

**Kentucky Department of Education
FFY 2008 Annual Performance Report
February 1, 2010**



Introduction to the FFY 2008 Kentucky Part B Annual Performance Report

This year's Annual Performance Report (APR) marks the fifth year of APR submissions by the Kentucky Department of Education (KDE) to the federal Office of Special Education Programs (OSEP). The APR details Kentucky's yearly progress on 20 State Performance Plan (SPP) indicators. The 20 indicators are those areas Congress and OSEP believe are the most important factors in determining if students with disabilities are receiving the appropriate education to which they are entitled.

Last year's FFY 2007 APR marked the beginning of a "perfect storm" for Kentucky Part B. Based on input from OSEP during its December 2008 verification visit to Kentucky, technical assistance from Kentucky's OSEP state contact and the Mid-South Regional Resource Center, and assistance from national technical assistance providers, KDE totally revised its system of general supervision.

As a part of this revision, KDE completely changed its APR focus last year. The State's needs were prioritized and the number of improvement activities decreased. The activities left were those directly related to the priority needs. These changes resulted in KDE being able to use the APR as a functional guide to systems improvement.

What was the system most in need of improvement? Based on its OSEP visit and the results of past APRs, Kentucky needed to radically – and quickly- change its system of general supervision.

This year the Division of Exceptional Children Services (DECS) has undergone enormous- and fast - changes. Prior to and immediately after submission of its APR in February 2009, KDE, through DECS, began the work of overhauling its system of general supervision. DECS completely revised its monitoring system, starting first with its district self-assessment, the Kentucky Continuous Monitoring Process or KCMP.

The KCMP Self-Assessment

In the past, the KCMP was submitted to KDE by school districts every year in January. KDE used the KCMP to monitor district compliance with IDEA. Issues arose in using the KCMP in this manner, based on problems with logistics.

- KCMPs were submitted to KDE on January 30th of each year, which meant districts were reporting on two-year old data - that is, data from the prior school year. Districts came to regard the KCMP as a paper process, since the data reported upon were not current.
- DECS' review of the 176 district KCMPs, including written notice to districts of individual noncompliance, was extremely labor intensive. The process typically took until May or June of each year, which was three to four months after the KCMP submission. As a result, KDE was citing districts for KCMP noncompliance based on two-year old data. Using the KCMP in this manner kept KDE from being able to cite districts on recent IDEA violations.

Shortly after the December 2008 Verification Visit, KDE decided that the KCMP would no longer be the main vehicle for monitoring compliance with IDEA. Instead, the KCMP would become the district's self-assessment, functioning in much the same way as the APR does for the State.

The new KCMP report has been divided into four quarters, with each part containing two to four SPP indicators. The quarterly report is due at different times of the year, based upon the availability of current district-level data. To assist districts with this process, KDE and the Co-ops have developed a quarterly KCMP Instruction Manual to provide uniform technical assistance. Use of the Instruction Manual is required.

As part of the revised KCMP, the Special Education Co-ops are responsible for overseeing the steps in the process. The Co-ops' KCMP responsibilities include assisting the districts in their region in:

- Reviewing the data
- Analyzing the data and determining the root cause
- Developing improvement or maintenance plans

KCMP data is analyzed at the regional level by the Co-ops. The Co-ops then provide regional data reports to KDE for use in the APR.

The revised KCMP documents, instruction manuals and overview are found at:
<http://www.education.ky.gov/KDE/Instructional+Resources/Exceptional+Children/KCMP/>

The new KCMP has already resolved some general supervision issues inherent with the "old" KCMP:

- KDE is able to use regional KCMP data analyses in determining the root causes behind the State's APR outcomes. (In the past KDE was not able to use regional/ district data analysis in the APR, since the KCMP was submitted to KDE two days ahead of the February 1st APR submission date.)
- KDE citations to districts for APR noncompliance are now close in time to the period in which KDE receives the applicable data. This makes districts' correction of the noncompliance relevant to their work.
- KDE believes that citing districts for noncompliance close to the time the districts' violations occurred will assist them in timely correction of noncompliance within one year. It will also prevent districts from accruing multiple years of noncompliance.

Focused Compliance Monitoring

In deciding the KCMP would no longer be used as the chief vehicle for compliance monitoring, KDE recognized the need for a new system to scrutinize IDEA compliance at the district level. The new system consists of a combination of desk audits and on-site monitoring visits to examine district data.

Prior to its OSEP Verification Visit, KDE began using on-site monitoring visits focused on IDEA compliance. Eleven on-site visits were conducted early in FFY 2008, which resulted in KDE issuing findings of noncompliance.

After OSEP's technical assistance during the Verification Visit, KDE decided to develop a new system to monitor districts for compliance. Since that time, KDE has built upon the on-site compliance monitoring of FFY 08. Beginning in summer FFY 2009, KDE combined on-site monitoring with a new desk audit process. Both processes are focused on IDEA noncompliance.

The Annual Performance Report (APR)

Although major changes to Kentucky's APR occurred only a year ago, the outcomes from the APR revisions have been dramatic. By prioritizing timely correction of IDEA noncompliance in last year's APR, and committing massive amounts of staff time and resources, KDE's longstanding issues with timely correction of noncompliance have been resolved.

The results have been striking. All past district noncompliance have been corrected. Moreover, the majority of noncompliance cited within this year have been corrected by districts ahead of the one year timeline.

This effort could not have been accomplished without the assistance of the Special Education Co-operatives. The Co-ops have devoted themselves to intensive work with their member districts through the KCMP self-assessment. Helping districts with examining data, determining root causes, and writing action plans to deal with the root causes have gone hand-in-hand with KDE's activities for the APR compliance indicators. Co-ops have also assisted districts with targeted assistance such as compliance record reviews along with training, to help district come into compliance and keep them there.

Technical Assistance

As in the past, KDE's work in visualizing, then implementing systems change has been strongly supported by the Mid-South Regional Resource Center (MSRRC). Mid-South has guided Kentucky Part B since the late 1990's, when OSEP began the IDEA continuous improvement process. Mid-South remains a valuable resource for KDE, particularly in the areas of planning systems change, then facilitating implementation of the process.

KDE has also relied for many years upon National Technical Assistance Centers funded by OSEP, to assist it with APR work. Although every Center used by KDE has provided valuable help, KDE especially wishes to thank the National Post-School Outcomes Center for its assistance with data analysis and activity development and the National Drop-out Prevention Center for its body of work in the area of school completion.

KDE also wishes to thank its OSEP state contact, Jill Harris, for her on-going technical assistance and for providing the impetus to changing its general supervision system from 'what is' to 'what can be.'

The Partners

DECS has continued its partnership with the State Advisory Panel for Exceptional Children (SAPEC). The SAPEC provided its input and approval on Targets set for Indicator 7 in this

year's State Performance Plan. It has also reviewed the FFY 2008 APR, offering guidance and input on the Report.

KDE continued to involve Institutes of Higher Education, the Co-ops and local school districts in the drafting and development of the APR. The final APR would suffer without the input of the State's partners and the help of its technical assistance providers,

This year's APR, the SPP and previous APR submissions may be found on the KDE web site at:

<http://www.education.ky.gov/KDE/Instructional+Resources/Exceptional+Children/IDEA+State+Performance+Plan.htm>

Please contact me if you have comments or questions regarding the APR.

R. Larry Taylor, Acting Director
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Kentucky Department of Education

February 1, 2010

Part B State Annual Performance Report (APR) for FFY 2008

Overview of the Annual Performance Report Development: See Introduction.

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 graduation rate calculation and timeline established by the Department under the 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 2007 APR.

On July 21, 2009, the federal Office of Elementary and Secondary Education (OESE) granted Kentucky an extension of the deadline in which to report its four-year adjusted cohort graduation rate in Adequate Yearly Process (AYP) determinations under the ESEA. Under the language of the OESE extension, KDE is allowed to report this data in 2013-2014. As a result, DECS will not have data with graduation rate disaggregated by disability available until FFY 2013.

Since ESEA data is not obtainable for students with disabilities in FFY 2008, DECS is using Section 618 data and the Indicator 1 Measurement from its FFY 2007 APR. DECS will use the ESEA data when it becomes available.

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

graduates receiving regular diplomas
graduates + # GEDs (and certificates) + # dropouts + # who maxed in age + # deceased

Data Source: Section 618 Data

NOTE: Since the data source did not change, KDE did not amend its SPP Targets for Indicator 1. It will amend the targets when ESEA data becomes available to DECS.

FFY	Measurable and Rigorous Target
2008	Seventy-five and nine-tenths percent (75.9%) of students with disabilities will graduate with a regular diploma.

Actual Target Data for FFY 2008: 72.07%

The graduation rate of students with disabilities increased to 72.07% for FFY 2008 from the rate of 67.34% for last year, a gain of 4.73 %. The SPP target of 75.9% for FFY 2008 was not met.

The Measurement requires that the following calculation be used:

3,385 graduates with regular diplomas ÷ 4,697 (total of 3,385 graduates + 385 GEDs and certificates + 873 dropouts + 30 who maxed in age + 24 deceased) = $.7207 \times 100 = 72.07\%$

Youth with IEPs must meet the same conditions as all Kentucky youth in order to graduate with a regular diploma. See pages 2-3 of the FFY 2008 State Performance Plan (SPP).

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

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2008:

Explanation of Progress: The percentage of students with disabilities who graduated from high school increased by 4.73% during the 2008-09 school year (FFY 08) to 72.07, from the previous year's rate of 67.34%.

KDE believes the reason it is making progress in increasing the rate of graduation of students with disabilities is that the Commonwealth of Kentucky has made college and career readiness and decreasing the dropout rate a top priority. KDE initiatives have been developed to support Kentucky's Race to the Top grant application and will begin regardless of the outcome of the application. Kentucky's First Lady has convened a task force involving KDE, other agencies and its community partners to decrease Kentucky's dropout rate. The task force has already presented a major state training this fall, and several regional trainings on dropout prevention.

KDE continues to mine its data to determine the root cause for progress under Indicator 1, as well as its progress in decreasing dropout rate for students with disabilities. This year, KDE reviewed district-level data and compared it against the APR state target for graduation rate for students with disabilities. KDE found:

- 91 districts met or exceeded the state target, progress from last year's count of 88 districts
- 78 districts did not meet the state target, progress from last year's count of 84 districts
- 7 districts were not required to report graduation rate (K-8 schools)

Further analysis of Indicator 1 data by an independent evaluator resulted in the identification of the following patterns:

- County school districts had higher graduation rates than independent school districts
- Large districts (>2500 student population) had higher graduation rates than small districts (<2500 student population)
- Comparisons of graduation rates among Kentucky's Special Education Cooperative regions were not statistically different (59.4% - 76.3%)
- Rural (using USDA definition of rurality) districts had higher graduation rates than urban districts

As explained in the Introduction, in FFY 08 and FFY 09, KDE began a process requiring districts to engage in extensive in-depth analysis to determine the reasons behind their local APR outcomes. As part of the KCMP self-assessment for Indicators 1 and 2, all districts with one or more students dropping out are required to determine the reason by examining district and school data, and if possible, student-level data.

KDE is requiring this comprehensive look at individual students in order to identify systemic issues within the districts. After the root causes are recognized, districts can identify appropriate activities to counter the causes.

KDE is requiring all districts to focus their KCMP data analyses on predictors for school completion. Selected predictors for Kentucky are attendance, academic progress, behavior, parent involvement and extracurricular activity participation. KDE has also provided districts with effective strategies that have the most positive impact on the dropout rate as determined by the National Dropout Prevention Center. The strategies must be used by districts to develop activities for their KCMP improvement and maintenance plans. See the third bullet below under "Activities Completed" for KDE activities related to the KCMP.

KDE has not received districts' FFY 2008 KCMP data analyses for Indicators 1 and 2. In early 2010 when KDE receives districts' self-assessment results, the State will be in a better position to determine the reason for its progress, using the districts' data analyses in combination with conclusions by the independent evaluator.

Discussion of Activities Completed:

Activities completed for Indicators 1 and 2 are:

- The webinar, "*Indicators 1, 2, and 13: Improving Compliance and Outcomes,*" was conducted by DECS on May 27, 2009. Districts not meeting state targets for Indicators 1, 2, and 13 were required to participate
 - Initial evaluation of the webinar showed that:
 - All one hundred, seventeen (117) districts not meeting the state targets for Indicators 1, 2 and 13 participated
 - A total of one hundred, forty-one (141) districts participated in the webinar, including 24 districts not required to attend
- KDE refined its data analysis to determine the characteristics of districts meeting the state target for Indicators 1 and 2
- DECS and the Co-ops developed new KCMP Investigative Questions for districts to use in root cause analysis. As part of the Questions, district, school and some student-level data will be examined by districts to determine the causes for students with disabilities not completing school, using research-based predictors for school completion.

Effective strategies for dropout prevention were provided by KDE to districts in the KCMP Instruction Manual. Districts were instructed to use the strategies in developing KCMP activities for Indicators 1 and 2. Investigative Questions and evidenced-based strategies for Indicators 1 and 2 are contained in the KCMP Instruction Manual for the third quarter. The Manual is on the KDE web site at:

<http://www.education.ky.gov/KDE/Instructional+Resources/Exceptional+Children/KCMP/November+1+--+January+30+KCMP+Self-Assessment+Cycle.htm>

Districts are in the process of completing the third quarter KCMP self-assessment for Indicators 1 and 2 during November 1 through January 30, 2010

- An action plan was developed for providing assistance to districts not meeting the state target for Indicators 1 and 2
- DECS met with Co-op staff to prepare for the Co-ops' increased technical assistance during the KCMP process

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

None required.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2008:

No revisions needed.

Part B State Annual Performance Report (APR) for FFY 2008

Overview of the Annual Performance Report Development: See Introduction.

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:

Measurement: States must report using the dropout data used in the ESEA graduation rate calculation and follow the timeline established by the Department under the ESEA.

OSEP requires use of the same data for Indicator 2 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 2007 APR.

The Kentucky Department of Education (KDE) Office of Assessment and Accountability (OAA) is currently structuring the data collection process for its FFY 2008 ESEA nonacademic data to allow disaggregation of data by subpopulations. OAA plans to release FFY 2008 data by subpopulation in May 2010.

Since ESEA data is not yet available, DECS is using Section 618 and the Indicator 2 Measurement from the FFY 2007 APR. DECS will use ESEA data for Indicator 2 when it becomes available from OAA.

KDE utilized the following Measurement (event rate) to calculate the dropout rate for students with disabilities:

Special education dropouts from grades 9-12

Total number of special education students enrolled in grades 9-12

Data Source: Section 618 Data

NOTE: Since the data source remains the same, KDE did not amend its SPP Targets. It will amend the Targets if necessary, when ESEA data becomes available to DECS.

FFY	Measurable and Rigorous Target
2008	The dropout rate for students with disabilities will decrease by four tenths of one percent (0.4%)

Actual Target Data for FFY 2008: 1.01%

KDE met and exceeded its target of reducing the dropout rate by 0.4%. The dropout rate was reduced by 1.01%, from last year's State rate of 4.24% to this year's State rate of 3.23%.

The Measurement requires that the following calculation be used:

$873 \text{ special education dropouts from grades 9-12} \div 27,028 \text{ special education students in grades 9-12} = .0323 \times 100 = 3.23\% \text{ dropout rate for students with disabilities.}$

The definition of dropout for youth with disabilities is the same as for all youth in Kentucky's Commonwealth Accountability Testing System. See the FFY 2008 SPP at page 9.

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

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2007:

Explanation of progress: KDE exceeded its target of reducing the dropout rate by 0.4%. The dropout rate was reduced by 1.01%.

One reason that KDE believes it is meeting its target is that the Commonwealth of Kentucky has made college and career readiness and decreasing the dropout rate a top priority. KDE initiatives have been developed to support Kentucky's Race to the Top grant application and will begin regardless of the outcome of the application. Kentucky's First Lady has convened a task force involving KDE, other agencies and its community partners to decrease Kentucky's dropout rate. The Dropout Prevention task force has already held a major state conference this fall, as well as several regional training on dropout prevention.

KDE continues to mine its data to determine the root cause for progress under Indicator 2. This year, KDE reviewed district-level data and compared it against the APR state target for students with disabilities dropping out of school. KDE found:

- 124 districts met or exceeded the state target, an improvement from last year's count of 116
- 45 districts did not meet the state target, an improvement from last year's count of 55 districts.
- 7 districts were not required to report dropout rate (K-8 schools)

Further analysis of Indicator 2 data by an independent evaluator resulted in the identification of the following patterns:

- County districts had higher dropout rates than independent districts
- Large districts (>2500 student population) had higher dropout rates than small (<2500 student population) districts
- Comparisons of dropout rates among Kentucky's Special Education Cooperative regions were not statistically different (2.0% - 5.0%)
- Rural (using USDA definition of rurality) districts had lower dropout rates than urban districts
- Statistically significant correlations exist between special education suspension rate and dropout rate; as one increases, so does the other

As in the past, KDE has aligned APR Indicators 1 and 2 based on the close relationship between improved outcomes for graduation rates and drop-out rates. See the description in Indicator 1 for information on Indicator 2 data analysis by KDE.

Discussion of Improvement Activities Completed:

See Indicator 1 for discussion of improvement activities completed for Indicators 1 and 2.

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 2007:

No revisions needed.

Part B State Annual Performance Report (APR) for FFY 2008

Overview of the Annual Performance Report Development: See Introduction.

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 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:

A. AYP percent = $\left[\frac{\text{\# of districts with a disability subgroup that meets the State's minimum "n" size that meet the State's AYP targets for the disability subgroup}}{\text{total \# of districts that have a disability subgroup that meets the State's minimum "n" size}} \right]$ times 100.

B. Participation rate percent = $\left[\frac{\text{\# of children with IEPs participating in the assessment}}{\text{total \# of children with IEPs enrolled during the testing window, calculated separately for reading and math}} \right]$. 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 = $\left[\frac{\text{\# of children with IEPs enrolled for a full academic year scoring at or above proficient}}{\text{total \# of children with IEPs enrolled for a full academic year, calculated separately for reading and math}} \right]$.

Targets and Actual Target Data for FFY 2008:

FFY 2008	Measurable and Rigorous Targets									
Indicator	3A - Districts Meeting AYP for Disability Subgroup		3B - Participation for Students with IEPs				3C - Proficiency for Students with IEPs			
Targets for FFY 2008 (2008-2009)	50%		Reading		Math		Reading		Math	
			100%		100%		39.82%		38%	
Actual Target Data for FFY 2008 (2008-2009)	#	%	#	%	#	%	#	%	#	%
		102	58.62	48148	100	47193	100	20178	41.91	18088

The Measurements require that the following calculations be used:

3A Measurement:

102 districts with a disability subgroup that meets the State’s minimum “n” size that meet the State’s AYP targets for the disability subgroup ÷ 174 districts that have a disability subgroup that meets the State’s minimum “n” size × 100 = 58.62%

Data Source: 2007-2008 Section 618 Data

3B Measurement:

Reading

48,148 students with IEPs participating in the reading assessment ÷ 48,148 students with IEPs enrolled during the testing window × 100 = 100% of students participating in the reading assessment

Math:

47,193 students with IEPs participating in the math assessment ÷ 47,193 students with IEPs enrolled during the testing window × 100 = 100% of students participating in the math assessment

Data Source: KDE Office of Assessment and Accountability ESEA data

3C Measurement:

Reading:

20,178 students with IEPs enrolled for a full academic year scoring at or above proficient in reading ÷ 48,146 students with IEPs enrolled for a full academic year participating in

the reading assessment $\times 100 = 41.91\%$ of students with IEPs at or above proficient in reading

Math:

18,088 students with IEPs enrolled for a full academic year scoring at or above proficient in reading \div **47193** students with IEPs enrolled for a full academic year participating in the math assessment $\times 100 = 38.33\%$ of students with IEPs at or above proficient in math

Data Source: KDE Office of Assessment and Accountability ESEA data

NOTE: The number of students with IEPs attempting the test as shown in 3B is slightly higher for both the math and reading assessments than the number of students required to be included in the accountability measures for 3C. The reason for the discrepancy is that first year students that are labeled "Limited English Proficient" (LEP) students must attempt the test but are not part of the proficiency percentage.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2008:

Explanation of Progress or Slippage for 3A:

Kentucky met and exceeded its target for FFY 2008 (50%). The actual target data of 58.62% is an 11.62% improvement over last year's rate.

For several years, KDE has been providing additional, on-going support to districts that have achievement gaps or are not making AYP. A team is assigned to the district for a cycle of two years. The team is then charged with developing and implementing a district/ school improvement plan that includes strategies to eliminate achievement gaps and help the district meet AYP for all students in the district.

Explanation of Progress or Slippage for 3B:

Kentucky met its targets for FFY 2008 as both reading and math assessments had 100% participation. This marks the second consecutive year Kentucky has met its target.

Since the early 1990's, Kentucky has required all students participate in the Kentucky accountability system. This longstanding expectation is reflected in Kentucky's performance on Indicator 3B.

Explanation of Progress or Slippage for 3C:

Kentucky met and exceeded its targets in both reading (39.82%) and math (38%). Actual target data of 41.91% in reading exceeded the target by 2.09%. The actual target data of 38.33% in math exceeded the target by 0.33%.

KDE believes the above explanation under 3A – that technical assistance was provided to school districts with achievement gaps or those not meeting AYP- is the same reason that students with disabilities have exceeded the targets for proficiency in both reading and math under 3C.

Discussion of Improvement Activities Completed:

The activity presented in the FFY 2007 APR has been completed. All Highly Skilled Educators and District Achievement Coordinators, who are the Assistance Team Leads, have been trained on a consistent protocol to use when working with school districts in Tier 3 or greater status.

Revisions, with Justification, to Improvement Activities / Targets / Timelines / Resources for FFY 2008:

A new activity has been developed since KDE completed its sole activity from last year.

Activity for Indicator 3

Indicator 3 Improvement Activity	DECS will require all districts to conduct data analysis and develop appropriate activities for Indicator 3 Action Steps: <ol style="list-style-type: none">1. DECS will add Indicator 3 to the KCMP Self Assessment2. Co-ops will analyze districts' self-assessments for common root causes and to determine districts that are not meeting state targets3. DECS will require districts not meeting state targets to implement an action plan for improvement4. DECS will require districts meeting state targets to develop a maintenance plan
Evaluation	DECS will develop a system for monitoring implementation to verify action steps
Timeline	FFY 2009-2010
Resources	DECS; Special Education Cooperatives
Status	New Activity

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

OSEP released Kentucky from its FFY 2008 Special Conditions, as set forth on page 10 of OSEP's September 8, 2009 Verification Visit letter, after KDE demonstrated compliance with 20 U.S.C. 1412(a)(16) and 34 CFR §300.160.

Public Reporting Information: KDE publicly reports its assessment results in conformance with 34 CFR §300.160(f). The results are on the KDE web site at the following locations:

<http://applications.education.ky.gov/ktr/default.aspx>

<http://www.education.ky.gov/KDE/Administrative+Resources/Testing+and+Reporting+/District+Support/Kentucky+Alternate+Assessment+Program/Kentucky+Alternate+Assessment+Program+%28KAAP%29+State+Results.htm>

This link contains state results for Kentucky's alternate assessment for 2007, 2008 and 2009.

Part B State Annual Performance Report (APR) for FFY 2008

Overview of the Annual Performance Report Development: See Introduction.

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

(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.
- B. 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.

NOTE: As required by the FFY 2008 Measurement Table, KDE is again examining data for FFY 2007.

Definition of Significant Discrepancy and Methodology for 4A

Kentucky has chosen the comparison methodology found at 34 CFR §300.170(a) to determine whether significant discrepancies are occurring. It requires the State 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 has chosen the comparison methodology, rather than comparing rates of suspensions and expulsions of greater than 10 days of students with disabilities to the rates of nondisabled students.

KDE has established its goal for districts as a rate of suspension that is less than .30% of a district's total number of students with disabilities.

KDE has determined that **significant discrepancy** exists when a district suspends its students with disabilities at double the State goal rate (> .60%) and has more than one student suspended/expelled for greater than 10 school days.

For Kentucky's 4A Measurement, a district is found to have significant discrepancy under Indicator 4A if:

- A. The district suspends/expels students with disabilities for greater than 10 days during a school year at a rate that is >.60% of its total population of students with disabilities, and,
- B. The district suspends/expels more than one student with a disability for greater than 10 days. (Unless this qualifier is used, the data is unreliable.)

The definition of significant discrepancy was revised in FFY 2007 but KDE did not change the SPP targets for Indicator 4A. Only the state's method of determining whether a district has a significant discrepancy was changed. KDE describes the reasons behind the change in the definition of significant discrepancy at page 19 of its FFY 2008 SPP.

FFY	Measurable and Rigorous Target
2007	Kentucky will identify 14 or less districts with a significant discrepancy in the rates of suspensions and expulsions of children with disabilities for greater than 10 days. 14 districts with significant discrepancies ÷ 176 districts x 100 = 7.95%

Actual Target Data for FFY 2007: 13 Kentucky school districts or 7.39% had significant discrepancies.

Kentucky met and exceeded its target for FFY 2007.

The Measurement requires that the following calculation be used:

$$13 \text{ districts with significant discrepancy} \div 176 \text{ Kentucky districts} \times 100 = 7.39\%$$

Data Source: Section 618.

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

Table 1 contains trend data since FFY 2004 using the Measurement adapted in FFY 2007.

**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 Target Percentage:</u> Percent of districts with significant discrepancy
FFY 2004 (Baseline year)	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%

Table 1 shows that KDE did not meet its target for FFY 2005 using the new Measurement but has since met the target every 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 2007 (2007-2008)	176 districts	13 districts	7.39%

Review of Policies, Procedures, and Practices for FFY 2007:

Thirteen Kentucky districts were identified with significant discrepancies. As required by 34 CFR §300.170(b), KDE reviewed and, if appropriate, required the affected districts to revise their policies, procedures, and practices relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards to ensure that such policies, procedures, and practices complied with applicable requirements.

- a. For each for the 13 districts with a significant discrepancy, KDE reviewed policies, procedures, and practices relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards as follows:

KDE reviewed three different sets of model special education policies and procedures which had been developed in Kentucky. In developing new special education policies and procedures, all but one Kentucky school district chose one of the statewide models

developed through the efforts of different state groups: the Special Education Cooperative (Co-Op) model, the Kentucky School Boards Association (KSBA) model, or a Western Kentucky model developed by a retired special education director/former CASE National President. One school district elected to develop its own unique policies and procedures.

KDE reviewed the three model policies and procedures listed above and found them in compliance with IDEA's related requirements for Indicator 4A. KDE also reviewed the district that had individualized its policies and procedures and found they were not in total compliance with IDEA requirements related to Indicator 4A.

- b. KDE required the district cited above to amend its policies and procedures. The district made the required changes and is now in compliance.
- c. In the area of district practices, KDE reviews practices through the KCMP self-assessment. In FFY 07, districts self-reported Indicator 4A data to DECS and described discipline practices they were using. Additionally, districts analyzed data to identify practices which are possible root causes of any suspension problems, as well as practices which prevent or reduce suspensions/expulsions of students with disabilities.

KDE also:

- o Conducted on-site KCMP verification visits
- o Investigated discipline practices through desk audits
- o Made on-site visits as part of its complaint investigation process
- o Informally monitored parent phone calls with complaints involving behavior and discipline issues

KDE's technical assistance providers, the Special Education Cooperatives (Co-ops) have behavior consultants who use the information obtained through KDE's review of district practices to provide individualized technical assistance to districts that did not meet the state's targets for this indicator.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred in FFY 2007:

Explanation of Progress:

KDE exceeded its FFY 07 target data by .56%. (The target of 7.95% minus actual target data of 7.39%= .56%)

Thirteen districts were identified with a significant discrepancy in FFY 2007, which is a decrease of 3 districts since FFY 06. Since the FFY 04 baseline year, the number of districts with a significant discrepancy has decreased by eight districts, from 21 to 13.

KDE believes that its progress in meeting and exceeding the target is due to the following reasons:

- District training and targeted technical assistance from Co-op behavior consultants
- The annual Statewide Behavior Institute

- Mentoring of teachers, consultants and leaders by the Kentucky Council for Behavior Disorders
- Highly Skilled Educators who receive training and integrate it into school improvement with schools they are assigned for tier assistance under NCLB
- The Kentucky Center for Instructional Discipline (KCID) and PBS training of its affiliated schools
- Statewide early childhood intervention in behavior training programs (e.g., the KISSED initiative)
- KCMP self-assessment, which has increased the districts' awareness of their own discipline data

Root cause analysis of data from districts with significant discrepancies: Examination of the 13 districts whose data indicate significant discrepancies in the rates of suspensions and expulsions reveals no regional patterns, with the 13 districts spread across eight of 11 Special Education Co-ops. No consistent causes were discovered during the data analysis.

Of the 13 districts with a significant discrepancy:

- Two districts have trends of increasing suspensions
- Two large districts show a steady trend of significant improvement
- Two districts have not historically experienced problems until last year
- Four districts are very small and need consultation assistance with only 2 or 3 students
- Three districts need to address individual issues based on further data analysis

Input from Co-op staff and Directors of Special Education indicate there are a number of variables that influence suspension /expulsion rates that are not consistent across the state or Co-op regions. These variables are:

- 1) Concentrated numbers of students with severe behavioral needs placed by courts in district-located juvenile facilities;
- 2) New principals with no training in discipline or alternatives to suspension /expulsions for students with disabilities;
- 3) Lack of special education assistance or collaboration in vocational classes where students with disabilities are routinely placed;
- 4) Negative culture and climate issues that are often inherent to secondary/ high school settings; and,
- 5) Lack of intensive wrap-around services for students with severe mental health needs.

Discussion of Improvement Activities Completed for Target 4A:

DECS has completed the following action steps under its 4A activity:

1. DECS developed Indicator 4A Investigative Questions for the KCMP as the districts' protocol for root cause analysis. The investigative questions were included in the KCMP Instruction Manual and used by districts in developing their KCMP self-assessment. The Investigative Questions are located at:

<http://www.education.ky.gov/KDE/Instructional+Resources/Exceptional+Children/KCMP/November+1+-+January+30+KCMP+Self-Assessment+Cycle.htm>

2. Districts with significant discrepancies which have shown a lack of progress in achieving Indicator 4A targets received a letter from KDE providing them with a rigorous process they must use for root cause analysis at the individual student level
3. KDE has requested Co-ops to provide increased technical assistance to districts and assist them in looking at student-level data as part of analysis/ action plans that must be submitted to DECS

Correction of FFY 2007 Findings of Noncompliance:

1. Number of findings of noncompliance the State made during FFY 2007	1
2. Number of FFY 2007 findings the State verified as timely corrected	1
3. Number of FFY 2007 findings <u>not</u> verified as corrected within one year	0

Correction of FFY 2007 Findings of Noncompliance Not Timely Corrected:

Not applicable.

Actions Taken if Noncompliance Not Corrected:

Not applicable

Verification of Correction:

KDE required the district that was noncompliant to submit its corrected policies and procedures to DECS. DECS reviewed the final revised district policies and procedures to ensure the policies were in compliance and notified the district that it was in compliance with Indicator 4A.

Correction of Remaining FFY 2006 Findings of Noncompliance:

Not applicable.

Correction of Any Remaining Findings of Noncompliance from FFY 2005 or Earlier:

Not applicable.

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

Not applicable.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2008:

No revisions needed. KDE is on track to finish its Indicator 4A activity within the stated timelines.

Indicator 4B

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

APR submission of Indicator 4B is not required in FFY 2008.

Part B State Annual Performance Report (APR) for FFY 2008

Overview of the Annual Performance Report Development: See Introduction.

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:

- | |
|---|
| <ul style="list-style-type: none"> 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. |
|---|

FFY	5A Measurable and Rigorous Target
2008	Increase the number of students spending 80% or more of their instructional day in the general education program to 64%.

Actual Target Data for Indicator 5A for FFY 2008: 69.63%

During FFY 2008, 69.63% of Kentucky students with IEPs were in general education classrooms 80% or more or more of the instructional day. KDE met its target of 64% and exceeded it by 5.63%.

The Measurement requires that the following calculation be used:

$$61,252 \text{ students with disabilities in General Education} > 80\% \div 87,970 \text{ total students with disabilities} = .6963 \times 100 = 69.63\%$$

Data Source: Section 618

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

Kentucky's Indicator 5A data from Section 618 is found below in Table 1. Table 1 shows the progress Kentucky has made in this area over the past four years.

Table 1
Section 618 Placement Data for FFY 2005 - 2008

Indicator 5A: Selected Section 618 Placement Data			
FFY	Child Count of Students with Disabilities, Ages 6-21	Number of Students with Disabilities in General Education 80% or more	Percent of Students with Disabilities in General Education Classrooms 80% or more
2005	87,481	56,271	64.3%
2006	88,347	59,039	66.8%
2007	88,596	60,855	68.69%
2008	87,970	61,252	69.63%

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2008:

Explanation of Progress: Kentucky has made significant progress in this area. It exceeded the FFY 2008 target by 5.63% and has surpassed the target set for the final year of the SPP.

As shown in Table 1, the number of students with disabilities in general education 80% or more increased, even as Kentucky's Child Count has decreased.

DECS has consulted with stakeholders, directors of special education, and Special Education Co-ops in conducting root cause analysis around regional 5A data. The reasons for 5A progress include:

- There is a significant correlation between districts meeting the state target for Indicator 5A and districts implementing effective inclusion practices, by participating in statewide collaboration training and technical assistance initiatives
- Districts that have received professional development and technical assistance through initiatives on collaborative teaching and differentiated instruction tend to make more consistent progress over time and sustain gains. Districts without training often did not sustain temporary gains

Discussion of Improvement Activities Completed:

New activities were developed in last year's APR and are scheduled for completion by the end of FFY 2010.

Activities begun during the past year include technical assistance provided by the Special Education Cooperatives to districts not meeting 5A targets. In addition, these districts will receive a letter from KDE informing them of individualized concerns regarding their lack of

progress in achieving Indicator 5A targets. Targeted districts will work with their Co-ops to look at student data during the KCMP self- assessment and then develop their analysis and actions plans to submit to DECS.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2008:

No revisions needed. DECS remains on track to finish the activity within the stated timeline.

Indicator 5B

Percent of children with IEPs aged 6 to 21 inside the regular class less than 40% of the day

5B Measurement:

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.

FFY	5B Measurable and Rigorous Targets
2008	Decrease the percentage inside the regular class less than 40% of the day from 11.4% to 11.2%.

Actual Target Data: 9.84%

KDE met its 5B target and exceeded it by 1.36%

The Measurement requires the following calculation be used:

8,659 students with IEPs served inside the regular class less than 40% of the day ÷ 87,970 total students with disabilities × 100 = 9.84%

Data Source: Section 618.

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

Kentucky's Indicator 5B data from Section 618 is found below in Table 2.

TABLE 2

Section 618 Placement Data			
FFY	Total Child Count for Students with Disabilities Ages 6-21	Number of Students with Disabilities in General Education Classrooms Less than 40%	Percent of Students with Disabilities in General Education Classrooms Less than 40%
2005	87,481	9,983	11.7%
2006	88,347	9,056	10.25%

2007	88,598	8,801	9.93%
2008	87,970	8,659	9.84%

As noted in Indicator 5A, Kentucky's Child Count numbers have decreased since FFY 07. The number of students served in general education less than 40% of the day has also decreased.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2008:

Explanation of Progress:

KDE believes the reasons behind the State's progress for 5A - effective inclusion practices, such as statewide collaboration training and technical assistance initiatives - also had an effect on reducing the number of students served in general education less than 40% of the day.

Discussion of 5B and 5C Improvement Activities Completed:

The action step of providing training to districts on Least Restrictive Environment (LRE) was accomplished by the Co-ops during FFY 2008.

Other steps of the 5B and C activity were not begun in FFY 08. Since KDE's priority during FFY 08 was the APR compliance indicators, KDE decided to focus most of its efforts on IDEA compliance and the timely correction of noncompliance, rather than Indicator 5B and C, which has historically been strong in Kentucky.

KDE believes it will continue to reach its 5B and C targets while finishing its activity by the end of the timeline in FFY 2010.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2008:

No revisions needed.

Indicator 5C

Percent of children with IEPs in separate schools, residential facilities, or homebound/hospital placements.

5C Measurement:

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.

FFY	5C Measurable and Rigorous Targets
2008	Decrease the percentage of students receiving their special education services in separate schools, residential facilities, or homebound/hospital placements to 2.10%.

Actual Target Data: 2.09

Kentucky met and slightly exceeded its target of 2.10

The Measurement requires the following calculation be used:

1841 children with IEPs served in separate schools, residential facilities, or homebound/hospital placements ÷ divided by 87,970 students aged 6 through 21 with IEPs × 100 = 2.09.

Data Source: Section 618.

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

Kentucky's Indicator 5C data from Section 618 used in the Measurement is found below in Table 3.

Table 3

Indicator 5C 618 Placement Data					
FFY	Total Child Count Age 6- 21	A Day Facilities percent/number of students)	B Residential Facility (percent/number of students)	C Home/Hospital (percent/number of students)	TOTAL (A+B+C) (percent/number of students)
2005	87,481	.82% (719)	.58% (506)	.81% (709)	2.21% (1934)
2006	88,347	.98% (866)	.39% (348)	.87% (768)	2.24% (1982)
2007	88,598	.91% (804)	.39% (342)	.79% (702)	2.09% (1848)
2008	87,970	0.89% (784)	0.32% (284)	0.88% (773)	2.09% (1841)

Explanation of Progress or Slippage:

The percentages of students educated in separate schools and residential facilities have continued their recent downward trend. The percentage of students served in homebound/hospital settings, however, increased by .08%. Across the state, 71 more students in FFY 2008 were served in homebound /hospital settings than were educated there last year.

The small numbers of students in these settings make it difficult for KDE to conduct a root cause analysis at the state-level to determine the reasons for 1) the increase of students in home/hospital settings, and 2) the decrease in the number educated in separate schools and

residential facilities. KDE will ask the Co-ops to assist districts in their analysis of district-level data for the KCMP self-assessment, to determine the reasons.

Discussion of Improvement Activities Completed:

See *Discussion of Improvement Activities Completed* for Indicator 5B above.

Part B State Annual Performance Report (APR) for FFY 2008

Overview of the Annual Performance Report Development: See Introduction.

Monitoring Priority: FAPE in the LRE

Indicator 6: Percent of children aged 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))

APR submission of Indicator 6 is not required in FFY 2008

Part B State Annual Performance Report (APR) for FFY 2008

Overview of the Annual Performance Report Development: See Introduction

Monitoring Priority: FAPE in the LRE

Indicator 7: Percent of preschool children aged 3 through 5 with IEPs who demonstrate improved:

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

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

APR submission of Indicator 7 is not required in FFY 2008.

The SPP submission for Indicator 7 is in a separate document.

Part B State Annual Performance Report (APR) for FFY 2008

Overview of the Annual Performance Report Development: See Introduction

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

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
2008	Twenty-nine and a half percent (29.5%) of parents with a child receiving special education services report that schools facilitated parent involvement as a means of improving services and results for children with disabilities.

Actual Target Data for 2008: 27.9%

The percentage of parents who reported that schools facilitated parent involvement was 27.9%. KDE did not meet its target, but showed progress of 4.9%, from last year's rate of 23%.

The Measurement requires the following calculation be used:

390 parents of students with disabilities surveyed who report schools facilitated parent involvement ÷ 1396 parents of students with disabilities surveyed × 100 = 27.9%.

Data Source: KDE's Indicator 8 parent survey.

The parent survey used in FFY 2008 was included in last year's APR. No items were changed.

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 WESTAT. KDE's sampling plan is found on pages 41-42 of the FFY 2008 SPP.

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	1028	73.64%	87.78%
Black or African – American	253	18.12%	7.57%
Hispanic or Latino	27	1.93%	2.39%
Bi-racial, Multi-racial, or other	27	1.93%	1.30%
Asian or Pacific Islander	15	1.07%	0.97%
American Indian or Alaskan Native	4	0.29%	--.
Missing information on race/ethnicity	42	3.01%	-

**Kentucky's Population Percentages are from the Kentucky State Data Center*

As noted last year, Kentucky continues to have a higher percentage of African-American parents responding to the survey than what would be expected, given Kentucky's population percentage of African-Americans. White parents responded to the survey in lower numbers than would be anticipated, in comparison to their percentage of the population.

The statewide response rate to the survey was 13.8%. This percentage exceeds the minimum required for an adequate confidence level to acquire valid and reliable data based on survey sample guidelines.

Explanation of Progress or Slippage and Discussion of Improvement Activities Completed that occurred for 2008:

Kentucky made progress of 4.9% toward the FFY 08 Target.

KDE wrote two SPP activities last year. One activity was to include Indicator 8 in the KCMP self-assessment completed by districts. The purpose of the activity was to increase the percentage of parents reporting that the school facilitated parent involvement, by requiring districts to analyze survey data and provide a root cause for the reason behind the results. Districts will then develop maintenance or improvement plans, with the ultimate outcome to improve district performance in facilitating parent involvement.

Indicator 8 is part of the 4th Quarter KCMP self-assessment that begins on February 1, 2010. KDE will be better able to determine the reasons for its progress this year, after it receives the districts' self-assessment results in spring 2010.

KDE also improved its response rate by 2.0% for FFY 2008.

The second SPP activity was intended to increase the response rate for the parent survey. KDE believes the response rate increased, due to KDE's increased emphasis on publicizing the

parent survey and working more closely with its parent partners. See discussion of Improvement Activities Completed immediately below.

Discussion of Improvement Activities Completed:

The following action steps were completed for Indicator 8 within the last year:

- Indicator 8 survey items were added to the KCMP self-assessment for the 4th quarter. Investigative Questions for Indicator 8 will be provided to districts as part of the KCMP Instruction Manual.
- KDE/DECS generated increased parent responses to the Indicator 8 survey in the following ways:
 - DECS notified parent groups and districts of the survey sampling schedule to request their participation
 - KDE publicized the availability of the online survey and ensured direct parent access by posting a survey description and link on the KDE home page
 - DECS communicated the purpose and availability of the online survey through notification to districts, Special Education Cooperatives and partnering agencies
 - A DECS consultant/HDI employee oversaw the online survey design, monitored the survey and responded to parent questions

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2008:

DECS has added an action step (#6 below) to its SPP Indicator 8 Activity One, to generate increased parent responses to the Indicator 8 survey. KDE/HDI will send out an announcement post card two weeks prior to the survey distribution to notify parents of the arrival dates of the survey, to further publicize the survey and increase parent awareness.

Activity for Indicator 8

<p>Indicator 8 Improvement Activity</p>	<p style="text-align: center;">KDE will generate increased parent responses to the Indicator 8 survey.</p> <p>Action Steps:</p> <ol style="list-style-type: none"> 1. KDE will update its cover letter using stakeholder suggestions from the previous year 2. DECS will notify parent groups and districts of the survey sampling schedule, to alert parents in the sampled districts and request their participation 3. KDE will publicize the availability of the online survey and ensure direct parent access by posting a survey description and links on the KDE home page 4. DECS will communicate the purpose and availability of the on-line survey through notification to districts, Special Education
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	<p>Cooperatives and partnering agencies</p> <p>5. A DECS consultant and the Human Development Institute (HDI) evaluation team member will oversee and monitor the online survey, and respond to parent questions</p> <p>6. KDE/HDI will send out an announcement post card two weeks prior to the survey distribution to notify parents of the arrival dates of the survey</p>
Evaluation	Ongoing evaluation tracking survey response rate.
Timeline	FFY 2009-2011
Resources	KDE/DECS, Parent Resource Centers, KY-SPIN, Special Education Cooperatives, HDI

Part B State Annual Performance Report (APR) for FFY 2008

Overview of the Annual Performance Report Development: See Introduction.

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.

Calculation – Total number 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 total number of districts in the State.

Definition of “Disproportionate Representation” and Methodology

See the FFY 2008 SPP at pages 54- 58 for Kentucky’s definition of disproportionate representation for both over-identification and under-identification, as well as the methodology used.

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

- Over-representation: $RR \geq 2.0$, minimum number of 50 students of a particular race/ethnicity enrolled in the district, with minimum of 10 special education students identified
- Under-representation: $RR \leq 0.5$, minimum number of 50 students of a particular race/ethnicity enrolled in the district, with minimum of 10 special education students identified

Using the Risk Ratio, nine districts were found to have disproportionate representation for Indicator 9.

Determining if Disproportionate Representation is the Result of Inappropriate Identification:

Actual Target Data for FFY 2008:

FFY	Measurable and Rigorous Target
FFY 2008	0%
Actual Target Data	1.14%

The Measurement requires the following calculation be used:

2 districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification ÷ 176 districts in the State x 100 = 1.14%.

Data Source: KDE’s Growth Factor Reports and Section 618 Child Count.
See the FFY 2008 SPP at page 55 for explanation of the data sources.

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 2008	176	11	2	1.14%

The actual target data for Indicator 9 is 1.14%. The two districts were cited by KDE for disproportionate representation due to inappropriate identification as the result of on-site monitoring visits. One of the districts is currently under a Corrective Action Plan (CAP). The other district has corrected the noncompliance

The nine remaining districts identified in the table above had under-representation. Their risk ratios were slightly under the established threshold for under-identification.

KDE reviewed policies, procedures and practices in the nine districts and found nothing to indicate the under-representation was due to inappropriate identification. In each district, the racial/ ethnic groups that were under-represented were either Hispanic or Asian students. Both groups have historically been a small percentage of the school-age population in Kentucky. In recent years the state has seen moderate increases in population for both groups.

KDE also contacted the nine districts to determine whether the under-representation was due to inappropriate identification. The districts reported the following reasons for the under-representation:

- One district reported a recent influx of non-English speaking refugees from Burma. These students are currently in programs for English Language Learners (ELL)
- One district reported that even though there is a statistical under-representation of Hispanic students in special education programs in the district, Hispanic students nonetheless out-performed all other racial/ethnic groups on the district's 2008-09 school year state assessment
- The remaining districts cited RtI and the quality of their ELL programs as the determinant factors for having risk ratios that fell below the threshold for under-identification

Based on its review of policies, procedures and practices, KDE found that the under-representation of racial/ethnic groups in the remaining nine districts was not the result of inappropriate identification.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2008:

Explanation of Progress or Slippage:

KDE attributes the slight slippage from 0% to 1.14% to improvements DECS made since last year in its process of identifying districts as having disproportionate representation due to inappropriate identification. On-site visits and desk audits were part of the process in FFY 08.

During FFY 2008, DECS conducted either a site visit or desk audit for all districts that met the risk ratio threshold for disproportionate representation in one or more disability categories. KDE reviewed individual student files, reviewed the districts' NCCRESt self-study documents and interviewed district staff.

Discussion of Improvement Activities Completed:

Last year, KDE developed a new SPP activity for Indicators 9 and 10. Although not completed, DECS has developed parts of the training activities on evaluation and eligibility determinations. DECS has provided the training to one district cited for Indicator 9 noncompliance. It will provide needed training to districts deemed to be out of compliance with either Indicator 9 or Indicator 10.

KDE remains on target to complete the activity by its timeline of FFY 2010.

Correction of FFY 2007 Findings of Noncompliance:

Level of compliance (actual target data) State reported for FFY 2007 for this indicator: **0%** of Kentucky districts that are out of compliance with Indicator 9.

1. Number of findings of noncompliance the State made during FFY 2007 (the period from July 1, 2007 through June 30, 2008)	0
2. Number of FFY 2007 findings the State verified as timely corrected (corrected within one year from the date of notification to the LEA of the finding)	0

3. Number of FFY 2007 findings not verified as corrected within one year [(1) minus (2)]

0

Correction of FFY 2007 Findings of Noncompliance Not Timely Corrected:

Not applicable.

Actions Taken if Noncompliance Not Corrected:

Not applicable.

Verification of Correction (either timely or subsequent):

Not applicable.

Correction of Remaining FFY 2006 Findings of Noncompliance:

Not applicable.

Correction of Any Remaining Findings of Noncompliance from FFY 2005 or Earlier:

Not applicable.

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

Not applicable.

Revisions, with Justification, to Improvement Activities / Timelines / Resources for FFY 2008:

No revisions needed.

Additional Information Required in OSEP's September 8, 2009 Verification Visit Letter - Critical Element 4: Improving Educational Results:

As requested in OSEP's September 8, 2009 Verification Visit letter at page 11, KDE is collecting and examining Section 618 data to determine if significant disproportionality based on race and ethnicity is occurring in school districts with respect to their placement in particular educational settings; and in the incidence, duration and type of disciplinary actions, pursuant to 34 CFR §300.646(a).

Methodology

KDE is using the same methodology for settings and discipline that is used for determining significant disproportionality based on the identification of students with disabilities in racial/ethnic groups in special education and specific disability categories. The OSEP September 8, 2009 Verification Visit letter sets out the methodology at pages 8 and 9 of the letter.

Status:

KDE is using two data sources to determine significant disproportionality in the areas of educational settings and discipline. Section 618 End of Year data for FFY 2008 is the data source for discipline. Section 618 Child Count data is the source for educational settings.

Since receiving notification of the Verification Visit noncompliance in September 2009, KDE has been working to complete the process of determining significant disproportionality of racial /ethnic groups in (1) placement in special education and certain disability categories; (2) educational settings; and, (3) discipline. Significant disproportionality has been calculated for two of the three areas- placement in special education/ categories of disability; and educational settings by race, and settings by race and disability.

DECS has verified the districts' discipline data by race/ethnicity and is in the process of making the calculations to determine significant disproportionality in the area of discipline. The calculations will be finished during the first week of February. KDE will then notify districts of significant disproportionality determinations for all three areas simultaneously. Districts will be notified of their status no later than the end of February 2010.

Part B State Annual Performance Report (APR) for FFY 2008

Overview of the Annual Performance Report Development: See Introduction.

Monitoring Priority: Disproportionality

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

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

Measurement:

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

Definition of “Disproportionate Representation” and Methodology

See the FFY 2008 SPP at pages 62-66 for Kentucky’s definition of disproportionate representation, for over-identification and under-identification, as well as the methodology used.

KDE uses the Risk Ratio (RR) method to calculate disproportionate representation. The RR for Indicator 10 is:

- Over-representation: $RR \geq 2.0$, minimum number of 50 students of a particular race/ethnicity enrolled in the district, with minimum of 10 special education students identified in the specific disability category
- Under-representation: $RR \leq 0.5$, minimum number of 50 students of a particular race/ethnicity enrolled in the district, with minimum of 10 special education students identified in the specific disability category

Determining if Disproportionate Representation is the Result of Inappropriate Identification:

After applying the Risk Ratio to KDE’s data, 26 districts were found to have disproportionate representation.

All Kentucky districts adopted new policies and procedures in 2008, using one of several models that were deemed by KDE to be in compliance with 34 CFR §§300.111, 300.201 and 300.301 through 300.311. Districts that make any subsequent changes to their procedures are required to submit those changes to KDE for approval. Based on the above, KDE determined the 26 districts have compliant policies and procedures.

KDE conducted a review of district practices for the 26 districts using the following methods:

- Eight (8) districts received on-site visits from DECS
- Seventeen (17) districts received desk audits specific to Indicator 10
- One district with $RR \geq 2.0$ was determined to be in compliance, based on a data review that confirmed the disproportionate representation was entirely due to the court-ordered placement of 12 students in a juvenile detention center within the district’s boundaries.

For the 25 districts that received on-site visits or had Indicator 10 desk audits, DECS conducted a review of the district's NCCRESt and KCMP self-study documents, interviewed district staff, and examined student folders in the areas of referral, evaluation and eligibility for the students.

Based on DECS' review of district practices, eight of the 26 districts with disproportionate representation were cited for noncompliance with Indicator 10 for FFY 2008, due to inappropriate identification.

Actual Target Data for FFY 2008:

FFY	Measurable and Rigorous Target
FFY 2008	0%
Actual Target Data	4.55%

The Measurement requires the following calculation be used:

8 districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification ÷ 176 districts in the State x100 = 4.55%.

Data Source: KDE's Growth Factor Reports and Section 618 Child Count.
See the FFY 08 SPP at page 63 for explanation of the data sources.

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 2008 (2008-2009)	176	26	8	4.55%

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2008:

Explanation of Progress or Slippage:

KDE attributes its slippage from 0% to 4.55% to improvements DECS made in its process of identifying districts as having disproportionate representation due to inappropriate identification.

During FFY 2008, DECS conducted either a site visit or desk audit for all districts that met the risk ratio threshold for disproportionate representation in one or more disability categories. KDE reviewed individual student files, reviewed the districts' NCCRESt self-study documents and interviewed district staff.

Of the 26 districts identified with disproportionate representation in one or more of the specified disability categories, all were determined to be in compliance with the child find requirements identified in 34 CFR §§300.111. Six districts were not in compliance with the requirements of 34 CFR §§300.201 and 300.301 through 300.311 related to evaluation and eligibility. The six districts were cited for noncompliance.

Two of the 26 districts were cited for Indicator 10 noncompliance based on on-site visits during the fall of 2008. One of these districts is currently under a Corrective Action Plan. The other district has corrected its findings of noncompliance. Note: These two districts also met the criteria for under-identification in one or more areas of eligibility.

Discussion of Improvement Activities Completed:

See the *Discussion of Improvement Activities Completed* in Indicator 9 for information about Indicator 10 activities.

Correction of FFY 2007 Findings of Noncompliance:

Level of compliance (actual target data) State reported for FFY 2007 for this indicator: **0%** of Kentucky districts that are out of compliance with Indicator 10.

4. Number of findings of noncompliance the State made during FFY 2007 (the period from July 1, 2007 through June 30, 2008)	0
5. Number of FFY 2007 findings the State verified as timely corrected (corrected within one year from the date of notification to the LEA of the finding)	0
6. Number of FFY 2007 findings <u>not</u> verified as corrected within one year [(1) minus (2)]	0

Correction of FFY 2007 Findings of Noncompliance Not Timely Corrected:

Not applicable.

Actions Taken if Noncompliance Not Corrected:

Not applicable.

Verification of Correction:

Not applicable.

Correction of Remaining FFY 2006 Findings of Noncompliance:

Not applicable.

Correction of Any Remaining Findings of Noncompliance from FFY 2005 or Earlier:
Not applicable.

Additional Information Required by the OSEP Response Table for this Indicator:
Not applicable.

Revisions, with Justification, to Improvement Activities / Timelines / Resources for FFY 2008:
No revisions required.

Part B State Annual Performance Report (APR) for FFY 2008

Overview of the Annual Performance Report Development: See Introduction.

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 the **State-established timeline of 60 school days.**

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
FFY 2008	100%

Actual Target Data for FFY 2008:

99%

Kentucky is in substantial compliance with Indicator 11.

DECS collects data for Indicator 11 through the Kentucky Continuous Monitoring Process (KCMP) as set forth at page 71 in the SPP.

Validity and reliability of the data are discussed in the SPP at pages 71-72.

Children Evaluated Within 60 School Days:

a. Number of children for whom parental consent to evaluate was received	3661
b. Number of children whose evaluations were completed within 60 school days	3641
Percent of children with parental consent to evaluate, who were evaluated within 60 school days (Percent = [(b) divided by (a)] times 100)	99.45%

The reasons for delays given to children included in (a) but not included in part (b) include:

- Availability of Evaluation Personnel
- District Personnel Training Issues
- Excessive Student Absenteeism
- Transfer Student (where parent did not agree to an extension of timelines)
- Parental factors (excluding incidents when parent repeatedly failed to produce the child for evaluation)
- Difficulty in obtaining external evaluation components
- District errors made in initially calculating timelines

Under Kentucky law, districts have a 60 school day timeline for initial evaluation. The range of days in the state beyond the timeline was:

- Least number of days = 2
- Greatest number of days= 40

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that Occurred for FFY 2008:

Explanation of progress: Kentucky increased its compliance rate by 4.58%, from 94.87% last year to 99.45% in FFY 2008. It has also reduced the greatest number of days beyond the timeline for evaluation, from last year's number (120 days) to this year's count of 40 days beyond the timeline.

KDE believes the reason for its Indicator 11 progress in compliance is due to technical assistance received from its OSEP state contact during the OSEP 2008 Verification Visit. Based on her advice, KDE prioritized its APR activities, making compliance and correction of noncompliance its major goal for FFY 2008.

In addition to its revised APR activities, progress has been made due to KDE's technical assistance specific to Indicator 11 at the state and regional level. This includes:

- A mandatory webinar conducted by KDE in April 2009 for all districts cited for Indicator 11 noncompliance for one or more years. All districts that were required to participate accessed the webinar, either live or at the KDE web site

The webinar materials are posted on the KDE web site at:

<http://www.education.ky.gov/kde/instructional+resources/exceptional+children/kcmp/kcmp+indicator+11+and+12+mandatory+training.htm>

- KDE and Co-op staffs have participated in statewide Due Process and IEP Work Groups. Information on Indicator 11 produced by the work groups is shared with school districts so the districts have a better understanding of compliance with Indicator 11
- Regional level technical assistance focusing on ARC Chair person training and eligibility decisions are conducted by the Co-ops throughout the state

Due to these activities, all districts that were previously out of compliance have corrected the noncompliance. DECS has verified the corrections as noted below and notified the districts of the closure of their Corrective Action Plans (CAPs).

DECS also attributes the above activities with assisting “newly-cited” districts in correcting noncompliance with Indicator 11 well within the one -year timeline. On May 8, 2009, KDE notified 18 districts of noncompliance with Indicator 11 for FFY 2007 data. Although still within the timeline, 18 of 18 districts have submitted the required due process records requested by DECS as documentation of correction of noncompliance. DECS has verified the information and notified the 18 districts that they are released from their Corrective Action Plans.

Discussion of Improvement Activities Completed:

KDE prioritized correction of all noncompliance during FFY 2008. Due to the amount of work by DECS and the Co-ops during the past year, the activity requiring districts to use IDEA funds to hire evaluators was not necessary, since no districts were out of compliance for two years as stated in the activity.

Districts found noncompliant with Indicator 11 submitted tracking systems for evaluation timelines to KDE. DECS reviewed the tracking systems as required by the activity

Additional Information Required by the OSEP Response Table:

Kentucky has demonstrated significant improvement during FFY 2008. Noncompliance found during FFY 2005, FFY 2006, and FFY 2007 have been corrected and verified by DECS as described below.

Additionally, all 18 districts cited for Indicator 11 noncompliance on May 8, 2009 have submitted verification of correction of noncompliance for each student for whom the eligibility process went beyond the 60-day timeline, even though the timeline for correction of noncompliance has not expired.

Correction of FFY 2007 Findings of Noncompliance:

See Introduction for changes KDE has made in FFY 2008 in its system of general supervision system.

Level of compliance (actual target data) State reported for FFY 2007 for this indicator: **94.87%**

7. Number of findings of noncompliance the State made during FFY 2007 (the period from July 1, 2007 through June 30, 2008)	23
8. Number of FFY 2007 findings the State verified as timely corrected (corrected within one year from the date of notification to the LEA of the finding)	18
9. Number of FFY 2007 findings <u>not</u> verified as corrected within one year [(1) minus (2)]	5

Correction of FFY 2007 Findings of Noncompliance Not Timely Corrected:

10. Number of FFY 2007 findings not timely corrected (same as the number from (3) above)	5
11. Number of FFY 2007 findings the State has verified as corrected beyond the one-year timeline (“subsequent correction”)	5
12. Number of FFY 2007 findings <u>not</u> verified as corrected [(4) minus (5)]	0

Verification of Correction:

Districts found noncompliant with Indicator 11 during FFY 2007 were required to submit student-level due process documentation of compliance to DECS for each child whose evaluation exceeded the 60 school day timeline:

DECS reviewed the districts’ due process records to verify compliance with IDEA regulations and that the district completed the initial individual evaluation, although late, unless the child was no longer in the jurisdiction of the district. Districts have been notified by KDE that their CAPs have been closed.

To verify that districts cited for noncompliance were correctly implementing the relevant state and federal regulations on timely initial evaluation, DECS reviewed its most recent KCMP data for Indicator 11. The data for KCMP Indicator 11 from all districts cited for Indicator 11 noncompliance for FFY 2007, 2006 and 2005, were reviewed by DECS in the fall of 2009. The data demonstrated 100% compliance with the Indicator 11 regulatory requirements by all districts previously cited for noncompliance.

Correction of Remaining FFY 2006 Findings of Noncompliance:

Statewide technical assistance has been provided by DECS and the Co-ops to districts exhibiting continuing noncompliance. This support was provided through a mandatory Webinar, technical support documents, Co-op consultants, and personal contacts. The Co-ops assisted districts in identifying root causes in their KCMP self-assessment and developing plans of improvement.

Districts found noncompliant with Indicator 11 for FFY 2006 were required to submit documentation to DECS as indicated above in the FFY 2007 *Verification of Correction*. DECS reviewed the districts’ documentation to verify compliance with IDEA regulations and that the district completed the initial individual evaluation, although late, unless the child was no longer

in the jurisdiction of the district. All districts identified in FFY 2006 have been notified by KDE that their CAPs have been closed.

Verification that districts cited for noncompliance for FFY 2006 were correctly implementing the relevant Indicator 11 regulations district-wide was confirmed as stated under *Verification of Correction* for FFY 2007 on page 49.

1. . Number of remaining FFY 2006 findings noted in OSEP's June 1, 2009 FFY 2007 APR response table for this indicator	55
2. Number of remaining FFY 2006 findings the State has verified as corrected	55
3. Number of remaining FFY 2006 findings the State has NOT verified as corrected [(1) minus (2)]	0

Correction of Any Remaining Findings of Noncompliance from FFY 2005 or Earlier: Five districts were cited for noncompliant during FFY 2005. These districts participated in mandatory technical assistance from DECS.

In spring 2009, DECS required all districts with Indicator 11 noncompliance for over one year, including FFY 2005 to submit evidence of compliance by a date certain, or have their Part B funds redirected. All districts submitted evidence of correction of noncompliance for FFY 2005 to DECS. The corrections were verified by DECS through the same process described for FFY 06 and 07.

Verification that districts cited for noncompliance for FFY 2005 were correctly implementing the relevant Indicator 11 regulations district-wide was confirmed as stated under *Verification of Correction* for FFY 2007 on page 49.

1. Number of remaining FFY 2005 findings noted in OSEP's June 1, 2009 FFY 2007 APR response table for this indicator	5
2. Number of remaining FFY 2005 findings the State has verified as corrected	5
3. Number of remaining FFY 2006 findings the State has NOT verified as corrected [(1) minus (2)]	0

Revisions, with Justification, to Improvement Activities / Timelines / Resources for FFY 2008

No revisions required.

Technical Assistance in Response to Needs Assistance Status:

KDE received a Letter of Determination from OSEP dated June 1, 2009. OSEP found Kentucky to be in need of assistance for the third year in a row. The determination was based in part on uncorrected noncompliance from FFY 2005 for Indicator 11.

According to the determination letter, KDE is required to report: 1) the technical assistance sources from which the State received assistance for Indicator 11; and, 2) the actions the State took as a result of that technical assistance.

KDE received technical assistance on correcting Indicator 11 noncompliance from its OSEP state contact during Kentucky's December 2008 OSEP Verification Visit. The action KDE took as a result of OSEP's technical assistance was to prioritize its APR activities, making correction of noncompliance its major goal for FFY 2008.

During the four months after submission of the APR in February 2009, DECS staff responsible for the APR compliance indicators focused nearly all of their efforts on correcting long-standing noncompliance for Indicators 11 and 13. Since then, staff has committed their efforts on offering technical assistance to districts in correcting current noncompliance identified in FFY 2008 and 2009.

Mid-South Regional Resource Center continues to be a valuable asset to KDE in effectuating systems change. KDE has used Mid-South's assistance in revising its system of general supervision, including the DECS' monitoring system, which has assisted KDE in ensuring timely correction of noncompliance by districts.

Part B State Annual Performance Report (APR) for FFY 2008

Overview of the Annual Performance Report Development: See Introduction.

Monitoring Priority: Effective General Supervision Part B / Effective Transition

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

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

Measurement:

- a. # of children who have been served in Part C and referred to Part B for Part B eligibility determination.
- b. # of those referred determined to be NOT eligible and whose eligibility was 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.
- 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
FFY 2008	100% 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

Actual Target Data for FFY 2008: 98.73%

Kentucky is in substantial compliance with this Indicator.

States are not required to collect data for, or report on (e) of the measurement until FFY 2009. Therefore, Kentucky is reporting this indicator under the previous measurement.

The Measurement requires that the following calculation be used:

2017 children found eligible who had an IEP developed by their third birthday ÷ 2043 children ×100= 98.73%.

The denominator of 2043 children was obtained by the following calculations:
 2480 children served in Part C and referred to Part B, minus 212 children determined not eligible, minus 225 children whose parents refused to provide consent that caused delay, for a total of 2043 children.

Data source: Preschool Program End of Year Performance Report.

Validity of Data:

KDE Early Childhood Division staff reviewed transition data submitted by the 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 or the KCMP self-assessment. Special Education Cooperative staff worked with districts to correct data as needed and conducted regional analysis sessions.

Data Used to Calculate Actual Target Data:

FFY	(a) Number of Referrals	(b) Not eligible	(c) IEP by 3rd birthday	(d) Parent refused	Target %
2008	2480	212	2017	225	98.73%

Other Data:

Range of days IEP delayed: Five (5) to Seventy (70)

Reasons for Delays include:

- Parents requested delay due to family emergency or child’s illness
- District unable to locate child/family in timely manner
- Ice storms and spring floods resulting in school district closings and delays in transition meetings, ARC meetings, or both
- First Steps Service Coordinator refusal to hold transition conference meeting until billing authorization is received
- Referral from Part C received late (less than 90 days prior to child’s third birthday)

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2008:

Explanation of Progress or Slippage:

Data indicate that the majority of children who transitioned from Part C (First Steps) services to Part B services did so in a timely manner. FFY 2008 data show a higher compliance rate than the FFY 2007 rate.

Table 1

Comparison of Data for Indicator 12

FFY	(a) Number of Referrals	(b) Not eligible	(c) IEP by 3rd birthday	(d) Parent refused	Target %
2008	2480	212	2017	225	98.73%
2007	2513	220	1954	251	95.69%
2006	2505	176	1933	327	96.55%
2005	1328	Data not available	1246	Data not available	93.75%
2004	1176		929		79.34%

Several factors contributed to the improvement:

- 1) Ten districts had compliance rates below 100%. Three of the 10 districts were in the 95-100% range, with six districts in the 90-94% range.
- 2) Districts reported that 26 referrals were processed late due to internal problems at the district (waiting on outside evaluations, lack of evaluation staff, scheduling evaluation staff, and other internal district issues). This represents slightly more than one percent (1.04%) of the total number of referrals. Regional Training Centers and the Kentucky Early Childhood Transition Project (KECTP) staffs provided intense technical assistance to districts as part of the regional and local interagency agreement development process. KDE staff addresses transition as part of both fall and spring leadership meetings.
- 3) In FFY 2007, 419 referrals from Part C to local districts were late referrals. (A late referral is defined as a referral to the district less than ninety (90) days before the third birthday.) This number dropped in FFY 2008 to 144 late referrals. It is important to note that not all late referrals resulted in missing the transition and evaluation timelines, since districts expedited evaluations to meet the timelines.

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 transition was provided by Part C staff to service coordinators, which resulted in more timely transition conferences.

KDE technical assistance to districts with this problem addressed the districts' responsibility to contact parents who are on the Notification List no later than ninety (90) days prior to the child's third birthday if a transition conference has not been scheduled by that time.

All of these efforts contributed to the decline in numbers of late referrals.

- 4) Districts that assigned transition responsibilities to specific people cited this as contributing to the districts' ability to meet the target.

Discussion of Improvement Activities Completed:

Ongoing training and technical assistance was provided by KECTP, Early Childhood Regional Training Centers, Special Education Cooperatives staff, and KDE staff.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2008

In order to assist districts with tracking referrals from Part C, the need to give Part C children a student identifier so that schools would already have the basic demographics in the data system and could trigger a tracking system was identified. By establishing this communication methodology, district notification of potentially eligible Part C children would also be more efficient.

Activity for Indicator 12

<p>Indicator 12 Improvement Activity</p>	<p>KDE Student data system will include children transitioning from Part C to Part B services to assist with effective transitions.</p> <p>Action Steps:</p> <ol style="list-style-type: none"> 1. Program representatives of Parts C and B meet to discuss parameters for project and identify resources 2. Program representatives of Parts C and B meet with data system representatives to conceptualize project and identify needed work 3. KDE and CHFS staffs work to map procedures and develop work tickets 4. Once developed, system tested and introduced to field 5. Training conducted with staff for both programs for operation
<p>Timeline</p>	<p>FFY 2009-2010</p>
<p>Evaluation</p>	<p>Finished working system; transition data</p>
<p>Resources</p>	<p>KDE/DECS for development; KDE/Preschool Branch for ongoing oversight and operation</p>
<p>Status</p>	<p>In progress</p>

Additional Information Required by the OSEP Response Table:

Correction of Noncompliance:

FFY 2007: Twenty-five districts were issued findings of noncompliance on May 8, 2008, based upon FFY 2006 data. In spring 2009, KDE requested documentation from the 25 districts that they were correctly implementing the regulatory requirements for Indicator 12 and that an IEP, although late, was developed and implemented.

KDE verified through record review documentation submitted by 24 districts that they were in compliance with Indicator 12. KDE notified them that their Corrective Action Plans were closed by the one-year timeline of May 8, 2009.

One district did not correct the noncompliance within the one-year timeline. KDE subsequently conducted an on-site visit and verified that the noncompliance was corrected, by correctly implementing regulatory requirements and by developing and implementing an IEP for the child, although late.

To verify the districts were correctly implementing the relevant state and federal regulations on Early Childhood Transition, DECS reviewed its most recent KCMP data in the fall of 2009. The data showed 100% compliance by all districts previously cited for Indicator 12 noncompliance in FFY 2007, which demonstrates district-wide compliance with the specific regulatory requirements.

This data is reported in Indicator 15 as FFY 2007 data according to instructions in the OSEP Response Table.

FFY 2008: A total of 14 findings of noncompliance were issued in FFY 2008 on May 8, 2009. The one-year timeline for correction ends May 8, 2010. Verification of the correction of noncompliance has been documented for two districts, leaving 12 districts continuing the correction process.

See Indicator 15 for a description of the revised general supervision and monitoring system currently implemented by KDE.

Part B State Annual Performance Report (APR) for FFY 2008

Overview of the Annual Performance Report Development: See Introduction.

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 services needs. There also must be evidence that the student was invited to the IEP Team meeting where transition services are to be discussed and evidence that, if appropriate, a representative of any participating agency was invited to the IEP Team meeting with the prior consent of the parent or student who has reached the age of majority.

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

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 services needs. There also must be evidence that the student was invited to the IEP Team meeting where transition services are to be discussed and evidence that, if appropriate, a representative of any participating agency was invited to the IEP Team meeting with the prior consent of the parent or student who has reached the age of majority) divided by the (# of youth with an IEP age 16 and above)] times 100.

APR submission of Indicator 13 is not required in FFY 2008.

The June 1, 2009 OSEP Response Table required KDE to report on correction of previously identified noncompliance. This information is reported below.

Correction and Verification of FFY 2007 Noncompliance for FFY 2006 KCMPs:

Kentucky has made significant progress in subsequent correction of noncompliance with Indicator 13 since last year's APR submission. See **Explanation of Progress**.

One hundred, twenty-one districts were notified of KCMP noncompliance with Indicator 13 during FFY 2007. The notification occurred on May 9, 2008. Seventy-nine districts reported correction in their January 2009 KCMP submissions.

The remaining 42 districts continued to report Indicator 13 noncompliance on their January 2009 KCMPs, although they were still within the one-year timeline for correction. Twenty-eight districts of the 42 remaining districts were out of compliance only for FFY 2007. However, 14 of the 42 districts had been cited for violations since FFY 2006. See below, *Correction of FFY 2006 Noncompliance for FFY 2005 KCMPs*.

In spring 2009, KDE advised all 42 districts to submit documentation of correction of noncompliance by April 30, 2009 in order to avoid sanctions.

Of the 28 districts cited during FFY 2007, 27 were originally cited for KCMP noncompliance. These 27 districts submitted – prior to the April 30, 2009 deadline – documentation of student-level record reviews that demonstrated compliance for FFY 2007. DECS reviewed the information to verify regulatory compliance as well as compliance for individual students. KDE notified the 27 districts that their Corrective Action Plans (CAPs) were closed, prior to the May 8, 2009 timeline.

The remaining district was under a second CAP, due to findings from a FFY 2008 on-site monitoring visit. KDE believed it could not release the district from its FFY 2007 KCMP CAP without conducting an on-site monitoring visit. The on-site visit took place in FFY 2009. KDE verified student-level compliance with Indicator 13 during the on-site visit and was able to document the district was correctly implementing the specific Indicator 13 regulatory requirements, as no files were found to be out of compliance. KDE timely closed the district's FFY 08 CAP as well as the KCMP CAP from FFY 2007.

For the 27 districts that did not receive an on-site visit, KDE reviewed its most recent KCMP data in the fall of 2009. The data verified the districts previously cited for Indicator 13 noncompliance for FFY 2007 and 2006 were at 100% compliance for Indicator 13 and were correctly implementing the relevant state and federal regulations on secondary transition throughout their districts.

Correction of FFY 2007 Noncompliance:

1. Number of FFY 2007 findings of noncompliance for Indicator 13 (FFY 2006 data)	121
2. Number of FFY 2007 findings the State has verified as corrected	121
3. Number of remaining FFY 2006 findings the State has NOT verified as corrected [(1) minus (2)]	0

Actions Taken if Noncompliance Not Corrected:

Not applicable

Correction of FFY 2006 Noncompliance for FFY 2005 KCMPs

58 districts were cited for noncompliance with Indicator 13 during FFY 2006. 42 of the 58 districts corrected the noncompliance within one year. 16 districts were out of compliance for two years; however two of the 16 districts corrected the noncompliance by January 30, 2009. As reported in last year's APR, 14 districts remained out of compliance since FFY 2006.

KDE advised the 14 districts to submit documentation of student-level correction of noncompliance by April 30, 2009 in order to avoid special conditions being placed on their Part B grants. Thirteen of 14 districts submitted – prior to the April 30, 2009 deadline – documentation of student-level correction of noncompliance. KDE verified the information as set forth above and notified the districts of release from their CAPs within the timeline.

The one remaining district that had been noncompliant since FFY 2006 was under a CAP from a FFY 2008 on-site monitoring visit. KDE believed it could not release the district from its previous KCMP CAPs without conducting an on-site monitoring visit. The on-site visit took place in FFY 2009. The district demonstrated regulatory and student level correction of noncompliance, which was verified on-site by KDE. The district was notified by KDE within the one-year timeline from its on-site monitoring citation that the district was released from its FFY 08 monitoring CAP, as well as the KCMP CAPs from FFY 2007 and 2006.

For the districts that did not receive an on-site visit, KDE reviewed its most recent KCMP data in the fall of 2009. The data verified the districts previously cited for Indicator 13 noncompliance for FFY 2006 were at 100% compliance for Indicator 13 and were correctly implementing the relevant state and federal regulations on Secondary Transition throughout their districts.

Correction of Remaining FFY 2006 Findings of Noncompliance:

1. Number of remaining FFY 2006 findings noted in OSEP’s APR response table for this indicator	14
2. Number of remaining FFY 2006 findings the State has verified as corrected	14
3. Number of remaining FFY 2006 findings the State has NOT verified as corrected [(1) minus (2)]	0

FFY 2008

Although not required in this year’s APR, KDE wishes to report the continued progress it has made with correction of noncompliance for Indicator 13.

20 districts (not previously out of compliance) were notified of noncompliance with KCMP Indicator 13 for FFY 2007 data on May 8, 2009. In an effort to verify correction as soon as possible, KDE informed these districts on May 27, 2009 of the opportunity to correct prior to the one year timeline. DECS also provided a follow-up reminder on October 16, 2009.

Student-level due process documentation of compliance has been submitted by 18 districts to DECS. DECS reviewed the information to verify compliance status and notified the districts that their Corrective Action Plans (CAPs) were closed. The two remaining districts that have not reported correction are within the one-year timeline for correction, which ends on May 8, 2010.

Explanation of Progress

The KDE/DECS attributes the state’s significant progress in timely as well as subsequent correction of noncompliance with Indicator 13 to the implementation of the following activities:

- After its December 2008 OSEP Verification Visit, KDE prioritized its SPP work around changes to its general supervision system, particularly in the area of correction of noncompliance for Indicators 11, 12 and 13. From February to June 2009, DECS staff worked non-stop on activities to correct long-standing noncompliance, particularly in the area of Indicator 13. As part of its work:
 - DECS required districts out of compliance with Indicator 13 for more than one year to participate in a conference call/ training on March 27, 2009 (repeated on April 15, 2009)
 - ✓ All required districts participated
 - ✓ A subsequent document was produced by the Special Education Cooperatives Transition Consultants highlighting Indicator 13 requirements and posted to both the [KDE Transition webpage](#) and to [Transition One Stop](#)
 - DECS required districts out of compliance with Indicator 13, or not meeting state targets for Indicators 1 or 2, to participate in a webinar on May 27, 2009
 - ✓ One hundred seventeen (117) districts were required to participate
 - ✓ All required districts participated (either on May 27, 2009, or subsequently by accessing the webinar online)
 - ✓ A total of one hundred forty-one (141) districts have participated in the webinar, including 24 not required to do so
 - DECS developed a mandatory IEP form for school district use and updated the state software program to reflect required transition requirements
 - DECS and the Special Education Cooperatives provided targeted, ongoing technical assistance to districts with noncompliance, to ensure each district is currently implementing the specific regulatory requirements, and has developed IEPs that include the required transition content for each youth, unless the youth is no longer in the jurisdiction of the district

Technical Assistance in Response to Needs Assistance Status:

KDE received a Letter of Determination from OSEP dated June 1, 2009. OSEP found Kentucky to be in need of assistance for the third year in a row. The determination was based in part on uncorrected noncompliance since FFY 2005 for Indicator 13 as well as the 86.98% compliance rate for Indicator 13 in FFY 2007.

According to the determination letter, KDE is required to report: 1) the technical assistance sources from which the State received assistance for Indicator 13; and, 2) the actions the State took as a result of that technical assistance.

Technical Assistance Sources from Which the State Received Assistance

Since the submission of the FFY 2007 APR, Kentucky has sought technical assistance from the following providers in order to improve results for Indicator 13 (as well as Indicators 1, 2 and 14):

- Office of Special Education Programs (OSEP)
- National Secondary Transition Technical Assistance Center (NSTTAC)
- National Post-School Outcomes Center (NPSO)
- National Dropout Prevention Center (NDPC/N)

- National Dropout Prevention Center for Students with Disabilities (NDPC-SD)
- Mid-South Regional Resource Center (MSRRC)
- National Center for Secondary Education and Transition (NCSET)

As a result of the technical assistance it has received, Kentucky has taken the following actions:

- Revised its SPP and APR by making districts' correction of noncompliance KDE's main goal for FFY 2008
- Implemented Improvement Activities for Indicator 13 to focus on student-level correction of noncompliance
- Began implementation of a state transition plan developed with interagency partners
- Developed and implemented trainings/information on Meeting Requirements of Indicator 13
- Reviewed evidence-based transition programming practices, including the Taxonomy of Transition Programming
- Reviewed evidence-based dropout prevention strategies as compiled by the National Dropout Prevention Center
- Disseminated resources and tools to districts for improving results for KCMP Indicator 13
- Posted trainings/information on Meeting Requirements for Indicator 13 on the [KDE Transition webpage](#) and on [Transition One Stop](#)

Part B State Annual Performance Report (APR) for FFY 2008

Overview of the Annual Performance Report Development: See Introduction.

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))

APR Submission of Indicator 14 Is Not Required for FFY 2008

Part B State Annual Performance Report (APR) for FFY 2008

Overview of the Annual Performance Report Development: See Introduction.

Monitoring Priority: Effective General Supervision Part B / General Supervision
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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) and 1442)

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 A).

FFY	Measurable and Rigorous Target
FFY 2008	100%

Actual Target Data for FFY 2008:

95.15%

Note: KDE has historically experienced difficulty in reporting Indicator 15 data in a timely manner. The one-year delay in reporting the majority of IDEA non-compliance was due to timing issues with KDE’s use of the KCMP as its primary monitoring instrument.

After discussions with its OSEP contact during its December 2008 Verification Visit, KDE completely revised its system of general supervision. Consequently KDE changed its monitoring system so that DECS can timely identify IDEA noncompliance.

KDE was not able to begin implementing the new system until June 2009. This means that in its FFY 2008 APR, KDE is reporting correction of KCMP noncompliance identified in FFY 2008, on FFY 2006 data. When KDE’s new system to correct IDEA noncompliance is fully

functioning, Indicator 15 results will be reported in the proper APR submission year, rather than a year behind.

Indicator 15 requires the reporting of timely correction of noncompliance by districts that were cited by the State in FFY 2007. In Kentucky, districts were notified of their KCMP noncompliance for FFY 2007 data on May 8, 2009. This means timely correction of FFY 2007 noncompliance cannot be reported in the FFY 2008 APR, since districts are currently within the one-year period for timely correction for FFY 2007 noncompliance.

KDE is instead reporting on its FFY 2006 correction of KCMP noncompliance, since KDE cited districts for FFY 06 noncompliance during FFY 07 (July 1, 2007 through June 30, 2008). See KDE's Indicator 15 in last year's APR at page 66.

Beginning in FFY 2009, DECS will rely on desk audits and on-site visits as its primary monitoring tool for districts, resulting in the identification of noncompliance in a timely manner. At that time, KDE will be able to report full results for both FFY 2007 and FFY 2008 corrections of noncompliance to OSEP. KDE will report future Indicator 15 data for the APR within the timeline specified by OSEP.

In last year's APR, KDE prioritized timely correction of noncompliance for FFY 2008. DECS has put great effort into correction of noncompliance from years past, as well as correction of current noncompliance. Although districts are still in the one year time frame for correcting noncompliance, DECS can report the following progress for FFY 2007:

- Indicator 9 – One of 2 districts have corrected
- Indicator 10 – One of 2 districts have corrected
- Indicator 11 – Eighteen of 18 districts have corrected
- Indicator 12 – Two of 14 districts have corrected
- Indicator 13 – Eighteen of 20 districts have corrected

DECS anticipates all identified instances of noncompliance will be corrected within the one-year timeline ending May 8, 2010. As stated above, full and complete data for FFY 2007 will be reported on the FFY 2009 APR, due February 1, 2011.

Note: Correction of noncompliance for formal complaints, due process hearing decisions and on-site monitoring visits contained below in the B 15 Worksheet are for **FFY 2007**. Correction of KCMP noncompliance is the only FFY 2006 data used for Indicator 15.

PART B INDICATOR 15 WORKSHEET

Indicator/Indicator Clusters	General Supervision System Components	# of LEAs Issued Findings in FFY 2007 (7/1/07 to 6/30/08)	(a) # of Findings of noncompliance identified in FFY 2007 (7/1/07 to 6/30/08)	(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	0	0	0
14. Percent of youth who had IEPs, are no longer in secondary school and who have been competitively employed, enrolled in some type of postsecondary school, or both, within one year of leaving high school.	Dispute Resolution: Complaints, Hearings	2	2	1
3. Participation and performance of children with disabilities on statewide assessments. 7. Percent of preschool children with IEPs who demonstrated improved outcomes.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	0	0	0
	Dispute Resolution: Complaints, Hearings	2	2	2
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	0	0	0

Indicator/Indicator Clusters	General Supervision System Components	# of LEAs Issued Findings in FFY 2007 (7/1/07 to 6/30/08)	(a) # of Findings of noncompliance identified in FFY 2007 (7/1/07 to 6/30/08)	(b) # of Findings of noncompliance from (a) for which correction was verified no later than one year from identification
	Dispute Resolution: Complaints, Hearings	2	2	1
5. Percent of children with IEPs aged 6 through 21 - educational placements. 6. Percent of preschool children aged 3 through 5 – early childhood placement.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	0	0	0
	Dispute Resolution: Complaints, Hearings	2	2	1
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.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	0	0	0
	Dispute Resolution: Complaints, Hearings	2	2	2
9. Percent of districts with disproportionate representation of racial and ethnic groups in special education that is the result of inappropriate identification.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	0	0	0

Indicator/Indicator Clusters	General Supervision System Components	# of LEAs Issued Findings in FFY 2007 (7/1/07 to 6/30/08)	(a) # of Findings of noncompliance identified in FFY 2007 (7/1/07 to 6/30/08)	(b) # of Findings of noncompliance from (a) for which correction was verified no later than one year from identification
10. Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.	Dispute Resolution: Complaints, Hearings	0	0	0
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.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	68	68	63
	Dispute Resolution: Complaints, Hearings	1	1	1
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.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	25	25	24
	Dispute Resolution: Complaints, Hearings			
13. Percent of youth aged 16 and above with IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable student to meet the post-	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	121	121	119

Indicator/Indicator Clusters	General Supervision System Components	# of LEAs Issued Findings in FFY 2007 (7/1/07 to 6/30/08)	(a) # of Findings of noncompliance identified in FFY 2007 (7/1/07 to 6/30/08)	(b) # of Findings of noncompliance from (a) for which correction was verified no later than one year from identification
secondary goals.	Dispute Resolution: Complaints, Hearings			
Other areas of noncompliance:	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other			
Failure to implement the IEP	Dispute Resolution: Complaints, Hearings	2	2	2
Other areas of noncompliance:	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other			
	Dispute Resolution: Complaints, Hearings			
Other areas of noncompliance:	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other			
	Dispute Resolution: Complaints, Hearings			
Sum the numbers down Column a and Column b			227	216

Indicator/Indicator Clusters	General Supervision System Components	# of LEAs Issued Findings in FFY 2007 (7/1/07 to 6/30/08)	(a) # of Findings of noncompliance identified in FFY 2007 (7/1/07 to 6/30/08)	(b) # of Findings of noncompliance from (a) for which correction was verified no later than one year from identification
Percent of noncompliance corrected within one year of identification = (column (b) sum divided by column (a) sum) times 100.			(b) / (a) X 100 =	95.15%

Describe the process for selecting LEAs for Monitoring:

All districts were monitored by KDE through review of the KCMP Self-Assessment.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that Occurred for FFY 2008:

Explanation of Progress or Slippage:

DECS has made significant improvements with regard to the state’s historical issues with correction of noncompliance in a timely manner. Even though KDE experienced slippage from 100% in its FFY 2007 APR to 95.15% in FFY 2008, this is misleading. In FFY 07, KDE’s Indicator 15 data included only two KCMP compliance indicators - Indicators 9 and 10.

A better measure of KDE’s progress is to compare this year’s APR with the FFY 2006 APR, which also included all KCMP compliance indicators. In FFY 06, the compliance rate for Indicator 15 was 64.92%. All untimely correction of noncompliance during FFY 06 was due to KDE’s failure to ensure timely correction of the KCMP noncompliance.

KDE has improved its compliance rate for Indicator 15 **by 30.23%** [95.15% - 64.92%= 30.23%] in two years. Since its baseline year in FFY 2004, Kentucky has improved its rate **by 95.15%**, since it had 0% timely correction of noncompliance the first year of the SPP.

KDE experienced slippage in the number of formal complaints for which correction was verified within one year. Normally, DECS verifies all CAPs for complaints within one year. During FFY 2007, one complaint with three findings was not able to be closed within the timeline. Timely correction of the findings for the one complaint was delayed by the resignation of the director of special education for the district, combined with the district’s delay in hiring a new director with special education background.

When the new director was hired, DECS contacted the director for additional documentation prior to the one year timeline; however, because of a misunderstanding regarding the CAP’s requirements, the new director submitted only partial documentation to DECS within the year. [The CAP was closed during FFY 2008.]

KDE believes its failure to close the complaint CAP within one year was due to unusual circumstances that are not likely to be repeated. As a result, it has not developed a new activity for closing complaint CAPS, as this has always been a strength for DECS.

Discussion of Improvement Activities Completed:

KDE made timely correction of IDEA noncompliance its priority for FFY 2008, as reflected in last year’s new APR activities. Progressive sanctions, including the provision of mandatory technical assistance and other sanctions, were effective tools in increasing Indicator 15 results.

The APR activities that KDE credits with increasing its timely correction of noncompliance are set forth below:

- Increasing district oversight to ensure correction of noncompliance within one year. DECS has provided technical assistance through mandatory conference calls and webinars for districts. DECS has also provided direct communication from the state director to superintendents and directors of special education to clearly communicate the expectation that all noncompliance be corrected in a timely manner. This activity continues for FFY 2009
- Incorporating Indicator 15 into the KCMP self-assessment document to raise awareness and stress to districts the importance of timely correction of noncompliance. This activity has been completed
- Communicating to districts that uncorrected noncompliance beyond one year will result in progressive sanctions ranging from technical assistance, directed use of funds and withholding IDEA funding in part or in whole. This activity continues for FFY 2009.
- Developing a tracking system for Indicators 15-19 to oversee indicator requirements as well as to collect Section 618 data for Table 7 and the SPP. This activity is not yet complete. (See Indicator 16 *Discussion of Improvement Activities*.)

Revisions, with Justification, to Improvement Activities / Timelines / Resources for FFY 2008:

No revisions needed.

Additional Information Required by the OSEP APR Response Table:

(a) Correction of FFY 2007 Findings of Noncompliance Timely Corrected from July 1, 2007 through June 30, 2008:

1. Number of findings of noncompliance the State made during FFY 2007 (the period from July 1, 2007 through June 30, 2008) (Sum of Column a on the Indicator B15 Worksheet)	227
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)	216
3. Number of findings <u>not</u> verified as corrected within one year [(1) minus (2)]	11

(b) Correction of FFY 2007 Findings of Noncompliance Not Timely Corrected (corrected more than one year from identification of the noncompliance):

4. Number of FFY 2007 findings not timely corrected (same as the number from (3) above)	11
5. Number of findings the State has verified as corrected beyond the one-year timeline ("subsequent correction")	11
6. Number of 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):

DECS has conducted onsite visits and desk reviews to verify that districts: (1) are correctly implementing the specific regulatory requirements, and (2) have corrected all instances of noncompliance (including noncompliance identified through the State's monitoring system, through the data system and by the Department, consistent with OSEP Memorandum 09-02.

(c) Correction of Remaining FFY 2006 Findings of Noncompliance:

1. Number of remaining FFY 2006 findings noted in OSEP's June 1, 2009 FFY 2007 APR response table for this indicator	3
2. Number of remaining FFY 2006 findings the State has verified as corrected	3
3. Number of remaining FFY 2006 findings the State has NOT verified as corrected [(1) minus (2)]	0

(d) KDE's report on correction of the noncompliance for Indicators 11, 12, and 13, including (1) corrected all instances of noncompliance (including noncompliance identified through the State's monitoring system, through the State's data system and by the Department); and (2) verified that each LEA with identified noncompliance is correctly implementing the specific regulatory requirements, consistent with OSEP Memo 09-02.

KDE has reported on correction of noncompliance at both the student and the district-wide level, within the description of each individual APR indicator (Indicators 11, 12 and 13) as required by the Response Table.

DECS verified that each district cited for Indicator 11, 12 and 13 noncompliance during the relevant time period(s) was correctly implementing the specific regulatory requirements for each indicator. DECS accomplished this by looking at its most recent KCMP data for Indicators 11, 12 and 13, then determining that each district previously cited for noncompliance was presently at 100% compliance.

Additional Information Required by OSEP's September 8, 2009 Data Verification Letter - Critical Element 2: Correction of Noncompliance

As requested in OSEP's September 8, 2009 Verification Visit letter on page 5, KDE is required to:

Describe the State's policies, procedures and practices to ensure LEAs correct identified noncompliance in a timely manner and for documenting the conclusion by DECS that noncompliance was timely corrected. If the LEA does not correct unidentified noncompliance in a timely manner, the State must describe the steps used by the State to ensure subsequent correction including a description of the specific enforcement activities taken against any LEA program with longstanding noncompliance.

The following three areas set out the ways in which KDE has revised its general supervision system to ensure timely correction of noncompliance by school districts. All revisions were started immediately after OSEP's December Verification Visit and were finished prior to the September 8, 2009 notification of noncompliance.

KDE made the revisions prior to receiving notification of the specific noncompliance. If OSEP requires further action by KDE to correct Critical Element 2, KDE will have adequate time to finalize its actions, since the one-year period to timely correct extends until September 8, 2010.

The Kentucky Continuous Monitoring Process (KCMP)

KDE took immediate steps after the December 2008 Verification Visit to ensure that districts timely correct noncompliance. The initial steps took place in January 2009, when DECS decided it would no longer use the KCMP as the sole monitoring tool for determining compliance with the APR compliance indicators (Indicators 9-13 and 15).

Two timing issues prevented the KCMP from being an effective tool in timely correction of noncompliance:

- KCMPs were submitted to KDE on January 30th of each year, which meant districts were reporting on two-year old data. For example, KCMPs submitted on January 2009 used data from the 2007-08 School Year (FFY 2007). Districts came to regard the KCMP as a paper process, since the data were not current
- DECS' review of the 176 district KCMPs including written notification to districts of noncompliance was extremely labor intensive. The process typically took until May or June- three to four months after the KCMP submission

Consequently, KDE was citing districts for KCMP noncompliance based on two-year old data. This resulted in a full year going by before districts received KDE notification of the KCMP noncompliance. Due to the time lag of notification of KCMP noncompliance, district noncompliance often extended into a second year, particularly if the noncompliance was due to systemic issues.

DECS convened a group of stakeholders in January 2009 to change the purpose of the KCMP from a monitoring instrument to a district self-assessment process. As a result, the KCMP was completely revised during FFY 2008.

The important features of the new KCMP are as follow:

- The full KCMP is no longer submitted on January 30th. The KCMP indicators are now divided into four quarters, depending on when current data become available for district use in self-assessment. As a result, the self-assessments are based on the most current data available which means the KCMP is relevant to district efforts at improvement
- Data on two compliance indicators (Indicators 11 and 13) continue to be collected through the KCMP. However, KDE notification of KCMP noncompliance to districts occurs soon after the quarter in which the noncompliance was identified. As demonstrated in this year's APR, the vast majority of districts have corrected noncompliance months before their one-year timeline for correction of noncompliance
- Intensive technical assistance for the KCMP has been provided to districts by KDE and the Co-ops. For each KCMP quarter, KDE and Co-ops jointly develop Investigative Questions for use in root cause analysis. The Questions are included in the KCMP Instruction Manual.

More importantly, the Co-ops are a district-level source of assistance for districts during the KCMP self-assessment process. Co-ops work regionally with their districts in developing individualized root cause analyses based on the districts' data. The Co-ops then assist districts in developing appropriate activities for their Improvement or Maintenance Plans, based upon the individual causes. As a result, districts are developing "real time" Improvement Plans for compliance indicators based on current data, not data that lags a year behind.

The first quarter of the new KCMP self-assessment began in April 2009. Districts are currently finalizing their self-assessments for the third quarter, with the 4th quarter to begin shortly.

During FFY 2008, DECS verified correction of KCMP noncompliance in the following manner For Indicator 11, DECS reviewed the ARC Conference Summary Notice for the student, including determination of eligibility; parental consent for special education and related services and appropriate documentation if the child was determined not eligible or if the parent refused to provide consent for services. If individual student-level correction was not possible because the student was no longer in the districts, DECS reviewed documentation that the students were no longer in the jurisdiction of the district or had withdrawn.

For Indicator 13, DECS verified correction differently. Indicator 13 has 6 individual subparts to it, meaning that a district may have noncompliance in 6 separate areas. KDE does not have a data system that allows it access to all individual student records. During FFY 2008, KDE verified compliance by reviewing and verifying the districts' student-level record reviews of all Indicator 13 noncompliance. To assist DECS in verification are the Co-ops' eleven transition consultants. The transition consultants go on-site to assist districts with record reviews. They also provide targeted technical assistance to ensure the regulatory requirements are met.

All activities by KDE in revising the KCMP were accomplished by June 2009, three months before OSEP notified KDE of its Critical Element 2 noncompliance.

On-site Monitoring Visits and Desk Audits

At the beginning of FFY 2008, DECS began yearly on-site monitoring visits focused on IDEA compliance. The KCMP compliance indicators (Indicators 9-13) were the initial focus.

Based on the on-site visits, KDE issued FFY 2008 findings for Indicators 9-13. KDE verified correction of individual and systemic noncompliance through follow-up site visits in FFY 2009. Individual student files were reviewed for correction. Verification of the districts' correction of systemic issues was accomplished by review of district documentation of correction, review of student folders and interviews with district personnel.

After OSEP's technical assistance during the Verification Visit, KDE decided to develop a new system to monitor districts for compliance. Since then, KDE has built upon the on-site compliance monitoring of FFY 08. For the current year (FFY 2009) the on-site monitoring has focused on compliance with finding, identifying, and evaluating students for special education.

Beginning in summer FFY 2009, KDE began a desk audit process to identify Indicator 9 and 10 noncompliance. DECS convened a staff work group that requested random records from districts, reviewed the records and interviewed district staff.

DECS anticipates using a verification process for desk audits similar to that used by on-site monitoring. Since the process is only 6 months old, verification of noncompliance has not yet started.

All activities by KDE in establishing a compliance monitoring system consisting of on-site monitoring and desk audits began prior to OSEP's September 8, 2009 notification to KDE of noncompliance with Critical Element 2.

The State Performance Plan (SPP) and Annual Performance Report (APR)

The third part of KDE's general supervision system establishing policies, practices and procedures for timely correction of noncompliance was set out in last year's APR activities for compliance indicators.

KDE did a complete APR re-write in FFY 2007, based on technical assistance from its OSEP contact. She advised KDE to simplify the APR and prioritize the activities based on the most important issues facing DECS. Since the most important issue was to ensure that Kentucky districts timely corrected noncompliance, as well as noncompliance in past years, KDE made compliance its main focus.

This year's APR has already reported on the extensive work that DECS and the Co-ops have accomplished in FFY 2008. (See Indicators 11, 12, 13, and preceding sections of Indicator 15.) Not only has KDE ensured district correction of all noncompliance that have existed for up to three years, a majority of districts cited for noncompliance last year have already corrected, months ahead of the one-year timeline.

As set out in its FFY 2007 APR activities, KDE notified districts of sanctions they would face if they did not correct longstanding noncompliance. The sanctions included directed use of Part B funds as well as withholding of funds from the districts. The most serious sanctions were not

required, as all districts corrected their old noncompliance within the deadlines established by KDE.

Districts have received mandated technical assistance based on their compliance status, through webinars and state-wide training conference calls with DECS. Additional technical assistance has been provided proactively by the Co-ops, by helping to districts during the quarterly KCMP reviews. The Co-ops also provide targeted assistance to districts through conducting compliance record reviews of district due process documents.

The KCMP self-assessment process was designed to help districts understand the reasons behind their results in achieving compliance or failing to reach IDEA compliance. Because of revisions to the KCMP, districts are now able to achieve timely correction of noncompliance.

All activities by KDE in revising its FFY 2007 APR to ensure timely correction of noncompliance began immediately after the December 2008 Verification Visit. They were finalized by the February 2, 2009 APR submission date, prior to OSEP's September 8, 2009 notification to KDE of noncompliance with Critical Element 2.

Part B State Annual Performance Report (APR) for FFY 2008

Overview of the Annual Performance Report Development: See Introduction.

Monitoring Priority: Effective General Supervision Part B / General Supervision

Indicator 16: Percent of signed written complaints with reports issued that were resolved within 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint, or because the parent (or individual or organization) and the public agency agree to extend the time to engage in mediation or other alternative means of dispute resolution, if available in the State.

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

Measurement: Percent = [(1.1(b) + 1.1(c)) divided by 1.1] times 100.

FFY	Measurable and Rigorous Target
FFY 2008	One hundred percent (100%) of signed written complaints with reports issued will be resolved within a 60-day timeline or a timeline extended for documented exceptional circumstances

Actual Target Data for FFY 2008: 100%.

Fifteen of fifteen written signed complaints were resolved within the 60-day timeline or a properly extended timeline.

The Measurement requires that the following calculation be used:

7 reports within the 60-day timeline plus 8 reports within properly extended timelines, divided by 15 total complaints with reports issued, multiplied by 100 = 100%

The data for the Measurement comes from Table 7 of KDE's Section 618 Data Report, submitted to WESTAT on October 29, 2009.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2008:

Explanation of Progress or Slippage: Since KDE moved the complaint investigation responsibility to DECS in FFY 2005, all complaint reports have been issued in a timely manner. See Table 1 for Indicator 16 longitudinal data.

Table 1

FFY	Complaints with Reports issued	Reports within timelines	Reports within Extended Timelines	Percentage Resolved within Timelines
2003	35	32	3	91%
2004	32	20	12	62.5%
2005	15	8	7	100%
2006	26	21	5	100%
2007	10	3	7	100%
2008	15	7	8	100%

Discussion of Improvement Activities Completed:

DECS revised its activities for General Supervision Indicators 15-19 last year to focus on developing a tracking system to track indicator requirements. Work on the data base began soon after the APR submission.

Completion was delayed because of a new KDE data system being developed and DECS's uncertainty about whether the functions of the General Supervision data base would be absorbed into a new KDE student –level data system. After a delay of several months, DECS was advised that the IDEA General Supervision data system will not be affected by the KDE system. Work on the indicator's data base is near completion but the system has not been implemented.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2008

No revisions needed. DECS remains on track to finish the activity within the stated timeline.

Part B State Annual Performance Report (APR) for FFY 2008

Overview of the Annual Performance Report Development: See introduction.

Monitoring Priority: Effective General Supervision Part B / General Supervision
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Indicator 17: Percent of adjudicated due process hearing requests that were adjudicated within the 45-day timeline or a timeline that is properly extended by the hearing officer at the request of either party or in the case of an expedited hearing, within the required timelines.

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

Measurement: Percent = [(3.2(a) + 3.2(b)) divided by 3.2] times 100.

FFY	Measurable and Rigorous Target
FFY 2008	One hundred percent (100%) of fully adjudicated due process hearing requests are fully adjudicated within the 45-day timeline or a timeline that is properly extended by the hearing officer at the request of either party

Actual Target Data for FFY 2008: Not applicable. No FFY 2008 due process hearings were fully adjudicated during FFY 2007.

Nineteen due process hearings were filed in FFY 2008. Of those:

- Five hearings were dismissed due to mediation agreements being reached
- Four hearings were dismissed by the hearing officer or withdrawn by the parties.
- Three hearings have resolution sessions that are pending, due to Independent Educational Evaluations being agreed upon by the parties
- Three hearings are pending
- Two hearings were dismissed after successful resolution sessions that ended in settlement agreements
- One hearing was settled outside of the resolution session or mediation process
- One due process hearing has been heard by a hearing officer. The timelines in that case have been properly extended

The Measurement data comes from Table 7 of KDE's Section 618 Data Report which was submitted to WESTAT on October 29, 2009.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2008:

Explanation of Progress or Slippage:

Kentucky continues to have very little dispute resolution activity.

Discussion of Improvement Activities Completed:

DECS revised its activities for General Supervision Indicators 15-19 last year to focus on developing a tracking system to track indicator requirements.

See Indicator 16 *Discussion of Improvement Activities Completed*, for the status of Indicator 17's activity.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2008:

No revisions needed. DECS remains on track to finish the activity within the stated timeline.

Additional Information Required by OSEP's September 8, 2009 Data Verification Letter - Critical Element 3: Dispute Resolution

As requested in OSEP's September 8, 2009 Verification Visit letter on page 7, KDE is providing documentation that it has established appropriate procedures to make due process hearing decisions available to the public, pursuant to 34 CFR. §300.513(d).

KDE has posted its redacted decisions on its web site. The link is at:

[:http://www.education.ky.gov/KDE/Instructional+Resources/Exceptional+Children/Due+Process+Hearings.htm](http://www.education.ky.gov/KDE/Instructional+Resources/Exceptional+Children/Due+Process+Hearings.htm)

Part B State Annual Performance Report (APR) for FFY 2008

Overview of the Annual Performance Report Development: See Introduction.

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.

FFY	Measurable and Rigorous Target
FFY 2008	Seventy-five percent (75%) of hearing requests that went to resolution sessions are resolved through resolution session settlement agreements.

Actual Target Data for FFY 2008: 50%

The measurement requires that the following calculation be used:

Two resolution sessions settled by agreement ÷ four resolution sessions × 100= 50%.

The Measurement data comes from Table 7 of KDE's Section 618 Data Report which was submitted to WESTAT on October 29, 2009.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2008:

Explanation of Progress or Slippage: Of the four sessions that have been finalized, written settlement agreements resolved two of the four for a current success rate of 50%. The percentage of resolution sessions that were resolved through settlement increased by 7% from last year's actual target data of 43%.

Three resolution sessions that were partially held were not included in the Measurement since they are currently pending. According to documentation in the due process hearing folders, the parties have agreed to independent educational evaluations (IEEs) in all pending resolution sessions. Until the IEEs are completed, settlement agreements cannot be reached.

Discussion of Improvement Activities Completed:

DECS revised its activities for General Supervision Indicators 15-19 last year to focus on developing a tracking system to track indicator requirements. See Indicator 16 *Discussion of Improvement Activities Completed*, for the status of Indicator 18's activity.

A second activity was developed last year for Indicators 18 and 19. The activity was to develop a survey of parties participating in dispute resolution processes to assess the effectiveness of mediation and resolution sessions in settling disputes. The survey activity has not been completed.

Responsibility for the hearing and mediation process rests with KDE's Office of Legal and Legislative Services (OLLS). During much of FFY 2008, OLLS had one attorney to handle all of KDE's legal work. Given the work load of OLLS staff, the Indicator 18 and 19 survey was deferred until a new attorney was hired in July 2009.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2008:

No revisions needed.

Part B State Annual Performance Report (APR) for FFY 2008

Overview of the Annual Performance Report Development: See Introduction.

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.

FFY	Measurable and Rigorous Target
FFY 2008	Seventy-five percent (75%) of all mediations requested will result in mediation agreements.

Actual Target Data for FFY 2008: 68%

The Measurement requires that the following calculation be made:

Five mediation agreements reached related to due process complaints + 10 mediations agreements reached not related to due process ÷ 22 mediations held × 100 = 68%.

The Measurement data comes from Table 7 of KDE's Section 618 Data Report which was submitted to WESTAT on October 29, 2009.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2008:

Explanation of Progress or Slippage: KDE missed its target of 75% by seven percentage points. Had parties to two more mediations reached an agreement, KDE would have exceeded its target.

The activity for the indicator was to develop a survey of parties to mediations. This activity was designed to assist KDE in determining the root causes for the success (or lack of) in reaching settlement agreements during mediation. The activity has not been completed. When it is finalized, KDE will be able to take steps to increase the success rate.

Discussion of Improvement Activities Completed:

DECS revised its activities for General Supervision Indicators 15-19 last year to focus on developing a tracking system to track indicator requirements. See Indicator 16 *Discussion of Improvement Activities Completed*, for the status of Indicator 19's activity.

A second activity was developed last year for Indicators 18 and 19. The activity was to develop a survey of parties participating in dispute resolution processes to assess the effectiveness of mediation and resolution sessions in settling disputes. The survey activity has not been completed.

Responsibility for the hearing and mediation process rests with KDE's Office of Legal and Legislative Services (OLLS). During much of FFY 2008, OLLS had one attorney to handle all of KDE's legal work. Given the work load of OLLS staff, the Indicator 18 and 19 survey was deferred until a new attorney was hired in July 2009.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2008:

No revisions needed

Part B State Annual Performance Report (APR) for FFY 2008

Overview of the Annual Performance Report Development: See Introduction.

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: Percent = [(1.1(b) + 1.1(c)) divided by 1.1] times 100.
 State reported data, including 618 data and Annual Performance Reports, are:
 a. Submitted on or before due dates (February 1 for child count, including race and ethnicity; placement; November 1 for exiting, discipline, personnel; and February 1 for Annual Performance Reports); and
 b. Accurate (describe mechanisms for ensuring error free, consistent, valid and reliable data and evidence that these standards are met).

FFY	Measurable and Rigorous Target
2008	100% of state reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate.

Actual Target Data for FFY 2008: 100%

In using the Data Rubric, Kentucky measured 100% for this indicator. 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 below as Table 1.

Table 1

PART B INDICATOR 20 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
5	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
16	1	1	2
17	1	1	2
18	1	1	2
19	1	1	2
		Subtotal	38
APR Score Calculation	Timely Submission Points (5 pts for submission of APR/SPP by February 2,		5
	Grand Total		43

**PART B INDICATOR 20 RUBRIC
(Continued)**

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: 2/1/08	1	1	1	1	4
Table 2 – Personnel Due Date: 11/1/08	1	1	1	N/A	3
Table 3 – Ed. Environments Due Date: 2/1/08	1	1	1	1	4.
Table 4 – Exiting Due Date: 11/1/08	1	1	1	N/A	3
Table 5 – Discipline Due Date: 11/1/08	1	1	1	N/A	3
Table 6 – State Assessment Due Date: 2/1/09	1	N/A	N/A	N/A	1
Table 7 – Dispute Resolution Due Date: 2/1/08	1	1	1	N/A	3
				Subtotal	21
		Weighted Total (subtotal X 1.87; round ≤.49 down and ≥ .50 up to whole number)			39
Indicator #20 Calculation					
			A. APR Total	43	
			B. 618 Total	39	
			C. Grand Total	86	
Percent of timely and accurate data = (C divided by 86 times 100)			86 ÷ 86 X 100 =	100%	

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

As of the end of the 2008-2009 school year, all districts had moved to a new system. Data conversion moved data previously collected from the old system to the new. This often resulted in data conflicts. The new system provides a consistent data collection at the student level across schools and districts. With the implementation of this system at the district and school level, training and technical assistance are provided in the utilization of this program.

Currently, the vendor for the statewide student information system provides an annual users conference in December (previously in January) with approximately 1,500 participants from across the state. This conference has several strands depending on programs and the type of data collected and maintained. Conference presenters include technical staff from the vendor and KDE program staff who train on specific areas. The December 2009 conference had 3 sessions presented by DECS staff, along with the vendor's staff that specialize in special education data.

In addition to the annual conference for the student information system, DECS staff provide both a Start of Year and End of Year training on the special education module of the student information system. These trainings are provided in 7 locations across the state. Trainings address data standards and definitions for special education data requirements as well as criteria for data collection and other aspects of the student information system.

Currently 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,

DECS also sponsors a special education advisory group that works with the student information system. This group meets regularly throughout the school year and includes local district special education staff, regional staff, KDE staff and staff from the student information system vendor. This group 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 DECS. These checks include checking data for duplication, completeness, and accuracy. DECS 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 by DECS staff to make sure anomalies are discovered and either cleaned or explained.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage for FFY 2008

Explanation of progress: In FFY 2007, Kentucky reported 100% compliance with Indicator 20 using the OSEP rubric format. This means that Kentucky met the target for this indicator.

For FFY 2008, Kentucky is using the OSEP approved rubric and is reporting 100% compliance. Kentucky again has met the target for this indicator and has sustained its level of compliance.

Indicators 3A and 3C around assessment remain problematic due to the change in the state's assessment system and the confidentiality and complexity of the data. DECS staff works closely with staff in the KDE Office of Assessment and Accountability to identify issues and concerns with respect to special education student performance.

Discussion of Improvement Activities Completed: Note- Because Indicator 20 issues from last year's APR were related to concerns with specific Indicators, the improvement activities are addressed in those APR indicators.

DECS has continued to convene regular meetings of the Special Education Advisory Group for Infinite Campus (SEAGIC). In FFY 2008, KDE required district use of certain due process forms. The SEAGIC has proved helpful in developing the forms for state-wide use.

DECS 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 2007

No revisions needed.