

**Kentucky Department of Education
FFY 2009 Annual Performance Report
February 1, 2011
Final Report**



Introduction to the FFY 2009 Kentucky Part B Annual Performance Report

The Kentucky Department of Education (KDE) has experienced major changes in this, its fifth year of Annual Performance Report (APR) submissions to the federal Office of Special Education Programs (OSEP). Under the guidance of KDE's Commissioner of Education, Dr. Terry Holliday, the entire department has undergone a major reorganization. Nowhere is this change more evident than in the former Division of Exceptional Children Services, now the Division of Learning Services (DLS).

True to its name, DLS is focused on increasing the educational outcomes of all students, especially those whose educational outcomes have lagged behind their same-age peers. Three of the DLS branches - the Diverse Learners Branch, the Differentiated Learning Branch and the State Schools Branch - are focused on helping all students be proficient and prepared, whether through special education services, differentiated instruction delivered in general education settings or state school services.

Significantly, DLS is a division within KDE's Office of Next Generation Learners (ONxGL). Special education has traditionally occupied a separate place within the department, where the requirements of IDEA did not mix with the education of other students. Assigning the work of special education to the office charged with standards, academics, college and career readiness, Response to Intervention, early childhood and school readiness has lifted special education above its compliance label. It has placed DLS into KDE's main work of preparing each child for life, work and citizenship in the 21st century.

The inclusion of special education services into KDE's mainstream presents great opportunities for students with disabilities. Issues concerning outcomes for students with disabilities are naturally embedded in the work of KDE, due to the division's placement within ONxGL. Not only is DLS being drawn into the work of other divisions, DLS is benefiting from the expertise of general educators into areas once considered as solely within the purview of special education. Annual Performance Report outcome indicators, such as graduation and drop-out rates, achievement, discipline, parent involvement and post-school outcomes, are considered outcomes for all Kentucky students and are no longer confined to the special education arena.

The immediate impact of DLS's new status may be seen in the broadening of activities for several APR outcome indicators. Where resources available for improving performance of students with disabilities were once limited to the former Division of Exceptional Children Services staff, adding ONxGL resources will make the APR indicator activities stronger and deeper. As DSL becomes more infused into the work of the office, the separateness of special education will lessen, with the APR and its activities becoming the work of KDE.

The APR compliance indicators will not suffer from KDE's reorganization. KDE expects the improvements seen in APR compliance indicators over the past two years will be preserved and steadily increase. KDE's system of general supervision, cited by OSEP two years ago as noncompliant under IDEA, has made great gains. The commitment to establishing and maintaining systems of general supervision is reflected in the FFY 2009 APR. The sections,

Explanation of Progress and Discussion of Improvement Activities Completed, detail the work of KDE and DLS in sustaining momentum around the compliance indicators.

KDE would be remiss if it did not recognize the work of the Special Education Cooperatives (Co-ops) in increasing student outcomes and assisting with compliance, consistent with KDE's Strategic Plan. The result of the Co-op's commitment to the work of KDE is reflected in improved school district understanding of the APR, better overall district performance and KDE's continued improvement toward its APR targets.

In developing this year's APR and revising sections of the State Performance Plan (SPP), KDE consulted with several stakeholder groups. The State Advisory Panel for Exceptional Children (SAPEC) is the state's chief source of advice on establishing new SPP targets. The SAPEC consulted with DLS on the extension of targets into FFY 2011 and 2012, and the establishment of new targets for post-secondary outcomes. The SAPEC has become increasingly involved in the work of DLS over the past year. DLS welcomes the interest and energy of the SAPEC and is anxious to renew its ties during the upcoming year. *Note: KDE consulted with additional stakeholders for individual indicators. The work of those stakeholders is noted under SPP Indicators 6 and 14.*

The FFY 2009 APR and revised SPP are posted on the KDE web site at:

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

Kentucky students with disabilities are poised to enter a new era of increased proficiency and preparedness; of lessening the dropout rate and improving the graduation rate; and making college and career readiness an expectation. The Division of Learning Services is excited by the promise of better things to come for students with disabilities as part of the KDE's commitment to better outcomes for all students.

R. Larry Taylor, Acting Associate Commissioner
Office of Special Instructional Services
Kentucky Department of Education

February 1, 2011

Part B State Annual Performance Report (APR) for FFY 2009

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 2008 APR.

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

Since ESEA data are not obtainable for students with disabilities in FFY 2009, KDE's Division of Learning Services (DLS) is using Section 618 data and the Indicator 1 Measurement from its FFY 2008 APR. DLS will use the ESEA data when they become available.

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

$$\frac{\# \text{ graduates receiving regular diplomas}}{\# \text{ graduates} + \# \text{ GEDs (and certificates)} + \# \text{ dropouts} + \# \text{ who maxed in age} + \# \text{ deceased}}$$

Data Source: Section 618 Data

NOTE: Since the data source did not change, KDE did not amend its State Performance Plan (SPP) Targets for Indicator 1 except to add targets for FFY 2011 and FFY 2012. KDE will amend the targets when ESEA data becomes available.

FFY	Measurable and Rigorous Target
2009	Eighty and five-tenths percent (80.5%) of students with disabilities will graduate with a regular diploma.

Actual Target Data for FFY 2009: 72.79%

The graduation rate of students with disabilities increased to 72.79% for FFY 2009 from last year's rate of 72.07%. This was a gain of .72 %. The SPP target of 80.5% was not met.

The Measurement requires the following calculation be used:

$3,459 \text{ graduates with regular diplomas} \div 4,752 \text{ (total of 3,459 graduates + 414 GEDs and certificates + 832 dropouts + 31 who maxed in age + 16 deceased)} = .7279 \times 100 = 72.79\%$

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 2009 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 2009

Explanation of Progress:

The percentage of students with disabilities who graduated from high school increased by .72% to 72.79%, from the previous year's rate of 72.07%.

KDE continues to analyze data to determine the root cause for progress under Indicator 1, as well as its progress under Indicator 2 in decreasing the 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:

- 68 districts met or exceeded the state target, slippage from last year's count of 91 districts
- 101 districts did not meet the state target, slippage from last year's count of 78 districts
- 5 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:

- No difference in graduation rates between county and independent districts
- No significant difference in graduation rate between large districts (>2500 student population) and small districts (<2500 student population)
- Comparisons of graduation rates among Kentucky's Special Education Cooperative regions were not statistically different (62%-85%)
- No significant difference between graduation rates in rural (using USDA definition of rurality) districts and urban districts

In FFY 2008 and FFY 2009, KDE began a process requiring districts to engage in extensive in-depth analysis to determine the reasons behind their 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, school and 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.

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
- Extracurricular activity participation

KDE provided districts with effective strategies having the most positive impact on the dropout rate. The strategies were provided by the National Dropout Prevention Center (NDPC), a federally-funded technical assistance center. KDE requires districts use the strategies to develop activities for their KCMP improvement and maintenance plans.

KDE received districts' FFY 2008 KCMP data analyses for Indicators 1 and 2 in January 2010. Review of the KCMP district reports found that, when asked the root cause of the district's progress or slippage in dropout rate, the most common answer was "excessive student absenteeism." Districts were required to implement an effective strategy that would have a positive impact on absenteeism. The most common strategy chosen was "mentoring/ tutoring."

The most common root cause reported by districts that had no dropouts was "positive behavior supports."

As part of the Indicator 1 and 2 activity's evaluation plan, DLS surveyed the districts that reported one or more students had dropped out. Districts were asked a series of questions related to the implementation of the NDPC evidence-based strategies for dropout prevention. The survey showed the following:

Of the 65 districts that implemented an evidence-based strategy for dropout prevention:

- 26 districts (39%) implemented the strategy of "mentoring/tutoring"
- 62 districts (93.9%) stated that school personnel had become more aware of the strategy implemented by the district
- 61 districts (93.8%) stated that school personnel are behaving in more responsive ways to students who are at risk for dropping out
- 32 districts (50.8%) attributed the positive change in the district dropout rate as compared to the previous year to the implementation of the evidence-based strategy

Districts reporting no change indicated the strategy had not yet been in place long enough to evaluate the effect.

Many districts reported successful practices occurring as a result of the implementation of the identified strategy. DLS will use these anecdotal data and other information from districts to continually inform the development and delivery of training and technical assistance.

KDE believes another reason the graduation rate for students with disabilities is increasing is due to the statewide emphasis on College/Career Readiness and the accountability at the school/district level to increase the rate of its students who leave high school ready for college, career or both.

Discussion of Improvement Activities:

Activities completed for Indicators 1 and 2 are:

- DLS and the Co-ops developed KCMP Investigative Questions for districts to use in root cause analysis. District, school and some student-level data were examined by districts to determine the causes for students with disabilities not completing school, using research-based predictors for school completion.
- KDE provided effective strategies for dropout prevention 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. The Manual is on the KDE web site at: <http://www.education.ky.gov/NR/rdonlyres/A5F52631-400E-445F-9151-1F2F18A7DA75/0/20102011WinterKCMPInstructionManual.pdf>
- Districts are in the process of completing the KCMP self-assessment for Indicators 1 and 2 during January 1, 2011 through February 28, 2011.
- KDE surveyed districts that were required to implement an effective dropout prevention strategy to determine the district's perception on progress or slippage prior to the KCMP reporting in February 2011.

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 2009:

KDE added two years of Targets to the SPP due to the extension of the SPP through FFY 2012.

The Activity for Indicators 1 and 2 is changed to reflect the department-wide focus and efforts toward school completion and dropout prevention. KDE also extended the Activity Timeline by two years, due to the extension of the SPP through FFY 2012.

Activity for Indicators 1 and 2

<p>Indicators 1 and 2 Improvement Activity</p>	<p>DLS will collaborate with other divisions of KDE to coordinate efforts toward dropout prevention in districts not meeting the state targets for Indicators 1 and 2.</p> <p>Action Steps: DLS will:</p> <ol style="list-style-type: none"> 1. Conduct data analysis to determine root causes and needed improvement strategies for districts not meeting the state targets for Indicators 1 and 2. 2. Develop an action plan for providing assistance to districts not meeting the state targets for Indicators 1 and 2. 3. Require districts not meeting Indicator 1 and 2 targets to implement the action plan.
---	---

Evaluation	DLS will develop a system for monitoring district implementation to verify Action Steps.
Timeline	FFY 2008-2012
Resources	DLS; KDE; Special Education Cooperatives
Status	In progress.

Part B State Annual Performance Report (APR) for FFY 2009

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:

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 2008 APR.

As explained in Indicator 1, KDE does not yet have ESEA data in this area. DLS is using Section 618 and the Indicator 2 Measurement from the FFY 2008 APR. DLS will use ESEA data for Indicator 2 when they become available.

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 did not change, KDE did not amend its SPP Targets for Indicator 1, except to add targets for FFY 2011 and FFY 2012. KDE will amend the targets when ESEA data becomes available.

FFY	Measurable and Rigorous Target
2009	The dropout rate for students with disabilities will decrease by four-tenths of one percent (0.4%).

Actual Target Data for FFY 2009: .77%

KDE met and exceeded its target of reducing the dropout rate by 0.4%. The dropout rate was reduced by .77%, from last year's State target of 3.88% to this year's State rate of 3.11%.

The Measurement requires the following calculation be used:

832 special education dropouts from grades 9-12 ÷ 26,723 special education students ages 14-21 = .0311 × 100 = 3.11% 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 pages 10-11 of the FFY 2009 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 2009**Explanation of Progress:**

KDE exceeded its target of reducing the dropout rate by 0.4%. The dropout rate was reduced by .77%.

KDE continues to analyze 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:

- 126 districts met or exceeded the state target, an improvement from last year's count of 124
- 43 districts did not meet the state target, an improvement from last year's count of 45 districts
- 5 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:

- Independent districts had higher dropout rates than county districts
- No significant differences between dropout rates in large districts (>2500 student population) and small (<2500 student population) districts
- Comparisons of dropout rates among Kentucky's Special Education Cooperative regions were not statistically different
- No significant difference between dropout rates in rural (using USDA definition of rurality) districts and urban districts

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 the explanation of progress for Indicator 2.

Discussion of Improvement Activities:

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:

None required.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2009:

See Indicator 1 for revisions of Improvement Activities for Indicators 1 and 2.

Part B State Annual Performance Report (APR) for FFY 2009

Overview of the Annual Performance Report Development: See Introduction.

<p>Monitoring Priority: FAPE in the LRE</p>
--

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))

<p>Measurement:</p>

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 2009:

FFY 2009	Measurable and Rigorous Targets									
	Districts Meeting AYP for Disability Subgroup (3A)		Participation for Students with IEPs (3B)				Proficiency for Students with IEPs (3C)			
Targets for FFY 2009 (2009-2010)	52%		Reading 100%		Math 100%		Reading 40.02%		Math 43%	
Actual Target Data for FFY 2009 (2009-2010)	#	%	#	%	#	%	#	%	#	%
		111	63.79	46434	100	45581	100	21894	47.15	19132

The Measurements require the following calculations be used:

3A Measurement:

111 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 = **63.79%**

Data Source: 2008-2009 Section 618 Data

3B Measurement:

Reading

46,434 students with IEPs participating in the reading assessment ÷ 46,434 students with IEPs enrolled during the testing window × 100 = **100%** of students participating in the reading assessment

Math:

45,581 students with IEPs participating in the math assessment ÷ 45,581 students with IEPs enrolled during the testing window × 100 = **100%** of students participating in the math assessment

Note: The difference in the number of students with IEPs participating in the reading assessment compared to the number of students with IEPs participating in the math assessment is due to different grades being tested for math and reading.

Kentucky’s statewide assessment tests grades 3 through 8 and grade 10 in reading. 46,434 students with IEPs participated in the reading assessment.

The statewide math assessments tests grades 3 through 8 and grade 11. The number of students with IEPs participating in the math assessment is 45,581.

The denominators differ because there were more tenth grade students tested in reading than eleventh graders tested in math.

Data Source: KDE Office of Assessment and Accountability ESEA data

3C Measurement:

Reading:

21,894 students with IEPs enrolled for a full academic year scoring at or above proficient in reading \div 46,434 students with IEPs enrolled for a full academic year participating in the reading assessment \times 100 = **47.15%** of students with IEPs at or above proficient in reading

Math:

19,132 students with IEPs enrolled for a full academic year scoring at or above proficient in reading \div 45,581 students with IEPs enrolled for a full academic year participating in the math assessment \times 100 = **41.97%** of students with IEPs at or above proficient in math

Data Source: KDE Office of Assessment and Accountability ESEA data

Note: The difference in the number of students with IEPs participating in the reading assessment compared to the number of students with IEPs participating in the math assessment is due to different grades being tested for math and reading.

Kentucky's statewide assessment tests grades 3 through 8 and grade 10 in reading. 46,434 students with IEPs participated in the reading assessment.

The statewide math assessments tests grades 3 through 8 and grade 11. The number of students with IEPs participating in the math assessment is 45,581.

The denominators differ because there were more tenth grade students tested in reading than eleventh graders tested in math.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that Occurred for FFY 2009

Explanation of Progress for 3A:

KDE exceeded its target for FFY 2009 (52%). The actual target data of 63.79% is a 5.17 point 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 helps the district meet AYP for all students in the district.

Explanation of Progress or Slippage for 3B:

KDE met its targets for FFY 2009 as both reading and math assessments had 100% participation. This marks the third consecutive year KDE has met its target.

Since the early 1990's, KDE 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:

KDE exceeded its target in reading (40.02%). The actual target data for reading is 47.15% which exceeds the target by 7.13 points.

KDE failed to meet its target of 43% in math by 1.03 points. The actual target data was 41.97%

KDE has had an ongoing intentional focus on improving reading with grants like Reading First, Striving Readers, and Read to Achieve. This focus has helped school districts put systematic processes in place to address the reading needs of all students.

Math has had fewer grants than reading, which may explain the state’s lower achievement results. KDE recognizes improvements need to be made in the area of math support to district and schools.

In order to increase math support to Kentucky school districts, KDE established the Content Leadership Networks in English Language Arts and Mathematics in 2010. The work will be coordinated through each of KDE’s Educational Cooperatives.

The networks were formed to support district-level personnel and school-based administrators so that everyone on a district leadership team (content leaders, district leaders, school administrators) is receiving coherent and consistent support, with an emphasis on reading and math.

All districts are allowed to select and send three content teacher leaders in English Language Arts, as well as three for Mathematics. A special education representative is also invited to attend. Members of the Content Leadership Networks will participate for at least three years.

Discussion of Improvement Activities Completed:

The activity presented in the FFY 2008 APR has been completed. DLS added Indicator 3 to the KCMP Self-Assessment. DLS required all districts to conduct a data analysis of all Indicator 3 data. Districts not meeting state targets were required to implement an action plan for improvement. Districts meeting Indicator 3 targets were required to develop a maintenance plan.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2009:

KDE added two years of Targets to the SPP, due to the extension of the SPP through FFY 2012.

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

Activity for Indicator 3

Improvement Activity for Indicators 3	<p>DLS will require all districts to conduct data analysis and develop appropriate activities for Indicator 3.</p> <p>Action Steps:</p>
--	--

	<ol style="list-style-type: none"> 1. DLS will analyze the Kentucky Interim Performance test data (Indicator 3) and Least Restrictive Placement data (Indicator 5) to identify the 10 highest and lowest 10 performing districts in the state. 2. DLS will coordinate five visits to the highest performing districts to evaluate district practices that create a culture of high performance for students with disabilities.
Evaluation	DLS will develop a list of common practices implemented in these highest performing districts.
Timeline	FFY 2010-2012
Resources	DLS, Office of Next Generation Learners, Special Education Cooperatives
Status	New Activity

Public Reporting Information:

KDE publicly reports performance level results but not counts because of confidentiality issues. KDE has taken this position because to do otherwise would lead to numerous violations of the Family Educational Rights and Privacy Act (FERPA).

The confidentiality issue and the significant risk of a FERPA violation was brought to KDE’s attention through *A Model Disclosure Audit of the 2008 Kentucky Performance Reports* dated February 4, 2009. The audit was conducted by independent evaluators from the University of Kentucky and Oklahoma State University. The audit’s Executive Summary states:

“We investigated 3998 KPR’s” [*Kentucky Performance Reports*] “from 1186 schools across all grade levels. **Our analysis indicates that a significant proportion of the KPR’s (approximately 96%) have at least one instance of disclosure of confidential educational performance information regarding small subgroups of size less than 10.**” [*Note: KDE’s ‘n’ size is 10.*] “Of the 1186 schools for whom KPR’s are available for 2008, only 4 had no instances of disclosure risk; the remaining 1182 schools (99.66%) had at least one instance which resulted in disclosure of confidential educational performance information. Our analysis also indicates that the disclosure occurs for practically every category for which information is provided in the KPR. **These include Gender, Ethnicity, Disability, and other categories. Disclosure most often resulted for subgroups defined by Disability** followed by Ethnicity. **Typically, these are the subgroups that are most easily identified even visually, without the need for any additional characteristics. It is also these groups that the Family Educational Rights and Privacy Act is intended to protect. The frequent occurrence of disclosure among these very groups is a real cause for concern.**”
 (Emphasis added.)

A copy of the audit is attached to KDE’s April 18, 2011 email to OSEP, setting forth its APR revisions.

KDE is caught between the proverbial rock and hard place, since to comply with FERPA puts KDE at risk of violating IDEA's regulation on public reporting of assessment results under 34 CFR 300.160(f).

However, 34 CFR 300.160(f)(5)(ii) states:

(f) Reports. An SEA (or, in the case of a district-wide assessment, an LEA) must make available to the public, and report to the public with the same frequency and in the same detail as it reports on the assessment of nondisabled children, the following:

(5) Compared with the achievement of all children, including children with disabilities, the performance results of children with disabilities on regular assessments, alternate assessments based on grade level academic achievement standards, alternate assessments based on modified academic achievement standards, and alternate assessments based on alternate academic achievement standards if—

(ii) **Reporting that information will not reveal personally identifiable information about an individual student on those assessments.**

KDE believes its decision not to report assessment counts is supported by the audit report's conclusions and the language of 34 CFR 300.160(f)(5)(ii). KDE awaits OSEP's guidance on this issue.

Assessment results are reported on KDE's web site at the following links:

<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, 2009 and 2010.

Part B State Annual Performance Report (APR) for FFY 2009

Overview of the Annual Performance Report Development: See Introduction.

<p>Monitoring Priority: FAPE in the LRE</p>
--

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))

<p>Measurement:</p>

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

Definition of Significant Discrepancy and Methodology for 4A

KDE 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

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 the Measurement, a Kentucky district is found to have a 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 the FFY 2008 SPP.

FFY	Measurable and Rigorous Target
2009 (Using 2008-2009 data)	Kentucky will identify 12 or less districts with a significant discrepancy in the rates of suspensions and expulsions of children with disabilities for greater than 10 days. 12 districts with significant discrepancies ÷ 176 districts x 100 = 6.82%

Actual Target Data for FFY 2008-2009: 13 Kentucky school districts or 7.39% had significant discrepancies.

The Measurement requires that the following calculation be used:

13 districts with significant discrepancy ÷ 176 Kentucky districts x100= 7.39%

176 districts met the “n” size of 10. No districts were excluded from the calculation.

Data Source: Section 618.

Table 1
Indicator 4A – Projected and Actual Target Data

FFY	<u>SPP Target Data:</u> Number of districts projected as having significant discrepancy	<u>Actual Target Data:</u> Number of districts with significant discrepancy	<u>SPP Target Percentage:</u> Percent of districts projected as having significant discrepancy	<u>Actual Percentage:</u> Percent of districts with significant discrepancy
FFY 2004 (Baseline year)	N/A	21/ 178 districts	N/A	11.79% of KY Districts

FFY	<u>SPP Target Data:</u> Number of districts projected as having significant discrepancy	<u>Actual Target Data:</u> Number of districts with significant discrepancy	<u>SPP Target Percentage:</u> Percent of districts projected as having significant discrepancy	<u>Actual Percentage:</u> Percent of districts with significant discrepancy
2005	18 districts	20/ 178 districts	10.11%	11.23%
2006	16 districts	16/ 177 districts	9.04%	9.04%
2007	14 districts	13/ 176 districts	7.95%	7.39%
2008 (FFY 2009 APR, using 2008-09 data)	12 districts	13/176 districts	6.82%	7.39%

Table 1 contains trend data since FFY 2004 using the Measurement adapted in FFY 2007. Table 1 shows KDE missed its Target by one district, but did meet its target for the previous two years.

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

Districts with Significant Discrepancy in Rates for Suspension and Expulsion

Year	Total Number of DISTRICTs	Number of DISTRICTs that have Significant Discrepancies	Percent
FFY 2009 (using 2008-2009 data)	176 districts	13 districts	7.39%

Review of Policies, Procedures, and Practices

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

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

In adopting special education policies and procedures, all thirteen Kentucky school districts with significant discrepancies chose one of three statewide policy and procedure

models. KDE reviewed the three model policies and procedures and found them all in compliance with IDEA's related requirements for Indicator 4A.

In the area of district practices, KDE reviews practices of all districts and those which fail to meet rigorous Indicator 4A targets through the KCMP self-assessment process. In the FFY 2008 and 2009 KCMP, districts self-reported Indicator 4A data to DLS and described discipline practices they were using.

Districts also analyzed district and school-level data to identify practices that were possible root causes of suspension problems. District directors of special education discussed Indicator 4A data analyses in Special Education Cooperative (Co-op) meetings, to facilitate sharing issues and effective practices to prevent future suspensions in districts across the region.

Additionally, in districts identified by 4A trend data to be of particular concern, KDE's technical assistance providers (the Co-ops) visited districts to review discipline practices and related IDEA requirements.

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

KDE did not identify any district non-compliance with Part B requirements as a result of the review required by 34 CRF 300.170(b). KDE made no findings of noncompliance for Indicator 4A as a result of these reviews or as a result of district monitoring, on-site KCMP verification visits, complaint investigations, on-site review of IDEA-related discipline practices or the provision of technical assistance.

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

KDE did not cite any districts for IDEA non-compliance related to Indicator 4A. However, one district was required to revise its district-wide general education suspension practices requiring zero tolerance.

Based on the review of trend data for students with disabilities and root cause analysis, KDE took the following actions:

1. Issued a reprimand letter to the Superintendent summarizing 5 years of suspension trend data and detailing specific concerns.
2. Met on-site with the district Superintendent, key district central office administrators, the Special Education Director, and other key high school leaders to review individual school and student discipline data.
3. Required specific school administrators to attend Positive Behavior Interventions and Supports (PBIS) training and to send teams to the statewide Behavior Institute.
4. Required the Superintendent to announce that no students will be suspended beyond 10 days in the future.
5. Required the district to develop a District Improvement Plan to address the lack of proactive district-wide discipline practices.
6. Required the district to develop a five-year plan for district-wide implementation of PBIS, with the district agreeing to secure ongoing PBIS training and mentorship through the Kentucky Center for Instructional Discipline (KCID) for all district schools.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred in FFY 2009**Explanation of Slippage that occurred in FFY 2009 (using 2008-2009 data):**

KDE missed its FFY 2009 target for Indicator 4A by one district. The target percentage was missed by .57%. (The SPP actual target data of 7.39% minus the Target of 6.82% = .57%)

Thirteen districts were identified with a significant discrepancy in FFY 2009, based on 2008-2009 data. While this is the same number of districts identified in FFY 2008 (based on 2007-2008 data), the majority of the FFY 2009 districts were not the same districts identified during the previous year.

DLS has intentionally set rigorous 4A targets and believes the targets send a message that districts should not suspend students with disabilities over 10 days. Some districts have small numbers of students receiving long-term suspensions/expulsions. In a small district, two students suspended/ expelled more than 10 days may cause the district to miss the target.

Most Kentucky districts with significant discrepancies had a one-time failure to meet the 4A Target. KDE has reviewed its upcoming SY 2009-2010 suspension data and verified the vast majority of districts missing the 4A target for the FFY 2009 APR self-corrected during the subsequent year.

DLS is concentrating most of KDE's technical assistance efforts on districts that either consistently fail to meet 4A targets or have significant numbers of students being suspended.

Since the FFY 04 baseline year, the total number of districts with a significant discrepancy has decreased from 21 to 13, indicating overall progress statewide.

KDE believes that its overall progress in moving toward the target is due to the following reasons:

- Increased focus on discipline data statewide and requirements for routine data analysis through the KCMP self-assessment
- District training and targeted technical assistance from Co-op directors and behavior consultants
- KCID and PBIS training of its affiliated schools
- The bi-annual Statewide Behavior Institute
- Mentoring of teachers, consultants and leaders by the Kentucky Council for Behavior Disorders
- Turnaround Specialists (formerly known as Highly Skilled Educators) who receive positive behavior support training and integrate it into school improvement initiatives within schools designated for tier assistance under NCLB
- Statewide training program for proactive early childhood intervention in behavior which includes a developmentally appropriate social skill instruction component (the KISSED initiative)

Root cause analysis of data in districts with significant discrepancies:

Examination of the 13 districts that missed the 4A during FFY 2009 reveals no regional patterns. The 13 districts are located across nine of 11 Special Education Co-op Regions.

Of the 13 districts, eight were newly identified. Only five of the 13 districts were districts with significant discrepancies the previous year. Moreover, based on a review of suspension data for FFY 2009-2010, 11 of the 13 districts identified in the FFY 2009 APR with significant discrepancies (using FFY 2008-09 data) have improved their discipline practices and will meet the state target for the FFY 2010 APR.

In the FFY 2008 APR, KDE also identified 13 districts with significant discrepancies for Indicator 4A. Of these 13 districts previously identified with significant discrepancy for Indicator 4A, only one district of the 13 did not subsequently improve practices and meet state 4A targets.

Input from regional Co-op staff and directors of special education indicate there are a number of variables that influence suspension/expulsion rates that are not uniformly consistent across districts in the state or Co-op regions. These variables are:

- 1) “Zero Tolerance” disciplinary codes for general education and negative culture and climate issues that are often inherent to secondary/ high school settings;
- 2) New principals or superintendents with no pre-service training in discipline or alternatives to suspension/ expulsions for students with disabilities;
- 3) Concentrated numbers of students with severe behavioral needs, placed by courts in district-located juvenile facilities; and,
- 4) Lack of intensive wrap-around services for students with severe mental health needs.

Discussion of Improvement Activities Completed for Target 4A:

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

1. Investigative Questions - DLS developed Indicator 4A Investigative Questions for the KCMP self-assessment as districts’ protocol for root cause analysis. The investigative questions were included in the KCMP Instruction Manual and used by districts in developing their most recent KCMP self-assessment. These 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. Trend Analysis of Discipline Data - KDE is requiring districts to revise their practices and complete a District Improvement Plan (and to receive related technical assistance) if the district shows a consistent negative trend in discipline data over time, even if the district was not cited for a specific IDEA non-compliance. To make these judgments, KDE reviewed 5 years of district trend data related to 4A suspensions.

For districts demonstrating repeated failure to meet targets, KDE required the district to analyze individual student data of students suspended over ten days and identify reasons for each suspension. District Improvement Plans are also required to address identified issues.

3. Trend Data Letters to Superintendents – Superintendents of districts with significant discrepancy showing a consistent lack of progress in 4A trend data over the past five years, received a letter of reprimand from KDE. The letter provided the districts with a

rigorous process to use for root cause analysis at the individual student level. It also included a format for a District Improvement Plan regarding reduction of suspensions of students with disabilities. The Improvement Plan must be submitted to and approved by KDE.

4. On-Site District Consultation and TA Visits from KDE - Districts with a lack of improvement in trend data received a series of contacts and a visit from KDE personnel to discuss district root causes and data analysis. Meetings with key district leadership and administrators regarding the issues and improvement activities necessary for improvement have included Special Education Co-op directors and behavior consultants.
5. Regional Coop Behavior Specialists/ Consultants - KDE's technical assistance providers, the Special Education Co-ops, have behavior consultants who routinely use the information obtained through KDE's review of district suspension data to provide individualized technical assistance to districts that did not meet the 4A Targets. Regional staff provide follow-up and support to districts to:
 - Review and analyze specific school and student-level discipline data
 - Design district improvement initiative / training/ action plans
 - Design follow-up activities and assist with coaching and implementation
 - Assist districts with progress reports that must be submitted to KDE
6. Evaluation Activity - Focus Group for Regional Feedback on Indicator 4A activities from Co-op Directors –During a recent focus group, Co-op Directors indicated the Five- Year Trend Data Letters to Superintendents have been effective in directing the attention of districts' central office staff on the need for improvement in district-wide suspension practices for students with disabilities. The Letters have also brought heightened scrutiny to suspension data at both the district level and school-level, with a focus on disciplinary practices at individual schools.

Correction of FFY 2008 Findings of Noncompliance:

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

Correction of FFY 2008 Findings of Noncompliance Not Timely Corrected:

Not applicable.

Actions Taken if Noncompliance Not Corrected:

Not applicable.

Correction of Remaining FFY 2007 Findings of Noncompliance:

Not applicable.

Correction of Any Remaining Findings of Noncompliance from FFY 2006 or Earlier

Not applicable.

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

Not applicable.

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

KDE added two years of Targets and changed the Activity Timelines to the SPP, due to the extension of the SPP through FFY 2012.

KDE added an evaluation strategy to the activity

Indicator 4: Rates of suspension and expulsion:

- 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.

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

Measurement:

- 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.

APR submission of Indicator 4B is not required in FFY 2009.

Part B State Annual Performance Report (APR) for FFY 2009

Overview of the Annual Performance Report Development: See Introduction.

Monitoring Priority: FAPE in the LREa

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

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

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

Measurement:

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

Indicator 5A

FFY	5A Measurable and Rigorous Target
FFY 2009	Increase the percentage of students served inside the regular class 80% or more of the day from 64 percent to 64.5 percent.

Actual Target Data for FFY 2009: 70.80%

During FFY 2009, 70.80% of Kentucky students with IEPs were in general education classrooms 80% or more or more of the instructional day. KDE met its target of 64.5% and exceeded it by 6.3%.

The Measurement requires that the following calculation be used:

61,722 students with disabilities in General Education > 80% ÷ 87,181 total students with disabilities = .7080 x 100 = 70.80%

Data Source: Section 618.

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

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2009

Explanation of Progress:

As stated in past APRs, KDE continues to consult 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 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.

As part of a bigger picture, KDE's recent Reorganization has placed a strong emphasis on the role of differentiated instruction and appropriate interventions for all students in the general education environment. The Differentiated Learning Branch combines the expertise of general and special education staff at KDE to provide technical assistance and guidance to districts in increasing the proficiency of all students through appropriate instruction, particularly in general education settings.

Discussion of Improvement Activities Completed:

The FFY 2008 SPP Improvement Activities were not completed. Instead, KDE has changed its activities to be consistent with KDE's reorganization and its new strategic plan, which prioritizes increased proficiency of students with disabilities.

Rather than having an activity that limits itself to increasing the presence of students with IEPs in the general education setting, the new activity seeks to make the connection between proficiency (Indicator 3) and educational settings (Indicator 5), to improve outcomes for students under both Indicators.

See next section for further explanation of the new Improvement Activities.

Revisions, with Justification, to Proposed Targets/ Improvement Activities / Timelines / Resources for FFY 2009

KDE has concluded LRE activities cannot "stand alone". To measure LRE data in isolation does not take the big picture of educational outcomes for students with disabilities into account.

Because of the close relationship between LRE, access to the general curriculum, and increased proficiency for students with disabilities on statewide assessments (Indicator 3), the main activity for Indicators 3 and 5 have been combined. KDE will focus on the impact of LRE to improved outcomes for students with disabilities as demonstrated by increased proficiency on statewide assessments.

Activity for Indicators 5A, B, and C

<p>Improvement Activity for Indicators 5A, B and C</p>	<p>KDE will require all districts to conduct data analysis and develop appropriate activities for Indicator 5.</p> <p>Action Steps</p> <ol style="list-style-type: none"> 1. DLS will analyze the Kentucky Interim Performance test data (Indicator 3) and Least Restrictive Environment (LRE) data (Indicator 5) to identify the 10 highest and lowest 10 performing districts in the state. 2. DLS will visit five of the highest performing districts to evaluate district practices that create a culture of high performance for students with disabilities.
<p>Evaluation</p>	<p>DLS will develop a list of common practices implemented in the highest performing districts.</p>
<p>Timeline</p>	<p>FFY 2010-2012</p>
<p>Resources</p>	<p>DLS, Office of Next Generation Learners, Special Education Cooperatives</p>
<p>Status</p>	<p>New Activity</p>

Despite gains in LRE data, during its monitoring of districts in FFY 2008, KDE realized LRE decisions were not being made in compliance with IDEA. As a result, access to the general curriculum was being inappropriately restricted.

A second activity for Indicators 5 A, B and C was added as a result.

Activity for Indicators 5A, B and C

<p>Improvement Activity for 5A, B and C</p>	<p>KDE will monitor districts for appropriate placement of students in the LRE.</p> <p>Action Steps: DLS will:</p> <ol style="list-style-type: none"> 1. Complete desk audits and on-site monitoring visits to review placement decisions for students in the least restrictive
--	--

	environment. 2. Cite districts for LRE noncompliance that have student-specific and systemic LRE issues.
Evaluation	District Corrective Action Plans will be enforced by KDE to ensure compliance within one year.
Timeline	FFY 2010-2012
Resources	DLS; Special Education Cooperatives
Status	New Activity

Indicator 5B

FFY	5B Measurable and Rigorous Target
FFY 2009	Decrease the percentage of students spending less than 40% of their instructional day in the general education program from 11.2% to 11.1%.

Actual Target Data for FFY 2009: 9.52%

KDE met its target of 11.1% and exceeded it by 1.58%

The Measurement requires the following calculation be used:

$8,303 \text{ students with IEPs served inside the regular class less than 40\% of the day} \div 87,181 \text{ total students with disabilities} \times 100 = 9.52\%$.

Data Source: Section 618 data.

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

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2009

Explanation of Progress:

Kentucky continues to decrease the number of students with disabilities that are educated in general education less than 40% of the day. KDE contributes the decrease of students receiving services in this placement to the inclusion and co-teaching trainings that have improved 5A percentages. Increases in the percentage for 5A have contributed to the decrease in 5B.

Discussion of Improvement Activities:

See discussion above for Indicator 5A.

Revisions, with Justification, to Proposed Targets / Improvement Activities /Timelines / Resources for FFY 2009:

See discussion above for Indicator 5A.

Indicator 5C

FFY	5C Measurable and Rigorous Target
FFY 2009	Decrease the percentage of students receiving their special education services in public and private residential day schools by .05 percent to 2.05%.

Actual Target Data: 1.85%

KDE met and slightly exceeded its target by 0.2%

The Measurement requires the following calculation be used:

1,616 children with IEPs served in separate schools, residential facilities, or homebound/hospital placements ÷ divided by 87,181 students aged 6 through 21 with IEPs × 100 = 1.85%.

Data Source: Section 618

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

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2009

Explanation of Progress:

KDE continues to believe 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 receiving special education services in public and private residential day school.

Discussion of Improvement Activities Completed:

See discussion above for Indicator 5A.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2009.

See discussion above for Indicator 5A.

Part B State Annual Performance Report (APR) for FFY 2009

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 2009.

Part B State Annual Performance Report (APR) for FFY 2009

Overview of the Annual Performance Report Development: See Introduction.

Monitoring Priority: Early Childhood Interventions in Natural Environments

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

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

Measurement:

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

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

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

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

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

- c. Percent of preschool children who improved functioning to a level nearer to same-aged peers but did not reach it = $[(\# \text{ of preschool children who improved functioning to a level nearer to same-aged peers but did not reach it}) \div (\# \text{ of preschool children with IEPs assessed})] \times 100$.
- d. Percent of preschool children who improved functioning to reach a level comparable to same-aged peers = $[(\# \text{ of preschool children who improved functioning to reach a level comparable to same-aged peers}) \div (\# \text{ of preschool children with IEPs assessed})] \times 100$.
- e. Percent of preschool children who maintained functioning at a level comparable to same-aged peers = $[(\# \text{ of preschool children who maintained functioning at a level comparable to same-aged peers}) \div (\# \text{ of preschool children with IEPs assessed})] \times 100$.

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

C. Use of appropriate behaviors to meet their needs:

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

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

Targets and Actual Data for Preschool Children Exiting in FFY 2009 (2009-10)

Summary Statements	Targets FFY 2009 (% of children)	Actual FFY 2009 (% of children)
Outcome A: Positive social-emotional skills (including social relationships)		
1. Of those children who entered or exited the program below age expectations in Outcome A, the percent who substantially increased their rate of growth by the time they exited the program	56	82.1
2. The percent of children who were functioning within age expectations in Outcome A by the time they exited the program	35	57.8
Outcome B: Acquisition and use of knowledge and skills (including early language/communication and early literacy)		
1. Of those children who entered or exited the program below age expectations in Outcome B, the percent who substantially increased their rate of growth by the time they exited the program	57	64.7
2. The percent of children who were functioning within age expectations in Outcome B by the time they exited the program	35	52.6
Outcome C: Use of appropriate behaviors to meet their needs		
1. Of those children who entered or exited the program below age expectations in Outcome C, the percent who substantially increased their rate of growth by the time they exited the program	49	83.9
2. The percent of children who were functioning within age expectations in Outcome C by the time they exited the program	34	60.9

KDE met all FFY 2009 targets for Indicator 7.

Progress Data for Preschool Children FFY 2009

A. Positive social-emotional skills (including social relationships):	Number of children	% of children
a. Percent of children who did not improve functioning	2	.1
b. Percent of children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers	479	16.5
c. Percent of children who improved functioning to a level nearer to same-aged peers but did not reach	744	25.6

d. Percent of children who improved functioning to reach a level comparable to same-aged peers	1457	50.2
e. Percent of children who maintained functioning at a level comparable to same-aged peers	222	7.6
Total	N= 2904	100%
B. Acquisition and use of knowledge and skills (including early language/communication and early literacy):	Number of children	% of children
a. Percent of children who did not improve functioning	2	.1
b. Percent of children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers	856	29.5
c. Percent of children who improved functioning to a level nearer to same-aged peers but did not reach	519	17.9
d. Percent of children who improved functioning to reach a level comparable to same-aged peers	1057	36.4
e. Percent of children who maintained functioning at a level comparable to same-aged peers	470	16.2
Total	N= 2904	100%
C. Use of appropriate behaviors to meet their needs:	Number of children	% of children
a. Percent of children who did not improve functioning	1	0
b. Percent of children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers	392	13.5
c. Percent of children who improved functioning to a level nearer to same-aged peers but did not reach	743	25.6
d. Percent of children who improved functioning to reach a level comparable to same-aged peers	1300	44.8
e. Percent of children who maintained functioning at a level comparable to same-aged peers	468	16.1
Total	N= 2904	100%

Validity and Reliability of Data

To ensure data entry reliability, two data cleaning phases were implemented by the Kentucky Early Childhood Data System (KEDS) staff. See FFY 2009 SPP, page 43.

Five Preschool Regional Training Centers continue to provide technical assistance to school districts in the appropriate use of assessment tools and publishers' data entry systems. Validity measures have been presented and discussed with district preschool coordinators at regional and state meetings.

Districts are currently implementing plans to measure the accuracy of assessment data at the local level. Several districts reported frequent opportunity to practice item scoring on assessments and more than two-thirds of all districts reported assessment data was checked for accuracy and completeness before submission to KEDS.

A guidance document which outlined suggestions for improving reliability measures was developed and disseminated at training sessions, posted on the KEDS website, and presented at state-wide conferences.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2009:

Explanation of Progress:

KDE believes its completed activities discussed below have improved the accuracy, reliability and completeness of the data received through KEDS and have supported the improvement in preschool outcomes during FFY 2009.

Discussion of Improvement Activities Completed:

All districts participated in the Infinite Campus data system and the submission of child assessment data into the Kentucky Early Childhood Data System (KEDS). With continued training and technical assistance, demographic and assessment data collection will improve in comprehensiveness and accuracy for all districts.

The activities for Indicator 7 include the development of an assessment system for measuring progress, based upon appropriate practice for young children birth through four and Kentucky Early Childhood Standards. The status, as documented by the activities, indicates all districts are participating and reporting in KEDS. Improvement activities will extend through FFY 2012 and include continued support to districts in their submission of complete and accurate data assessments for both fall and spring collection periods.

Developing communication processes among preschool, Infinite Campus and KEDS personnel to assure accurate and effective transfer of demographic data from Infinite Campus to KEDS is a continuing activity for FFY2010-2012.

Additional Information Required by the OSEP APR Response Table for this Indicator (if applicable):

Statement from the Response Table	State’s Response
Progress data and actual target data for FFY 2009	See charts
Ensure that the denominators are consistent across all three outcome areas	Used least common denominator for the denominator of OSEP reporting-reported data for children with complete data for all 3 OSEP outcomes

<p>Ensure data are valid and reliable</p>	<p>Several districts reported frequent opportunity to practice item scoring on assessments and more than two-thirds of all districts reported assessment data was checked for accuracy and completeness before submission to KEDS. A guidance document which outlined suggestions for improving reliability measures was maintained, disseminated via training sessions, posted on the KEDS website, and presented at state-wide conferences.</p>
---	---

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2010

An activity was added to assist with communication during planned data downloads.

<p>Indicator 7 Improvement Activity</p>	<p>Address complete data assessments for Kentucky Early Childhood Data System (KEDS) Fall & Spring data points</p> <p>Action Steps:</p> <ol style="list-style-type: none"> 1. Meet with Infinite Campus, Kentucky Early Childhood Data System (KEDS) and KDE staff to discuss issues with demographic data downloads from Infinite Campus 2. Develop communication process among Infinite Campus, KEDS and KDE to address questions or issues concerning accuracy of data downloads 3. Design and Implement targeted training and technical assistance to districts for entry of complete demographic data into Infinite Campus and assessment data to KEDS
<p>Evaluation</p>	<p>Status report of each action step; preliminary data runs</p>
<p>Resources</p>	<p>KDE Early Childhood Staff, KDE Infinite Campus Staff, KDE Division of Learning Services (DLS) Staff, Early Childhood Regional Training Centers (RTCs), University of Kentucky, Kentucky Early Childhood Data System (KEDS) staff</p>
<p>Timeline</p>	<p>2010-12</p>
<p>Status</p>	<p>Begin January 2011</p>

KDE also added SPP Targets and changed Activity Timelines to coordinate with the extension of SPP for an additional two years.

Part B State Annual Performance Report (APR) for FFY 2009

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.

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

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

FFY	Measurable and Rigorous Target
2009	Thirty percent (30%) 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 FFY 2009: 34%

KDE met its target and showed progress of 6.1% from last year’s rate of 27.9%.

The Measurement requires the following calculation be used:

446 parents of students with disabilities surveyed who report schools facilitated parent involvement ÷ 1,311 parents of students with disabilities surveyed × 100 = 34%.

Data Source: KDE’s Indicator 8 parent survey.

The parent survey used in FFY 2009 is the same as last year’s survey. It may be found in the FFY 2009 SPP on pages 59 and 60.

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

KDE’s Indicator 8 sampling plan and methodology was approved in 2006 by OSEP. KDE’s sampling plan is found on pages 41 and 42 of the FFY 2008 SPP.

Kentucky uses both a mailed paper survey and an online version of the same survey. The mailed version contains the URL to the online version, which is also open to the public and shared through departmental web pages and state and regional parent groups.

In analyzing the responses, KDE determined that respondents to the online version of the survey were heavily biased in terms of agreement with the NCSEAM scale. Parents responding on-line were far more likely to agree that schools had facilitated parent involvement.

This distribution included two fairly distinct sets of responses. Coupled with KDE’s inability to distinguish which online responses were part of the random sample and those that were not, the working sample used for Indicator 8 was limited to respondents only from sampled districts.

All figures reported in this report are based on this working sample of 1,311. The total number of respondents, including those from districts not in the sample, is 2,251.

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	1016	78.58%	86.03%
Black or African – American	196	15.16%	11.61%
Hispanic or Latino	52	4.02%	1.75%
Asian or Pacific Islander	22	1.70%	0.46%
American Indian or Alaskan Native	7	0.54%	.15%

The only ethnic category for which Kentucky’s data are under-represented is the “White” category. This should not be a problem because it is also the largest group. The fact that all other ethnic categories are over-represented should help further analysis which disaggregates responses by ethnic category.

The statewide response rate to the survey was 13.1%. This percentage exceeds the minimum required for an adequate confidence level to acquire valid and reliable data based on survey sample guidelines.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2 009

Explanation of Progress:

KDE exceeded the FFY 2009 Target by 4% and increased by 6.1% over last year’s rate 34% of parents surveyed indicated that their district facilitated their involvement in their child’s special education.

KDE attributes the increase to Parent/Professional Conferences now being held regionally in Kentucky. This may have facilitated more and better information getting to parents.

KDE believes the increase may also have been the result of Indicator 8 recently being added to the Kentucky Continuing Monitoring Process (KCMP).

Discussion of Improvement Activities Completed:

The improvement activity for Indicator 8 was to increase the response rate to the Parent Survey. This was accomplished by:

- a) KDE’s contractor, the Human Development Institute at the University of Kentucky (UK/HDI) sent districts a template for a “heads up” post card for districts to use to notify parents if the survey
- b) Information about the Parent Involvement Survey was posted on the KDE web site
- c) KDE shared the availability of the Parent Survey with parent groups
- d) KDE and the Special Education Cooperatives notified districts of the upcoming survey

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for 2009:

KDE added two years of Targets to the SPP, due to the extension of the SPP through FFY 2012. KDE will continue to collect data into FFY 2001 and 2012 through its previously approved sampling plan, using sampling plan years 1 and 2 respectively.

The Activities were changed due to a refinement of the evaluation process.

Activity for Indicator 8

<p>Improvement Activity for Indicator 8</p>	<p>KDE will work with districts to help facilitate parent involvement.</p> <p>Action Steps:</p> <ol style="list-style-type: none"> 1. KDE will add Indicator 8 survey items to the current KCMP self-assessment. 2. DLS and Co-ops will provide districts with technical assistance on the survey, focusing on the three lowest rated survey items that “need improvement.” 3. Districts will report to KDE on the three lowest-rated items and develop improvement plans as part of the KCMP. 4. DLS will collaborate with the Co-ops in writing the Indicator 8 section of KCMP manual for Spring reporting. 5. DLS will conduct a technical assistance webinar for Indicator 8 KCMP reporting. 6. KDE will place parent resources for involvement on its web page, with UK/HDI and DLS collaborating on content.
--	---

	7. KDE will include a “How Districts Can Increase Facilitation of Parent Involvement” section on its web site.
Evaluation	KDE will monitor the number of “hits” to the parent information page on its website, and conduct desk audits of districts with the lowest percentage of agreement on the Parent Survey to ensure that appropriate district strategies are developed.
Timeline	FFY 2010-2012
Resources	KDE/DLS, Parent Resource Centers, KY-SPIN, Special Education Co-operatives, UK/HDI
Status	New Activity

Part B State Annual Performance Report (APR) for FFY 2009

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.

In analyzing data for this indicator, KDE used data collected on Table 1 of its December 1 Child Count for all students with IEPs aged 6 to 21.

FFY	Measurable and Rigorous Target
2009	0%

Actual Target Data for FFY 2009: 0%

The Measurement requires the following calculation to be used:

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

There are 174 school districts, plus the Kentucky School for the Deaf and Kentucky School for the Blind, used in the denominator for this calculation.

KDE has an “n” size of 10 students with disabilities for confidentiality and data validity purposes. Use of the “n” size resulted in the following results for Indicator 9:

- 175 districts met the “n” size of 10 **White** students in special education. 1 district was excluded due to failure to meet the “n” size
- 80 districts met the “n” size of 10 **Black** students in special education. 96 districts were excluded due to failure to meet the “n” size
- 34 districts met the “n” size of 10 **Hispanic** students in special education. 142 districts were excluded due to failure to meet the “n” size

- 6 districts met the “n” size of 10 **Asian** students in special education. 170 districts were excluded due to failure to meet the “n” size
- 1 district met the “n” size of 10 **Native American** students in special education. 175 districts were excluded due to failure to the “n” size

The total unduplicated number of districts excluded from the calculation for Indicator 9 is one district.

Definition of “Disproportionate Representation” and Methodology

The FFY 2009 SPP contains Kentucky’s definition of disproportionate representation for over-identification and under-identification, as well as the methodology used. See pages 69 through 73 of the FFY 2009 SPP.

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

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

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

Year	Total Number of Districts	Number of Districts with Disproportionate Representation	Number of Districts with Disproportionate Representation of Racial and Ethnic Groups that was the Result of Inappropriate Identification	Percent of Districts
FFY 2009 (2009-2010)	176	8	0	0.00%

Step One: States must provide the **number of districts identified with disproportionate representation** of racial and ethnic groups in special education and related services

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

Step Two: Determining if Disproportionate Representation is the Result of Inappropriate Identification: States must report on the percent of districts in which disproportionate representation of racial and ethnic groups in special education and related services is the result of inappropriate identification, even if the determination of inappropriate identification was made after the end of the FFY 2009 reporting period, i.e., after June 30, 2010.

- The State must describe **how** it made its annual determination that the disproportionate representation of racial and ethnic groups in special education and related services was,

or was not, the result of inappropriate identification as required by 34 CFR §§300.600(d)(3) and 300.602(a). The State may use monitoring data; review policies, practices, and procedures, etc. States must determine whether districts with disproportionate representation of racial and ethnic groups in special education and related services are in compliance with the child find, evaluation, and eligibility requirements in 34 CFR §§300.111, 300.201 and 300.301 through 300.311, and include that information in its APR.

KDE reviewed policies, procedures and practices in the eight districts and found nothing to indicate the over-representation or under-representation was due to inappropriate identification.

One district had over-representation in one race/ethnicity category and barely exceeded the risk ratio trigger for being identified as having disproportionate representation. A desk audit was conducted by DLS, with the district determined to be in compliance with the requirements for appropriate identification under Indicator 9.

The seven remaining districts identified as having disproportionate representation had under-representation in special education. The risk ratio for each district fell at a rate that was slightly under the established threshold for under-representation.

In each district, the race/ethnicity groups that were under-identified were either Hispanic or Asian students. Both groups have historically been a small percentage of the school-age population in Kentucky. In recent years, Kentucky has seen moderate increases in populations of both groups.

KDE surveyed the seven districts identified with under-representation to determine the reasons for it:

- One district has an immigration intake center within its borders. Many of these students are served by the district through their programs for English Learners (EL)
- One district reported that Asian students in the district consistently are the highest performing race/ethnicity group on the district's state assessment
- One district reported that Hispanic students in the district consistently are the highest performing race/ethnicity group on the district's state assessment
- Several districts cited their use of research-based decisions in selecting culturally and language appropriate assessment instruments to assist in making appropriate eligibility decisions
- Most of the districts reported that all referrals in the district have decreased, as the process for Response to Intervention (RtI) is being implemented and refined

An analysis of monitoring data and focus group discussions among the Special Education Cooperative directors revealed that for Indicator 9 and Indicator 10, several of the districts in the state with disproportionate representation for African-American students in special education also house Department of Juvenile Justice (DJJ) facilities within the districts' boundaries.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that Occurred for FFY 2009:

Explanation of Progress:

KDE attributes the progress made on this indicator from 1.14% in FFY 2008 to 0% in FFY 2009 on the following:

- KDE focused its monitoring efforts for the past two years on ensuring districts are in compliance with IDEA eligibility requirements. The effort has had a positive effect on the affected districts and has also created a “ripple effect.” Other districts have become more aware of eligibility requirements and have begun taking proactive steps to increase compliance prior to monitoring by KDE.
- KDE issued an eligibility policy letter that outlines detailed expectations for districts to use in the referral, evaluation and eligibility determination process for students who may have a disability. The letter is on the KDE web site at: <http://www.education.ky.gov/KDE/Instructional+Resources/Exceptional+Children/Guidance+Documents/>
- DLS provided state-wide training via a webinar to coincide with the release of the policy letter. All districts identified with noncompliance during FFY 2008 for either Indicator 9 or 10 were required to participate in the webinar. A recording of the webinar is located at the link immediately above.

Discussion of Improvement Activities Completed:

The KDE policy letter and accompanying training module have been implemented.

FFY 2008 Findings of Noncompliance:

Level of compliance (actual target data) State reported for FFY 2008 for this indicator: 1.14%

1. Number of findings of noncompliance the State made during FFY 2008 (the period from July 1, 2008 through June 30, 2009).	2
2. Number of FFY 2008 findings the State verified as timely corrected (corrected within one year from the date of notification to the LEA of the finding).	1
3. Number of FFY 2008 findings <u>not</u> verified as corrected within one year [(1) minus (2)].	1

Correction of FFY 2008 Findings of Noncompliance Not Timely Corrected:

4. Number of FFY 2008 findings not timely corrected (same as the number from (3) above).	1
5. Number of FFY 2008 findings the State has verified as corrected beyond the one-year timeline (“subsequent correction”).	1
6. Number of FFY 2008 findings <u>not</u> yet verified as corrected [(4) minus (5)].	0

Actions Taken if Noncompliance Not Corrected:

One district did not correct its FFY 2008 Indicator 9 noncompliance within one year of KDE’s notification of the noncompliance based on results of an on-site visit. KDE notified the district in writing that its CAP would not be closed.

KDE verified during the visit that student specific violations had been remedied. However, the actions needed to correct systemic noncompliance were not in place.

KDE met with the Superintendent, the Director of Special Education and key staff to advise them of the steps required to close the CAP, including obtaining outside technical assistance to support the establishment of a district-wide Rtl system. KDE staff made a subsequent on-site visit and verified both student-specific and systemic compliance under OSEP Memorandum 09-02. The district was then notified that it was released from its CAP.

Verification of Correction (either timely or subsequent):

As set forth in the next section, DLS verified correction of noncompliance for Indicator 9, according to requirements in 34 CFR §§300.111, 300.201, and 300.301 through 300.311; and based on OSEP Memorandum 09-02 for both districts identified with FFY 2008 Indicator 9 noncompliance.

Describe the specific actions that the State took to verify the correction of findings of noncompliance identified in FFY 2008:

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

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

Correction of Remaining FFY 2007 Findings of Noncompliance:

Not applicable.

Correction of Any Remaining Findings of Noncompliance from FFY 2006 or Earlier:

Not applicable.

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

Statement from the Response Table	State’s Response
Because the State reported less than 100% compliance for FFY 2008 (greater than 0% actual target data for this indicator), the State must report on the status of correction of noncompliance reflected in the data the State	DLS has verified correction for both districts cited for noncompliance of Indicator 9 as described above, consistent with OSEP

<p>reported for this indicator. The State must demonstrate, in the FFY 2009 APR, that the districts identified in FFY 2008 with disproportionate representation of racial and ethnic groups in special education and related services that was the result of inappropriate identification are in compliance with the requirements of 34 CFR §§300.111, 300.201, and 300.301 through 300.311, including that the State verified that each district with noncompliance: (1) is correctly implementing the specific regulatory requirements (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the district, consistent with OSEP Memorandum 09-02, dated October 17, 2008 (OSEP Memo 09-02). In the FFY 2009 APR, the State must describe the specific actions that were taken to verify the correction.</p>	<p>Memorandum 09-02.</p>
---	--------------------------

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2010 (if applicable):

The activity in last year’s SPP was completed. A new activity for Indicators 9 and 10 was developed to focus KDE attention on districts with juvenile detention centers, to ensure students of minority race and ethnicity groups are being appropriately identified for special education services.

DLS revised the SPP Targets and Activity Timelines to 2008-2012, to coordinate with the extension of the SPP for an additional two years.

Activity for Indicator 9 and Indicator 10

<p>Indicator 9 and 10 Improvement Activity</p>	<p>DLS will partner with Kentucky’s Department of Juvenile Justice (DJJ) to appropriately identify students for special education in DJJ programs and ensure compliance with all IDEA requirements.</p> <p>Action Steps:</p> <ol style="list-style-type: none"> 1. Contact representatives from DJJ and identify individuals to develop and implement the initiative. 2. Develop common protocols for DJJ programs and school districts for use in common understanding and implementation of IDEA eligibility requirements. 3. Provide joint trainings to DJJ programs and school districts in which the DJJ programs are located.
---	---

	4. Develop a process for follow-up to ensure all IDEA eligibility requirements are being met.
Evaluation	DLS will survey a sample of DJJ administrators, school district administrators and teachers on the effectiveness of the activity.
Timeline	FFY 2010-2012
Resources	DLS; DJJ; Special Education Cooperatives
Status	New Activity

Part B State Annual Performance Report (APR) for FFY 2009

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.

FFY	Measurable and Rigorous Target
2009	0%

Actual Target Data for FFY 2009: 0%

The Measurement requires the following calculation to be used:

Zero districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification divided by 176 districts in the State times 100 = 0%.

There are 174 school districts plus the Kentucky School for the Deaf and Kentucky School for the Blind used in the denominator for the calculation.

KDE has an “n” size of 10 students with disabilities for confidentiality and data validity purposes. Use of the “n” size resulted in the following results for Indicator 10:

- 175 districts met the “n” size of 10 **White** students in the seven categories of disabilities reviewed under Indicator 10 (Mental Disabilities, Emotional-Behavioral Disabilities, Other Health Impaired, Speech Language, Specific Learning Disability, Autism and Developmental Delay). 1 district was excluded due to failure to meet the “n” size
- For all other races, the number of districts excluded by race and by the seven categories of disability follow:

Indicator 10: Mental Disabilities

	Indicator 10: Mental Disabilities			
	Black	Hispanic	Asian	Native
Identified	Count of Disproportionate Districts Identified			
Under	51	118	156	157
Over	56	15	7	14
Total	107	133	163	171
Met N Size	Count of Districts Identified that Met the 'n' Size			
Under	0	1	1	0
Over	15	0	0	0
Total	15	1	1	0
Excluded	Count of Districts Identified Not Meeting 'n' Size			
Under	51	117	155	157
Over	41	15	7	14
Total	92	132	162	171
	All Students 'n' Size			
Under 50	92	113	158	173
50 Plus	84	63	18	3
Total	176	176	176	176
	Special Ed Students 'n' Size			
Under 10	144	172	175	176
10 Plus	32	4	1	0
Total	176	176	176	176

Indicator 10: Speech Language Impairment

	Indicator 10: Speech Language Impairment			
	Black	Hispanic	Asian	Native
Identified	Count of Disproportionate Districts Identified			
Under	85	91	132	150
Over	16	19	22	19
Total	101	110	154	169
Met N Size	Count of Districts Identified that Met the 'n' Size			
Under	0	0	1	0
Over	0	0	0	0
Total	0	0	1	0
Excluded	Count of Districts Identified Not Meeting 'n' Size			
Under	85	91	131	150
Over	16	19	22	19
Total	101	110	153	169
	All Students 'n' Size			
Under 50	92	113	158	173
50 Plus	84	63	18	3
Total	176	176	176	176
	Special Ed Students 'n' Size			
Under 10	149	167	174	176
10 Plus	27	9	2	0
Total	176	176	176	176

Indicator 10: Emotional Behavior Disability

	Indicator 10: Emotional Behavior Disability			
	Black	Hispanic	Asian	Native
Identified	Count of Disproportionate Districts Identified			
Under	74	142	160	159
Over	60	9	2	4
Total	134	151	162	163
Met N Size	Count of Districts Identified that Met the 'n' Size			
Under	0	1	0	0
Over	8	0	0	0
Total	8	1	0	0
Excluded	Count of Districts Identified Not Meeting 'n' Size			
Under	74	141	160	159
Over	52	9	2	4
Total	126	150	162	163
	All Students 'n' Size			
Under 50	92	113	158	173
50 Plus	84	63	18	3
Total	176	176	176	176
	Special Ed Students 'n' Size			
Under 10	163	175	176	176
10 Plus	13	1	0	0
Total	176	176	176	176

Indicator 10: Other Health Impaired

	Indicator 10: Other Health Impaired			
	Black	Hispanic	Asian	Native
Identified	Count of Disproportionate Districts Identified			
Under	72	135	161	158
Over	33	14	5	12
Total	105	149	166	170
Met N Size	Count of Districts Identified that Met the 'n' Size			
Under	0	2	0	0
Over	1	0	0	0
Total	1	2	0	0
Excluded	Count of Districts Identified Not Meeting 'n' Size			
Under	72	133	161	158
Over	32	14	5	12
Total	104	147	166	170
	All Students 'n' Size			
Under 50	92	113	158	173
50 Plus	84	63	18	3
Total	176	176	176	176
	Special Ed Students 'n' Size			
Under 10	153	174	176	176
10 Plus	23	2	0	0
Total	176	176	176	176

Indicator 10: Specific Learning Disability

	Indicator 10: Specific Learning Disability			
	Black	Hispanic	Asian	Native
Identified	Count of Disproportionate Districts Identified			
Under	82	99	170	157
Over	31	26	2	14
Total	113	125	172	171
Met N Size	Count of Districts Identified that Met the 'n' Size			
Under	0	0	0	0
Over	3	2	0	0
Total	3	2	0	0
Excluded	Count of Districts Identified Not Meeting 'n' Size			
Under	82	99	170	157
Over	28	24	2	14
Total	110	123	172	171
	All Students 'n' Size			
Under 50	92	113	158	173
50 Plus	84	63	18	3
Total	176	176	176	176
	Special Ed Students 'n' Size			
Under 10	156	165	176	176
10 Plus	20	11	0	0
Total	176	176	176	176

Indicator 10: Autism

	Indicator 10: Autism			
	Black	Hispanic	Asian	Native
Identified	Count of Disproportionate Districts Identified			
Under	115	149	154	162
Over	24	9	7	4
Total	139	158	161	166
Met N Size	Count of Districts Identified that Met the 'n' Size			
Under	0	0	0	0
Over	0	0	0	0
Total	0	0	0	0
Excluded	Count of Districts Identified Not Meeting 'n' Size			
Under	115	149	154	162
Over	24	9	7	4
Total	139	158	161	166
	All Students 'n' Size			
Under 50	92	113	158	173
50 Plus	84	63	18	3
Total	176	176	176	176
	Special Ed Students 'n' Size			
Under 10	172	176	175	176
10 Plus	4	0	1	0
Total	176	176	176	176

Indicator 10: Developmentally Delayed

	Indicator 10: Developmentally Delayed			
	Black	Hispanic	Asian	Native
Identified	Count of Disproportionate Districts Identified			
Under	96	110	155	163
Over	31	29	10	10
Total	127	139	165	173
Met N Size	Count of Districts Identified that Met the 'n' Size			
Under	0	1	1	0
Over	4	0	0	0
Total	4	1	1	0
Excluded	Count of Districts Identified Not Meeting 'n' Size			
Under	96	109	154	163
Over	27	29	10	10
Total	123	138	164	173
	All Students 'n' Size			
Under 50	92	113	158	173
50 Plus	84	63	18	3
Total	176	176	176	176
	Special Ed Students 'n' Size			
Under 10	162	171	175	176
10 Plus	14	5	1	0
Total	176	176	176	176

The total unduplicated number of districts excluded from the calculation for Indicator 10 is one district.

Definition of “Disproportionate Representation” and Methodology

Kentucky’s definition of disproportionate representation for over-identification and under-identification, as well as the methodology used for Indicator 10 are found in the FFY 2009 SPP, pages 78-82.

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

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

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

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

KDE identified 22 districts as having disproportionate representation by race/ethnicity groups in specified categories as shown in the table below. See charts on pages 48-54. All 22 districts are disproportionately over-identifying students in one or more categories, with two of 22 districts showing slight underrepresentation in other categories.

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

DLS reviewed policies and procedures for all 22 districts and found them to be in compliance with IDEA's related requirements for Indicators 9 and 10.

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

- Five districts were initially identified for disproportionate representation during FFY 2009. DLS conducted desk audits for these districts. The child find, evaluation and eligibility practices were examined through reviews of student due process records. None of the reviewed districts were found to be out of compliance with Indicator 10
- Several districts were found to be in noncompliance with Indicator 10 during FFY 2009, based on December 2009 Child Count Data. DLS reviewed student files, either on-site or through desk audits, as part of the process in determining whether each district had achieved individual student and systemic compliance from the previous year.

In each district, DLS found the district had corrected all instances of individual student noncompliance from the previous year. DLS also found the districts to be in systemic compliance by reviewing random student files from FFY 2009 in all categories where noncompliance had been found the previous year

Four districts meeting the state's criteria for having disproportionate representation and found to be in compliance with Indicator 10 in FFY 2008 also had disproportionate representation in FFY 2009. Files of newly identified students were also examined by KDE in FFY 2009. KDE determined the four districts were continuing to correctly identify students for special education and related services in FFY 2009.

The districts having disproportionate representation due to under-representation were large districts. In each case of under-representation, the affected populations were either Asian or Hispanic students. Both of these districts are implementing aggressive Response to Intervention (RtI) programs and also have programs in place for English Learners (EL).

DLS attributes the statistical under-representation to these factors and believes with reasonable confidence that the districts are in compliance with all requirements specified in 34 CFR §300.111, §300.201, and §300.301 through §300.311.

An analysis of monitoring data and focus group discussions among the Special Education Cooperative directors revealed several districts with disproportionate representation for African-American students in the Mild Mental Disabilities (MMD) and Emotional Behavior Disability (EBD) categories also house Department of Juvenile Justice (DJJ) programs within the districts' boundaries.

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 2009	176	22	0	0.00%

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that Occurred for FFY 2009:

Explanation of Progress:

KDE attributes the progress made on this indicator from 4.55% in FFY 2008 to 0% in FFY 2009 on the following:

- DLS focused its monitoring efforts for the past two years on ensuring districts are in compliance with IDEA eligibility requirements. This has had a positive effect on compliance in the monitored districts. It has also created a “ripple effect” by which other districts have become more aware of IDEA eligibility requirements and have begun taking proactive steps to increase compliance prior to monitoring by KDE.
- KDE issued an Eligibility Policy Letter that outlined detailed expectations for districts to use in the referral, evaluation and eligibility determination process for students who may have a disability. The policy letter warns districts they are subject to child count audits for failing to identify children for special education and related services in compliance with IDEA requirements.

The policy letter is on KDE web site at:

<http://www.education.ky.gov/KDE/Instructional+Resources/Exceptional+Children/Guidance+Documents/>

- DLS provided state-wide training via a webinar to coincide with the release of the policy letter. All districts identified with noncompliance during FFY 2008 for either Indicator 9 or 10 were required to participate in the webinar. A recording of the webinar is located at the link immediately above.

Discussion of Improvement Activities Completed:

The KDE policy letter and accompanying training module have been implemented.

Correction of FFY 2008 Findings of Noncompliance (if State reported more than 0% compliance):

Level of compliance (actual target data) KDE reported for FFY 2008 for this indicator: 4.55%

1. Number of findings of noncompliance the State made during FFY 2008 (the period from July 1, 2008 through June 30, 2009)	2
2. Number of FFY 2008 findings the State verified as timely corrected (corrected within one year from the date of notification to the LEA of the finding)	1
3. Number of FFY 2008 findings <u>not</u> verified as corrected within one year [(1) minus (2)]	1

Correction of FFY 2008 Findings of Noncompliance Not Timely Corrected (corrected more than one year from identification of the noncompliance):

4. Number of FFY 2008 findings not timely corrected (same as the number from (3) above)	1
5. Number of FFY 2008 findings the State has verified as corrected beyond the one-year timeline (“subsequent correction”)	1
6. Number of FFY 2008 findings <u>not</u> yet verified as corrected [(4) minus (5)]	0

Actions Taken if Noncompliance Not Corrected:

See APR Indicator 9 discussion above at page 41. The district that was noncompliant and the KDE actions taken are identical for both Indicators 9 and 10.

Verification of Correction (either timely or subsequent):

See Indicator 9 discussion under this heading above. The two districts identified in FFY 2008 with noncompliance for Indicator 9 were both identified in FFY 2008 for Indicator 10 noncompliance. The process of verification was the same for both Indicators.

Describe of the specific actions that the State took to verify the correction of findings of noncompliance identified in FFY 2008:

Please see this section under Indicator 9.

Correction of Remaining FFY 2007 Findings of Noncompliance:

Not applicable

Describe of the specific actions that the State took to verify the correction of findings of noncompliance identified in FFY 2007:

Not applicable.

Correction of Any Remaining Findings of Noncompliance from FFY 2006 or Earlier:

Not applicable.

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

Statement from the Response Table	State’s Response
<p>Because the State reported less than 100% compliance for FFY 2008 (greater than 0% actual target data for this indicator), the State must report on the status of correction of noncompliance reflected in the data the State reported for this indicator. The State must demonstrate, in the FFY 2009 APR, that the districts identified in FFY 2008 with disproportionate representation of racial and ethnic groups in specific disability categories that was the result of inappropriate identification are in compliance with the requirements of 34 CFR §§300.111, 300.201 and 300.301 through 300.311, including that the State verified that each district with noncompliance: (1) is correctly implementing the specific regulatory requirements (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the district, consistent with OSEP Memo 09-02. In the FFY 2009 APR, the State must describe the specific actions that were taken to verify the correction. If the State is unable to demonstrate compliance with those requirements in the FFY 2009 APR, the State must review its improvement activities and revise them, if necessary to ensure compliance.</p>	<p>As noted above, KDE has verified correction for both districts cited for noncompliance of Indicator 10 requirements consistent with OSEP Memorandum 09-02.</p>

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2010:

See Indicator 9 Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2010.

Part B State Annual Performance Report (APR) for FFY 2009

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 60 days (or State-established timeline).

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

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

FFY	Measurable and Rigorous Target
2009	100%

Actual Target Data for FFY 2009: 99%

The Measurement Table requires the following calculation be used:

3,472 children whose evaluations were completed within Kentucky’s 60 school day timeline ÷ 3,507 children for whom parental consent to evaluate was received times 100 = 99%.

Note: KDE has modified the method by which it collects APR data for Indicator 11 and Indicator 13. Beginning on May 30, 2010, and on the same date annually, districts are required to submit a report to KDE containing randomly selected child-specific data for these indicators.

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

KDE is working with its student information system vendor to allow KDE to use districts’ actual census data in the future for Indicator 11.

The validity and reliability of the data are discussed in the FFY 2009 SPP at page 88.

Children Evaluated Within 60 School Days:

a. Number of children for whom parental consent to evaluate was received	3,507
b. Number of children whose evaluations were completed within 60 days (or State-established timeline)	3,472
Percent of children with parental consent to evaluate, who were evaluated within 60 school days	99%

Indicate the range of days beyond the timeline and provide reasons for the delays:

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= 45

Reasons for the delays include the following:

- 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 in calculating timelines

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that Occurred for FFY 2009:

Explanation of Progress:

KDE reached a high rate of compliance (99%) but it did not reach its target of 100%.

KDE has examined its data and believes the reasons for reaching and maintaining its high rate of compliance is due to its emphasis placed on APR data verification over the past two years. DLS has conducted numerous desk audits and on-site visits in FFY 2008 and 2009 to verify data for the APR compliance indicators (Indicators 9 through 13 and Indicator 20).

Based on monitoring, districts have been cited for noncompliance for these Indicators. The activity has raised the importance of compliance for districts and has resulted in higher rates of compliance, which have been maintained.

The Special Education Cooperatives have made reviewing districts' APR data and their improvement plans their top priority. The Co-ops efforts have been invaluable to KDE in achieving and maintaining compliance.

KDE has noted the following from its review of Indicator 11 data:

- A review of longitudinal compliance data for Indicator 11 reveals that five districts have been cited for noncompliance with Indicator 11 requirements for three or more times over the past five years. DLS will focus its efforts to ensure these districts will not only achieve student specific and systemic compliance, but will also maintain compliance.
- The state’s compliance rate of 99% for FFY 2009 is consistent with data reported for FFY 2008. Significant improvement in the state’s compliance rate for Indicator 11 from FFY 2007 until FFY 2008 has been maintained through FFY 2009.
- As the result of state monitoring activities, 13 districts were cited for noncompliance with the requirements of Indicator 11 during FFY 2009. All 13 districts are currently within the one year time frame for correcting the findings of noncompliance consistent with OSEP Memorandum 09-02.

Discussion of Improvement Activities Completed:

KDE’s former activity required any district out of compliance with Indicator 11 for two consecutive years based on lack of evaluation personnel, to hire a psychologist(s) with Part B funds. No districts have met the criteria since it was established.

KDE revised the activity based on its root cause analysis.

Correction of FFY 2008 Findings of Noncompliance:

Level of compliance KDE reported for FFY 2008 for this indicator: 99%

7. Number of findings of noncompliance the State made during FFY 2008 (the period from July 1, 2008 through June 30, 2009).	18
8. Number of FFY 2008 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 2008 findings <u>not</u> verified as corrected within one year [(1) minus (2)].	0

Correction of FFY 2008 Findings of Noncompliance Not Timely Corrected (corrected more than one year from identification of the noncompliance):

10. Number of FFY 2008 findings not timely corrected (same as the number from (3) above).	0
11. Number of FFY 2008 findings the State has verified as corrected beyond the one-year timeline (“subsequent correction”).	0
12. Number of FFY 2008 findings <u>not</u> verified as corrected [(4) minus (5)].	0

Actions Taken if Noncompliance Not Corrected:

Not applicable

Verification of Correction:

During on-site and desk audit monitoring activities, DLS verified that, for all student records exceeding the 60 school day timeline, the evaluation had been completed, eligibility determined and, if eligible, an IEP was developed for the student, even if late. This is consistent with Prong 1, OSEP Memorandum 09-02.

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

Based on record reviews, KDE believes with reasonable confidence that all districts identified with noncompliance in FFY 2008 corrected the noncompliance according to both prongs specified in OSEP Memorandum 09-02.

Describe the specific actions that the State took to verify the correction of findings of noncompliance identified in FFY 2008:

KDE verified the correction of findings of noncompliance identified in FFY 2008 in two ways:

- During the initial desk audit or onsite visit where noncompliance was identified for Indicator 11, DLS also verified that for the students whose files were reviewed, eligibility had been determined and, if eligible, an IEP was developed even if it exceeded the 60 school day timeline for completing the evaluation. This is consistent with Prong 1, OSEP Memorandum 09-02.
- Prior to the closure of all Corrective Action Plans, additional files of students identified and evaluated after implementation of the CAP activities, were examined to verify the evaluation was completed, eligibility determined and, if eligible, an IEP was developed consistent with Prong 2, OSEP Memorandum 09-02.

Correction of Remaining FFY 2007 Findings of Noncompliance (if applicable):

Not applicable.

Verification of Correction of Remaining FFY 2007 findings:

Not applicable.

Describe the specific actions that the State took to verify the correction of findings of noncompliance identified in FFY 2007:

Not applicable

Correction of Any Remaining Findings of Noncompliance from FFY 2006 or Earlier:

Not applicable.

Additional Information Required by the OSEP APR Response Table for this Indicator (if applicable):

Statement from the Response Table	State’s Response
<p>Because the State reported less than 100% compliance for FFY 2008, the State must report on the status of correction of noncompliance reflected in the data the State reported for this indicator; specifically, the 18 findings of noncompliance identified in FFY 2008, based on FFY 2007 data, where the State reported that child-specific corrections were verified by February 1, 2010. When reporting the correction of noncompliance, the State must report, in its FFY 2009 APR, that it has verified that each LEA with noncompliance reflected in the data the State reported for this indicator, is correctly implementing 34 CFR §300.301(c)(1) (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system, consistent with OSEP Memo 09-02. In the FFY 2009 APR, the State must describe the specific actions that were taken to verify the correction.</p>	<p>See sections above under the headings, “<i>Verification of Correction</i>” and “<i>Describe the specific actions that the State took to verify the correction of findings of noncompliance identified in FFY 2008.</i>”</p>
<p>If the State does not report 100% compliance in the FFY 2009 APR, the State must review its improvement activities and revise them, if necessary.</p>	<p>The improvement activity for FFY 2010-2012 has been revised. See below.</p>

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2010 (if applicable):

The new Activity focuses attention on districts experiencing difficulty maintaining compliance with Indicator 11 over time.

Activity for Indicator 11

<p>Indicator 11 Improvement Activity</p>	<p>KDE will provide targeted training and technical assistance to districts out of compliance with Indicator 11; with a particular emphasis on the five districts with historical issues in maintaining Indicator 11 compliance.</p> <p>Action Steps:</p> <ol style="list-style-type: none"> 1. Use Indicator 11 reporting data to determine districts out of compliance. 2. Conduct trainings for school psychologists, directors of special education and ARC chairpersons in the noncompliant districts. 3. Design follow-up activities to ensure ongoing implementation at
---	--

	<p>the building level .</p> <ol style="list-style-type: none"> 4. Require districts with historical Indicator 11 noncompliance to meet with the director of DLS and the APR Indicator 11 lead, to develop an action plan approved by DLS to achieve sustained systemic compliance. 5. Require districts out of compliance with Indicator 11 to submit documentation from folders of newly-identified students each quarter until KDE can verify with reasonable confidence that the district has achieved systemic compliance with evaluation timelines as outlined in OSEP Memorandum 09-02.
Evaluation	<p>For districts with Indicator 11 noncompliance, KDE will survey a sample of school psychologists, directors of special education and ARC chairpersons to determine whether the training/technical assistance provided by KDE has resulted in increased levels of compliance for Indicator 11.</p>
Timeline	<p>FFY 2010-2012</p>
Resources	<p>DLS; Special Education Cooperatives</p>
Status	<p>New Activity</p>

KDE also revised the Targets and Timelines for Improvement Activities to coordinate with the extension of the SPP for two additional years.

Part B State Annual Performance Report (APR) for FFY 2009

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 for Part B eligibility determination.
- b. # of those referred determined to be NOT eligible and whose eligibilities were determined prior to their third birthdays.
- c. # of those found eligible who have an IEP developed and implemented by their third birthdays.
- d. # of children for whom parent refusal to provide consent caused delays in evaluation or initial services or to whom exceptions under 34 CFR §300.301(d) applied.
- e. # of children who were referred to Part C less than 90 days before their third birthdays.

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

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

FFY	Measurable and Rigorous Target
2009	100%

Actual Target Data for FFY 2009:

99.60% 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

KDE missed its Target of 100% by .40%.

The Measurement requires the following calculation be used:

2243 children found eligible who had an IEP developed by their third birthday ÷ 2252 children* ×100= 99.60%.

*The denominator of 2252 children was obtained by the following calculations:

2865 children served in Part C and referred to Part B, minus 273 children determined not eligible, minus 248 children whose parents refused to provide consent that caused delay, minus 92 children who were late referrals from Part C for a total of 2252 children.

Data source:

Preschool Program End of Year Performance Report.

Validity of Data:

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

Districts occasionally found errors in their data when they began their data analysis for the KCMP self-assessment. Special Education Co-op staff worked with districts to correct data as needed and conducted regional data analysis sessions for their member districts.

Actual State Data (Numbers)

a. # of children who have been served in Part C and referred to Part B for Part B eligibility determination.	2865
b. # of those referred determined to be NOT eligible and whose eligibility was determined prior to third birthday	273
c. # of those found eligible who have an IEP developed and implemented by their third birthdays	2243
d. # for whom parent refusals to provide consent caused delays in evaluation or initial services or to whom exceptions under 34 CFR §300.301(d) applied.	248
e. # of children who were referred to Part C less than 90 days before their third birthdays.	92
# in a but not in b, c, d, or e.	9
Percent of children referred by Part C prior to age 3 who are found eligible for Part B, and who have an IEP developed and implemented by their third birthdays $Percent = [(c) / (a-b-d-e)] * 100$	99.60%

Other Data:

Range of days IEP delayed: Two to 67.

Reasons for Delays include:

- Parent refusal to provide consent for evaluation or initial services
- District unable to locate child/family in timely manner
- 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 2009:

Explanation of Progress:

The FFY 2009 actual target data of 99.60% shows improvement of .87% from the FFY 2008 rate of 98.73%.

The Table below shows the progress KDE has made since data for Indicator 12 were first reported.

FFY	Target %
2009	99.60% 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
2008	98.73%
2007	95.69%
2006	96.55%
2005	93.75%
2004	79.34%

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

1. In FFY 2007, 419 referrals from Part C to local districts were late referrals. The number dropped in FFY 2008 to 144 late referrals. In FFY 2009, the number of late referrals continued to decrease to 92 referrals.

KDE staff and Part C Lead Agency staff met to discuss the issue of late referrals from Part C service coordinators. Changes in Part C procedures and contractual obligations reduced the number of late referrals. Also, significant technical assistance on early childhood transition was provided by Part C staff to service coordinators, which resulted in more timely transition conferences.

KDE technical assistance to districts with late referrals addressed the districts' responsibility to contact parents who are on the Notification List no later than 90 days

prior to the child’s third birthday if a transition conference has not been scheduled by that time.

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

2. Districts that assigned transition responsibilities to specific people cited this as contributing to the districts’ ability to meet the target.
3. In the past, two large Kentucky districts had compliance rates below 100%. Both districts are now slightly under 100%, at 97.39% and 98.01% respectively.

Discussion of Improvement Activities Completed

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

The second activity of developing the data sharing between Part C and Part B was initiated but not completed

Correction of FFY 2008 Findings of Noncompliance (if State reported less than 100% compliance in its FFY 2008 APR):

Level of compliance (actual target data) State reported for FFY 2008 for this indicator: **98.73%**

1. Number of findings of noncompliance the State made during FFY 2008 (the period from July 1, 2008 through June 30, 2009)	14
2. Number of FFY 2008 findings the State verified as timely corrected (corrected within one year from the date of notification to the LEA of the finding)	14
3. Number of FFY 2008 findings <u>not</u> verified as corrected within one year [(1) minus (2)]	0

Correction of FFY 2008 Findings of Noncompliance Not Timely Corrected (corrected more than one year from identification of the noncompliance):

4. Number of FFY 2008 findings not timely corrected (same as the number from (3) above)	0
5. Number of FFY 2008 findings the State has verified as corrected beyond the one-year timeline (“subsequent correction”)	0
6. Number of FFY 2008 findings <u>not</u> verified as corrected [(4) minus (5)]	0

Actions Taken if Noncompliance Not Corrected:

Not applicable.

Verification of Correction (either timely or subsequent):

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

KDE also reviewed additional records for students who transitioned from Part C to Part B subsequent to the districts' implementation of their CAP activities and found them to be in compliance. By doing this, KDE determined the district was in systemic compliance, pursuant to Prong 2 of OSEP Memorandum 09-02.

Based on the record reviews, KDE believes with reasonable confidence that all districts identified with noncompliance in FFY 2008 have corrected the noncompliance according to both prongs specified in OSEP Memorandum 09-02.

Describe the specific actions that the State took to verify the correction of findings of noncompliance identified in FFY 2008:

KDE verified the correction of findings of noncompliance in all districts identified in FFY 2008 in two ways:

- During the initial desk audit or on-site visit - When noncompliance was identified for Indicator 12, DLS verified that, for students identified as having an Indicator 12 noncompliance, an IEP was developed and implemented although late unless the child was no longer in the district. This is consistent with Prong 1, OSEP Memorandum 09-02.
- Prior to the closure of all Corrective Action Plans, additional files of students identified and evaluated after implementation of the CAP activities were examined to determine that the evaluation was completed, eligibility determined and if eligible, an IEP was developed consistent with Prong 2, OSEP Memorandum 09-02.

Correction of Remaining FFY 2007 Findings of Noncompliance (if applicable):

Not applicable.

Verification of Correction of Remaining FFY 2007 findings:

Not applicable

Verification of Correction of Remaining FFY 2007 findings:

Not applicable.

Describe of the specific actions that the State took to verify the correction of findings of noncompliance identified in FFY 2007:

Not applicable.

Additional Information Required by the OSEP APR Response Table for this Indicator (if applicable):

Statement from the Response Table	State’s Response
Status of correction of FFY 2008 noncompliance	All 14 districts have corrected non-compliance as specified under OSEP Memorandum 09-02. See <i>Correction of FFY 2008 Findings of Noncompliance</i> above.
Verification of correction of noncompliance	See section above, <i>Verification of Correction (either timely or subsequent)</i> .
Specific actions taken to verify correction	See section above, <i>Describe the specific actions that the State took to verify the correction of findings of noncompliance identified in FFY 2008.</i>
Review of improvement activities	Activities reviewed and timelines extended to coordinate with extension of SPP additional two years.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2010 (if applicable):

KDE revised the Targets and Timelines for Improvement Activities to coordinate with the extension of the SPP for two additional years.

Part B State Annual Performance Report (APR) for FFY 2009

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.

Baseline data for FFY 2009 and Targets are in the State’s revised State Performance Plan since Indicator 13 was revised to include a new measurement.

Correction of Remaining FFY 2007 Findings of Noncompliance (if applicable):

Not applicable.

Verification of Correction of Remaining FFY 2007 findings:

Not applicable.

Describe the specific actions that the State took to verify the correction of findings of noncompliance identified in FFY 2007:

Not applicable.

Correction of Any Remaining Findings of Noncompliance from FFY 2006 or Earlier (if applicable):

Not applicable.

Additional Information Required by the OSEP APR Response Table for this Indicator (if applicable):

Statement from the Response Table	State's Response
In the FFY 2009 APR, the State must provide a revised baseline using data from 2009-2010. Targets must remain 100%.	See Indicator 13, FFY 2009 SPP

Part B State Annual Performance Report (APR) for FFY 2009

Overview of the Annual Performance Report Development: See Introduction.

<p>Monitoring Priority: Effective General Supervision Part B / Effective Transition</p>
--

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))

<p>Measurement:</p>

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

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

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

The APR for Indicator 14 is not required, due to the revised Indicator measurement.

Part B State Annual Performance Report (APR) for FFY 2009

Overview of the Annual Performance Report Development: See Introduction.

Monitoring Priority: Effective General Supervision Part B / General Supervision

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

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

Measurement:
 Percent of noncompliance corrected within one year of identification:

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

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

States are required to use the “Indicator 15 Worksheet” to report data for this Indicator (See Worksheet below.)

FFY	Measurable and Rigorous Target
2009	100%

Actual Target Data for FFY 2009: 94%

The Measurement requires the following calculation be used, as shown in the B-15 Worksheet below:

66 corrections of noncompliance completed as soon as possible but in no case later than one year from identification ÷ 70 findings of noncompliance times 100 = 94%.

PART B INDICATOR 15 WORKSHEET

Indicator/Indicator Clusters	General Supervision System Components	# of LEAs Issued Findings in FFY 2008 (7/1/08 to 6/30/09)	(a) # of Findings of noncompliance identified in FFY 2008 (7/1/08 to 6/30/09)	(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.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other			
2. Percent of youth with IEPs dropping out of high school.		1	1	1
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			
3. Participation and performance of children with disabilities on statewide assessments.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other			
7. Percent of preschool children with IEPs who demonstrated improved outcomes.		Dispute Resolution: Complaints, Hearings	3	3
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			
		Dispute Resolution: Complaints, Hearings	1	1

Indicator/Indicator Clusters	General Supervision System Components	# of LEAs Issued Findings in FFY 2008 (7/1/08 to 6/30/09)	(a) # of Findings of noncompliance identified in FFY 2008 (7/1/08 to 6/30/09)	(b) # of Findings of noncompliance from (a) for which correction was verified no later than one year from identification
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			
	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			
	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	3	5	2
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			

Indicator/Indicator Clusters	General Supervision System Components	# of LEAs Issued Findings in FFY 2008 (7/1/08 to 6/30/09)	(a) # of Findings of noncompliance identified in FFY 2008 (7/1/08 to 6/30/09)	(b) # of Findings of noncompliance from (a) for which correction was verified no later than one year from identification
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	18	18	18
	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	14	14	14
	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-secondary goals.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	20	20	20
	Dispute Resolution: Complaints, Hearings			
Other areas of noncompliance: <ul style="list-style-type: none"> Failure to provide appropriate related services (transportation) 	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other			

Indicator/Indicator Clusters	General Supervision System Components	# of LEAs Issued Findings in FFY 2008 (7/1/08 to 6/30/09)	(a) # of Findings of noncompliance identified in FFY 2008 (7/1/08 to 6/30/09)	(b) # of Findings of noncompliance from (a) for which correction was verified no later than one year from identification
	Dispute Resolution: Complaints, Hearings	1	1	1
Other areas of noncompliance: <ul style="list-style-type: none"> Failure to maintain required due process documents 	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other			
	Dispute Resolution: Complaints, Hearings	1	1	1
Other areas of noncompliance: <ul style="list-style-type: none"> Failure to follow FERPA requirements 	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other			
	Dispute Resolution: Complaints, Hearings	1	1	1
Sum the numbers down Column a and Column b			70	66
Percent of noncompliance corrected within one year of identification = (column (b) sum divided by column (a) sum) times 100			(b) / (a) X 100 =	94%

Describe the process for selecting LEAs for Monitoring:

DLS conducted on-site visits in 11 Kentucky districts during FFY 2008. Districts were randomly selected by choosing one district from each of Kentucky’s 11 Special Education Cooperative regions. The focus for these districts included data verification for Indicators 9, 10, 11, 12 and 13. The citations for noncompliance for these visits are included within the B-15 Worksheet.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that Occurred for FFY 2009

Explanation of Slippage:

Four findings of noncompliance cited in FFY 2008 were not corrected within one year. KDE attributes the decrease in compliance, from the FFY 2008 level of 95% for Indicator 15 to the current level of 94%, to these reasons:

- Three of the 4 findings were issued to two districts after an on-site visit revealed that neither district had district-wide systems for Response to Intervention (RtI) in place. One district was cited under the *Related Requirements* for Indicator 9. The second district was cited for violations of IDEA eligibility requirements under Indicators 9 and 10

KDE verified all student-specific corrections in both districts were corrected within the one-year timeline, but could not verify systemic correction of the noncompliance within one year. This was due to the difficulty in quickly establishing a district-wide system of RtI as required by both districts' Corrective Action Plans (CAPs)

KDE has now verified both findings of systemic noncompliance have been corrected, and can state with reasonable confidence that both districts are now in compliance

- One of the four findings was related to a formal complaint. DLS verified the correction of noncompliance within one calendar year but failed to issue the letter to the district until shortly after the one-year timeline had passed

The three findings related to failure to develop RtI systems in place were issued during FFY 2008, less than one year after KDE promulgated its IDEA regulations related to RtI implementation. There has been substantial technical assistance provided to Kentucky districts by KDE, the Special Education Cooperatives and other entities since that time. Kentucky's school districts are now operating systems for RtI with more consistency and fidelity than at the time the two districts were cited.

KDE believes its present systems for timely correction of noncompliance under Indicator 15 will cause improved performance for the FFY 2010 APR, based on the following factors:

- During FFY 2009, KDE required all districts cited for noncompliance based on on-site monitoring or desk audits to submit quarterly reports outlining the districts' progress in implementing their CAPs. The requirement will assist districts in timely correcting both student-specific findings of noncompliance and systemic noncompliance consistent with OSEP Memorandum 09-02
- DLS staff assigned as monitoring team leaders meet regularly and work collaboratively within the division to make sure all findings of noncompliance are verified and the district notified within one calendar year
- Special education cooperatives have been active in providing technical assistance and follow-up to districts that are cited for noncompliance, with emphasis on correcting noncompliance in a timely manner

Discussion of Improvement Activities Completed:

The status of each improvement activity for Indicator 15 is as follows:

- DLS will increase district oversight to ensure correction of noncompliance within one year

- The action steps for this indicator have been implemented and continue to be implemented by DLS monitoring team leaders assigned to all districts identified with compliance issues. The requirement that districts with CAPS submit quarterly status reports has been particularly effective in timely correction of noncompliance
- DLS will incorporate Indicator 15 into the Kentucky Continuous Monitoring Process (KCMP)
 - This activity has been completed. It is being discontinued as district-level compliance is currently being addressed during every KCMP submission period.
- DLS will take enforcement actions toward districts that do not correct noncompliance within one year
 - This activity is being implemented. DLS has not yet redirected or withheld IDEA funds. All affected districts corrected their findings of noncompliance consistent with OSEP Memorandum 09-2 before there was a need to invoke further sanctions beyond required technical assistance
- DLS will develop a tracking system for Indicators 15-19 to track indicator requirements as well as to collect Section 618 data for Table 7 and the SPP
 - Implementation of a data collection system for all KDE general supervision responsibilities has been delayed, due to reorganization of KDE and changes in plans for agency data collection

Timely Correction of FFY 2008 Findings of Noncompliance (corrected within one year from identification of the noncompliance):

13. Number of findings of noncompliance the State made during FFY 2008 (the period from July 1, 2008 through June 30, 2009). (Sum of Column a on the Indicator B15 Worksheet)	70
14. 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)	66
15. Number of findings <u>not</u> verified as corrected within one year [(1) minus (2)].	4

FFY 2008 Findings of Noncompliance Not Timely Corrected (corrected more than one year from identification of the noncompliance and/or Not Corrected):

16. Number of FFY 2008 findings not timely corrected (same as the number from (3) above).	4
17. Number of FFY 2008 findings the State has verified as corrected beyond the one-year timeline (“subsequent correction”).	4

18. Number of FFY 2008 findings <u>not</u> yet verified as corrected [(4) minus (5)].	0
---	----------

Actions Taken if Noncompliance Not Corrected:

All FFY 2008 findings have been verified as corrected.

Verification of Correction for findings of noncompliance reported in the FFY 2009 APR:

KDE documented the correction of all findings of noncompliance using the two-pronged approach described in OSEP Memorandum 09-02. For each finding of noncompliance, KDE:

1. Verified all instances of student-specific noncompliance were corrected for students still within the jurisdiction of the district.

For Indicator 11, KDE verified the correction during KDE's initial record reviews by reviewing student documentation that all evaluations were completed, eligibility determined, and, if found eligible, an IEP had been developed, even after the 60 school day timeline.

For Indicator 12, if the transition from Part C to Part B occurred after the child's third birthday, KDES verified that an IEP was in place, even after the child's third birthday. Correction of student-specific noncompliance was verified for Indicators 9, 10 and 13 by reviewing the noncompliant student files to determine that corrections had been appropriately made.

2. Verified systemic corrections of noncompliance by reviewing comparison student files that were completed subsequent to the original finding and after the district's CAP activities were completed. See each compliance indicator for a complete description.

Describe the specific actions that the State took to verify the correction of findings of noncompliance identified in FFY 2008 (including any revisions to general supervision procedures, technical assistance provided and/or any enforcement actions that were taken):

DLS conducted follow-up on-site visits or desk audits to verify all findings of noncompliance were corrected according to the two Prongs of OSEP Memorandum 09-02.

Correction of Remaining FFY 2007 Findings of Noncompliance:***KDE's Response to OSEP's FFY 2008 APR Response Table***

The OSEP FFY 2008 APR Response Table for Indicator 15 states: "The State must demonstrate, in the FFY 2009 APR, that the remaining 11 findings of noncompliance identified in FFY 2007 that were not reported as corrected in the FFY 2008 APR were corrected."

Kentucky's FFY 2008 APR for Indicator 15 states the 11 FFY 2007 findings of noncompliance that were not corrected within one year were corrected subsequent to one calendar year of the citations. They were corrected prior to the submission of the FFY 2008 APR due on February 1, 2010. (See the chart on the FFY 2008 APR, page 70.)

The 11 findings were corrected by KDE by fully applying the requirements of OSEP Memorandum 09-02 as follows:

- Three of the 11 findings were based on one formal complaint against one district. The findings were related to Indicators 1, 2, 4A and 5. The Corrective Action Plan for the district was not documented as being closed within one calendar year. However, written documentation of correction of noncompliance of the three findings was issued to the district prior to submission of the FFY 2008 APR on February 1, 2010
- Five of the 11 findings were related to Indicator 11 and were cited as the result of the KCMP Self-Assessment. DLS verified the five districts corrected all findings of Indicator 11 noncompliance in accordance with OSEP Memorandum 09-02 as follows:
 - Prong 1 - As part of the individual student review process for all students whose evaluation and subsequent IEP team meeting occurred past Kentucky's established 60 school day timeline, the KDE team verified through a desk audit that each individual student had a complete evaluation, eligibility determined, and if eligible, an IEP in place, even though it occurred after the 60 school day timeline
 - Prong 2 –To determine correction of Indicator 11 noncompliance at a systemic level, three to ten new student files were examined through desk audits to determine systemic compliance with Indicator 11. The folders reviewed were for students who had gone through the initial eligibility process subsequent to KDE citing the districts for Indicator 11 violations. KDE believes with reasonable confidence that the five districts systemically corrected the noncompliance, since all subsequently reviewed files were at a 100% compliance rate
- One of the 11 findings applied to the compliance requirements of Indicator 12 and was cited as the result of the KCMP Self-Assessment. DLS verified the one affected district corrected all findings of Indicator 12 noncompliance in accordance with OSEP Memorandum 09-02 through the following:
 - Prong 1 - As part of the individual student review process for all students transitioning from Part C to Part B who did not have an IEP in place by the third birthday, DLS verified during the desk audit that each affected child had a complete evaluation, eligibility determined, and, if eligible, an IEP in place even though it occurred after the child's third birthday
 - Prong 2 - To determine correction of the Indicator 12 noncompliance at a systemic level, DLS conducted desk audits of new student folders subsequent to the district's implementation of its CAP activities and verified all students transitioning from Part C to Part B had an IEP in place by the child's third birthday

DLS believes with reasonable confidence that the district systemically corrected the noncompliance since all subsequently reviewed files were at a 100% compliance rate.
- Two of the 11 findings applied to the compliance requirements of Indicator 13. Two districts were cited through the KCMP Self-Assessment process. DLS verified the affected districts corrected all findings of Indicator 13 noncompliance in accordance with OSEP Memorandum 09-02 through the following:

- Prong 1 - As part of the individual student review process for all students identified with Indicator 13 noncompliance, DLS verified through a desk audit that the Indicator 13 noncompliance for each affected student had been corrected
- Prong 2 –To determine correction of the Indicator 13 noncompliance at a systemic level, random record reviews were conducted. All new files verified 100% compliance rate for Indicator 13

DLS believes with reasonable confidence that the district systemically corrected the Indicator 13 noncompliance since all subsequently reviewed files were at a 100% compliance rate

If the State reported <100% for this indicator in its FFY 2008 APR and did not report that the remaining FFY 2007 findings were subsequently corrected, provide the information below:

Not applicable.

Correction of Any Remaining Findings of Noncompliance from FFY 2006 or Earlier (if applicable)

Not applicable.

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

Statement from the Response Table	State’s Response
The State must demonstrate, in the FFY 2009 APR, that the remaining 11 findings of noncompliance identified in FFY 2007 that were not reported as corrected in the FFY 2008 APR were corrected.	See KDE’s response above, under heading <i>“Correction of Remaining 2007 Findings of Noncompliance”</i>

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2010 (if applicable):

DLS revised the Targets and Activity Timeline to 2008-2012 to coordinate with extension of SPP for two additional years.

Part B State Annual Performance Report (APR) for FFY 2009

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 2009	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 2009: 100%

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

The Measurement requires the following calculation be used:

Fourteen reports within the 60-day timeline plus one report within properly extended timelines, divided by 15 total complaints with reports issued, multiplied by 100 equals 100%.

The data for the Measurement comes from Table 7 of KDE's Section 618 Data Report, submitted to WESTAT on October 29, 2010.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2009

Explanation of Progress:

KDE improved to 100% compliance for Indicator 16 in FFY 2005, when formal complaint investigations were returned to the Division of Learning Services (DLS), formerly the Division of Exceptional Children Services. KDE has since maintained 100% compliance.

FFY	Percentage resolved within 60- day timeline
2003	91%
2004	62.5%
2005	100%
2006	100%
2007	100%
2008	100%
2009	100%

Discussion of Improvement Activities Completed:

A complaint tracking system was developed by DLS complaint investigators in FFY 2008 and maintained through FFY 2009. Implementation of a data collection system for all KDE general supervision responsibilities has been delayed, due to reorganization of KDE and changes in plans for agency data collection.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2009:

DLS revised the SPP Targets and Activity Timelines to 2008-2012, to coordinate with the extension of the SPP for an additional two years.

Part B State Annual Performance Report (APR) for FFY 2009

Overview of the Annual Performance Report Development: See Introduction.

Monitoring Priority: Effective General Supervision Part B / General Supervision

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
2009	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 2009: 100%

One hearing was fully adjudicated within the 45-day timeline or a timeline that was properly extended by the hearing officer at the request of either party.

The Measurement requires the following calculation be used: Zero hearings within timelines plus one hearing within extended timeline, divided by one fully adjudicated hearing times 100 equals 100%.

The data for the Measurement comes from Table 7 of KDE’s Section 618 Data Report, submitted to WESTAT on October 29, 2010.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2009

Explanation of Progress:

For the past two APR reporting periods (FFY 2007 and 2008), no hearings were fully adjudicated.

In FFY 2006, KDE reported timelines for two of three fully adjudicated hearings were not properly extended. Two of the three hearings involved the same student and were consolidated into one proceeding.

The hearing officer deciding the consolidated case made the error of extending the hearing date, rather than the date of the hearing decision. Although one hearing proceeding was affected, the error caused two hearing requests to exceed the timelines. The hearing officer making the error has since resigned.

Discussion of Improvement Activities Completed:

As noted under Indicator 16, the general supervision data system has not been put into place, due to KDE's reorganization and changes to the agency's data collection plan. This has not affected KDE's ability to oversee the timelines for hearings, since so few cases are fully adjudicated in Kentucky.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2009:

DLS revised the SPP Targets and Activity Timelines to 2008-2012, to coordinate with the extension of the SPP for an additional two years.

Part B State Annual Performance Report (APR) for FFY 2009

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
2009	Seventy-eight percent (78%) of hearing requests that went to resolution sessions are resolved through resolution session settlement agreements.

Actual Target Data for FFY 2009: 29%

KDE did not reach its target.

The Measurement requires the following calculation be used:

Six settlement agreements resulting from resolution sessions held, divided by 21 resolution sessions held, multiplied by 100 = 29%

The data for the Measurement comes from Table 7 of KDE’s Section 618 Data Report, submitted to WESTAT on October 29, 2010.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2009

Explanation of Slippage:

Review of the 21 due process hearings in which resolution sessions were held revealed that, in more than a third of resolution sessions held (eight of 21), the same attorney was involved. All eight hearing files contained a form letter from the attorney, stating “the resolution session was productive but did not resolve the dispute.” Mediation was then requested. The eight cases were later settled, either by mediation or by settlement agreements outside the IDEA dispute resolution process.

It appears resolution sessions are being used by the attorney as the first step in ultimately resolving the dispute. While the litigation strategy is not helpful to KDE in reaching its Indicator 18 Target, KDE applauds the parties in using every avenue possible to avoid an adversarial hearing process.

Discussion of Improvement Activities Completed:

Five General Supervision Indicators (15-19) share the same activity of creating a database for tracking purposes. See Indicator 16 for discussion of this activity.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2009:

DLS revised the SPP Targets and Activity Timelines to 2008-2012, to coordinate with the extension of the SPP for an additional two years.

Part B State Annual Performance Report (APR) for FFY 2009

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 2009	Eighty-one percent (81%) of all mediations requested will result in mediation agreements.

Actual Target Data for FFY 2009: 82%

KDE exceeded its target for FFY 2009 by 1%.

The Measurement requires the following calculation be used:

Three mediation agreements related to due process plus 11 mediation agreements not related to due process, divided by 17 mediations held, times 100, for a percentage of 82%.

The data for the Measurement comes from Table 7 of KDE's Section 618 Data Report, submitted to WESTAT on October 29, 2010.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2009

Explanation of Progress:

Nineteen mediation requests were filed in FFY 2009. Of the 19 mediations requested, two were withdrawn, two were not resolved by agreement, and one was partially successful. The remaining 14 mediations were resolved by agreement.

(Note: Table 7, Section B of KDE's Section 618 Report originally reported 1 mediation pending under 2.2 of the Section, and 1 mediation withdrawn or not held, under Section 2.3. Since Table 7 was submitted on October 29, 2010, the pending mediation was withdrawn, causing changes in both Sections 2.2 and 2.3.)

Comparing successful mediations with unsuccessful ones did not provide an explanation for the increase in mediation agreements from FFY 2008. In looking at the individual mediators, there was no information indicating a difference in success rate based on the mediator.

Discussion of Improvement Activities:

See Indicator 16 discussion.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2009

DLS revised the SPP Targets and Activity Timelines to 2008-2012, to coordinate with the extension of the SPP for an additional two years.

Part B State Annual Performance Report (APR) for FFY 2009

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 Timely and Accurate = ((APR Data Score + 618 Data Score)/Base) * 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
2009	100% of state reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate.

Actual Target Data for FFY 2009: 98.89%

In using the Data Rubric, Kentucky measured 98.89% for this indicator. All APR indicators were reported as reliable and valid with correct calculations, with the exception of an incorrect calculation for Indicator 12. 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
4B	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	0	1
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	39
APR Score Calculation	Timely Submission Points - If the FFY 2009 APR was submitted on-time, place the number 5 in the cell on the right.		5
	Grand Total – (Sum of the subtotal and Timely Submission Points) =		44.50

**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: 2/1/10	1	1	1	1	4
Table 2 – Personnel Due Date: 11/1/10	1	1	1	N/A	3
Table 3 – Ed. Environments Due Date: 2/1/10	1	1	1	1	4
Table 4 – Exiting Due Date: 11/1/10	1	1	1	N/A	3
Table 5 – Discipline Due Date: 11/1/10	1	1	1	N/A	3
Table 6 – State Assessment Due Date: 2/1/11	1	NA	NA	N/A	1
Table 7 – Dispute Resolution Due Date: 11/1/10	1	1	1	N/A	3
				Subtotal	21
618 Score Calculation			Grand Total (Subtotal X 2.143)=		45

Indicator #20 Calculation	
A. APR Grand Total	44.00
B. 618 Grand Total	45.00
C. APR Grand Total (A) + 618 Grand Total (B) =	89.00
Total N/A in APR	0.00
Total N/A in 618	0.00
Base	90.00
D. Subtotal (C divided by Base*) =	.989
E. Indicator Score (Subtotal D x 100) =	98.89

* Note any cell marked as N/A will decrease the denominator by 1 for APR and 2.143 for Section 618 Data.

To ensure 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.

With the start of the 2009-2010 School Year, the Kentucky Student Information System (KSIS) was used by every district in the state. Data previously captured in the legacy system were collected, converted and moved to the KSIS. The new system provides a consistent data collection at the student level across schools and districts throughout Kentucky. As with any data system, ongoing training and technical assistance are provided in the utilization of the program at the State, district and school levels.

Infinite Campus (IC), the vendor that developed KSIS, conducts an annual user conference that attracts approximately 1,500 participants from across the state. This conference has several strands for the attendees, allowing users to choose sessions and presentations that best suit their individual needs to collect, maintain and report district and school-level data.

Conference presenters include technical staff from IC and KDE program staff who train specific areas. The December 2010 conference had 2 sessions presented by DLS staff and one session presented by vendor staff around special education data collection, management, and reporting. These sessions also addressed student level case management activities to ensure appropriate due process and procedural safeguards for children with disabilities.

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

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

KDE also sponsors the Special Education Advisory Group for Infinite Campus (SEAGIC) that works with local districts and the vendor, to make sure KSIS meets the special education needs of students, teachers, district and State staff. The group meets regularly throughout the school year and includes local district special education staff, regional staff, KDE staff, and staff from the vendor as needed. SEAGIC provides input on the special education content of the system, user interface requests, design of state forms, special education specific requirements required by federal and state laws, and creates data standards.

Data received from local school districts are routinely checked for accuracy and errors by staff within the KDE. These checks include checking data for duplication, completeness, and accuracy. KDE 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 through data reviews by KDE staff, to make sure anomalies are discovered and either cleaned or explained.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2009:**Explanation of slippage:**

In FFY 2008, KDE met the Target for this indicator by reporting 100% compliance with Indicator 20 using the OSEP rubric format.

For FFY 2009, KDE used the OSEP-approved rubric and reported 98.89% compliance. KDE did not meet the target for this indicator, due to an incorrect calculation by a staff person new to the APR process. KDE believes it will continue to sustain its prior 100% level of compliance for valid and accurate data, due in large part to extensive technical assistance provided to schools and districts.

Discussion of Improvement Activities Completed:

KDE has continued to convene regular meetings of SEAGIC. In FFY 2009, all districts in Kentucky used the KSIS and were required to use specified due process forms included in the special education module of the student information system. The SEAGIC has proved helpful in developing the forms for state-wide use.

KDE continues to provide regional training to local district staff in both the process and utilization of the KSIS. These regional trainings at both the start and end of the year focus on the data collection activities most important at the time. The trainings emphasize how best to capture the data and to utilize the program as a case management tool for their special education students and staff. This enables districts to realize local benefit in the operation of their special education programs and more efficiently and effectively meet the needs of children with disabilities.

KDE relies heavily on its 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 2009:

DLS revised the SPP Targets and Activity Timelines to 2008-2012, to coordinate with the extension of the SPP for an additional two years.