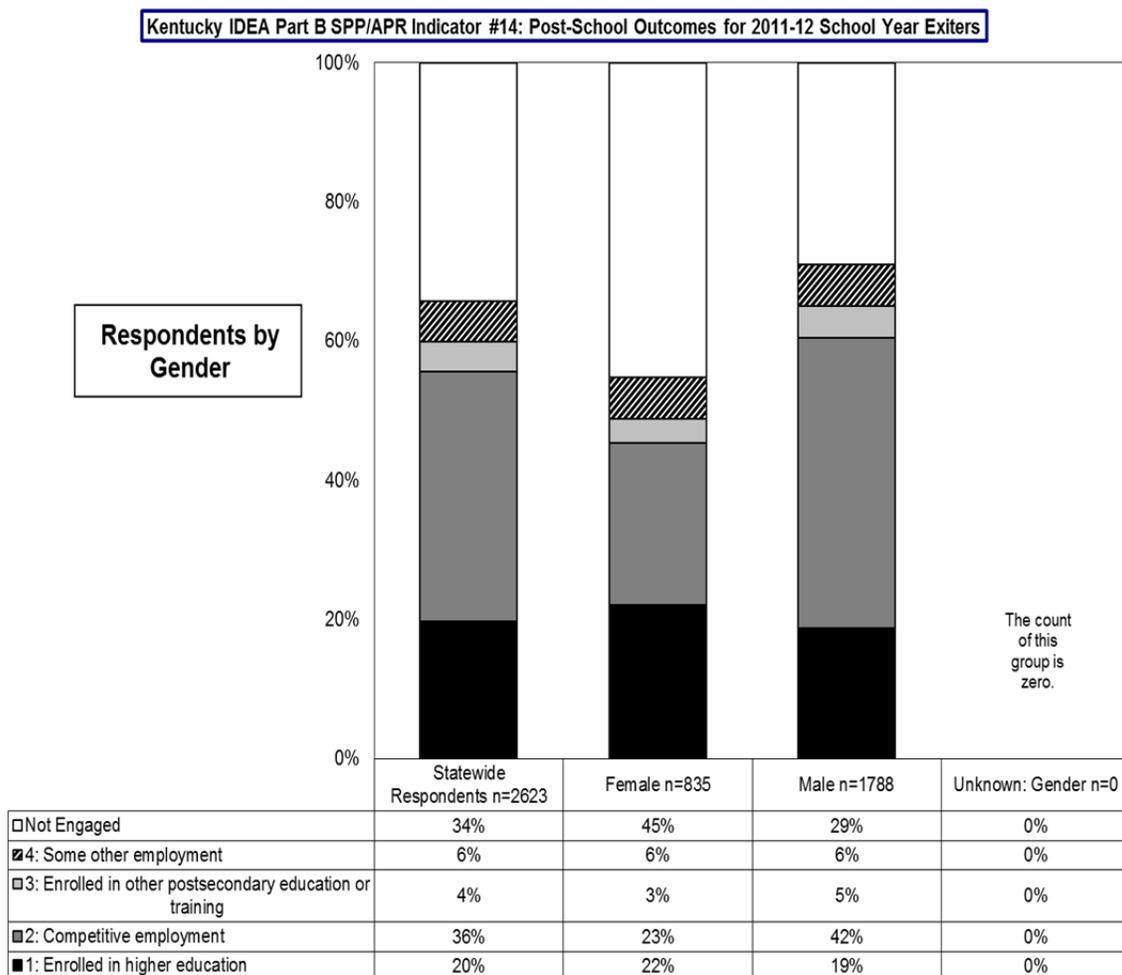


Disaggregated Outcomes by Subgroups:

To better understand the post-school outcomes of youth, KyPSO used the National Post School Outcomes Data Display Templates to further analyze Kentucky’s data. Outcomes were examined by each subgroup, gender, disability type, ethnicity and exit type.

As seen in Figure 2, Post-School Outcomes by Gender, female leavers were more likely not to be engaged than male leavers (45% vs. 29%). Female respondents were slightly more likely to be enrolled in higher education than male respondents (22% vs. 19%), but males were far more likely to be competitively employed (42% vs. 23%).

Figure 2. Post-School Outcomes by Gender:



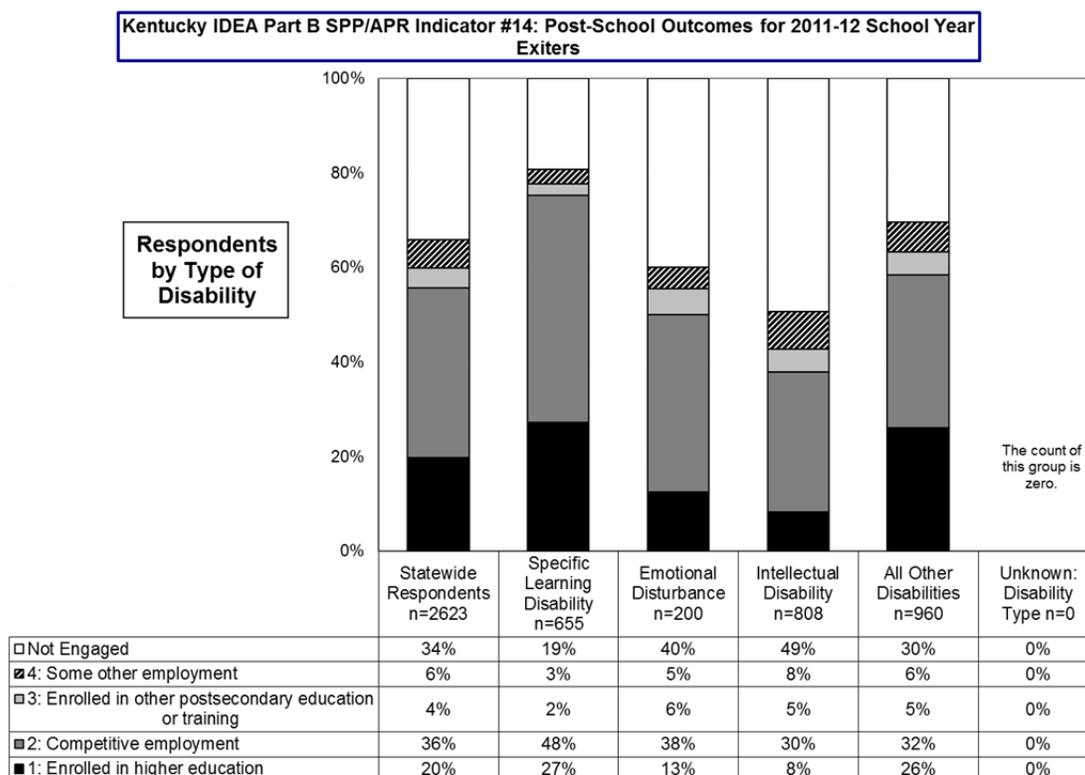
Further analysis into the reasons that males have higher employment rates should be examined at the State as well as local levels. Although females tend to enroll in post-secondary education at slightly higher rates than males, the difference is not enough to offset the overall higher engagement rate of males (defined as Indicator 14C, or the sum of categories 1, 2, 3, and 4).

A considerable amount of variation in outcomes based on type of disability can be seen in Figure 3, Post-School Outcomes by Disability Category. Former students classified as having Specific

Learning Disabilities (SLD) fared better in terms of higher education and competitive employment than any of the other categories of disability. It also had less than half the non-engagement rate than either the students with emotional/behavioral disabilities (EBD) or intellectual disabilities (Mild Mental Disabilities or MMD and Functional Mental Disabilities or FMD). Particularly noteworthy is the low rate of enrollment in higher education among persons with intellectual disabilities (8%).

The districts’ self-assessment process advises districts to address investigative questions which look at demographics.

Figure 3. Post-School Outcomes by Disability Category:



As seen in Figure 4, Post-School Outcomes by Ethnicity, there were notable differences in post-school outcomes between Kentucky’s two largest ethnic groups.

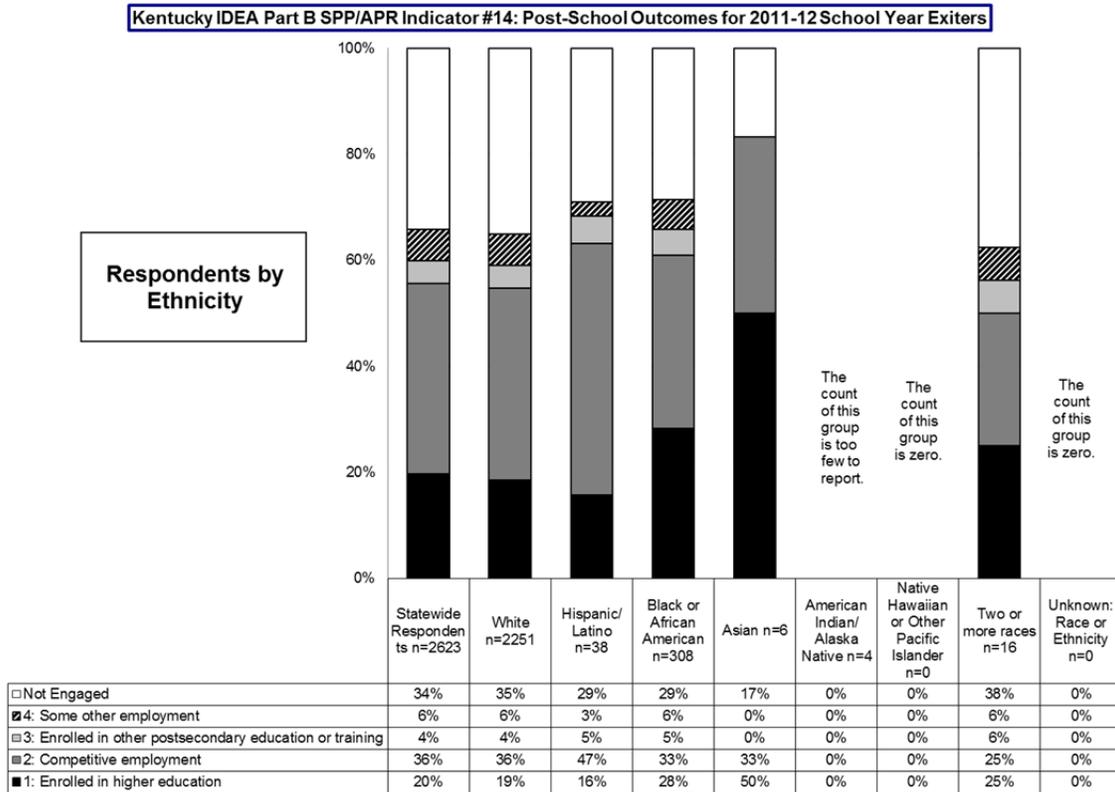
African-American exiters were more likely to be enrolled in higher education (28%) than White exiters (19%). This pattern has been evident in Kentucky’s data for several years. The reverse appears to be true in terms of competitive employment, where White exiters have higher rates (36%) than Black exiters (33%).

The differences between White and African –American students is significant. Additional research by KyPSO has attempted to uncover the reason for this disparity. African-American students appear to be advantaged in several areas predictive of enrollment in higher education. These include: higher rates of planning for college through the IEP; increased interest in pursuing higher education; and involvement of Office of Vocational Rehabilitation (OVR) and

college counselors at ARC meetings. Although they tend to spend less time in the general education classroom, these other factors appear to be significant enough to increase rates of higher education for this group.

Other ethnic groups have much smaller numbers of respondents, which makes it difficult to draw meaningful conclusions from these data. Even with the small sample size (n=38) of Hispanic exiters, it is noteworthy that this group’s competitive employment rate is very high (47%).

Figure 4. Post-School Outcomes by Ethnicity:



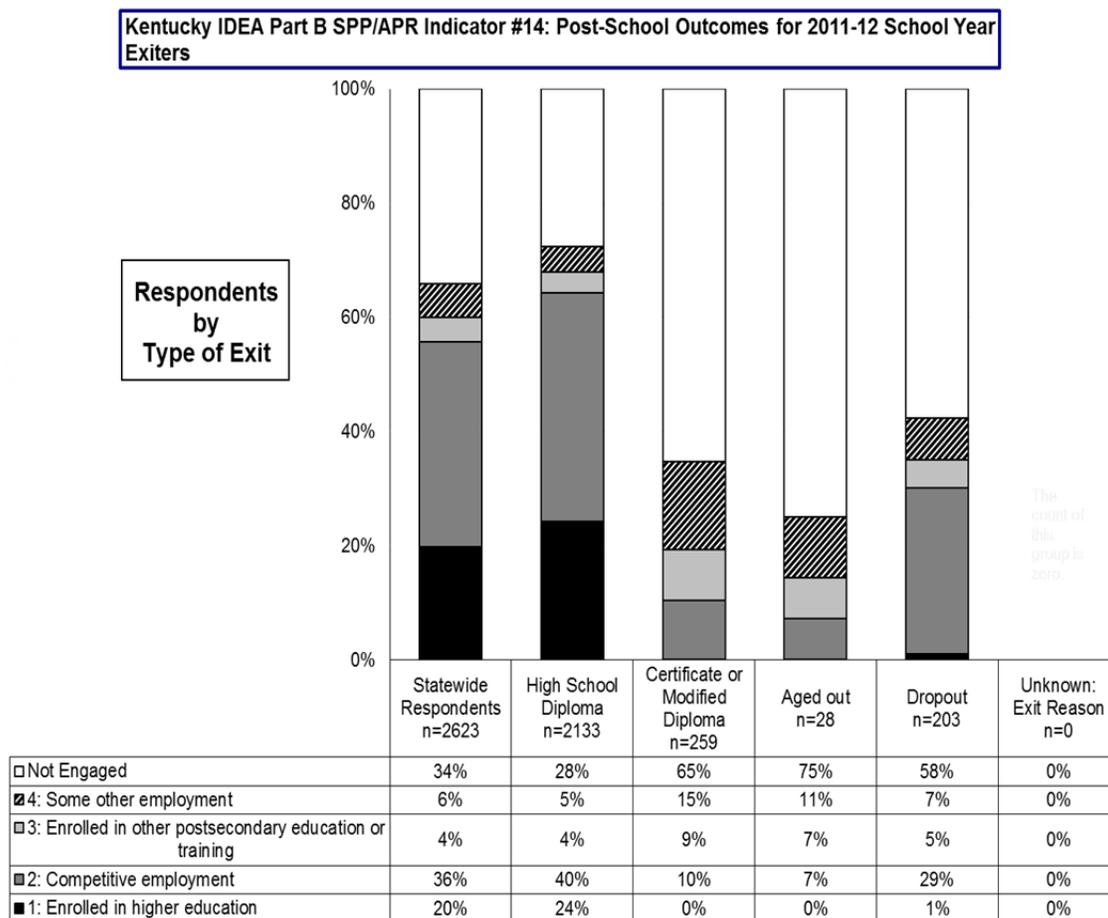
In Figure 5, Post-School Outcomes by Type of Exit, there are sharp differences in outcomes for those exiting in different manners. Nearly all exiters that enrolled in higher education left high school with a standard diploma. 24% of exiters with a standard diploma met this outcome, while none who exited by alternate diploma (formerly certificate of attainment) or who reached the maximum age limit went on to higher education. Only 1% of dropouts achieved the outcome of enrolling in higher education.

The respondents who aged-out were the most unengaged (75%) and had only 7% competitive employment. Exiters who earned an alternate diploma had low rates of competitive employment (10%) and also high rates in the “not engaged” category (65%). The State Personnel Development Grant’s Low Incidence Initiative is a strategy being used by KDE to address this issue.

Exiters who dropped out of high school had poor educational outcomes, and faced a sharp drop in competitive employment this year (29%) compared to last year (40%)

It is unsurprising that those former students who graduated with a diploma had more positive outcomes, but the high disengagement rates of the other groups is a cause for concern and action at the state level.

Figure 5. Post-School Outcomes by Type of Exit



Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for 2012:

Explanation of Progress or Slippage that occurred for FFY 2012:

Trend Data

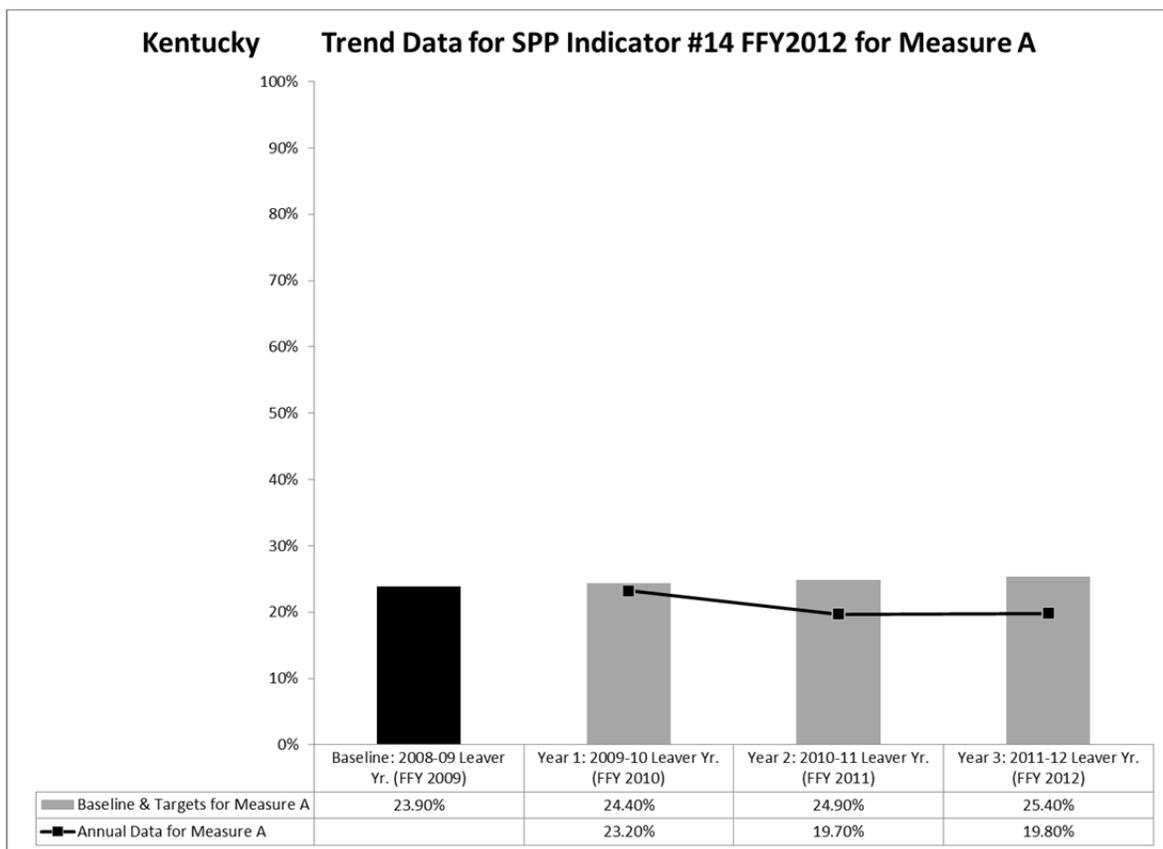
Using the NPSO Trend Data Display, KDE compared its Actual Target Data achieved this year to the Targets for FFY 2012 established in the FFY 2009 SPP. The following figures from the Trend Data Displays for Measures A, B, and C display columns for baseline and targets, and a (□) square symbol denoting annual data achieved for each FFY.

In each chart below, the black column on the left represents the baseline data, the three gray columns represent the targets set for FFY 2010 – 2012, and the (□) square symbol represents the annual data achieved for FFY 2011 - 2012. The position of the (□) square symbol represents the achieved data in relation to the target. The line that connects the (□) square symbols illustrates the trend (i.e., positive or negative) in the data. KDE determined progress or slippage for each measure A, B, and C by comparing achieved data for FFY 2012 to achieved data from FFY 2011.

As seen in Figure 6, Trend Data Display for Measure A, the Baseline for Measure A was 23.9%, the Rigorous and Measurable Target for FFY 2012 was set at 25.4% and Actual Target Data achieved was 19.8%; four percentage points below the baseline data and 5.6 points below the target for FFY 2012.

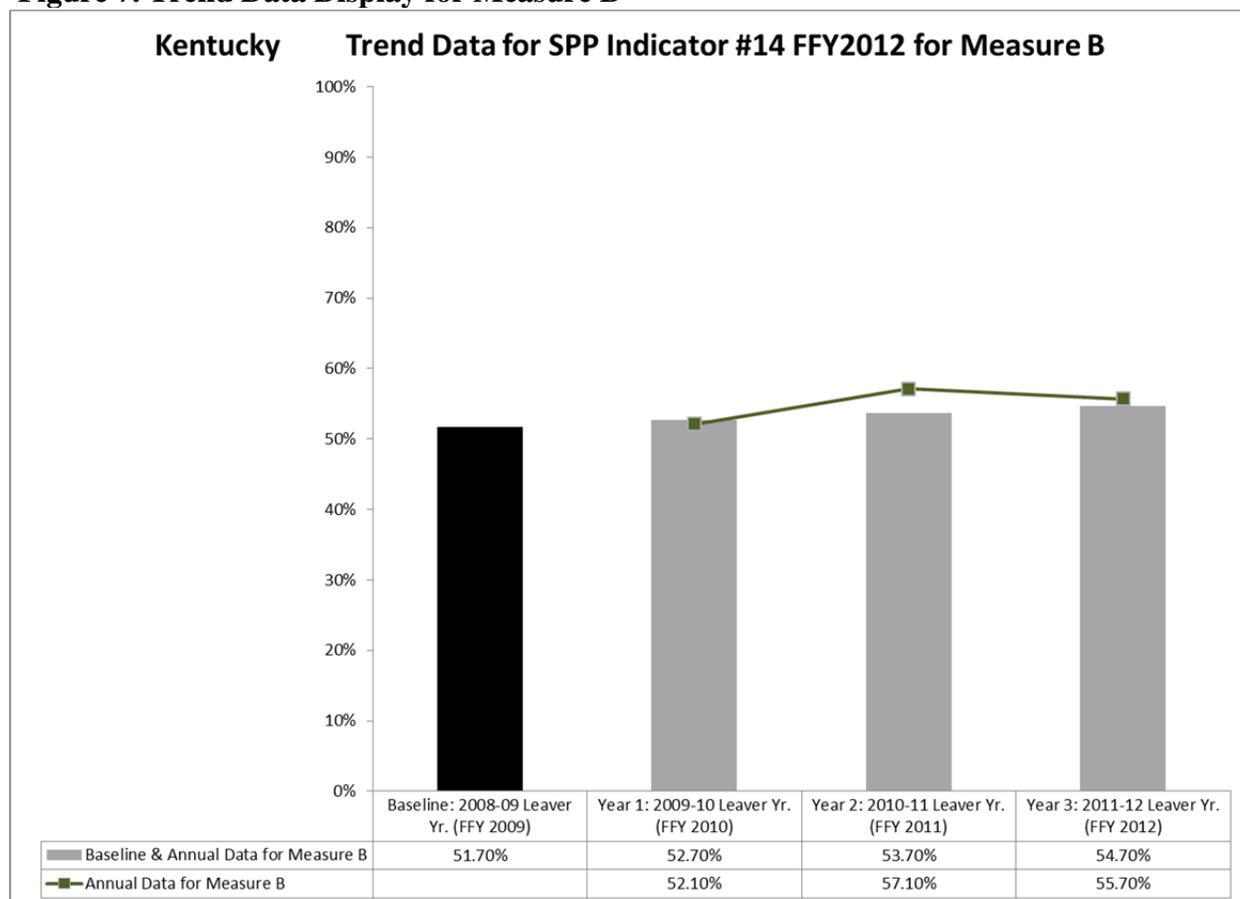
Youth with IEP’s are going on to higher education at slightly lower rates than they were four years ago. This figure has changed little from FFY 2011. KDE did not meet the target for Measure A.

Figure 6. Trend Data Display for Measure A



As seen in Figure 7, Trend Data Display for Measure B, Kentucky’s Baseline for Measure B was 51.7% and the Target for FFY 2012 was 54.7%. To determine progress or slippage, KDE compared the FFY 2012 Actual Target Data of 55.7% to the Actual Target Data for FFY 2011 of 57.1%. KDE’s percentage decreased by 1.4% from FFY 2011 but it still exceeded the target.

Figure 7. Trend Data Display for Measure B



As seen in Figure 8, *Trend Data Display for Measure C*, Baseline for Measure C was 60.9%, the Target for FFY 2012 was set at 65.4% and the Actual Target Data achieved was 65.8%. Kentucky’s met and exceeded its target by .4%.

KyPSO analyzed the Not Engaged group (34.6%), and found that about 10% of youth were engaged (235 youth), but did not meet the requirements as defined by IDEA, of working for 90 days or completing one term of post-secondary education. Many youth (171 surveyed) were employed, but not for 90 days or more. Similarly, 85 respondents indicated that they had enrolled in a post-secondary education or training program, but did not complete an entire term.

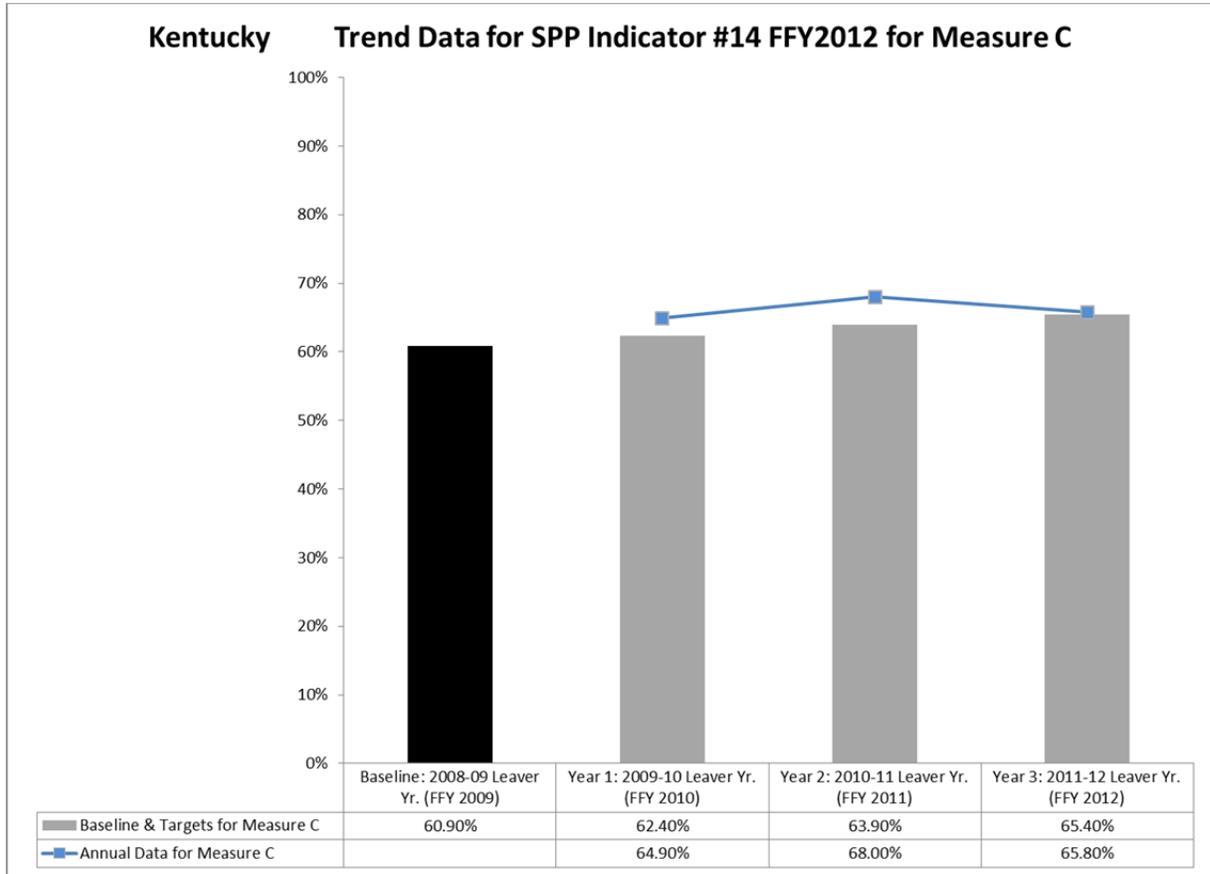
Results of improvement activities implemented in FFY 2012 indicate youth who are not employed while in high school have increased difficulty in finding and maintaining employment.

Other findings include:

- The difficulty of young persons with a diagnosis of Autism finding employment
- A lack of involvement in extra-curricular activities being related to lower levels of enrollment in higher education
- Community rates of higher education relating to the likelihood of pursuing higher education

- Parent involvement, measured at the school level (and self-reported) was correlated with students with an IEP going on to higher education

Figure 8. Trend Data Display for Measure C



Discussion of Improvement Activities Completed:

Kentucky’s State Performance Plan included three improvement activities for FFY 2012. In Table 2, KDE describes the work related to these activities.

Table 2. Improvement Activities

Improvement Activity	Timeline	Resources	Results of efforts
KyPSO will conduct thorough analysis of one year out data, merged with the in-school transition survey, to determine how best to focus efforts to improve transition planning and outcomes.	FFY 2010-2012	Kentucky Post School Outcomes Center.	<ul style="list-style-type: none"> • Merged longitudinal data for additional analysis. • Disseminated findings through newsletters, research briefs, conference presentations. • Because of

			discontinuation of In-School Transition Survey, KyPSO has identified new data sources, and added items to existing surveys.
Develop and implement plan to increase rates of College and Career Readiness for students with significant intellectual disabilities, as set forth in Kentucky’s recently funded State Personnel Development Grant (SPDG). See the <i>College and Career Readiness Initiative</i> for students with moderate and severe disabilities in Goal 2 of the SPDG	October 2012 - 2017	College and Career Readiness Delivery Plan: http://education.ky.gov/commofed/cdu/documents/ccr%20delivery%20plan.pdf Kentucky Post School Outcomes Center; Special Education Cooperatives	<ul style="list-style-type: none"> • Hired Project Director • Organized initiative work groups • Assessed needs of Low Incidence and Transition Consultants • Developed draft Assessment and Accountability Model for students using Kentucky’s Alternate Assessment • Shared draft model at OSEP and ASES conferences
Increase use of online Individual Learning Plan (ILP) by both students and parents	Ongoing	College and Career Readiness Delivery Plan http://education.ky.gov/commofed/cdu/documents/ccr%20delivery%20plan.pdf Kentucky Post School Outcomes Center	<ul style="list-style-type: none"> • Determined that ILP may not be best indicator for parent involvement, since parents may use students’ accounts. • Researched other possible indicators of parent involvement related to post-school outcomes. • Began work with KDE data managers to examine number of parents with accounts on Infinite Campus and frequency of use. • Analyzed correlation between measures of parent involvement from School Report Card data with post-school outcomes.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for 2012:

Not applicable.

Part B State Annual Performance Report (APR) for FFY 2012

Overview of the Annual Performance Report Development:

The vision of the Kentucky Department of Education (KDE) is to ensure that **all students** reach proficiency and graduate from high school ready for college and careers.

Implementation of Indicator 15 supports the vision of KDE by focusing the efforts of the State, districts, schools and teachers toward closing achievement gaps for students with disabilities and ensuring all students reach proficiency, graduate from high school, and successfully transition to a career or post-secondary education.

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:
 Percent of noncompliance corrected within one year of identification:

- a. # of findings of noncompliance.
- 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.

States are required to use the “Indicator 15 Worksheet” to report data for this indicator (see Attachment 1).

FFY	Measurable and Rigorous Target
<i>FFY 2012</i>	<i>100%</i>

Actual Target Data for FFY 2012: 87.9%

Kentucky did not meet the target for this indicator. Its compliance rate decreased slightly (0.2%) from last year’s rate of 88.1%.

PART B INDICATOR 15 WORKSHEET

Indicator/Indicator Clusters	General Supervision System Components	# of LEAs Issued Findings in FFY 2011 (7/1/11 to 6/30/12)	(a) # of Findings of noncompliance identified in FFY 2011 (7/1/11 to 6/30/12)	(b) # of Findings of noncompliance from (a) for which correction was verified no later than one year from identification
1. Percent of youth with IEPs graduating from high school with a regular diploma. 2. Percent of youth with IEPs dropping out of high school.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other			
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 training program, or both, within one year of leaving high school.	Dispute Resolution: Complaints, Hearings			
3. Participation and performance of children with disabilities on statewide assessments.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other			
7. Percent of preschool children with IEPs who demonstrated improved outcomes.	Dispute Resolution: Complaints, Hearings			
4A. Percent of districts identified 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.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	1	2	0
4B. Percent of districts that	Dispute Resolution: Complaints, Hearings	2	3	3

Indicator/Indicator Clusters	General Supervision System Components	# of LEAs Issued Findings in FFY 2011 (7/1/11 to 6/30/12)	(a) # of Findings of noncompliance identified in FFY 2011 (7/1/11 to 6/30/12)	(b) # of Findings of noncompliance from (a) for which correction was verified no later than one year from identification
<p>have: (a) a significant discrepancy, by race or ethnicity, in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs; and (b) policies, procedures or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.</p>				
<p>5. Percent of children with IEPs aged 6 through 21 - educational placements.</p> <p>6. Percent of preschool children aged 3 through 5 – early childhood placement.</p>	<p>Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other</p>	<p>14</p>	<p>14</p>	<p>11</p>
<p>8. Percent of parents with a child receiving special education services who report that schools facilitated parent involvement as a means of improving services and results for children with disabilities.</p>	<p>Dispute Resolution: Complaints, Hearings</p>	<p>3</p>	<p>5</p>	<p>5</p>
<p>9. Percent of districts with disproportionate representation of racial and</p>	<p>Monitoring Activities: Self-Assessment/ Local APR, Data</p>	<p>3</p>	<p>3</p>	<p>3</p>

Indicator/Indicator Clusters	General Supervision System Components	# of LEAs Issued Findings in FFY 2011 (7/1/11 to 6/30/12)	(a) # of Findings of noncompliance identified in FFY 2011 (7/1/11 to 6/30/12)	(b) # of Findings of noncompliance from (a) for which correction was verified no later than one year from identification
<p>ethnic groups in special education that is the result of inappropriate identification.</p> <p>10. Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.</p>	Review, Desk Audit, On-Site Visits, or Other			
	Dispute Resolution: Complaints, Hearings			
<p>11. Percent of children who were evaluated within 60 days of receiving parental consent for initial evaluation or, if the State establishes a timeframe within which the evaluation must be conducted, within that timeframe.</p>	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	14	14	14
	Dispute Resolution: Complaints, Hearings			
<p>12. Percent of children referred by Part C prior to age 3, who are found eligible for Part B, and who have an IEP developed and implemented by their third birthdays.</p>	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	2	2	2
	Dispute Resolution: Complaints, Hearings			
<p>13. Percent of youth aged 16 and above with IEP that includes appropriate measurable postsecondary</p>	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit,	32	33	26

Indicator/Indicator Clusters	General Supervision System Components	# of LEAs Issued Findings in FFY 2011 (7/1/11 to 6/30/12)	(a) # of Findings of noncompliance identified in FFY 2011 (7/1/11 to 6/30/12)	(b) # of Findings of noncompliance from (a) for which correction was verified no later than one year from identification
goals that are annually updated and based upon an age appropriate transition assessment, transition services, including courses of study, that will reasonably enable the student to meet those postsecondary goals, and annual IEP goals related to the student’s transition service needs.	On-Site Visits, or Other			
	Dispute Resolution: Complaints, Hearings	2	2	2
Other areas of noncompliance: Evaluation	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	20	20	17
	Dispute Resolution: Complaints, Hearings	9	9	9
Other areas of noncompliance: Eligibility	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	20	20	17
	Dispute Resolution: Complaints, Hearings	2	2	2
Other areas of noncompliance:	Monitoring Activities: Self-Assessment/			

Indicator/Indicator Clusters	General Supervision System Components	# of LEAs Issued Findings in FFY 2011 (7/1/11 to 6/30/12)	(a) # of Findings of noncompliance identified in FFY 2011 (7/1/11 to 6/30/12)	(b) # of Findings of noncompliance from (a) for which correction was verified no later than one year from identification
Nonacademic Services	Local APR, Data Review, Desk Audit, On-Site Visits, or Other			
	Dispute Resolution: Complaints, Hearings	1	1	1
Other areas of noncompliance: IEP Implementation and Services	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other			
	Dispute Resolution: Complaints, Hearings	7	10	10
Other areas of noncompliance: Child Find	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other			
	Dispute Resolution: Complaints, Hearings	1	1	1
Other areas of noncompliance: Highly Qualified Teacher Status	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other			
	Dispute Resolution: Complaints, Hearings	1	1	1
Other areas of noncompliance: Confidentiality	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or			

Indicator/Indicator Clusters	General Supervision System Components	# of LEAs Issued Findings in FFY 2011 (7/1/11 to 6/30/12)	(a) # of Findings of noncompliance identified in FFY 2011 (7/1/11 to 6/30/12)	(b) # of Findings of noncompliance from (a) for which correction was verified no later than one year from identification
	Other			
	Dispute Resolution: Complaints, Hearings	2	3	3
Other areas of noncompliance: FAPE	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other			
	Dispute Resolution: Complaints, Hearings	3	3	3
Sum the numbers down Column a and Column b			149	131
Percent of noncompliance corrected within one year of identification = (column (b) sum divided by column (a) sum) times 100.			(b) / (a) X 100 =	87.9%

Describe the process for selecting LEAs for Monitoring:

KDE conducted 13 onsite monitoring activities during the 2011-2012 school year. These visits were part of the KDE consolidated monitoring process that incorporates monitoring of several programs into one visit. Information concerning the Statewide Consolidated Monitoring Process can be accessed through the link provided below:

<http://education.ky.gov/federal/progs/scmi/Pages/default.aspx>

In addition, desk audits were conducted during the 2011-2012 school year for Indicators 9 through 13. For Indicators 9 and 10, districts were audited due to meeting the state risk ratio for disproportionate representation. Files were randomly selected to verify whether or not districts were identifying students of a particular race or category inappropriately.

Also, districts self-reporting data for Indicators 11, 12, and 13 that was less than 100% compliant, received a desk audit to verify student-specific corrections, as well as determine whether systemic noncompliance existed.

In total, 53 district citations occurred through desk audits.

One district was monitored onsite, due to its 4A and 4B significant discrepancy in suspensions/expulsions of more than 10 days. The district was cited under both 4A and 4B and has not yet corrected the noncompliance, due to systemic issues surrounding suspension in the district. Details around the facts, the district’s efforts at correction and KDE’s technical assistance may be found above under Indicators 4A and 4B.

Through formal complaint investigations that occurred during the 2011-2012 school year, 18 of those received findings of noncompliance which resulted in corrective action being issued. 18 Corrective Action Plans from formal complaints were closed within one year, after KDE verification.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that Occurred for FFY 2012:

Kentucky’s compliance rate decreased slightly for FFY 2012, from 88.1% in FFY 2011 to 97.9% in FFY 2012.

SPP improvement activities for this indicator are continuing. To the extent possible, they are integrated within the larger framework of KDE’s “Delivery Plans,” which are the focus of all state efforts to improve educational outcomes for students with and without disabilities.

Timely Correction of FFY 2011 Findings of Noncompliance (corrected within one year from identification of the noncompliance):

1	Number of findings of noncompliance the State identified in FFY 2011 (the period from July 1, 2011 through June 30, 2012) (Sum of Column a on the Indicator B15 Worksheet)	149
2	Number of findings the State verified as timely corrected (corrected within one year from the date of notification to the LEA of the finding) (Sum of Column b on the Indicator B15 Worksheet)	131
3	Number of findings <u>not</u> verified as corrected within one year [(1) minus (2)]	18

FFY 2011 Findings of Noncompliance Not Timely Corrected (corrected more than one year from identification of the noncompliance and/or Not Corrected):

4	Number of FFY 2011 findings not timely corrected (same as the number from (3) above)	18
5	Number of FFY 2011 findings the State has verified as corrected beyond the one-year timeline (“subsequent correction”)	16
6	Number of FFY 2011 findings <u>not</u> yet verified as corrected [(4) minus (5)]	2

Verification of Correction for findings of noncompliance identified in FFY 2011:

Seven of the eighteen findings not corrected within one year were Indicator 13 data that were self-reported by districts. For the seven districts whose findings were not verified as corrected within one year, additional corrective action was developed that included more intensive training and support. The district's College and Career Readiness (CCR) data, as reported on the Kentucky Department of Education's School Report Card, was used in conjunction with the Indicator 13 data for FFY 2012.

Of the seven LEAs whose findings were not verified as corrected within one year from FFY 2011, two LEAs again self-reported noncompliance for Indicator 13 for FFY 2012. All seven findings of noncompliance have been verified by DLS as corrected.

Nine findings of noncompliance that were not corrected within one year were identified in three LEAs through onsite monitoring visits. Additional technical assistance was provided to these districts to ensure all components of the corrective action were completed. All finding of noncompliance have been verified by DLS as corrected.

The remaining two findings that were not corrected within one year are noncompliance under Indicators 4A and 4B. As explained in great detail under the 4A and 4B indicators, KDE has spent vast amounts of time and resources to assist the district in correcting its systemic noncompliance related to significant discrepancies in suspensions/expulsions of more than 10 days.

The district has made substantial changes in this area; however, since the suspensions are a systemic issue within a large urban district, it has taken several years for systems change to take effect. The district has made great strides in improving its suspension data for students with IEPs, as well as for students without disabilities. It is KDE's expectation that the district will correct its significant discrepancies in suspension during FFY 2013.

Describe the specific actions that the State took to verify the correction of findings of noncompliance identified in FFY 2011 (including any revisions to general supervision procedures, technical assistance provided and/or any enforcement actions that were taken):

In verifying correction of noncompliance, DLS reviews student due process records in accordance with *OSEP Memorandum 09-02* through the following process:

- Prong 1 - As part of the individual student review process for all students identified with Indicator 11 noncompliance, DLS verifies through record reviews that Indicator 11 noncompliance for each affected student has been corrected
- Prong 2 –To determine correction of the Indicator 11 noncompliance at a systemic level, DLS randomly chooses and reviews student folders, thus verifying that there are no systemic violations.

Actions Taken if Noncompliance Not Corrected:

See sections “*How Kentucky required districts to revise policies, procedures or practices to comply with IDEA*” and “*Actions Taken if Noncompliance Not Corrected,*” described above under individual Indicators 4A and 4B. Extensive detail is provided of the efforts by KDE in assisting the district in correcting its systemic issues related to suspension.

Correction of Remaining FFY 2010 Findings of Noncompliance:

1. Number of remaining FFY 2010 findings noted in OSEP’s FFY 2011 APR response table for this indicator	1
2. Number of remaining FFY 2010 findings the State has verified as corrected	0
3. Number of remaining FFY 2010 findings the State has NOT verified as corrected [(1) minus (2)]	1

One finding of noncompliance remains uncorrected for Indicator 4B. Facts surrounding the noncompliance were extensively detailed above under Indicators 4B.

Based on the substantial progress of the district cited above, KDE is committed to giving the district additional technical assistance and time to continue making needed systemic changes and districtwide improvements. KDE is also tracking evidence of progress in suspension/ discipline data over time, and monitoring district progress through the CAP. KDE expects that district data will continue to improve over time.

KDE is continuing to meet with the district Superintendent and top district leadership in both general and special education, including Assistant Superintendents and the Director of Special Education, to outline the remaining issues and review additional activities and outcomes required. The intensified CAP will be continued, to allow time for district to complete systemic changes already underway. KDE will continue to provide substantial technical assistance support. A complete explanation can be located in Indicator 4B..

Correction of Any Remaining Findings of Noncompliance identified in FFY 2009 or Earlier:

Not applicable.

Additional Information Required by the OSEP FFY 2011 APR Response Table for this Indicator:

Statement from the Response Table	State’s Response
<p>The State must demonstrate, in the FFY 2012 APR, that the remaining one finding of noncompliance identified in FFY 2010 that was not reported as corrected in the FFY 2011 APR were corrected.</p>	<p>See body of Indicator 15 for full discussion of all required components.</p>
<p>When reporting in the FFY 2012 APR on the correction of findings of noncompliance, the State must report that it verified that each LEA with findings of noncompliance identified in FFY 2011: (1) is correctly implementing the specific regulatory requirements (i.e. achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the LEA, consistent with OSEP Memo 09-02. In the FFY 2012 APR, the State must describe the specific actions that were taken to verify correction. In addition, in reporting on Indicator 15 in the FFY 2012 APR, the State must use and submit the Indicator 15 Worksheet.</p>	<p>See body of Indicator 15 for full discussion of all required components.</p>
<p>In addition, in responding to Indicators 4B, 9, 11, 12, and 13, in the FFY 2012 APR, the State must report on correction of the noncompliance described in this table under those indicators.</p>	<p>See each specified indicator for correction of noncompliance described in this table under those indicators.</p>

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2012:

Not applicable.

Part B State Annual Performance Report (APR) for FFY 2012

Overview of the Annual Performance Report Development:

The vision of the Kentucky Department of Education (KDE) is to ensure that **all students** reach proficiency and graduate from high school ready for college and careers.

Settling educational differences through resolution session agreements rather than adversarial due process hearings focuses parents, teachers and school administrators and puts the team’s emphasis back on student outcomes.

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.

(The number of resolution settlement agreements ÷ the number of hearing requests resolved through resolution session agreements × 100)

FFY	Measurable and Rigorous Target
<i>FFY 2012</i>	<i>Seventy percent (70%) to eighty percent (80%) of hearing requests that went to resolution sessions are resolved through resolution session settlement agreements.</i>

Actual Target Data for FFY 2012: Not applicable.

Not applicable. Of the 16 hearings requested in FFY 2012, only two resolution meetings were held. OSEP does not require states to report on Indicator 18 if fewer than 10 resolution meetings were held during the year.

KDE’s data for Indicator 18 comes from Table 7 of KDE’s Section 618 Data Report, submitted to the U.S. Department of Education on November 4, 2013.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2012:

For the second year in a row, KDE had fewer than 10 resolution meetings held. Agreements related to hearings requests appear to be resolved through informal means or mediations.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2012:

Not applicable.

Part B State Annual Performance Report (APR) for FFY 2012

Overview of the Annual Performance Report Development:

The vision of the Kentucky Department of Education (KDE) is to ensure that **all students** reach proficiency and graduate from high school ready for college and careers.

When parents of students with disabilities and school districts work cooperatively and settle differences quickly and informally through mediation, the focus is on the best interests of the student and achieving successful educational outcomes.

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.
 (The number of mediation agreements related to due process hearing complaints + the number of mediation agreements not related to due process hearing complaints ÷ by the number of mediation sessions held × 100.)

FFY	Measurable and Rigorous Target
<i>FFY 2012</i>	<i>Sixty-one percent (61%) to eighty-five percent (85%) of mediations requested will result in mediations agreement.</i>

Actual Target Data for FFY 2012: 70%

Kentucky met its target and made progress of 10% in resolving mediations through agreements. In the FFY 2011 APR, the state reported 60% and did not meet the target.

The Measurement requires the following calculation be used:

Five mediation agreements related to due process plus seven mediation agreements not related to due process, divided by 17 mediations held, times 100, for a percentage of 70%.

The data for the Measurement comes from Table 7 of KDE’s Section 618 Data Report, submitted to the United States Department of Education on November 4, 2013.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2012:

KDE is not required to discuss its Improvement Activities or explain its progress, since it met its Target for Indicator 19.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2012:

Not applicable.

Part B State Annual Performance Report (APR) for FFY2012

Overview of the Annual Performance Report Development:

The vision of the Kentucky Department of Education (KDE) is to ensure that **all students** reach proficiency and graduate from high school ready for college and careers.

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, State Performance Plan, and Annual Performance Reports, are:

- a. Submitted on or before due dates (February 2 for child count, including race and ethnicity; placement; November 7 for exiting, discipline, personnel and dispute resolution, December 19 for assessment; and February 2 for Annual Performance); and
- b. Accurate, including covering the correct year and following the correct measurement.

States are required to use the “Indicator 20 Scoring Rubric” for reporting data for this indicator (see Attachment B).

FFY	Measurable and Rigorous Target
2012	<i>100% of State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate.</i>

Actual Target Data for FFY 2012: 100%

Kentucky met its target of 100% for this indicator using the Data Rubric.

All APR indicators were reported as reliable and valid with correct calculations and all Section 618 Data Tables were submitted on time, were complete, and passed edit checks. All requests for edit notes were provided.

The Measurement requires that the following calculation be used:

1. Completion of the Data Rubric for each Indicator of the APR scoring 1 point for the indicator being valid and reliable, 1 point for each indicator having correct calculation

(excluding Indicators 1 and 2), and 5 points for a valid submission of the APR on a timely basis.

2. Completion of the Data Rubric for each of the Section 618 Data Tables scoring 1 point for the timely submission of each table, 1 point for each table being complete, 1 point for each table passing edit checks, and 1 point for responding to requests for data notes on Tables 1 and 3.

A copy of the OSEP approved Data Rubric for Indicator 20 is provided as *Attachment 1*.

To make sure that Kentucky's data are accurate, error free, consistent, valid and reliable, the Kentucky Department of Education works closely with district and school personnel in the development of the statewide student information system.

The Kentucky Student Information System (KSIS) provides consistent data collection at the student level across schools and districts throughout Kentucky. As with any data system, ongoing training and technical assistance are provided in the utilization of this program at the State, district and school levels.

Infinite Campus (IC), the vendor that developed KSIS, conducts an annual user conference that attracts with approximately 1,500 participants from across the state. This conference has several strands for the attendees, allowing users to choose sessions and presentations that best suit their individual needs to collect, maintain and report district and school level data. Conference presenters include technical staff from IC and KDE program staff who train specific areas. The December 2012 conference had sessions presented by Infinite Campus staff around special education data collection, management and reporting. These sessions also addressed student level case management activities to ensure appropriate due process and procedural safeguards for children with disabilities.

In addition to this annual conference, KDE staff provides Start of Year and End of Year trainings on the special education module of KSIS. Both of these trainings are provided in several regional locations across the state. Trainings address special education data standards, including definitions for special education data requirements, as well as criteria for data collection and other aspects of the student information system.

Districts are required to complete referrals, data eligibility forms including documenting eligibility determination, IEPs, and meeting summaries within the system. Other data may also be collected by the system to assist districts in managing their special education program, and to assist in meeting timelines and due dates for annual reviews, re-evaluation and reporting of data.

KDE also sponsors a Special Education Advisory Group for Infinite Campus (SEAGIC) that works with local districts and KDE's vendor to make sure the KSIS meets the special education needs of students, teachers, as well as district and State staff. This group meets regularly throughout the school year and includes local district special education staff, regional technical assistance providers, KDE staff, and as needed, staff from the vendor. The SEAGIC provides input on the special education content of the system, user interface requests, design of state

forms (e.g., IEP, Referral, Meeting Summary, etc.), special education specific requirements required by federal and state laws, and creates data standards.

Data received from local school districts are routinely checked for accuracy and errors by staff within the KDE Division of Learning Services (DLS). These checks include checking data for duplication, completeness, and accuracy. DLS staff contacts districts by email and phone to clarify data concerns and data discrepancies from year to year. District and school-level data are cleaned, utilizing computer automated processes and by data review provided by DLS staff, to make sure anomalies are discovered and either cleaned or explained.

Discussion of Improvement Activities and Explanation Slippage, if the State did not meet its target that occurred for FFY 2012:

Explanation of progress:

In FFY 2011, Kentucky reported 100% compliance with Indicator 20 using the OSEP rubric format. However, it was later determined that the Personnel Data and one of the Discipline Data tables were overlooked and not submitted on a timely basis. While the Discipline Data was actually submitted on time, a correction to this data was not. In both cases this was an error in the submission of the data as both the Personnel Data and the corrected Discipline Data were completed but not uploaded by the due date.

For FFY 2012, the Special Education Data Manager in the Division of Learning Services met with KDE's *EdFacts* Coordinator in the Division of Enterprise Data who uploads the data, to work out a system of communication between the two to ensure that the data are uploaded when received from DLS. The DLS Data Manager has also incorporated into the DLS procedures to log into the *EdFacts* system and confirm with a screen shot that the data were successfully uploaded and have passed data checks. This process was used for submissions of the data contained in this document and confirmed that all data have been uploaded timely and passed initial edit checks.

For FFY 2012, Kentucky is using the OSEP approved rubric and is again reporting 100% compliance. Kentucky has met the target for this indicator and has sustained its level of compliance.

Discussion of Improvement Activities Completed:

KDE has continued to convene regular meetings of SEAGIC. In FFY 2012, all districts in Kentucky used the Kentucky Student Information System and were required to use certain due process forms included in the special education module of the student information system. The SEAGIC has proved helpful in developing the forms for state-wide use.

The DLS Data Manager sends an email to the state's *EdFacts* Coordinator each time a required data submission is ready for upload. The *EdFacts* Coordinator logs in and uploads the file for submission. Typically there is a single email for each file specification and this will include the state, district and school files for the state as required.

Upon successful uploading of the file, the *EdFacts* Coordinator confirms via an email to the DLS data manager that the file(s) have been uploaded. If there are problems with the data file or its

submission, the *EdFacts* Coordinator emails the data manager notifying him of any issues. Corrections as necessary are made by the data manager and the *EdFacts* Coordinator is sent the new files for submission. When the *EdFacts* Coordinator confirms that files for a particular specification have been uploaded, the data manager logs into 'Max.gov' to document the successful submission and to review if there are any issues or edit check concerns.

DLS continues to provide regional training to local district staff in both the process and utilization of the student information system. These regional trainings at both the start and end of the year, focus on data collection activities most important at the time and on how best to, not only capture the data, but to utilize the program as a case management tool for their special education students and staff. This enables districts to realize local benefit in the operation of their special education programs and more efficiently and effectively meet the needs of children with disabilities.

KDE relies heavily on the data manager for providing accurate APR indicator data, providing complicated APR measurements and obtaining needed APR data from other KDE offices.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2012:

Not applicable.

Attachment 1: Part B Indicator 20 Data Rubric

Self-Scoring Rubric for Part B - Indicator 20 APR and 618 -State Reported Data

DATE: February 2014 Submission

Please read the following guidelines before completing the Rubric for Part B - Indicator 20:

This rubric is a worksheet to assist in compiling data for Indicator 20.

In each cell, select **1** if the State met the requirements for the given APR indicator or 618 data collection, **0** if your State did not meet the requirements and “N/A if the requirement is not applicable to your State.

Note any cell marked as N/A will decrease the denominator by 1 for APR and 2.045 for 618.

Please see below the definitions for the terms used in this worksheet.

SPP/APR Data:

- 1) Valid and Reliable Data** - Data provided are from the correct time period, are consistent with 618 (when appropriate) and the measurement, and are consistent with previous indicator data (unless explained).
- 2) Correct Calculation** - Result produced follows the required calculation in the instructions for the indicator.
- 3) Timely** - All data for the APR are submitted on or before February 3, 2014.

618 Data:

- 1) Timely** – Data for tables for 618 are submitted on or before each tables’ due date.
- 2) Complete Data** – No missing sections. No placeholder data. State-level data include data from all districts or agencies.
- 3) Passed Edit Check** - 618 data submissions do not have missing cells or internal inconsistencies. (See <https://www.ideadata.org/618DataCollection.asp> regarding data edits).
- 4) Responded to Data Note Request** - Provided written explanation of year to year changes for inclusion in Data Notes to accompany 618 data submissions.

Part B Indicator 20 Data Rubric

Part B Indicator 20 - SPP/APR Data			
APR Indicator	Valid and reliable	Correct calculation	Total
1	1		1
2	1		1
3A	1	1	2
3B	1	1	2
3C	1	1	2
4A	1	1	2
4B	1	1	2
5	1	1	2
6	1	1	2
7	1	1	2
8	1	1	2
9	1	1	2
10	1	1	2
11	1	1	2
12	1	1	2
13	1	1	2
14	1	1	2
15	1	1	2
18	1	1	2
19	1	1	2
		Subtotal	38
APR Score Calculation	Timely Submission Points - If the FFY 2012 APR was submitted on-time, place the number 5 in the cell on the right.		5
	Grand Total – (Sum of the subtotal and Timely Submission Points) =		43.00

Part B Indicator 20 - 618 Data					
Table	Timely	Complete Data	Passed Edit Check	Responded to Date Note Requests	Total
Table 1 – Child Count Due Date: 2/6/13	1	1	1	1	4
Table 2 – Personnel Due Date: 11/6/13	1	1	1	N/A	3
Table 3 – Ed. Environments Due Date:2/6/13	1	1	1	1	4
Table 4 – Exiting Due Date: 11/6/13	1	1	1	N/A	3
Table 5 – Discipline Due Date: 11/6/13	1	1	1	N/A	3
Table 6 – State Assessment Due Date: 12/19/13	1	NA	NA	N/A	1
Table 7 – Dispute Resolution Due Date: 11/6/13	1	1	1	N/A	3
Table 8 0 MOE/CEIS Due Date: 5/1/13	1	N/A	N/A	N/A	1
				Subtotal	22
618 Score Calculation			Grand Total (Subtotal X 1.8695)=		43

Indicator #20 Calculation	
A. APR Grand Total	43.00
B. 618 Grand Total	43.00
C. APR Grand Total (A) + 618 Grand Total (B) =	86.00
Total N/A in APR	0
Total N/A in 618	0
Base	86.00
D. Subtotal (C divided by Base*) =	1.000
E. Indicator Score (Subtotal D x 100) =	100.00

* Note- any cell marked as N/A will decrease the denominator by 1 for APR and 1.8695 for 618 Data.