

**Kentucky Department of Education
FFY 2010 Annual Performance Report
February 1, 2012**



Executive Summary: FFY 2010 Kentucky Part B Annual Performance Report

The Annual Performance Report (APR) for FFY 2010 details the work of the Kentucky Department of Education (KDE) toward improving educational outcomes for students with disabilities during the 2010- 2011 School Year.

KDE noted in last year’s APR that the agency had undergone a major reorganization that would have a profound effect on the work of the former Division of Exceptional Children Services, now the Division of Learning Services. KDE’s vision – to ensure that all students graduate from high school and are ready for college and career- has strengthened the Department’s focus. Nowhere is this more evident than in the Division of Learning Services (DLS). Special education within KDE is evolving from separate, stand-alone work to an integral part of the Department’s work.

Last year, KDE predicted that, “[A]s 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.” A glance through the FFY 2010 APR will quickly show this prediction is coming true.

KDE’s vision is driven by strategies in the Department’s three delivery plans. The three delivery plans and their links to the KDE web site are:

- The College and Career Readiness delivery plan
<http://www.education.ky.gov/NR/rdonlyres/F7DE530A-4EEC-4943-BD57-393B87803EE2/0/CCRDeliveryPlan.pdf>
- The Proficiency delivery plan
<http://www.education.ky.gov/NR/rdonlyres/D7735B9C-8084-469B-9C85-F1196D07830C/0/ProficiencyDeliveryPlan.pdf>
- The Gap delivery plan (draft)
<http://www.education.ky.gov/NR/rdonlyres/860AAB54-B6FC-4A7D-9825-4F490C620393/0/GapDeliveryPlan010612.pdf>

Post school outcomes and proficiency in state assessments for students with disabilities have typically lagged behind the outcomes of general education students in all areas of the country. The gap between general education students and special education students is the largest for any “subgroup” (as defined by the federal Elementary and Secondary Education Act) in the state. The connection between the delivery plans and the APR is critical because improving the outcomes for students with disabilities, as reported in the APR, will have a major effect on whether KDE achieves its vision for all Kentucky students.

All three delivery plans were drafted in 2011; thus, the anticipated effects upon the outcomes for either students with disabilities or their general education peers have not yet occurred. KDE looks forward to reporting on improved FFY 2011 APR outcomes on February 1, 2013.

A summary of the outcomes for this year's APR is as follows:

- Indicator 1 (Graduation rate): Made progress but did not reach target
- Indicator 2 (Dropout rate): Met target
- Indicator 3A (District meeting AYP for students with disabilities): Met target
- *Indicator 3B (Participation in state assessment): Met target of 100%
- Indicator 3C (Proficiency of students with disabilities in state assessment): Met one of two targets
- Indicator 4A (Disproportionate suspension) Revised indicator measurement. Met target
- *Indicator 4B (Disproportionate suspension by race/ ethnicity): Revised indicator measurement. Missed target of 0% by .56%
- Indicator 5A (Students served in general education settings more than 80% of the school day: Met target
- Indicator 5B (Students served in general education settings less than 40% of the school day: Met target
- Indicator 5C (Students served in separate schools, residential facilities, or homebound/hospital Placements): Met target
- Indicator 6 (Preschool Least Restrictive Environment): Not required
- Indicator 7 (Preschool Outcomes): Met all six targets
- Indicator 8 (School facilitated parent involvement): Did not meet target
- *Indicator 9 (Disproportionate representation in special education): Met target of 0%
- *Indicator 10 (Disproportionate representation in certain categories of disability): Missed target of 0% by 3.41%
- *Indicator 11 (Timely evaluation): Missed target of 100% by 1%
- *Indicator 12 (Timely early childhood transition): Missed target of 100% by .35%
- *Indicator 13 (Appropriate secondary transition): Made progress but missed target of 100%
- Indicator 14 (Effective secondary transition): Met one of three targets
- *Indicator 15 (Timely correction of noncompliance): Missed target of 100% by 8.99%
- *Indicator 16 (Timely formal written complaint investigation): Met target of 100%
- *Indicator 17 (Timely adjudication of due process hearings): No hearings fully adjudicated in FFY 2010
- Indicator 18 (Resolution sessions resolved by settlement agreement): Made progress but missed target
- Indicator 19 (Mediations resolved through written agreement): Missed target
- *Indicator 20 (Timely and accurate submission of data): Met target of 100%

The FFY 2010 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>

KDE has worked closely with its partners over the course of the year. Kentucky's Special Education Cooperative Network, which provides regional technical assistance on behalf of students with disabilities, has been instrumental in delivering the vision of KDE to school districts, while continuing to provide technical assistance to directors of special education, and instructional support schools and teachers.

KDE's relationship with the State Advisory Panel for Exceptional Children (SAPEC) has greatly strengthened this year. Not only has the SAPEC set new targets for Indicator 4A, it has agreed to work with KDE in improving outcomes for Indicator 8. KDE looks forward to working with the SAPEC in this area and others.

KDE's partner at the University of Kentucky's Human Development Institute (HDI) has assisted KDE with developing surveys, collecting data, evaluating results and developing activities for Indicators 8 and 14 for many years. HDI's expertise and teamwork are both greatly appreciated by the Department.

Last but not least are the efforts of Mid-South Regional Resource Center (MSRRC) and the Office of Special Education Programs (OSEP) in helping KDE improve its performance reflected by the APRs over the years. Since 2005, Kentucky's MSRRC contact, Jeanna Mullins, has provided KDE with unparalleled technical assistance in the development of the State Performance Plan (SPP) and APRs. Matthew Schneer, Kentucky's new OSEP state contact, possesses great content knowledge, skills and compassion. He has been a valuable addition to KDE's team of partners.

The Kentucky Department of Education and the Division of Learning Services look forward to the upcoming year, to ensure that the vision of high school graduation and college and career readiness is truly available for all students.

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

February 1, 2012

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

Overview of the Annual Performance Report Development: See Executive Summary.

<p>Monitoring Priority: FAPE in the LRE</p>
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Indicator 1: Percent of youth with IEPs graduating from high school with a regular diploma.

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

<p>Measurement:</p>

<p>States must report using the graduation rate calculation and timeline established by the Department under the ESEA.</p>
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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%

Part B State Annual Performance Report (APR) for 2010

Overview of the Annual Performance Report Development:

As noted in the Executive Summary, many of the Kentucky Department of Education’s (KDE) efforts to improve the graduation and dropout rates for students with disabilities are embedded in KDE’s College and Career Readiness delivery plan for all students. Details of the delivery plan related to Indicators 1 and 2 are described below.

Monitoring Priority: FAPE in the LRE

1. **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 2009 APR.

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

Until the four-year adjusted cohort graduation rate is available in 2013-2014, KDE’s Division of Learning Services (DLS) is using Kentucky’s Section 618 data. DLS is also using the Indicator 1 Measurement from its FFY 2009 APR. DLS will use the disaggregated 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

FFY	Measurable and Rigorous Target
2010	Eighty-five and one-tenth percent (85.1%) of students with disabilities will graduate with a regular diploma.

Actual Target Data for FFY 2010: 74.19%

The graduation rate of students with disabilities increased to 74.19% for FFY 2010 from last year’s rate of 72.79%. This was a gain of 1.4 %. The SPP target of 85.1% was not met.

The Measurement requires the following calculation be used:
 $3447 \text{ graduates with regular diplomas} \div 4646 \text{ (total of } 3447 \text{ graduates} + 456 \text{ GEDs and certificates} + 673 \text{ dropouts} + 47 \text{ who maxed in age} + 23 \text{ deceased)} = .7419 \times 100 = 74.19\%$.

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 2010 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 graduating from high school with a regular diploma increased by 1.4% to 74.19%, from last year’s rate of 72.79%.

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:

- 52 districts met or exceeded the state target, slippage from last year's count of 68 districts
- 119 districts did not meet the state target, slippage from last year's count of 101 districts
- 5 districts were not required to report graduation rate (K-8 schools)

Note: Although slippage was reported above, many districts made progress in their graduation rates; however, since the target increases every year, districts that made progress may still have experienced slippage toward meeting the target.

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

- There are no statistically significant differences in graduation rate based on Special Education Cooperative regions; however, there exists a substantive variation, with the highest graduation rate being 80.9% and the lowest 68.3%
- There are no statistically significant differences in graduation rate between rural (using USDA definition of rurality) districts and urban districts; however, rural districts fared better in graduation rate than urban districts (75.2% vs. 69.3%)
- There are no statistically significant differences in graduation rates between large districts and small districts; however, large districts had higher graduation rates (74.9%) than small districts (72.0%)
- There are no statistically significant differences in graduation rate between independent and county districts (72% - 74%)

Because KDE has not been able to determine root causes for Indicators 1 and 2 outcomes based on the analysis of state-wide data, KDE began a process several years ago that required districts to do an extensive in-depth analysis to determine the reasons behind their APR outcomes. As part of the Kentucky Continuous Improvement Monitoring Process (KCIMP) 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 requires a comprehensive look at individual students to identify systemic issues within the districts. After root causes are recognized, districts identify appropriate activities, all with the assistance of the Special Education Cooperatives, KDE's regional technical assistance providers.

Districts' KCMP data analyses on predictors for school completion are focused on the following five predictors selected by KDE:

- Attendance
- Academic progress
- Behavior
- Parent involvement
- Extracurricular activity participation

KDE requires districts to use the strategies developed by the National Dropout Prevention Center (NDPC) in developing activities for their KCMP improvement and maintenance plans. The strategies, based on research, are those deemed by NDPC to have the most positive impact on school completion.

KDE will review districts' FFY 2010 KCMP data analyses for Indicators 1 and 2 after their submission in February 2012. The review will determine the most common root cause for progress or slippage in graduation rate and dropout rate, which will assist KDE in developing a state-wide activity for Indicators 1 and 2.

While the KCMP activity described above is only for students with disabilities, KDE has a larger vision for all students to ensure they graduate from high school and are ready for college and career. A College and Career Readiness delivery plan has been developed as a driver behind the vision.

KDE's College and Career Readiness (CCR) delivery plan was developed in 2011. It focuses accountability at the school/district level to increase the rate of its students who leave high school ready for college, career or both. One of the strategies of the CCR delivery plan is the collection and use of data. This has resulted in the development of the Persistence to Graduation Tool (PtGT) and accompanying Evidence-Based Strategies Toolkit.

The PtGT allows districts to identify students who may be off-track for graduation. The PtGT is now a required part of KCMP Indicators 1 and 2, for identifying students at risk before they drop out of school. See *Discussion of Improvement Activities* below for more information on the tool.

KDE's vision for the future – Unbridled Learning: College/Career Readiness for All . . . will be a major factor in the years ahead in improving graduation and dropout rates for students with disabilities. Additionally, since the delivery plan is also inextricably linked to planning life after school, and improving post-school outcomes for all students, KDE also foresees gains in post-school outcomes for students with disabilities as measured by Indicators 13 and 14.

The College and Career Readiness delivery plan may be viewed at the following link:

<http://www.education.ky.gov/NR/rdonlyres/F7DE530A-4EEC-4943-BD57-393B87803EE2/0/CCRDeliveryPlan.pdf>

Discussion of Improvement Activities:

Activities completed for Indicators 1 and 2 are:

- DLS and the Co-ops further refined KCMP Investigative Questions for districts to use in root cause analysis. District, school and some student-level data will be examined by districts to determine the causes for students with disabilities not completing school, by 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/E160126B-325C-4305-AC82-DEF17662D514/0/20112012WinterKCMPInstructionManual.pdf>

- Districts are in the process of completing the KCMP self-assessment for Indicators 1 and 2 during January 1, 2012 through February 28, 2012.

Evaluation of activities:

KDE will survey districts that were required to implement an effective dropout prevention strategy to determine the district's perception on progress or slippage after submission of the KCMP at the end of February 2012.

DLS will survey the districts that reported one or more students dropping out. Districts will be asked a series of questions related to the implementation of the NDPC evidence-based strategies for dropout prevention.

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 2010:

The Activity for Indicators 1 and 2 is changed to reflect KDE's emphasis on college and career readiness for all students, including students with disabilities.

The new activities include:

- Requiring use of the newly-released Persistence to Graduation Tool and accompanying Evidence-Based Strategies Toolkit in districts' KCMP self-assessment. The PtGT is designed to identify students who may be off-track for graduation. The evidenced-based strategies toolkit will provide effective strategies that have the greatest potential to support the student.

Use of the Persistence to Graduation Tool (PtGT) will move districts from a reactive stance under the current KCMP (that is, what was the root cause for students who have already dropped out?) to identifying students who may be off-track before they drop out.

The PtGT is a component within Infinite Campus, Kentucky's student information system, which is utilized by all Kentucky school districts. In the past, discussions regarding data analysis have been constrained due to lack of formative data. The PtGT will allow districts to look at data during the school year to effectively plan for students who are off- track for graduation.

DLS has included directions for using the tool in the KCMP document as part of the investigation of root causes and planning for interventions for Indicator 1 and 2. The directions and PtGT may be viewed on the KCMP Instruction Manual beginning on page 22 at the following link:

<http://www.education.ky.gov/nr/rdonlyres/e160126b-325c-4305-ac82-def17662d514/0/20112012winterkcmpinstructionmanual.pdf>

- Operation Preparation is a joint effort of the Kentucky Department of Education and the Department of Workforce Development and provides a powerful opportunity for schools, students, parents and communities to collaborate in the process of effective advising and focusing attention on the importance of planning for college, career or both.

During the week of March 12-16, 2012, trained volunteer community advisors will meet one-on-one with every 8th- and 10th-grade student. The community advisor will use the student's [Individual Learning Plan](#) or ILP (including career interest inventory and EXPLORE/PLAN results) to discuss the student's:

- Career aspirations, required education/training and workforce skills
- Whether the student is on target to meet their goals
- Whether the student is taking the courses recommended to prepare them for a successful future

As this is a new activity for the entire state, DLS will initially evaluate Operation Preparation by collecting data on the number of students with disabilities who participated in the project. DLS will eventually evaluate Operation Preparation in terms of whether it improved outcomes for students with disabilities under Indicators 1, 2 and 14.

Information on Operation Preparation may be found at:

<http://www.education.ky.gov/kde/instructional+resources/operation+preparation/>

As this is a new activity for the entire state, DLS will initially evaluate Operation Preparation by collecting data on the number of students with disabilities who participated in the project. DLS

eventually will evaluate the impact participation in Operation Preparation had on student outcomes related to Indicators 1, 2, 13 and 14.

Other Revisions:

KDE extended the Activity Timeline to align with the timeframe of the KDE College and Career Readiness Delivery Plan.

Part B State Annual Performance Report (APR) for FFY 2010

Overview of the Annual Performance Report Development: See Indicator 1.

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 2009 APR.

As explained in Indicator 1, KDE does not yet have ESEA data in this area. DLS is using Kentucky’s Section 618 and the Indicator 2 Measurement from the FFY 2009 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
2010	The dropout rate for students with disabilities will decrease by four-tenths of one

	percent (0.4%).
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Actual Target Data for FFY 2010: 0.52%

KDE met and exceeded its target of reducing the dropout rate by more than 0.4%. The dropout rate was reduced by 0.52%, from last year’s State target of 3.11% to this year’s State rate of 2.59%.

The Measurement requires the following calculation be used:

$$673 \text{ special education dropouts from grades 9-12} \div 25,953 \text{ special education students ages 14-21} = .0259 \times 100 = 2.59\% \text{ dropout rate for students with disabilities.}$$

The definition of dropout for youth with disabilities is the same as for all youth in Kentucky’s Commonwealth Accountability Testing System. See pages 10-11 of the FFY 2010 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 0.52%.

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:

- 124 LEAs met or exceeded the state target, slippage from last year’s count of 126
- 47 LEAs did not meet the state target, a slippage from last year’s count of 43 districts
- 5 LEAs were not required to report dropout rate (K-8 schools)

Note: Although slippage was reported above, many districts made progress in reducing their dropout rates; however, since the target decrease every year, districts that made progress may still have experienced slippage in meeting the target.

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

- No statistically significant differences in dropout rate based on Special Education Cooperative regions; however, there exists a substantive variation, with the highest dropout rate being 2.6% and the lowest 1.2%

- No statistically significant differences in dropout rate between rural (using USDA definition of rurality) districts and urban districts; however, rural districts fared better in dropout rate than urban districts (1.8% vs. 2.3%)
- Statistically significant differences in dropout rates between large districts and small districts; large districts had higher dropout rates (2.8%) than small districts (1.4%)
- No statistically significant differences in dropout rate between independent and county districts (1.6% -2.1%)

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 2010:

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

Part B State Annual Performance Report (APR) for FFY 2010**Overview of the Annual Performance Report Development:**

As noted in the Executive Summary, many elements in KDE’s delivery plans for all students will improve the outcomes of students with disabilities. The College and Career Readiness delivery plan, the Proficiency delivery plan and the Gap delivery plan will all have a profound effect on improving proficiency rates for students with disabilities.

Monitoring Priority: FAPE in the LRE

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

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

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

Measurement:

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

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

C. Proficiency rate percent = [(# of children with IEPs enrolled for a full academic year scoring at or above proficient) divided by the (total # of children with IEPs enrolled for a full academic year, calculated separately for reading and math)].

Targets and Actual Target Data for FFY 2010:

FFY 2010	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 2010 (2010-2011)	% 54		Reading		Math		Reading		Math	
			% 100		% 100		% 40.22		% 48	
Actual Target Data for FFY 2010 2010-2011)	#	%	#	%	#	%	#	%	#	%
	100	57.47	44,568	100.00	43,782	100.00	20,279	45.50	18,498	42.25

The Measurements require the following calculations be used:

3A Measurement:

100 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 = **57.47%**

Data Source: 2009-2010 Section 618 Data

3B Measurement:

Reading

44,568 students with IEPs participating in the reading assessment ÷ 44,568 students with IEPs enrolled during the testing window × 100 = **100%** of students participating in the reading assessment.

Math:

43,782 students with IEPs participating in the math assessment ÷ 43,782 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, and grades 3 through 8 and grade 11 in math.

The denominators differ because there were more tenth grade students tested in reading (44,568 students with IEPs) than eleventh graders tested in math (43,782 students with IEPs).

Data Source: KDE Office of Assessment and Accountability ESEA data

3C Measurement:

Reading:

20,279 students with IEPs enrolled for a full academic year scoring at or above proficient in reading \div 44,568 students with IEPs enrolled for a full academic year participating in the reading assessment \times 100 = **45.50%** of students with IEPs at or above proficient in reading.

Math:

18,498 students with IEPs enrolled for a full academic year scoring at or above proficient in reading \div 43,782 students with IEPs enrolled for a full academic year participating in the math assessment \times 100 = **42.25%** of students with IEPs at or above proficient in math.

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

Data Source: KDE Office of Assessment and Accountability ESEA data

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2010:

Explanation of Progress for 3A:

KDE met and exceeded its target of 54% for FFY 2010. The actual target data of 57.47% is 3.47% above the target.

For several years, KDE has been providing additional, ongoing 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.

Explanation of Progress for 3B:

KDE met its targets for FFY 2010, as both reading and math assessments had 100% participation. This marks the third consecutive year KDE has met its target for 3B.

Since the early 1990's, KDE has required that 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 (40.22%). The actual target data for reading is 45.50% which surpasses the target by 5.28%.

KDE failed to meet its target of 48% in math. The actual target data was 42.25%.

Literacy and math consultants within the Division of Learning Services (DLS) work to coordinate technical assistance (TA) at the regional level with the Special Education Cooperatives. DLS also has provided extra funds for several years to the Co-ops, to hire literacy consultants to work directly with districts and schools. Because of the lagging scores in math for students with disabilities, DLS has provided funds for Co-ops to hire math consultants during the past two years.

KDE has had an ongoing, intentional focus on improving reading with grants like Striving Readers and Read to Achieve. This emphasis has helped school districts put systematic processes in place to address the reading needs of all students. Kentucky has had fewer math grants than reading, which may explain the state's lower achievement results in math.

KDE's Delivery Plans

As explained in the Executive Summary, KDE developed three delivery plans in 2011 to focus on improving outcomes for all Kentucky students, so that all students graduating from high school are ready for college and career. The plans are the Proficiency delivery plan, the Gap delivery plan, and the College and Career Readiness (CCR) delivery plan. Student proficiency is consistently addressed throughout all three delivery plan strategies.

There are specific strategies in the Proficiency delivery plan focused on literacy and math. See KDE's Proficiency Plan at pages four through five for strategies at a glance:

<http://www.education.ky.gov/NR/rdonlyres/D7735B9C-8084-469B-9C85-F1196D07830C/0/ProficiencyDeliveryPlan.pdf>

The Gap delivery plan addresses both student proficiency and achievement gaps. It specifically links KDE's ongoing work around the SPP/APR (Indicators 1 through 3, Indicator 5, Indicator

13, and Indicator 14) as current agency efforts that will contribute heavily to achieving KDE's vision of all students graduating and being prepared for successful entry into college and career.

Some Gap strategies targeting students with disabilities include:

- Programs for consolidated planning and the use of data (the Adaptive System of School Improvement Support Tools or ASSIST) focused toward the instructional needs of students in the Gap “subgroups”
- Digital learning
- Intentional professional development in KDE's new Continuous Instructional Improvement Technology System (CIITS) for teachers of students with disabilities, and
- Intentional use of proficiency strategies for gap subgroups that are monitored by KDE

Specific strategies cite regional professional development, which highlight literacy and math consultants in the special education cooperatives. These Co-op consultants will focus on professional development in closing the achievement gap for students with disabilities

The Gap delivery plan may be viewed at:

<http://www.education.ky.gov/NR/rdonlyres/860AAB54-B6FC-4A7D-9825-4F490C620393/0/GapDeliveryPlan010612.pdf>

The CCR delivery plan has course and assessment alignment strategies that connect with increasing proficiency for students with disabilities. The CCR plan has resulted in the following activities being implemented by KDE that will produce improved outcomes for student proficiency:

- Adoption of new Kentucky's new common core standards
- Improved teaching and learning through the state's Leadership Networks
- Aligning courses to the new standards, and
- Systematic implementation of formative and summative assessment strategies to the new standards

One important change that will have an effect on proficiency of all students, including students with disabilities, arises from recent Kentucky legislation requiring a new state assessment during the FFY 2011 school year. While this change will ultimately benefit Kentucky's students with disabilities, KDE expects the new assessment will result in lowered scores under Indicator 3C in the short term.

Additional KDE initiatives have been or are being put into place to continue to support reading and increase support for mathematics statewide. They include:

- The Gates Grant: KDE received a two-year, \$1 million grant in 2011, from the Bill & Melinda Gates Foundation to support implementation of the new Common Core Academic Standards.
- Content Leadership Networks: KDE established the Content Leadership Networks in English Language Arts and Mathematics in 2010. The work has been coordinated through each of KDE’s Educational Cooperatives.
- Advance Kentucky: Advance Kentucky is a statewide math-science initiative dedicated to helping Kentucky’s students reach new heights in rigorous academic achievement.

Discussion of Improvement Activities Completed:

Kentucky continues to work on the activity developed last year. All reading and math assessment data has been disaggregated by students with disabilities performing at or above proficiency for the 2010-2011 school year.

Public Reporting Information:

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

Kentucky’s Interim Performance Report is found at the following link:

<https://applications.education.ky.gov/KTR/Default.aspx>

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

Statement from the Response Table	State’s Response
<p>The state did not report publicly on the participation of children with disabilities on statewide assessments at the district and school level with the same frequency and in the same detail as it reports on the assessments of nondisabled children, as required by 34 CFR §300.160(f). Specifically, the State has not reported the number of children with disabilities in regular</p>	<p>The Office of Special Education Programs (OSEP) has corresponded with the Kentucky Department of Education (KDE) regarding the public reporting of data for students with disabilities participating in the state’s regular and alternate assessments. OSEP requires that the <u>number</u> of students with disabilities be publicly reported based on compliance with the Individuals with Disabilities Education Act (IDEA) Part B. OSEP staff and KDE determined that, if proper precautions were taken, Kentucky could comply with IDEA Part B</p>

<p>assessments, and the number of those children who were provided accommodations (that did not result in an invalid score) in order to participate in those assessments at the State, district and school levels. Additionally, the State has not reported the number of children with disabilities, if any, participating in alternate assessments based alternate academic achievement standards, at the State, district, and school levels. The failure to publicly report as required under 34 CFR §300.160(f) is noncompliance.</p>	<p>requirements and still follow the appropriate Family Educational Rights and Privacy Act (FERPA) guidelines for student confidentiality.</p> <p>As a result, KDE’s Office of Assessment and Accountability (OAA) has updated the Interim Performance Reports (IPR’s) by adding the number of students to the disaggregated data pages. The following site will display the updated IPR’s:</p> <p>https://applications.education.ky.gov/KTR/Default.aspx</p>
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Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2010:

Not applicable.

Part B State Annual Performance Report (APR) for FFY 2010

Overview of the Annual Performance Report Development: See Executive Summary.

<p>Monitoring Priority: FAPE in the LRE</p>
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Indicator 4: Rates of suspension and expulsion:

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

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

<p>Measurement:</p> <p>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.</p> <p>Kentucky’s definition of significant discrepancy* for this indicator is as follows:</p> <ol style="list-style-type: none"> 1) The LEA’s suspension/expulsion rate is equal to or greater than three times the state rate of suspensions and expulsions of students with disabilities for greater than 10 days in a school year, and 2) There are more than 10 students with disabilities in the district who have been suspended for greater than 10 days in a school year.
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Definition of Significant Discrepancy and Methodology for 4A

KDE has chosen a comparison methodology found at 34 CFR §300.170(a) to determine whether significant discrepancies are occurring. The State is required to use one of two methods.

Kentucky has chosen to:

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

Pursuant to guidance from the Office of Special Education Programs (OSEP), Kentucky revised its methodology for calculating significant discrepancy for Indicator 4A, beginning with this APR and data from the 2009-2010 school year.

Previously, Kentucky compared a local district’s rate of out-of-school removals greater than 10 days of children with disabilities to a fixed target rate for the state (based on the average of all Kentucky districts’ rates of these types of removals during the baseline year). However, based on direction from OSEP, Kentucky has now revised its methodology to compare the rate of an

individual district’s out-of-school removals greater than 10 days of children with disabilities each year to the *annual statewide rate* of these types of removals that year.

Beginning with the 2009-2010 school year, KDE annually calculates a *statewide rate* of out-of-school removals greater than 10 days for children with disabilities, using data obtained through the Kentucky Student Information System (KSIS). This rate is based on the total number of Kentucky children with disabilities subject to out-of-school removals greater than 10 days divided by the total number of children with disabilities within the state. A similar rate is calculated for each individual school district in the state, based on its local discipline data and count of children with disabilities.

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

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

Kentucky had previously used two criteria for defining “significant discrepancy” for Indicator 4A. In the process of revising the 4A definition of “significant discrepancy” this year, both criteria (A and B above) were revised. See FFY 2010 SPP, Indicator 4A. KDE’s goal was to comply with new directives from OSEP, accomplish consistency of definitions across indicators, and focus state level efforts and resources on the most important priorities.

Kentucky has historically defined significant discrepancy as a rate that is 3 times greater than a specified comparison rate. Using this definition, Kentucky determines a district to have a significant discrepancy for this indicator when its rate of out-of-school removals (suspension/expulsion greater than 10 days of children with disabilities) is 3 times or more the statewide rate of these types of removals. In addition, districts must suspend more than 10 students with a disability for greater than 10 days to meet the criteria for significant discrepancy.

FFY	Measurable and Rigorous Target
2010 (FFY 2010 APR, using 2009-2010 data)	<p>Kentucky will identify 8 or less districts with a significant discrepancy in the rates of suspensions and expulsions of children with disabilities for greater than 10 days.</p> <p>8 districts with significant discrepancies ÷ 176 districts x 100 = 4.55%</p>

Actual Target Data for FFY 2010 (using 2009-2010 data): One Kentucky school district or .56% of all KY districts had a significant discrepancy.

The Measurement requires that the following calculation be used:

One district with significant discrepancy ÷ 176 Kentucky districts ×100 = .56 % of all Kentucky districts.

Kentucky uses a minimum “n” size of 10 or more students with a disability enrolled in the district.

No districts were excluded from the calculation, based on the “n” size requirement. Fourteen districts of 176 had discrepancies that were 3 times or more than the state rate, and met the first of two criteria for significant discrepancy. However, of those 14, only one district also met the second criteria for significant discrepancy – that of suspending/ expelling 10 or more students with disabilities for greater than 10 days. Therefore, only one district met both criteria for determining significant discrepancy.

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)	N/A	21/ 178 districts	N/A	11.79% of KY Districts
FFY 2005	18 districts	20/ 178 districts	10.11%	11.23%
FFY 2006	16 districts	16/ 177 districts	9.04%	9.04%
FFY 2007	14 districts	13/ 176 districts	7.95%	7.39%
FFY 2008	12 districts	13/176 districts	6.82%	7.39%
FFY 2009	10 districts	NA	5.68%	NA

FFY 2010 (using 2009-2010 data)	8 districts	1/176 districts	4.55%	.56%
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Table 1 contains trend data since FFY 2004 using the Measurement adapted in FFY 2007 and again in FFY 2010. Table 1 shows KDE met its target for the current year.

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 2010 (using 2009-2010 data)	176 districts	1 district	.56%

Review of Policies, Procedures, and Practices (completed in FFY 2010 using 2009-2010 data), if any districts are identified with significant discrepancies:

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

For the district with significant discrepancy, KDE reviewed district *policies and procedures*, relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards and found one area of non-compliance. The policy was promptly corrected by the district, upon notification by KDE. The district currently maintains discipline policies and procedures which fully comply with IDEA.

In addition, a KDE Team made an on-site visit in December 2010 to the one district with significant discrepancy using 2009-2010 suspension data, for the purpose of reviewing the district’s *practices* (relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards) to ensure these practices complied with IDEA. District leaders, who had already conducted a self-investigation, acknowledged that the district had non-compliant practices which contributed to excessive (4A) and disproportionate (4B) suspension of students with disabilities.

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

In the area of district practices, KDE also reviews practices of all districts statewide through the KCMP self-assessment process. In the FFY 2008, 2009, and 2010 KCMP, all districts self-reported Indicator 4A data to DLS and described discipline practices they were using.

In the 14 Districts where a discrepancy (greater than 3 times the state rate) was present (i.e., the district met the first criteria (A) above), regardless of the number of students suspended, actions were required. With the assistance of the Special Education Cooperative staff, directors of special education were required to analyze district and school-level data and to identify district practices that were possible root causes of any suspension problems related to those discrepancies. Directors of special education discussed their Indicator 4A data analysis in regional Special Education Co-op meetings, to facilitate sharing of concerns and effective practices for suspension reduction and prevention.

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

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

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

KDE identified one district as non-compliant with IDEA, due to practices which did not comply with the requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards. As a result, KDE imposed a Corrective Action Plan (CAP), which targeted specific practices related to Indicators 4A and 4B. An abbreviated summary of activities required by the CAP includes the following:

1. Create, monitor & analyze patterns via district *Suspension Database* in order to provide and disseminate weekly, monthly and annual summary reports on IEP student suspension by school, race and student discipline offenses.
2. Conduct a Suspension *Root Cause Analysis* at the School/ Individual Student (Discipline Offenses) Level with Summary Report to KDE, based on data.

3. Require Manifestation Determination in every school at 6th total day of Suspension; District Suspension Review team will review Manifestation Meeting decisions and documentation; District Review Team will analyze and report to KDE regarding details of “No Manifestation” decisions for 2010-2011 for students with IEPs suspended for greater than 5 days, and require corrections as necessary.
4. Review & require IEP/ FBA-BIP to include interventions and instruction related to behaviors of concern which are causes of repeated suspensions;
5. Document Correction of Non-Compliance for Individual Students suspended >5days; District Suspension Review Team will analyze ARC/ manifestation meeting documents including IEP/ FBA-BIP for IEP students suspended for greater than 5 days, and require documentation of corrections to be submitted to Central Office and reviewed to verify correction of individual student non-compliance.
6. Systems Level & School-specific TA and Training, including positive behavior interventions and supports, designed and delivered to address the data-based profiles/analysis and root causes of excessive suspension identified across the district and/or in specific schools.

KDE provided ongoing staff consultation to the district and required detailed quarterly progress reporting on district activities and data analysis. KDE also conducted an on-site visit near the end of the one-year timeline, to monitor and evaluate timely correction of noncompliance.

Discussion of Improvement Activities Completed for Indicator 4A:

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

1. Investigative Questions - DLS developed and disseminated Investigative Questions and a root cause analysis chart for use with the KCMP self-assessment of Indicator 4A to focus and support districts’ protocol for root cause analysis. The investigative questions are included in the KCMP Instruction Manual and are used by districts in developing their KCMP self-assessment of Indicator 4.
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 is reviewing 5 prior years of district suspension/expulsion trend data.
3. Trend Data Letters to Superintendents – Superintendents of districts with a significant discrepancy or repeated discrepancies (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 district

and individual student level. It also included a format for a District Improvement Plan regarding reduction of suspensions of students with disabilities.

4. On-Site District Consultation and Technical Assistance Visits from KDE - Districts with systemic issues signaled by a lack of improvement in 4A 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 Co-op 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 have a discrepancy or a significant discrepancy. Regional staff provide follow-up and support to districts to:
 - Review and analyze specific school and student-level discipline data
 - Design district improvement initiatives/ 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 Groups for Regional Feedback on Indicator 4A activities from Co-op Directors –Co-op Directors continue to indicate that the Five- Year Trend Data, Notice Letters to Superintendents, and KDE on-site visits have been effective in directing the attention of districts' administrators to 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.

Explanation of Progress that occurred in FFY 2010:

Since the FFY 2004 baseline year, the total number of districts with a significant discrepancy has decreased from 21 to 1, indicating overall progress statewide. Kentucky believes it is making progress, based upon the following:

1. Larger districts with systemic discipline issues are showing significant reductions in number of suspensions of students with disabilities according to longitudinal data.
2. Fewer districts are repeatedly flagged in KDE's data system; as indicated by the analysis of five-year trend data. Most districts are now addressing problems and requesting assistance from regional co-op staff in a timely manner after state data is released each year. Most districts reduce excess suspensions by the next year, after a focused effort has been made working with co-op staff to analyze/ self-monitor data and improve specific targeted local practices.
3. Based on 2010-2011 data, most districts suspended 0 -2 students with disabilities for greater than 10 days.

4. All but one of the 14 districts identified with a discrepancy (whose suspension rate was 3 or more times the state rate for this 2009-2010 school year), regardless of number of students, significantly reduced their number of students suspended for greater than 10 days for the following year. The range of students suspended/ expelled in 2010-2011 for more than 10 days is 0-2 students for 13 of 14 districts.

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

- Increased focus on discipline data statewide and requirements for routine data analysis through the SPP/APR process and KCMP self-assessments
- District training and targeted technical assistance from Regional Co-op directors/ behavior specialist consultants, including regional data and root cause analysis
- KDE's letters to superintendents containing trend suspension data for the last five years, where data indicates a significant discrepancy or a consistent discrepancy over time
- District Improvement Plans and targeted TA / consultation from KDE staff for large districts with systemic issues
- Kentucky Center for Instructional Discipline (KCID) and Positive Behavioral Interventions and Supports (PBIS) training of its affiliated schools
- The bi-annual statewide Kentucky 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, and
- Ongoing statewide training program for proactive early childhood intervention in behavior, known as the Kentucky Initiative for Social Skill and Emotional Development (KISSED), which includes a developmentally appropriate social skill instruction component.

KDE has intentionally set rigorous 4A targets and believes the targets send a message that districts should not suspend students with disabilities over 10 days. Kentucky's collective state rate of .2% is very low, and each year the percentage continues to drop.

Even if districts have small numbers of students receiving over 10 days of suspensions/ expulsions, they may show a discrepancy greater than 3 times the state rate. In a small district, two students may cause the district to miss the target, and requiring it to receive focused technical assistance.

Most Kentucky districts with significant discrepancies in the last three years had a one-time failure to meet the 4A Target, with small numbers of students being suspended over 10 days. KDE has already reviewed its SY 2010-2011 suspension data and verified that the vast majority

of districts who had a discrepancy for this year's FFY 2010 APR have already corrected the discrepancy for next year.

Consequently, DLS is concentrating its technical assistance on districts that consistently fail to meet the 4A targets, repeatedly meet the criteria for a discrepancy, or have significant numbers of students being suspended for more than 10 days.

Correction of FFY 2009 Findings of Noncompliance:

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

Correction of FFY 2008 Findings of Noncompliance:

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

Correction of FFY 2008 Findings of Noncompliance Not Timely Corrected:

Not applicable.

Actions Taken if Noncompliance Not Corrected:

Not applicable.

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

Not applicable.

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

Not applicable.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2011, if applicable:

Targets have been revised for FFY 2011 and FFY 2012 due to the change in the definition of significant discrepancy

Part B State Annual Performance Report (APR) for FFY 2010

Overview of the Annual Performance Report Development: See Executive Summary.

<p>Monitoring Priority: FAPE in the LRE</p>
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Indicator 4B: Rates of suspension and expulsion:

Percent of districts that have:

- (a) a significant discrepancy, by race or ethnicity, in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs; 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> <p>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.</p> <p>Kentucky's definition of significant discrepancy* for this indicator is as follows:</p> <ol style="list-style-type: none"> 3) The LEA's suspension rate for any race/ethnicity category is equal to or greater than three times the statewide rate of suspensions and expulsions of all Kentucky students with disabilities for greater than 10 days in a school year, and 4) There are 10 or more students with disabilities in the district race or ethnicity subgroup, who have been suspended for greater than 10 days in a school year.
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Overview of Issue/Description of System or Process:

KDE has chosen a comparison methodology found at 34 CFR §300.170(a) to determine whether significant discrepancies are occurring. The State is required to use one of two methods.

Kentucky has chosen to:

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

Pursuant to guidance from the Office of Special Education Programs (OSEP), Kentucky revised its methodology for calculating significant discrepancy for Indicator 4A and 4B, beginning with this APR and data from the 2009-2010 school year.

In the past, Kentucky compared a local district's rate of out-of-school removals greater than 10 days of children with disabilities in a particular race or ethnicity category to the rate of all other remaining subgroups of students with disabilities in the district (for example, the rate of suspension of black students with IEPs to all other non-black students with IEPs). Based on directives from OSEP, Kentucky has revised its methodology to annually compare the rate of an individual district's out-of-school removals greater than 10 days of children with disabilities in each racial or ethnic subgroup to the *annual statewide rate* of these types of removals for all students with disabilities that year. This is the same annual statewide rate now used for Indicator 4A calculations.

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

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

Definition of Significant Discrepancy and Methodology

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

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

In the process of revising the 4A and 4B definitions of significant discrepancy, the goal was to comply with directives from OSEP, accomplish consistency of definitions across indicators, and focus state efforts and resources on the most important remaining priorities. See the FFY 2010 State Performance Plan under Indicator 4B for a detailed rationale regarding changes to the definition.

Kentucky determines a district to have a significant discrepancy for this indicator when its rate of out-of-school removals (greater than 10 days a year of children with disabilities) for a specific

racial or ethnic category is three times or more the statewide rate for these types of removals. In addition, districts must suspend more than 10 students with a disability of that race/ ethnicity for greater than 10 days to meet the criteria for significant discrepancy.

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

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

FFY	Measurable and Rigorous Target
<p>2010 (FFY 2010 APR, using 2009-2010 data)</p>	<p>Kentucky will identify 0 districts with a significant discrepancy in the rates of suspensions and expulsions of children with IEPs of a particular race or ethnicity for greater than 10 days due to inappropriate policies, procedures or practices.</p> <p>0 districts with significant discrepancies and inappropriate policies or practices ÷ 176 districts x 100 = 0 %</p>

Actual Target Data for FFY 2010 (using 2009-2010 data): .56% (one district) of 176
Kentucky school districts had a significant discrepancy due to inappropriate practices.

The Measurement requires that the following calculation be used:

One district with significant discrepancy due to inappropriate practices ÷ 176 Kentucky districts × 100 = .56 % of all Kentucky districts

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

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

1. No districts were excluded due to having <10 White students with disabilities enrolled.
2. 89 districts were excluded due to having <10 Black students with disabilities enrolled.

3. 128 districts were excluded due to having <10 Hispanic students with disabilities enrolled in the district.
4. 166 districts were excluded due to having <10 Asian students with disabilities enrolled.
5. 175 districts were excluded due to having <10 Native American students with disabilities enrolled in the district.

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

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

- Twelve districts had a discrepancy for the ‘white’ category,
- Seven districts had a discrepancy for the ‘black’ category,
- Two districts had a discrepancy for the ‘Hispanic’ category,
- Zero districts had a discrepancy for the ‘Asian’ category, and
- One district had a discrepancy for the Native American category.

Most districts with a discrepancy in one of these categories suspended very few students for greater than 10 days. However, since the statewide rate is extremely low compared to other states, a discrepancy is often found in the comparison, if one or two students in a race/ethnicity subgroup are suspended for more than ten days.

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

Data Source: Section 618.

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

Year	Total Number of Districts**	Number of Districts that have Significant Discrepancies by Race or Ethnicity	Percent**
FFY 2010 (using 2009-2010 data)	176	1	.56% of KY districts

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

Year	Total Number of Districts*	Number of Districts that have Significant Discrepancies, by Race or Ethnicity, and policies, procedures or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.	Percent**
FFY 2010 (using 2009-2010 data)	176	1	.56% of all KY districts

Review of Policies, Procedures, and Practices (completed in FFY 2010 using 2009-2010 data) if any districts are identified with significant discrepancies:

- a. **How Kentucky reviewed policies, procedures and practices of districts with significant discrepancy, in accordance with 34 CRF 300.170 (b):**

For the one district with a significant discrepancy, KDE initially reviewed district policies and procedures, relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards and found one area of non-compliance. The policy was promptly corrected by the district, upon notification by KDE. The district currently maintains discipline policies and procedures which fully comply with IDEA.

To meet the second requirement under this part, a KDE team made an on-site visit in December 2010, for the purpose of reviewing the district’s practices relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards) to ensure the practices complied with IDEA. District leaders, who had already conducted a self-investigation, acknowledged that the

district had non-compliant practices which contributed to excessive (4A) and disproportionate (4B) suspension of students with disabilities.

(Due to the district’s acknowledgement of an Indicator 4B violation, no individual student folders were reviewed for violations during the December 2010 visit.)

Based on the review, KDE verified district practices did not comply with IDEA related to the development and implementation of IEPs, the use of positive behavior interventions and supports, and procedural safeguards. During the visit, KDE staff observed and reviewed a new administrative process the district had developed to review long-term suspensions and expulsions for students with IEPs. The purpose of the new process was to correct the noncompliance practices that existed in the district at that time.

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

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

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

KDE identified one district as non-compliant with IDEA, due to practices which did not comply with IDEA. As a result, the district’s superintendent was notified in writing of the non-compliance and required to correct the noncompliance as soon as possible, but no later than one year from the date of notification.

In addition, the district was given a Corrective Action Plan (CAP) to complete within the year timeline, which targeted specific non-compliance practices related to Indicators 4A and 4B.

An abbreviated summary of activities required by the CAP includes the following:

1. Create, monitor and analyze patterns via the district’s *Suspension Database* to provide monthly and annual summary reports regarding suspension by school, race and student discipline offenses for students with IEPs that are disseminated weekly to the schools
2. Conduct a Suspension *Root Cause Analysis* at the School/ Individual Student (Discipline Offenses) Level with Summary Report to KDE, based on data
3. Require a *Manifestation Determination* in every school at the 6th (cumulative) day of Suspension, with the District Suspension Review team reviewing Manifestation Meeting decisions and documentation; District Review Team to analyze and report to KDE regarding details of

“No Manifestation” decisions for 2010-2011 for IEP students suspended for greater than 5 days, and require corrections as necessary

4. Review and require IEP/ FBA-BIP to include interventions and instruction related to behaviors of concern which are causes of repeated suspensions
5. Document Correction of Non-Compliance for Individual Students suspended > 5days; require District Suspension Review Team to analyze manifestation meeting documents including IEP/ FBA-BIP for students in special education suspended for greater than 5 days; and require documentation of corrections to be submitted to Central Office and reviewed to verify correction of individual student non-compliance
6. Systems Level and School-specific Technical Assistance and Training, including positive behavior interventions and supports, designed and delivered to address the data-based profiles/analysis and root causes of excessive suspension identified across the district, in specific schools or both

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred in FFY 2010:

OSEP recently advised KDE that the methodology outlined in the FFY 2009 SPP and employed in the previous year to set an initial baseline for Indicator 4B was an unallowable methodology. Consequently KDE is re-establishing and reporting new baseline data for the FFY 2010 APR. .

As noted above, KDE has changed the methodology for measurement of Indicator 4B, revised the definition of significant discrepancy, and re-set the baseline data using the new definition and measure for Indicator 4B. KDE has revised both the measurement and baseline sections of the FFY 2010 Kentucky State Performance Plan (SPP) for Indicator 4B. In light of these changes, OSEP has advised KDE not to provide information on progress and slippage this year.

KDE will report on Improvement Activities and discuss an analysis of Progress and Slippage relative to the new Indicator 4B baseline next year in the FFY 2011 APR.

Correction of FFY 2009 Findings of Noncompliance:

1. Number of findings of noncompliance the State made during FFY 2009 (the period from July 1, 2009 through June 30, 2010) using 2008-2009 data	0*
2. Number of FFY 2009 findings the State verified as timely corrected (corrected within one year from the date of notification to the district of the finding)	0
3. Number of FFY 2009 findings <u>not</u> verified as corrected within one year [(1) minus (2)]	0*

***Discussion of Correction of FFY 2009 Findings of Non-Compliance:**

Due to some initial confusion around the timing and process desired by OSEP in the first year of Indicator 4B, KDE did not formally cite the one district which was reported with a significant discrepancy for Indicator 4B in the FFY 2009 APR, based on 2008-2009 baseline data, until December 2010. At this time KDE actually conducted the on-site visit to examine and verify inappropriate district practices which contributed to the Indicator 4B discrepancy. This citation for the 4B violation occurred just prior to the FFY 2009 APR reporting deadline of Feb 2011. Therefore, since KDE did not actually issue a ‘finding’ of non-compliance until FFY 2010, KDE will report the ‘correction of the FFY 2010 finding of non-compliance’ for this district in the FFY 2011 APR next year.

Going forward, the state has recognized and corrected the “lag time” problem with issuing findings for this indicator. Accordingly, KDE has already conducted a district site visit, reviewed policies-procedures-practices, and issued findings of non-compliance related to the 2010-2011 data for this indicator (OSEP advised this activity be completed by June 2012).

Correction of FFY 2009 Findings of Noncompliance Not Timely Corrected (corrected more than one year from identification of the noncompliance):

4. Number of FFY 2009 findings not timely corrected (same as the number from (3) above)	0*
5. Number of FFY 2009 findings the State has verified as corrected beyond the one-year timeline (“subsequent correction”)	0
6. Number of FFY 2009 findings <u>not</u> yet verified as corrected [(4) minus (5)]	0*

Actions Taken if Noncompliance Not Corrected:

Not applicable.

Verification of Correction (either timely or subsequent):

Not applicable

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2011(if applicable):

The Measurement and Baseline Data have been revised in the FFY 2010 SPP for Indicator 4B. Targets and activities/ timelines have not changed.

Part B State Annual Performance Report (APR) for FFY 2010

Overview of the Annual Performance Report Development: See Executive Summary.

Monitoring Priority: FAPE in the LRE

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

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

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

Measurement:

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

Indicator 5A

FFY	Measurable and Rigorous Target
<i>FFY 2010</i>	Increase the percentage of students served inside the regular class 80% or more of the day from 64.5 percent to 65 percent.

Actual Target Data for FFY2010: 71.37%

During FFY 2010, 71.37% of Kentucky students with IEPs were in general education classrooms 80% or more of the instructional day. KDE met its target of 65% and exceeded it by 6.3%.

The Measurement requires that the following calculation be used:

60,238 students with disabilities in General Education > 80% ÷ 84,407 total students with disabilities = .7137 x 100 = 71.37%

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 2010:

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 state that improvement in District Policies and Procedures for determining LRE have caused an increase in students with disabilities being educated in the general education classroom.
- The use of effective co-teaching strategies and implementing appropriate interventions in the general education classroom have caused an increase in students with disabilities being educated in the general education classroom.

Discussion of Improvement Activities Completed:

Improvement activities for Indicator 5A, B, and C are combined.

KDE validated corrective action plans of districts cited the previous year during desk audits and on-site monitoring visits for Least Restrictive Environment violations. KDE continues to analyze Kentucky Interim Performance test data (Indicator 3) to identify districts for the combined activity.

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

Not applicable.

Indicator 5B

FFY	Indicator 5B Measurable and Rigorous Target
<i>FFY 2010</i>	Decrease the percentage of students spending less than 40% of their instructional day in the general education program from 11.1% to 11.0%.

Actual Target Data for FFY2010: 9.16%

KDE met its target of 11.0% and exceeded it by 1.84%.

The Measurement requires the following calculation be used:

7,734 students with IEPs served inside the regular class less than 40% of the day ÷ 84,407 total students with disabilities= 0.0916 × 100 = 9.16%.

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 2010:

Explanation of Progress:

Kentucky continues to decrease the number of students with disabilities educated in general education less than 40% of the day. KDE contributes the decrease of students receiving services in this placement to improvement in the practice of effective co-teaching strategies and implementation of appropriate interventions and instructional strategies for students with disabilities in the general education classroom. Increases in the percentage for 5A have contributed to the decrease in 5B.

Discussion of Improvement Activities Completed:

See 5A.

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

Not applicable.

Indicator 5C

FFY	Indicator 5C Measurable and Rigorous Target
<i>FFY 2010</i>	Decrease the percentage of students receiving their special education services in public and private residential day schools by .05 percent to 2.00%.

Actual Target Data for FFY2010: 1.93%

KDE met its target of 2.00% and slightly exceeded it by 0.07%.

The Measurement requires the following calculation be used:

1,631 children with IEPs served in separate schools, residential facilities, or homebound/ hospital placements ÷ divided by 84,407 students aged 6 through 21 with IEPs = $0.0193 \times 100 = 1.93\%$.

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 2010:

Explanation of Progress:

KDE believes the reasons behind the State’s progress for 5A - effective inclusion practices, such as statewide collaboration training and technical assistance initiatives - also had an effect on reducing the number of students receiving special education services in public and private residential day school.

Discussion of Improvement Activities Completed:

See 5A.

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

Not applicable.

Part B State Annual Performance Report (APR) for FFY 2010

Overview of the Annual Performance Report Development: See Executive Summary.

Monitoring Priority: Early Childhood Interventions in Natural Environments

Indicator B7: 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 = [(# of preschool children who improved functioning to a level nearer to same-aged peers but did not reach it) divided by the (# of preschool children with IEPs assessed)] times 100.
- d. Percent of preschool children who improved functioning to reach a level comparable to same-aged peers = [(# of preschool children who improved functioning to reach a level comparable to same-aged peers) divided by the (# of preschool children with IEPs assessed)] times 100.
- e. Percent of preschool children who maintained functioning at a level comparable to same-aged peers = [(# of preschool children who maintained functioning at a level comparable to same-aged peers) divided by the (# of preschool children with IEPs assessed)] times 100.

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

C. Use of appropriate behaviors to meet their needs:

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

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

Targets and Actual Data for Preschool Children Exiting in FFY 2010 (2010-11)

Summary Statements	Actual FFY09 (%, <i>n</i>)	Actual FFY10 (%, <i>n</i>)	Target FFY10 (%)
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. (c+d/ a+b+c+d)	85% <i>n</i> =5,185	84% <i>n</i> =5,398	72%
2. The percent of children who were functioning within age expectations in Outcome A by the time they exited the program. d+e/ a+b+c+d+e	58% <i>n</i> =5,185	68% <i>n</i> =5,398	50%
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. c+d/ a+b+c+d	90% <i>n</i> =5,185	87% <i>n</i> =5,398	64%
2. The percent of children who were functioning within age expectations in Outcome B by the time they exited the program d+e/ a+b+c+d+e	63% <i>n</i> =5,185	72% <i>n</i> =5,398	48%
1 Of those children who entered or exited the program below age expectations in Outcome C, the percent who	89%	86%	70%

substantially increased their rate of growth by the time they exited the program. $c+d / a+b+c+d$	$n = 5,185$	$n = 5,398$	
2. The percent of children who were functioning within age expectations in Outcome C by the time they exited the program. $d+e / a+b+c+d+e$	62% $n = 5,185$	70% $n = 5,398$	50%

Progress Data for Preschool Children FFY 2010:

A. Positive social-emotional skills (including social relationships):	Number of children	% of children
a. Percent of children who did not improve functioning	267	4.9
b. Percent of children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers	351	6.5
c. Percent of children who improved functioning to a level nearer to same-aged peers but did not reach	1125	20.8
d. Percent of children who improved functioning to reach a level comparable to same-aged peers	2007	37.2
e. Percent of children who maintained functioning at a level comparable to same-aged peers	1648	30.5
Total	N= 5398	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	206	3.8
b. Percent of children who improved functioning but not sufficient to move nearer to functioning	309	5.7

comparable to same-aged peers		
c. Percent of children who improved functioning to a level nearer to same-aged peers but did not reach	989	18.3
d. Percent of children who improved functioning to reach a level comparable to same-aged peers	2427	44.9
e. Percent of children who maintained functioning at a level comparable to same-aged peers	1467	27.2
Total	N= 5398	100%
C. Use of appropriate behaviors to meet their needs:	Number of children	% of children
a. Percent of children who did not improve functioning	233	4.32
b. Percent of children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers	285	5.28
c. Percent of children who improved functioning to a level nearer to same-aged peers but did not reach	1116	20.67
d. Percent of children who improved functioning to reach a level comparable to same-aged peers	2129	39.44
e. Percent of children who maintained functioning at a level comparable to same-aged peers	1635	30.29
Total	N= 5398	100%

Data reliability:

To ensure data entry reliability, two data cleaning phases were implemented by KEDS staff (see SPP-Methodology). Five Preschool Regional Training Centers continued 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, and districts are currently implementing plans to measure the accuracy of assessment data at the local level.

Several districts reported frequent opportunities to practice item scoring on assessments and the majority of districts reported systemic reliability training and activities. 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.

In spring 2010, KEDS collected considerable missing and incomplete data for FFY 2009. Results for *Revised FFY09* data are included in this report. Given the consistency of data between the revised FFY 2009 data and FFY 2010 data, KDE is confident in the reliability of the revised data for FFY09. The revised data include increased accuracy of demographic data from districts, increased completion of assessment data, and increased compliance by districts in submitting assessment data.

In reviewing the revised data for FFY 2009, KDE and KEDS believes it may be necessary to revise SPP targets for FFY 2011 and FFY 2012. KDE will bring the issue before its stakeholder group to consider a change in targets for FFY 2011.

Discussion of Summary Statements and a-e Progress Data for FFY 2010:

- Some districts have been collecting assessment data for more than five years and all districts are now conducting continuous assessments. Students with and without IEPs are continuously assessed in all Kentucky state-funded preschools; the benefits in improved instruction can be seen as a result in our outcome trends. The learning curve for implementation of reliable and valid assessments is considered to be reaching a consistent level.

FFY 2010 data reflect the following: 1) all preschool districts are now fully participating in student progress measures; 2) many districts submitted 100% complete demographic and assessment data; and 3) rates of data completion improved significantly, since each district received status reports on data completeness in fall 2010 and spring 2011 and made great efforts to send missing data. Summary statement data were consistent between spring FFY 2009 and FFY2010; all changes were within 10% or less of the prior year.

- Actual summary statement data for FFY 2010 exceeded all summary statement targets. Progress was similar to summary statement data for FFY 2009 and is considered to be representative of Kentucky students for this year. Target data for significant improvement improved to a greater degree in outcome B than for outcomes A and C, which is believed to reflect increased efforts to implement RtI prior to enrolling children; to establish baseline and exit assessment data, and to fully complete assessment protocols.
- FFY 2010 data include $n=5,398$ which is a slight increase in complete data from FFY 2009. This year's data include required assessments for all students with compliance from all but 7 districts. Comparing students with two assessment points in the current database to all students who exited preschool in FFY 2010 revealed approximately 1,800 students with IEPs who did not have two assessment points and were therefore not included in analyses.

It is anticipated that next year's data will reflect a further increase in data completeness with increased accountability measures instituted by KDE. Students who did not have two complete points of data, who did not receive services for at least 6 months, or who had less than 75% complete assessments were not included in analyses.

- For FFY 2010, progress data indicated a steady trend toward improved outcomes for students. Results for summary statement 1 (significantly improved services) were consistently in the 84-87% range. Results for summary statement 2 (maintained age expectations) ranged from 68 to 72%. The numbers of students in a and b are consistently low; numbers in c and d form the majority of students, and numbers in e are in the 20-30% range. Discussions with state partners indicated that results for Kentucky's students are expected to stay within these ranges.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2010:

Explanation of Progress:

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

- Early Learning Leadership Networks teams were implemented by KDE, to assist with TA efforts to districts across the state.
- RTC teams assisted districts with compliance for all areas of assessment and data entry requirements, with increased reliability of the data.
- Recorded tutorials were created and are maintained on the KEDS website, to allow 24/7 viewing of data entry procedures; responses were positive.
- Missing data reports were sent directly to districts in fall 2010 and spring 2011, with increased compliance for data entry as a result. Providers were trained in data entry and reliability through face-to-face meetings, recorded tutorials, webinars, phone calls, and emails.
- FAQ documents were updated as needed to reflect changes in policy and in response to teacher and administrator questions.
- KEDS re-instituted district verification of all student demographic fields in KEDS, to increase accuracy of data received.
- For FFY10, additional steps were taken to review all data prior to inclusion in analyses. These steps included a careful review of prior year's assessments to ensure all complete assessments were included in analyses, as well as computer and staff verification of correct basal and ceiling administration rules for each assessment.

Activities either completed or in the process of completion include:

- All districts are now accountable and are reporting child continuous assessment data through the KEDS
 - Districts continue receiving technical assistance and training concerning the reporting of child continuous assessment data through KEDS, modifications to KEDS will also continue as needed.
 - Ongoing training and technical assistance to districts concerning completion and use of data in classroom instructional planning continues to districts through collaboration with the RTCs, Early Learning Leadership Networks (ELLNs), and KEDS staff.
- Communication protocol was implemented among KEDS, the student information system, and KDE, to improve the accuracy of data downloads among the data systems.
 - Design and Implement targeted training and technical assistance to districts for entry of complete demographic data into Infinite Campus and assessment data to KEDS.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2011:

Not applicable.

Part B State Annual Performance Report (APR) for FFY 2010

Overview of the Annual Performance Report Development: See Executive Summary.

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
2010	30.5%

Actual Target Data for 2010: 27.3%.

The percentage of parents who reported that schools facilitated parent involvement was 27.3%.

The Measurement requires the following calculation be used:
 $278 \text{ parents of students with disabilities surveyed who report schools facilitated parent involvement} \div 1,014 \text{ parents of students with disabilities surveyed} \times 100 = 27.3\%$.

Data Source: KDE’s Indicator 8 parent survey

The parent survey used in FFY 2010 is included in Kentucky’s most recent SPP.

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

KDE’s Indicator 8 sampling plan and methodology was approved in 2006 by OSEP. KDE’s sampling plan is found on pages 61-67 of the FFY 2009 SPP.

Kentucky uses a mailed paper survey with a link to an online version of the same survey. Respondents may elect to fill out and return the paper version of the survey (n=839) or go to the designated URL to complete the survey (n=174). The percentage of respondents who were found to agree that schools facilitated parent involvement was not significantly different based on survey type.

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

Table 1

Distribution of Race/Ethnicity in the Sample			
Race/Ethnicity	Number	Percentage Of Sample	Kentucky's Population Percentage
White	742	74.8%	86.03%
Black or African – American	143	14.2%	11.61%
Hispanic or Latino	37	3.3%	1.75%
Asian or Pacific Islander	12	1.2%	0.46%
American Indian or Alaskan Native	1	0.1%	.15%

The statewide response rate to the survey was 10.1%. 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 2010:

The two improvement activities listed in the SPP for Indicator 8 were to increase responses and to work with districts to facilitate parent involvement.

Overall responses did not increase. This was due to KDE’s decision to limit on-line surveys to only those parents whose districts were in the sample. The data analysis from FFY 2009 indicated a response bias from parents whose districts were not in the sample, who accessed a general on-line survey. In FFY 2010, the element of response bias was reduced by restricting the analysis to those respondents in the sample and eliminating those accessing a general online link.

To accomplish elimination of the response bias, KDE's online link to the survey was intentionally not publicized as much as in past years. KDE believes this contributed to the lower number of responses this year.

Slippage in the actual data for Indicator 8 from last year's rate of 34% to 27.3% in FFY 2010 may in part be due to a reduction in response bias. However, FFY 2009's most comparable data (print responses only) showed a figure of 29.8%, still 2.5% higher than this year's actual target data. KDE believes the reason for the slippage may have been due to the survey being sent later than usual in FFY 2010, giving districts less notice of the areas being surveyed and less time to encourage parent participation.

Beginning in 2012, the parent survey will be distributed earlier during the school year. Notices to districts in the sample were sent in January 2012, allowing them adequate time to publicize the survey.

KDE has also asked the State Advisory Pane for Exceptional Children (SAPEC) for its assistance in meeting the targets for Indicator 8. KDE will begin collaborating with the SAPEC in the upcoming year.

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

Not applicable.

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

Overview of the Annual Performance Report Development: See Executive Summary.

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.

In analyzing data for this indicator, KDE used data collected on Table 1 of its December 1, 2010 Child Count for all students with IEPs aged 6 to 21.

FFY	Measurable and Rigorous Target
FFY 2010	0%

Actual Target Data for FFY 2010: 0%

The Measurement requires the following calculation to be used:

Zero 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:

- 176 districts met the “n” size of 10 **White** students in special education. 0 districts were excluded due to failure to meet the “n” size;
- 75 districts met the “n” size of 10 **Black** students in special education. 101 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 meet the “n” size;
- 7 districts met the “n” size of 10 **Asian** students in special education. 169 districts were excluded due to failure to meet the “n” size;
- 0 districts met the “n” size of 10 **Pacific Islander** students in special education. All 176 districts were excluded due to failure to meet the “n” size;
- 42 districts met the “n” size of 10 **Hispanic** students in special education. 134 districts were excluded due to failure to meet the “n” size;
- 37 districts met the “n” size of 10 **Multiple Race** students in special education. 139 districts were excluded due to failure to meet the “n” size

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

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 2010 (2010-2011)	176	10	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 ten (10) 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 2010 reporting period, that is, after June 30, 2011.*

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

Three of the 10 districts were identified due to over-identification. DLS conducted desk audit reviews of randomly selected student files and determined the three districts were in compliance with the requirements of Indicator 10.

The remaining seven districts were identified as having under-representation in special education. An analysis of the data revealed no trends to indicate the districts identified were inappropriately failing to identify students of any race/ethnicity group.

KDE has surveyed the districts with under-representation to determine reasons for the under-representation:

- Most districts reported that all referrals within their districts have decreased, as the process for Response to Intervention (RtI) is being implemented and refined.
- One district has an immigration intake center within its boundaries. Most of these students are served by the district through their programs for English Learners (EL).
- Several districts reported they are making intentional efforts to use culturally and language appropriate assessments to aid in making appropriate eligibility decisions.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2010:

Explanation of Progress:

KDE attributes the maintenance of 0.0% from FFY 2009 to FFY 2010 on the following:

- For the third year, KDE has focused its monitoring efforts to ensure districts are in compliance with IDEA eligibility requirements. This has had a positive effect on the monitored 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 monitoring leads have noticed overall improvement in the quality and compliance of student files submitted to KDE for review.

- KDE continues to refer districts to its September 2010 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.
- Kentucky’s 11 Special Education Cooperatives continue to provide targeted assistance aligned with the APR, including assistance for complying with the requirements of Indicator 9 and Indicator 10.

Discussion of Improvement Activities Completed:

The current activity for Indicator 9 and Indicator 10 states:

- 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.
 - This activity is currently underway.

Correction of FFY 2009 Findings of Noncompliance (if State did not report 0%):

Level of compliance (actual target data) State reported for FFY 2009 for this indicator: 0%
There were no findings of noncompliance to correct for FFY 2009.

Correction of Any Remaining Findings of Noncompliance from FFY 2008 or Earlier (if applicable):

Not applicable.

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

Not applicable.

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

Not applicable.

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

Overview of the Annual Performance Report Development: See Executive Summary.

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
FFY 2010	0%

Actual Target Data for FFY 2010: 3.41%

The measurement requires the following calculation to be used:

Six 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 = 3.41%.

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:

All 176 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). No districts were 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:

Mental Disabilities:

- 156 districts met the “n” size of 10 **White** students in special education. 20 districts were excluded due to failure to meet the “n” size;
- 28 districts met the “n” size of 10 **Black** students in special education. 148 districts were excluded due to failure to meet the “n” size;
- 0 districts met the “n” size of 10 **Native American** students in special education. 176 districts were excluded due to failure to meet the “n” size;
- 1 district met the “n” size of 10 **Asian** students in special education. 175 districts were excluded due to failure to meet the “n” size;
- 0 districts met the “n” size of 10 **Pacific Islander** students in special education. All 176 districts were excluded due to failure to meet the “n” size;
- 4 districts met the “n” size of 10 **Hispanic** students in special education. 172 districts were excluded due to failure to meet the “n” size;
- 2 districts met the “n” size of 10 **Multiple Race** students in special education. 174 districts were excluded due to failure to meet the “n” size

Speech Language Impairment:

- 166 districts met the “n” size of 10 **White** students in special education. 10 districts were excluded due to failure to meet the “n” size;
- 25 districts met the “n” size of 10 **Black** students in special education. 151 districts were excluded due to failure to meet the “n” size;
- 0 districts met the “n” size of 10 **Native American** students in special education. 176 districts were excluded due to failure to meet the “n” size;
- 3 districts met the “n” size of 10 **Asian** students in special education. 173 districts were excluded due to failure to meet the “n” size;
- 0 districts met the “n” size of 10 **Pacific Islander** students in special education. All 176 districts were excluded due to failure to meet the “n” size;
- 14 districts met the “n” size of 10 **Hispanic** students in special education. 162 districts were excluded due to failure to meet the “n” size;
- 6 districts met the “n” size of 10 **Multiple Race** students in special education. 170 districts were excluded due to failure to meet the “n” size

Emotional Behavior Disability:

- 93 districts met the “n” size of 10 **White** students in special education. 83 districts were excluded due to failure to meet the “n” size;
- 13 districts met the “n” size of 10 **Black** students in special education. 163 districts were excluded due to failure to meet the “n” size;
- 0 districts met the “n” size of 10 **Native American** students in special education. 176 districts were excluded due to failure to meet the “n” size;
- 0 districts met the “n” size of 10 **Asian** students in special education. 176 districts were excluded due to failure to meet the “n” size;
- 0 districts met the “n” size of 10 **Pacific Islander** students in special education. All 176 districts were excluded due to failure to meet the “n” size;

- 1 district met the “n” size of 10 **Hispanic** students in special education. 175 districts were excluded due to failure to meet the “n” size;
- 3 districts met the “n” size of 10 **Multiple Race** students in special education. 173 districts were excluded due to failure to meet the “n” size

Other Health Impaired:

- 155 districts met the “n” size of 10 **White** students in special education. 21 districts were excluded due to failure to meet the “n” size;
- 20 districts met the “n” size of 10 **Black** students in special education. 156 districts were excluded due to failure to meet the “n” size;
- 0 districts met the “n” size of 10 **Native American** students in special education. 176 districts were excluded due to failure to meet the “n” size;
- 1 district met the “n” size of 10 **Asian** students in special education. 175 districts were excluded due to failure to meet the “n” size;
- 0 districts met the “n” size of 10 **Pacific Islander** students in special education. All 176 districts were excluded due to failure to meet the “n” size;
- 3 districts met the “n” size of 10 **Hispanic** students in special education. 173 districts were excluded due to failure to meet the “n” size;
- 6 districts met the “n” size of 10 **Multiple Race** students in special education. 170 districts were excluded due to failure to meet the “n” size

Specific Learning Disability:

- 152 districts met the “n” size of 10 **White** students in special education. 24 districts were excluded due to failure to meet the “n” size;
- 23 districts met the “n” size of 10 **Black** students in special education. 153 districts were excluded due to failure to meet the “n” size;
- 0 districts met the “n” size of 10 **Native American** students in special education. 176 districts were excluded due to failure to meet the “n” size;
- 0 districts met the “n” size of 10 **Asian** students in special education. 176 districts were excluded due to failure to meet the “n” size;
- 0 districts met the “n” size of 10 **Pacific Islander** students in special education. All 176 districts were excluded due to failure to meet the “n” size;
- 10 districts met the “n” size of 10 **Hispanic** students in special education. 166 districts were excluded due to failure to meet the “n” size;
- 4 districts met the “n” size of 10 **Multiple Race** students in special education. 172 districts were excluded due to failure to meet the “n” size

Autism:

- 86 districts met the “n” size of 10 **White** students in special education. 90 districts were excluded due to failure to meet the “n” size;
- 5 districts met the “n” size of 10 **Black** students in special education. 171 districts were excluded due to failure to meet the “n” size;

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

Developmental Delay:

- 132 districts met the “n” size of 10 **White** students in special education. 44 districts were excluded due to failure to meet the “n” size;
- 11 districts met the “n” size of 10 **Black** students in special education. 165 districts were excluded due to failure to meet the “n” size;
- 0 districts met the “n” size of 10 **Native American** students in special education. 176 districts were excluded due to failure to meet the “n” size;
- 1 district met the “n” size of 10 **Asian** students in special education. 175 districts were excluded due to failure to meet the “n” size;
- 0 districts met the “n” size of 10 **Pacific Islander** students in special education. All 176 districts were excluded due to failure to meet the “n” size;
- 6 districts met the “n” size of 10 **Hispanic** students in special education. 170 districts were excluded due to failure to meet the “n” size;
- 1 district met the “n” size of 10 **Multiple Race** students in special education. 175 districts were excluded due to failure to meet the “n” size

Counts of districts identified with Disproportionate Representation for Indicator 10 that are **Over** identified for specific disability categories:

Mental Disabilities:

- 0 districts had disproportionate representation of **White** students with disabilities. 0 districts were disproportionate due to inappropriate practices, policies, or procedures;
- **14** districts had disproportionate representation of **Black** students with disabilities. **3** districts were disproportionate due to inappropriate practices, policies, or procedures; 11 districts had disproportionate representation of **Native American** students with disabilities. 0 districts were disproportionate due to inappropriate practices, policies, or procedures;
- 0 districts had disproportionate representation of **Asian** students with disabilities. 0 districts were disproportionate due to inappropriate practices, policies, or procedures;
- 0 districts had disproportionate representation of **Pacific Islander** students with disabilities. 0 districts were disproportionate due to inappropriate practices, policies, or procedures;

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

Speech Language Impairment:

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

Emotional Behavior Disability:

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

Other Health Impaired:

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

Specific Learning Disability:

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

Autism:

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

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

Developmental Delay:

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

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 10 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 in Specific Disability categories that was the Result of Inappropriate Identification

Year	Total Number of Districts	Number of Districts with Disproportionate Representation	Number of Districts with Disproportionate Representation of Racial and Ethnic Groups in specific disability categories that was the Result of Inappropriate Identification	Percent of Districts
FFY 2010 (2010-2011)	176	29	6	3.41%

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 29 districts as having disproportionate representation by race/ethnicity groups in specified categories as shown in the table below.

- 17 districts have disproportionate representation due to over-representation in one or more categories and race/ethnicity groups
- 4 districts have disproportionate representation due to under-representation in one or more categories and race/ethnicity groups
- 8 districts were found to have disproportionate representation due to having both over-identification and under-identification in different categories and race/ethnicity groups

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

DLS reviewed policies and procedures for all 29 districts and found them to be in compliance with IDEA’s related requirements for Indicators 9 and 10.

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

- Twenty (20) districts received desk audits. The child find, evaluation and eligibility practices were examined through the reviews of student due process records. Five (5) of the districts were found to be out of compliance with the requirements of Indicator 10.
- One (1) district received an onsite visit that included a similar review of student records as described in the bullet above. The district was found to be out of compliance with the requirements of Indicator 10.
- Eight (8) districts were examined for inappropriate practices for FFY 2009. While none of these districts were found to be in violation of Indicator 10, these districts had been identified with one or more areas of student-specific noncompliance. DLS verified the correction of the student-specific findings of noncompliance through desk reviews and examined additional student files subsequent to the districts' implementation of their Corrective Action Plans (CAP), consistent with OSEP Memorandum 09-02. By this means, DLS was able to determine that the 8 districts are currently in compliance with the requirements of Indicator 10.
- No evidence was found through desk audits or onsite visits that the 12 districts identified as having under-identification were under-identifying students due to inappropriate policies, procedures or practices.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2010:

Explanation of Slippage:

KDE attributes the slippage of the state target for Indicator 10 from 0% in FFY 2009 to 3.41% in FFY 2010 to the stricter enforcement of State eligibility criteria in conducting its monitoring activities. In September 2010, 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 in special education and related services in compliance with IDEA requirements.

FFY 2010 marks the first year for monitoring districts since the requirements set forth in the policy letter were implemented. KDE anticipates improved compliance for Indicator 10 will occur as districts continue to implement and refine the requirements outlined in the letter.

The policy letter is on the KDE web site at:

http://www.education.ky.gov/NR/rdonlyres/66BCD8C9-88A0-4D31-B3E3-268085FC721F/0/PolicyLetter2010_11_01.pdf

Discussion of Improvement Activities:

See section titled “*Discussion of Improvement Activities*” for Indicator 9 for discussion of Indicator 9 and Indicator 10 activity.

Correction of FFY 2009 Findings of Noncompliance (if State reported more than 0% compliance):

Note: Based on FFY 2009 data for Indicator 10, zero districts were found to out of compliance with the requirements of Indicator 10. There were eight districts identified as being out of compliance with Indicator 10 based on FFY 2008 data. The actual citations were issued during FFY 2009 and are reflected in the table below.

Level of compliance (actual target data) State reported for FFY 2009 for this indicator: 0%

Level of compliance (actual target data) State reported for FFY 2008 and issued during FFY 2009: 4.55%

7. Number of findings of noncompliance the State made during FFY 2009 (the period from July 1, 2000 through June 30, 2010)	8
8. Number of FFY 2009 findings the State verified as timely corrected (corrected within one year from the date of notification to the LEA of the finding)	6
9. Number of FFY 2009 findings <u>not</u> verified as corrected within one year [(1) minus (2)]	2

Correction of FFY 2009 Findings of Noncompliance Not Timely Corrected (corrected more than one year from identification of the noncompliance):

10. Number of FFY 2009 findings not timely corrected (same as the number from (3) above)	2
11. Number of FFY 2009 findings the State has verified as corrected beyond the one-year timeline (“subsequent correction”)	2
12. Number of FFY 2009 findings <u>not</u> yet verified as corrected [(4) minus (5)]	0

Actions Taken if Noncompliance Not Corrected:

Six of the eight districts cited for noncompliance during FFY 2009 corrected all findings of noncompliance within one calendar year consistent with both prongs of OSEP Memorandum 09-02.

For one district, DLS was unable to verify all student-specific findings of noncompliance had been corrected within one calendar year. DLS made a technical assistance visit to the district and provided support to the Director of Special Education and Superintendent. DLS was able to verify correction of the noncompliant student files a few weeks later and was soon thereafter able to verify systemic compliance with the requirements of Indicator 10, consistent with both prongs of OSEP Memorandum 09-02.

In the other district, DLS was able to verify correction of all findings of noncompliance related to student-specific files within the one year time frame, but could not verify systemic compliance was occurring since the district was not fully implementing a system for Response to Intervention (RtI) consistent with Kentucky eligibility requirements. The district has subsequently begun implementing RtI across all district schools and has provided evidence to DLS through the submission of due process records for students recently identified for special education services that it has a system of RtI in place.

Verification of Correction (either timely or subsequent):

As set forth in the next section, DLS verified correction of noncompliance for Indicator 10 according to requirements in 34 CFR §§300.111, 300.201, and 300.301 through 300.11; and based on OSEP Memorandum 09-02 for both districts identified with FFY 2009 Indicator 10 noncompliance.

Describe of the specific actions that the State took to verify the correction of findings of noncompliance identified in FFY 2009:

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

Correction of Remaining FFY 2008 Findings of Noncompliance (if applicable):

Not applicable.

Correction of Any Remaining Findings of Noncompliance from FFY 2007 or Earlier (if applicable):

Not applicable.

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

No response required.

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

No revisions were made.

Part B State Annual Performance Report (APR) for FFY 2010

Overview of the Annual Performance Report Development: See Executive Summary.

Monitoring Priority: Effective General Supervision Part B / Child Find

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

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

Measurement:

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

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

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

FFY	Measurable and Rigorous Target
<i>FFY 2009</i>	<i>100%</i>

Actual Target Data for FFY 2010: 99%

The Measurement Table requires the following calculation to be used:

2,478 children whose evaluations were completed within Kentucky’s 60 school day timeline ÷ 2,497 children for whom parental consent to evaluate was received times 100 = 99%.

KDE collects APR data for Indicator 11 and Indicator 13 by requiring districts to submit a report by May 30 of each year 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 onsite visits. The actual student records reported by the district are verified along with additional student files for comparison purposes.

KDE continues to work 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	2,497
b. Number of children whose evaluations were completed within 60 days (or State-established timeline)	2,478
Percent of children with parental consent to evaluate, who were evaluated within 60 days (or State established-timeline) (Percent = [(b) divided by (a)] times 100)	99%

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

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

- Least number of days = 1
- Greatest number of days = 34

The most commonly given reasons for the delays include the following:

- Availability of evaluation personnel
- Parental factors (excluding incidents when parent repeatedly failed to produce the child for evaluation)
- Issues with district tracking system

Other reasons cited include:

- District personnel training issues
- Excessive student absenteeism
- Difficulty in obtaining external evaluation components

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 did not reach its target of 100%.

KDE has examined its data and believes the reasons for reaching and maintaining its high rate of compliance over the last three years is due to KDE’s continued emphasis on verification of APR

data. KDE’s monitoring activities have raised the importance of compliance for districts and have 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:

- Three of the five districts noted in the FFY 2009 APR as having a pattern of noncompliance over multiple years were at a 100% rate of compliance for FFY 2010. The two remaining districts each missed the 100% rate of compliance by one student exceeding the 60 school day timeline. One of these districts has subsequently employed new evaluation personnel as a result of their past Indicator 11 compliance issues.
- The state’s compliance rate of 99% is consistent with data reported for FFY 2009 and FFY 2008. This high rate of compliance has been maintained for three years.
- As the result of a review of district-submitted data, 13 districts were cited for noncompliance with the requirements of Indicator 11 during FFY 2010. All 13 districts are currently within the one year time frame for correcting the findings of noncompliance consistent with OSEP Memorandum.

Discussion of Improvement Activities Completed:

KDE’s current activity requires that districts with longitudinal patterns of noncompliance be targeted for additional assistance. This activity is being continued for FFY 2010-2012.

Correction of FFY 2009 Findings of Noncompliance (if State reported less than 100% compliance):

Level of compliance (actual target data) State reported for FFY 2009 for this indicator: 99%

13. Number of findings of noncompliance the State made during FFY 2009 (the period from July 1, 2009 through June 30, 2010)	13
14. Number of FFY 2009 findings the State verified as timely corrected (corrected within one year from the date of notification to the LEA of the finding)	13
15. Number of FFY 2009 findings <u>not</u> verified as corrected within one year [(1) minus (2)]	0

Correction of FFY 2009 Findings of Noncompliance Not Timely Corrected (corrected more than one year from identification of the noncompliance):

16. Number of FFY 2008 findings not timely corrected (same as the number from (3) above)	0
17. Number of FFY 2008 findings the State has verified as corrected beyond the one-year timeline (“subsequent correction”)	0
18. 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, 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 2009 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 2009:

KDE verified the correction of findings of noncompliance identified in FFY 2009 in two ways:

- During the initial desk audit or on-site visit where noncompliance was identified for Indicator 11, DLS also verified that, for the students whose files were reviewed, eligibility determined, and if eligible, an IEP was developed even 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 (CAP), additional random 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 2009 Findings of Noncompliance (if applicable):

1. Number of remaining FFY 2007 findings noted in OSEP’s June 2010 FFY 2008 APR response table for this indicator	0
2. Number of remaining FFY 2007 findings the State has verified as corrected	0
3. Number of remaining FFY 2007 findings the State has NOT verified as corrected [(1) minus (2)]	0

Verification of Correction of Remaining FFY 2008 findings:

Not applicable

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

Not applicable.

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

Not applicable.

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

Statement from the Response Table	State’s Response
When reporting on the correction of noncompliance, the State must report, in its FFY 2010 APR, that it has verified that each LEA with noncompliance reflected in the FFY 2009 data the State reported for this indicator: (1) 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; and	See sections 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 2009.</i> ”

<p>(2) has completed the evaluation, although late, for any child whose initial evaluation was not timely, unless the child is no longer within the jurisdiction of the LEA, consistent with OSEP Memo 09-02. In the FFY 2010 APR, the State must describe the specific actions that were taken to verify the correction.</p> <p>If the State does not report 100% compliance in the FFY 2010 APR, the State must review its improvement activities and revise them, if necessary.</p>	
<p>If the State does not report 100% compliance in the FFY 2010 APR, the State must review its improvement activities and revise them, if necessary.</p>	<p>DLS has reviewed the existing activity and has determined that the current activity is effective, given the State’s high rate of compliance for Indicator 11.</p>

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

The activity for Indicator 11 remains unchanged from the FFY 2009 APR and is scheduled to continue through FFY 2012.

Part B State Annual Performance Report (APR) for FFY 2010

Overview of the Annual Performance Report Development: See Executive Summary.

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
FFY 2010	100% % of children referred by Part C prior to age 3, who are found eligible for Part B, and who have an IEP developed and implemented by their third birthdays.

Actual Target Data for FFY 2010:

99.65% 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 .35%.

The Measurement requires the following calculation be used:

2284 children found eligible who had an IEP developed by their third birthday ÷ 2292 children* ×100= 99.65%.

*The denominator of 2292 children was obtained by the following calculations:

3005 children served in Part C and referred to Part B, minus 357 children determined not eligible, minus 319 children whose parents refused to provide consent that caused delay, minus 37 children who were late referrals from Part C for a total of 2292 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.	3005
b. # of those referred determined to be NOT eligible and whose eligibility was determined prior to third birthday	357
c. # of those found eligible who have an IEP developed and implemented by their third birthdays	2284
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.	319
e. # of children who were referred to Part C less than 90 days before their third birthdays.	37

# in a but not in b, c, d, or e.	4
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	99.65%

Account for Children Included in a, but not in b, c, d, or e:

- District unable to locate child/family

Indicate the range of days beyond the third birthday and the reasons for the delays:

Three to 176 days

- 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)
- Inclement weather
- Request for delay due to child’s illness

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2010:

The FFY 2010 actual target data of 99.65% shows improvement of .05% from the FFY 2009 rate of 99.6%.

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

FFY	Target %
2010	99.65% 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.
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% 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.
2007	95.69% 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.

2006	96.55% 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.
2005	93.75% 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.
2004	79.34% 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.

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. In FFY 2010, the number of late referrals continued to decrease to 37 of whom 23 had IEPs implemented by their 3rd birthdays.

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

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

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

3. Districts that assigned transition responsibilities to specific people cited this as contributing to the districts' ability to meet the target.
4. In FFY 2009, two large Kentucky districts had compliance rates below 100%. Both districts were slightly under 100%, at 97.39% and 98.01% respectively.
5. During FFY 2010, only two districts were out of compliance. One large district had a compliance rate of 97.94%. This district was also non-compliant in FFY 2009. The second, smaller district had one child who did not meet the timeline. This resulted in a 98.21% district compliance rate.

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 has been completed and is in the testing stage. Testing indicates technical issues that require additional

resolutions provided by the contracted student information system vendor. Implementation of the system is expected following effective resolutions.

Correction of FFY 2009 Findings of Noncompliance (if State reported less than 100% compliance in its FFY 2009 APR):

Level of compliance (actual target data) State reported for FFY 2009 for this indicator: 99.60%

19. Number of findings of noncompliance the State made during FFY 2009 (the period from July 1, 2009 through June 30, 2010)	7
20. Number of FFY 2009 findings the State verified as timely corrected (corrected within one year from the date of notification to the LEA of the finding)	7
21. Number of FFY 2009 findings <u>not</u> verified as corrected within one year [(1) minus (2)]	0
22. Number of FFY 2009 findings not timely corrected (same as the number from (3) above)	0
23. Number of FFY 2009 findings the State has verified as corrected beyond the one-year timeline (“subsequent correction”)	0
24. Number of FFY 2009 findings <u>not</u> verified as corrected [(4) minus (5)]	0

During FFY 2009, KDE cited seven districts for noncompliance with Indicator 12, based on on-site monitoring visits and desk audits. All findings of noncompliance, both individual and systemic, were timely corrected, with KDE notifying districts of correction within the one-year timeline. This is consistent with Prongs 1 and 2, OSEP Memorandum 09-02. In verifying compliance with the requirements of the regulation, found at 34 CFR §300.124(b), KDE determined the individual and randomly-selected folders were 100% compliant.

Also in FFY 2009, two districts self-reported less than 100% compliance for Indicator 12. Letters notifying districts of noncompliance were not sent during FFY 2009 but were sent at a later time. In the interim, one district corrected the noncompliance prior to KDE notification. As a result, only the one remaining districts was subsequently notified of noncompliance and given one year for correction.

KDE cited the one remaining district for Indicator 12 noncompliance. It was directed to correct all student-level findings of noncompliance and provide documentation of correction to DLS. DLS will verify correction of all instances of individual student noncompliance. DLS will also undertake random student record reviews in the district to document systemic compliance, in

accordance with both prongs of *OSEP Memorandum 09-02*. KDE will ensure that, for both reviews, the records will demonstrate 100% compliance with the regulation.

In order to prevent untimely notification from happening in the future, KDE is developing a monitoring protocol to ensure that all required steps for notifying districts of noncompliance occur.

Actions Taken if Noncompliance Not Corrected:

Not applicable.

Verification of Correction (either timely or subsequent):

During desk audit monitoring activities, KDE verified compliance with the requirements of 34 CFR §300.124(b) and found the individual and randomly-selected folders confirmed 100% compliance.

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

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

Describe of the specific actions that the State took to verify the correction of findings of noncompliance identified in FFY 2009:

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

- When noncompliance was identified for Indicator 12, KDE verified that, for students identified as having an Indicator 12 noncompliance, an IEP was developed and implemented although late unless the child was no longer in the district. KDE now utilizes an electronic student information system that allows random access to any student in the state receiving special education services. This is consistent with Prong 1, *OSEP Memorandum 09-02*.
- As part of the verification process additional files of students identified and evaluated were randomly selected, examined, and verified through the student information system

to determine that the evaluation was completed, eligibility determined and if eligible, an IEP was developed consistent with Prong 2, OSEP Memorandum 09-02.

- For all records reviewed, KDE found the individual and randomly-selected folders confirmed 100% compliance with 34 CFR §300.124(b),

Correction of Remaining FFY 2008 Findings of Noncompliance (if applicable)

4. Number of remaining FFY 2007 findings noted in OSEP’s June 2010 FFY 2008 APR response table for this indicator	0
5. Number of remaining FFY 2007 findings the State has verified as corrected	0
6. Number of remaining FFY 2007 findings the State has NOT verified as corrected [(1) minus (2)]	0

Verification of Correction of Remaining FFY 2008 findings:

Not applicable.

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

Not applicable.

Correction of Any Remaining Findings of Noncompliance from FFY 2007 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
Status of correction of FFY 2009 noncompliance	The noncompliant district corrected non-compliance as specified under OSEP Memorandum 09-02. See discussion of correction of FFY2009 findings of noncompliance.

<p>Verification of correction of noncompliance</p>	<p>See section above.</p>
<p>Specific actions taken to verify correction</p>	<p>See <i>Findings of Noncompliance Identified in FFY 2009</i>.</p>
<p>Review of improvement activities</p>	<p>Due to the high rate of compliance, no changes were made to Improvement Activities. Activities reviewed and timelines extended to coordinate with extension of SPP an additional two years. As time line extends to 2012, KDE is in process of implementing this activity.</p>

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2011 (if applicable):

Not applicable.

Part B State Annual Performance Report (APR) for FFY 2010

Overview of the Annual Performance Report Development: See Executive Summary.

Monitoring Priority: Effective General Supervision Part B / Effective Transition

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

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

Measurement:

Percent = [(# of youth with IEPs aged 16 and above with an IEP that includes appropriate measurable postsecondary goals that are annually updated and based upon an age appropriate transition assessment, transition services, including courses of study, that will reasonably enable the student to meet those postsecondary goals, and annual IEP goals related to the student’s transition 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.

FFY	Measurable and Rigorous Target
2010	One hundred percent (100%) of youth with IEPs aged 16 and above will have IEPs that include all the regulatory requirements for SPP Indicator 13

Actual Target Data for FFY 2010: 94.61%

The Indicator 13 compliance rate increased to 94.61% for FFY 2010 from last year’s rate of 92.95%. This was a gain of 1.66%. The SPP target of 100% was not met.

The Measurement requires the following calculation be used:

2247 youth with IEPs aged 16 and above with an IEP that includes all the regulatory requirements referenced in the Indicator 13 Measurement ÷ 2375 youth with an IEP aged 16 and above = 0.9461 x 100 = 94.61%.

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

Year	Total number of youth aged 16 and above with an IEP	Total number of youth aged 16 and above with an IEP that meets the requirements	Percent of youth aged 16 and above with an IEP that meets the requirements
FFY 2010 (2010-2011)	2375	2247	94.61%

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred in FFY 2010:

The Indicator 13 compliance rate increased to 94.61% for FFY 2010 from last year’s rate of 92.95%.

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

- 138 districts met or exceeded the state target, progress from last year’s count of 137 districts
- 33 districts did not meet the state target, progress from last year’s count of 34 districts
- 5 districts were not required to report graduation rate (K-8 schools)

Further review showed compliance rates of over 95% in the different subcomponents of Indicator 13.

The IEP includes appropriate measurable postsecondary goals related to training or education, and employment, and when appropriate, independent living skills.	97.05%
The IEP includes transition services that will reasonably enable the child to reach the postsecondary goals.	99.07%
For transition services likely to be provided or paid for by another agency, the other agency is invited to send a representative, if appropriate.	97.81%
If an agency was invited to send a representative, signed Consent for Outside Agency Invitation is included.	96.51%
As a transition service, the child has a multi-year course of study as outlined in the Individual Learning (Graduation) Plan.	99.12%

Annual goal(s) included in the IEP are related to the transition service needs.	99.16%
Measurable postsecondary goals are based on age-appropriate transition assessment.	99.28%
The child is invited to the ARC meeting where transition services are discussed.	99.28%
The measurable postsecondary goals are updated annually.	97.35%

Improvement Activity 1 provided for more targeted technical assistance to districts based on the analysis of the data. The development of common and consistent training materials and methods ensured that training content and resources were being implemented with fidelity. Continuous collection of data through review of records informed the development and delivery of training and technical assistance. KDE’s work in Activity 2 is in the planning stages.

Correction of FFY 2009 Findings of Noncompliance:

Level of compliance (actual target data) State reported for FFY 2009 for this indicator: 92.95%

25. Number of findings of noncompliance the State made during FFY 2009 (the period from July 1, 2009 through June 30, 2010)	22
26. Number of FFY 2009 findings the State verified as timely corrected (corrected within one year from the date of notification to the LEA of the finding)	22
27. Number of FFY 2009 findings <u>not</u> verified as corrected within one year [(1) minus (2)]	0

During FFY 2009, KDE cited 22 districts for noncompliance with Indicator 13, based on on-site monitoring visits and desk audits. All findings of noncompliance were verified as timely corrected through KDE’s review of individual student records and random folders, in accordance with both prongs of OSEP Memorandum 09-02. In reviewing both sets of records, KDE also verified 100% compliance with the regulatory requirements of 34 CFR §300.320(b) and 300.321(b).

KDE timely notified the 22 districts of correction within one year..

Also in FFY 2009, 34 districts self-reported less than 100% compliance for Indicator 13. Letters notifying districts of noncompliance were not sent during FFY 2009 but were sent at a later time. In the interim, 24 districts corrected the noncompliance prior to KDE notification. As a result, 10 of the 34 districts were subsequently notified of noncompliance and given one year for correction.

KDE cited the 10 districts for Indicator 13 noncompliance. They were directed to correct all student-level findings of noncompliance and provide documentation of correction to the DLS.

DLS will verify correction of all instances of individual student noncompliance. DLS will also undertake random student record reviews in the 10 districts to document systemic compliance, in accordance with both prongs of OSEP Memorandum 09-02.

In order to prevent untimely notification from happening in the future, KDE is developing a monitoring protocol to ensure that all required steps for notifying districts of noncompliance occur.

Correction of FFY 2009 Findings of Noncompliance Not Timely Corrected (corrected more than one year from identification of the noncompliance):

Not applicable. All districts notified of noncompliance in FFY 2009 timely corrected their noncompliance.

Actions Taken if Noncompliance Not Corrected:

Not applicable.

Verification of Correction (either timely or subsequent):

DLS verifies that all records reviewed for each district are 100% compliant with the Indicator 13 regulatory requirements found at 34 CFR §300.320(b) and 300.321(b).

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

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

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):

The OSEP APR Response Table did not indicate a requirement for additional information.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2011 (if applicable):

Not applicable.

Part B State Annual Performance Report (APR) for 2010

Overview of the Annual Performance Report Development: See Executive Summary and Indicator 1 Overview.

APR Development

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

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

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

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

Monitoring Priority: Effective General Supervision Part B / Effective Transition

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

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

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

<p>Measurement:</p> <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.</p> <p>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.</p> <p>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.</p>
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FFY	Measurable and Rigorous Target
2010	<p>A= 24.5% enrolled in higher education</p> <p>B= 52.7% enrolled in higher education or competitively employed</p> <p>C= 62.4% enrolled in higher education or in some other postsecondary education or training program; or competitively employed or in some other employment</p>

Actual Target Data for FFY 2010:

There were 2486 total respondents.

$$A = 577 \text{ (#1) divided by } 2486 \text{ (total respondents)} = 23.2\%$$

$$B = 577 \text{ (#1) + } 717 \text{ (#2) divided by } 2486 \text{ (total respondents)} = 52.1\%$$

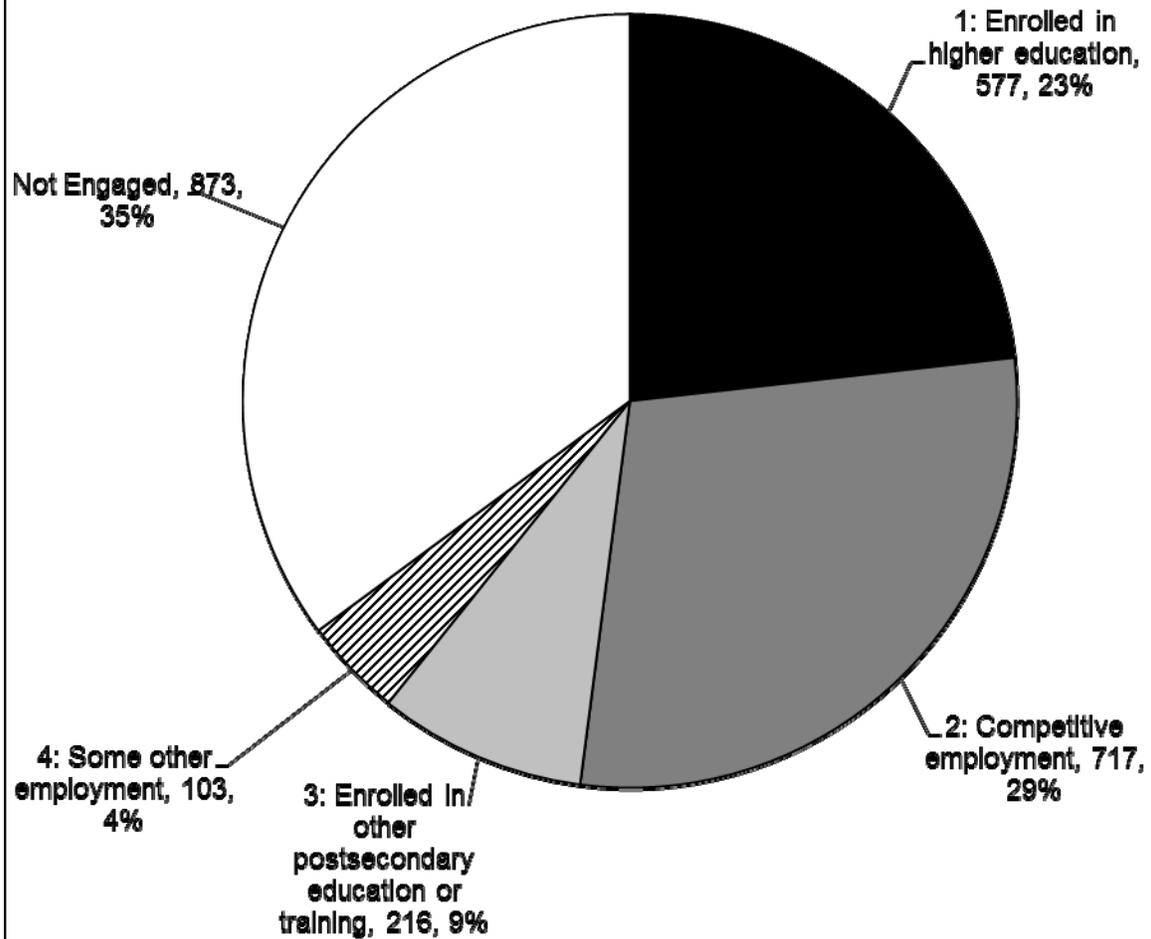
$$C = 577 \text{ (#1) + } 717 \text{ (#2) + } 216 \text{ (#3) + } 103 \text{ (#4) divided by } 2486 \text{ (total respondents)} = 64.9\%$$

As seen in Figure 1, *Pie Chart of Kentucky’s Post-School Outcomes for 2009-10 School Year*, Kentucky’s largest percentage of leavers was in the outcome category, “Not Engaged” with 35% (n=873) of leavers counted in this category. The second largest percentage of leavers was the

outcome category, “Competitive Employment” with 29% (n=717). The remaining categories, in order of largest to smallest percentage, were: “Higher Education” with 23% (n=577); enrolled in “Other Postsecondary Education or Training,” 9% (n=216); and “Some Other Employment,” 4% (n=103).

Figure 1. Pie Chart of Kentucky’s Post-School Outcomes for 2009-10 School Year

Kentucky IDEA Part B SPP/APR Indicator #14: Post-School Outcomes for 2009-10 School Year Exiters



- 1: Enrolled in higher education
- 2: Competitive employment
- 3: Enrolled in other postsecondary education or training
- ▨ 4: Some other employment
- Not Engaged

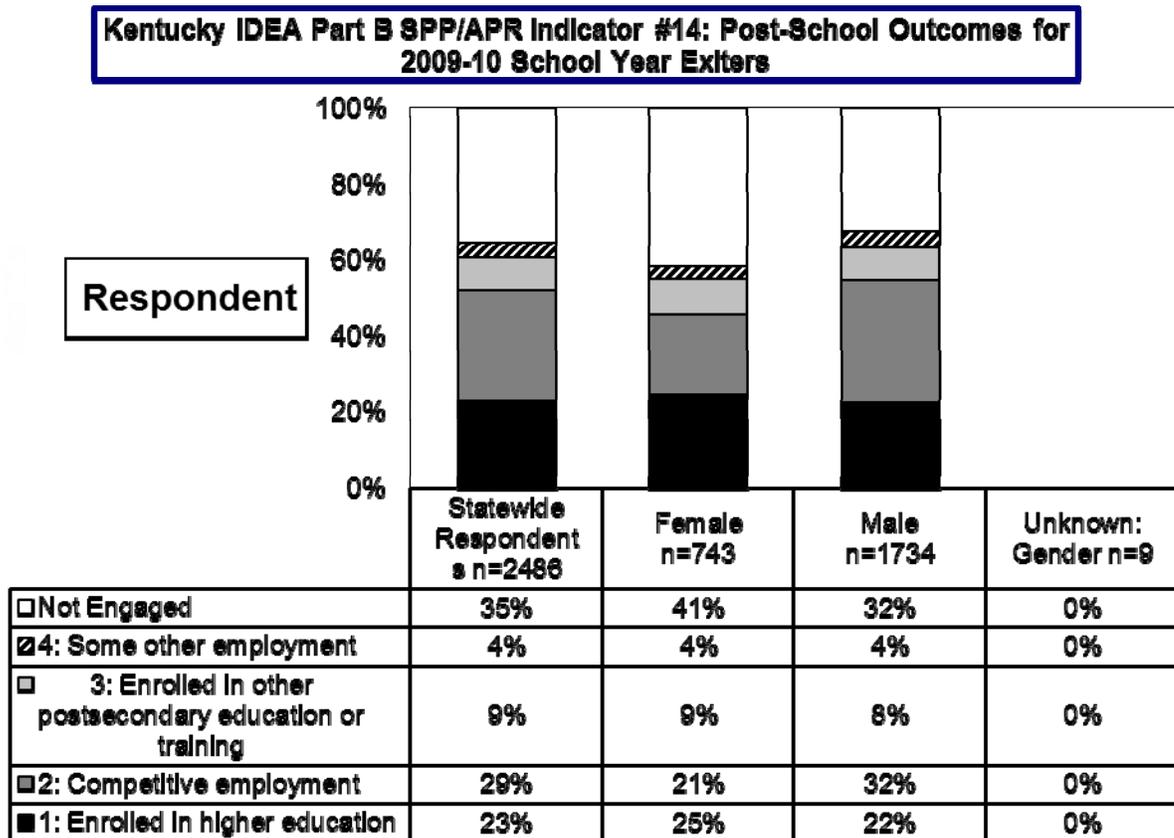
SPP #14 Measurement A:	23%	Equals Segment 1
SPP #14 Measurement B:	52%	Equals Segments 1+2
SPP #14 Measurement C:	65%	Equals Segments 1+2+3+4

Disaggregated Outcomes by Subgroups

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

As seen in Figure 2, *Post-School Outcomes by Gender*, female leavers were more likely to be not engaged than male leavers (41% vs. 32%). Female respondents were more likely to be enrolled in higher education than male respondents (25% vs. 22%), but males were far more likely to be competitively employed (32% vs. 21%).

Figure 2. Post-School Outcomes by Gender



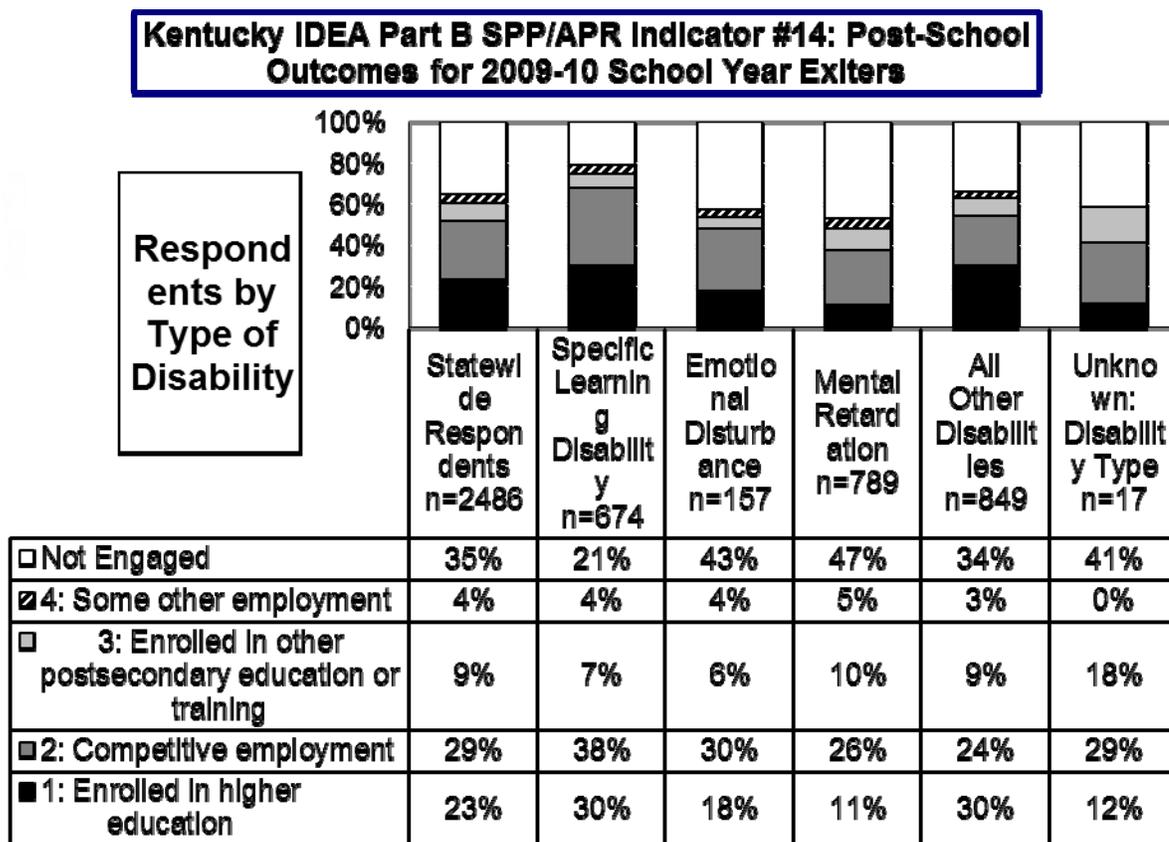
Further analysis into the reasons that males have higher employment rates should be examined at the state as well as local levels. Although females tend to enroll in post-secondary education at slightly higher rates than males, the difference is not enough to offset the overall higher engagement rate of males.

A considerable amount of variation in outcomes based on type of disability can be seen in Figure 3, *Post-School Outcomes by Disability Category*. Former students classified as having Specific Learning Disabilities fared better in terms of higher education and

competitive employment than any of the other groups, and had less than half the non-engagement rate than either the students with emotional/behavioral disabilities (EBD) or intellectual disabilities (Mild Mental Disabilities or MMD and Functional Mental Disabilities or FMD). Particularly noteworthy is the low rate of enrollment in higher education among persons with intellectual disabilities (11%).

The districts' KCMP self-assessment requires districts to address investigative questions which look at demographics.

Figure 3. Post-School Outcomes by Disability Category



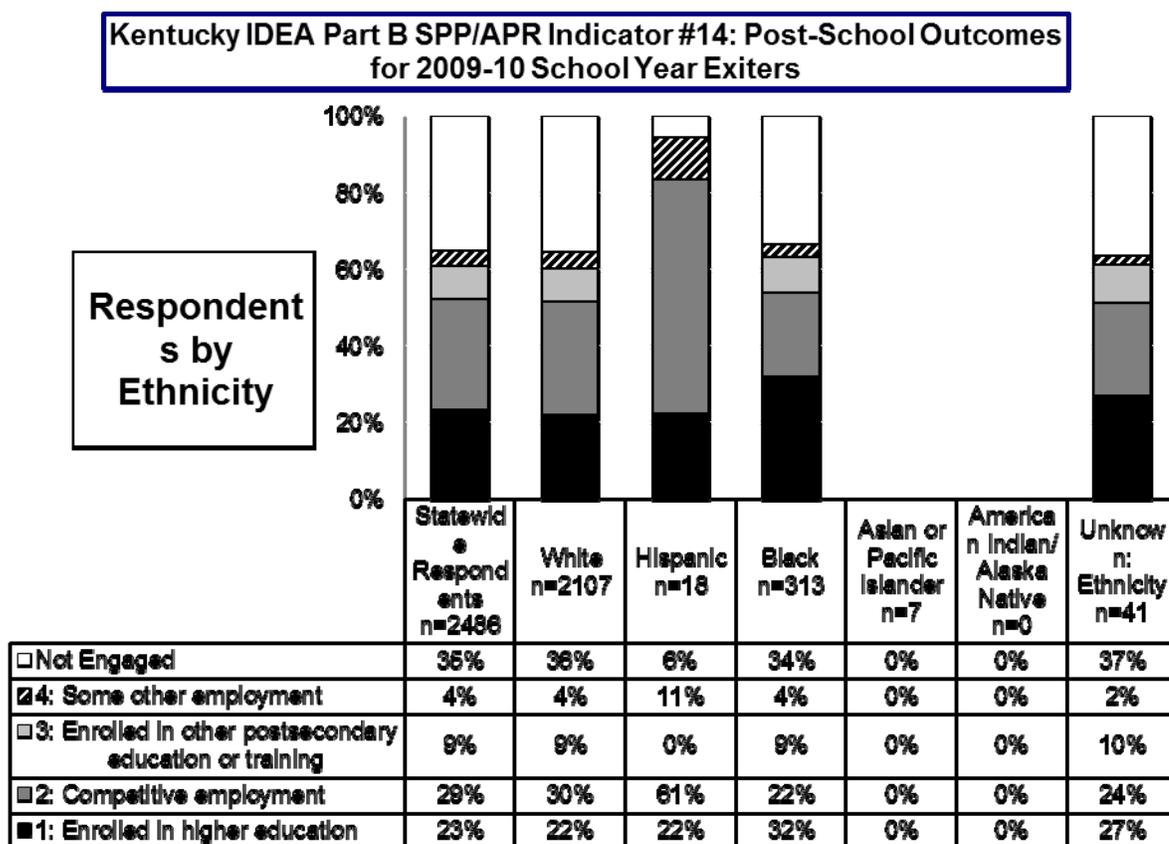
As seen in Figure 4, Post-School Outcomes by Ethnicity, there were notable differences in post-school outcomes between Kentucky's two largest ethnic groups.

African-American exiters were considerably more likely to be enrolled in higher education (32%) than White exiters (22%). This pattern has been evident in Kentucky's data for several years. The reverse appears to be true in terms of competitive employment, where White exiters have higher rates (30%) than Black exiters (22%).

The differences between White and African –American students is significant. Districts’ KCMP self-assessment requires that districts examine differences based on demographics.

Other ethnic groups have much smaller numbers of respondents, which makes it difficult to draw meaningful conclusions from these data. Even with the small sample size (n=18) of Hispanic exiters, it is noteworthy that this group’s competitive employment rate is very high (61%), and that there are very few in this ethnic category who are not engaged (6%).

Figure 4. Post-School Outcomes by Ethnicity

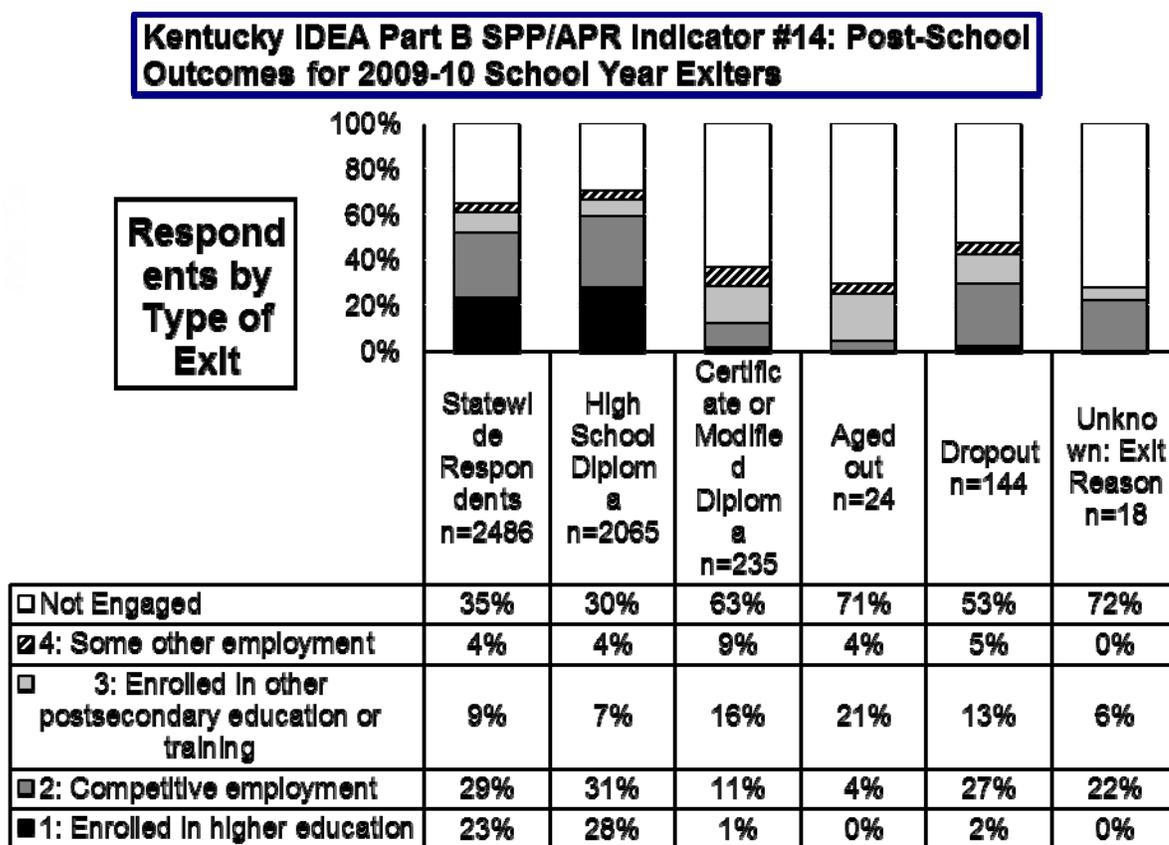


In Figure 5, Post-School Outcomes by Type of Exit, there are sharp differences in outcomes for those exiting in different manners. Nearly all exiters enrolling in higher education left high school with a standard diploma (28%). Those exiting by means of a certificate had only 1% enrolled in higher education, while only 2% of dropouts and no exiters who aged-out enrolled in higher education.

The respondents who aged-out were the most unengaged (71%) and had only 4% competitive employment. Exiters who had earned certificates had low rates of competitive employment (11%) and also high rates in the not engaged category (63%). While exiters who dropped out of high school had poor educational outcomes, they did have a 27% competitive employment rate.

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

Figure 5. Post-School Outcomes by Type of Exit



Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for 2010:

Data Collection Methods:

This was the second year Kentucky used a census of former students who exited one year previously and had IEPs. The YOYO is a Computer Assisted Telephone Interview administered to all former students with IEPs who exited the previous school year (2009-10) by means of graduation with a Diploma, receiving a Certificate of Attainment, reaching maximum age, or dropping out.

The Kentucky Post School Outcomes center provides training on the YOYO to designees from all school districts in contacting and interviewing former students.

Kentucky's population is determined by exit data that districts report to KDE. 4738 former students comprised this population. 4206 YOYO Interviews were attempted, and 2486 interviews were completed, giving an overall response rate of $2486 \div 4738 = 52\%$.

Representativeness is determined from background information gathered from all attempted interviews. KyPSO used the *NPSO Response Calculator* to calculate representativeness of the respondent group on the characteristics of: (a) disability type, (b) ethnicity, (c) gender, and (d) exit status (for example, dropout), to determine whether the youth who responded to the interviews were similar to, or different from, the total population of youth for whom interviews were attempted.

According to the NPSO Response Calculator, differences between the Respondent Group and the Target Leaver group of $\pm 3\%$ are important. Negative differences indicate an under-representativeness of the group and positive differences indicate over-representativeness. In the Response Calculator, the color **red** is used to indicate a difference exceeding a $\pm 3\%$ interval.

As seen in Table 1, *NPSO Response Calculator for FFY 2010*, respondents were underrepresented in the category of dropout. Kentucky does not have data available to determine representativeness regarding English Language Learner (ELL) status. Respondents appear to be representative in all other categories.

The underrepresentation of dropouts is a concern, as it may bias results in a positive direction. Interviewers are trained to make extra efforts to try to contact dropouts, while realizing that they may be less likely to agree to contact with their former school system.

Table 1. NPSO Response Calculator for FFY 2010

	Representativeness								
	Overall	Learning Disability	Emotional Disability	MR	All Other	Female	Minority	ELL	Dropout
Target Leaver Totals	4206	1171	345	1277	1413	1304	704	0	423
Response Totals	2469	674	157	789	849	743	367	0	144
Target Leaver Representation		27.84%	8.20%	30.36%	33.59%	31.00%	16.74%	0.00%	10.06%
Respondent Representation		27.30%	6.36%	31.96%	34.39%	30.09%	14.86%	0.00%	5.83%
Representation Difference		-0.54%	-1.84%	1.59%	0.79%	-0.91%	-1.87%	0.00%	-4.22%

Note: positive difference indicates over-representation, negative difference indicates under-representation. A difference of greater than +/-3% is highlighted in red. We encourage users to also read the Westat/NPSO paper Post-School Outcomes: Response Rates and Non-response Bias, found on the NPSO website at <http://www.psocenter.org/collecting.html>.

Missing Data

Kentucky’s number of responses increased by 550 from FFY 2009. During the same period, the response rate declined. This seeming paradox is explained by a change in denominator.

Previously KyPSO relied on the completion of an in-school transition assessment, the Kentucky In School Transition Survey (KISTS) to determine target leaver population. However, it was discovered that the KISTS was not being uniformly administered, and in fact substantially underestimated the population it was intended to measure.

In FFY 2010, KyPSO began to rely on existing data – specifically exit data, which is more closely monitored by KDE.

This year, KyPSO’s instructions to districts and their interviewers referred to the districts’ exit data in order to determine who to conduct interviews on. While this had a positive effect resulting in 550 additional interviews, it also highlighted another issue for interviewers: they do not always have direct access to their exit data.

In the upcoming reporting period, there are plans to remedy this by prepopulating the online data collection system with each former student’s contact information. This remains a secure system, as only those interviewers who have received training have access to their district’s information, as well as their director of special education and regional transition consultants.

Explanation of progress and slippage (A & B showed minor slippage, C showed progress) is likely attributable to national economic factors. The fact that former students are somewhat less likely to be competitively employed or enrolled in two or four- year colleges or universities,

while being more likely to be engaged in other outcomes, indicates that opportunities are likely the reason as much as planning. Another factor may be that the use of exit data in administering the YOYO may also be identifying more former students particularly with less prestigious outcomes.

Analysis of Improvement Activities includes:

- 1. Develop needs assessment to send to districts**
 - This activity has been accomplished. Transition Services Inventory (TSI) was developed in August/September and disseminated to districts in October 2011.
- 2. Analyze results of needs assessment**
 - TSI data received by KyPSO, which is currently analyzing the data. Results of analyses will be disseminated to districts, to assist them in identifying district-level transition services gaps in relation to their district-level post school outcomes data.
- 3. Consult with NPSO and NSTTAC to identify strategies to address needs**
 - NPSO assisted KyPSO in defining several transition services contained in TSI, then reviewed the final TSI instrument; NSTTAC Predictor and Transition Taxonomy Table used to help identify district-level improvement activities.
- 4. Work with districts to develop transition programs identified from needs assessment**
 - KyPSO will provide general webinar training on how to interpret post school outcomes data and its relationship with TSI results.
 - KyPSO will provide one-to-one technical assistance, via webinar, with any districts that requests it.
- 5. Create longitudinal database from merged KISTS and YOYO**
 - This activity has been accomplished.
- 6. Analyze congruency between plans and outcomes**
 - This activity has been accomplished.
- 7. Disaggregate results based on race, disability category, gender, LRE placement and other variables of interest**
 - This activity has been accomplished. 2010-2011 post school outcome data were analyzed and reported with disaggregated results.
- 8. Conduct analysis of outcomes based on district-level programming, as determined by needs assessment**
 - In progress.
- 9. Further analyze population of students who reported being disengaged in order to isolate common malleable factors**
 - In progress.
- 10. Report findings to KDE**
 - Findings from 2010-2011 have been reported to KDE.

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

Revisions to Improvement Activities, as set out in Indicator 1, are adopted as new Activities for Indicator 14 as well.

KDE's vision – to make every Kentucky student graduating high school ready for college and career – and its corresponding delivery plans will have a profound effect upon students with disabilities being able to reach the outcomes measured by Indicator 14. The College and Career Readiness delivery plan has special relevance to students with disabilities, as described in Indicator 1.

Districts' use of the Persistence to Graduation Tool during the KCMP self-assessment will focus on the needs of individual students at-risk of dropping out. The accompanying toolkit will assist districts with individualizing secondary transition planning for students with disabilities. The expectation is that better planning for transitioning from high school will lead to better post school outcomes.

The second revised activity for Indicator 1 has a direct relationship to improved post school outcomes for students with disabilities. Operation Preparation is designed to give 8th and 10th grade students access to volunteer counselors, to assist them in planning to put college within their reach.

KDE has given special attention to training volunteers on advising students with disabilities, to make volunteer advisors more comfortable with the process. Whether the activity is effective at making college attendance an achievable goal for students with disabilities will be discernible in YOYO survey results a year after this year's 10th grade students exit from high school.

Part B State Annual Performance Report (APR) for FFY 2010

Overview of the Annual Performance Report Development: See Executive Summary.

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
FFY 2010	100%

Actual Target Data for FFY 2009: 91.01%

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

One hundred seventy-eight (178) corrections of noncompliance completed as soon as possible, but in no case later than one year from identification ÷ 162 findings of noncompliance times 100 = 91.01%.

PART B INDICATOR 15 WORKSHEET (Revised April 12, 2012)

Indicator/Indicator Clusters	General Supervision System Components	# of LEAs Issued Findings in FFY 2009 (7/1/09 to 6/30/10)	(a) # of Findings of noncompliance identified in FFY 2009 (7/1/09 to 6/30/10)	(b) # of Findings of noncompliance from (a) for which correction was verified no later than one year from identification
1. Percent of youth with IEPs graduating from high school with a regular diploma. 2. Percent of youth with IEPs dropping out of high school. 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.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other			
	Dispute Resolution: Complaints, Hearings			
3. Participation and performance of children with disabilities on statewide assessments. 7. Percent of preschool children with IEPs who demonstrated improved outcomes.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other			
	Dispute Resolution: Complaints, Hearings			
4A. Percent of districts identified as having a significant discrepancy in the rates of suspensions and expulsions of children with disabilities for greater than 10 days in a school year.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other			
	Dispute Resolution: Complaints, Hearings	2	3	3
5. Percent of children with IEPs aged 6 through 21 - educational placements. 6. Percent of preschool children aged 3 through 5	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	30	30	27

Indicator/Indicator Clusters	General Supervision System Components	# of LEAs Issued Findings in FFY 2009 (7/1/09 to 6/30/10)	(a) # of Findings of noncompliance identified in FFY 2009 (7/1/09 to 6/30/10)	(b) # of Findings of noncompliance from (a) for which correction was verified no later than one year from identification
– early childhood placement.	Dispute Resolution: Complaints, Hearings			
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	3	3	2
9. Percent of districts with disproportionate representation of racial and ethnic groups in special education that is the result of inappropriate identification. 10. Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	8	8	6
	Dispute Resolution: Complaints, Hearings			
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	12	12	12
	Dispute Resolution: Complaints, Hearings	3	3	3
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	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	7	7	7

Indicator/Indicator Clusters	General Supervision System Components	# of LEAs Issued Findings in FFY 2009 (7/1/09 to 6/30/10)	(a) # of Findings of noncompliance identified in FFY 2009 (7/1/09 to 6/30/10)	(b) # of Findings of noncompliance from (a) for which correction was verified no later than one year from identification
implemented by their third birthdays.	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	22	22	22
	Dispute Resolution: Complaints, Hearings			
Other areas of noncompliance: Eligibility	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	53	53	49
	Dispute Resolution: Complaints, Hearings	3	3	3
Other areas of noncompliance: Timely and Accurate Data	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	32	32	27
	Dispute Resolution: Complaints, Hearings			
Other areas of noncompliance: Failure to implement IEP	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other			
	Dispute Resolution: Complaints, Hearings	2	2	1
Sum the numbers down Column a and Column b			178	162
Percent of noncompliance corrected within one year of identification = (column (b) sum divided by column (a) sum) times 100.			(b) / (a) X 100 =	91.01%

Describe the process for selecting LEAs for Monitoring:

DLS conducted a total of 17 on-site visits and 43 desk audits during FFY 2009. Districts were selected for monitoring based on two sets of criteria:

- Districts that met the “n” size and were identified as having disproportionate representation in one or more specified disability categories under Indicator 10 were examined. Six (6) districts were visited and 13 received desk audits related to Indicator 10.
- Districts that were determined to have identification rates higher than 15% based on FFY 2008 Child Count Data were reviewed. This area was chosen based on DLS staff observations from on-site monitoring during FFY 2008, and a request by Kentucky’s Office of Education Accountability. Eleven (11) districts were visited and 29 additional districts received desk audits.

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

Sixteen (16) findings of noncompliance cited in FFY 2009 were not corrected within one year. KDE attributes the decrease in compliance, from the FFY 2009 level of 94% to the current level of 91.01%, to these reasons.

- Three (3) of the 16 findings were issued to 4 districts that were cited for violations under the IDEA *Related Requirements* pertaining to Least Restrictive Environment.

Three of the districts have subsequently corrected the noncompliance in accordance with both Prongs of OSEP Memorandum 09-02.

- Two (2) of the 16 findings were issued to Districts cited as the result of the Indicator 10 desk audits conducted during FFY 2009. One of the districts had not demonstrated correction of all student-specific issues identified through the audit. The other district did not have a system for Response to Intervention (RtI) in place. Both districts have subsequently demonstrated correction of all findings of noncompliance, both at the student level and systemically in accordance with OSEP Memorandum 09-02.
- Three (3) of the 16 findings were issued to districts that were cited for IDEA violations regarding the eligibility determination process.

Two of the districts have since corrected the findings of noncompliance in accordance with both prongs of OSEP Memorandum 09-02.

The remaining district has serious systemic issues related to widespread noncompliance within the district. The district has recently come under new leadership, and is now taking aggressive actions, including personnel changes to correct the identified deficiencies. DLS has provided intensive technical assistance via the regional special

education cooperative. DLS anticipates that, between the level of assistance being provided and the district's leadership's commitment to improvement, the CAP will be completed in accordance with both prongs of OSEP Memorandum 09-02 within the next few months.

- Five (5) of the 16 findings were issued to districts for reporting inaccurate APR data under KCMP Indicator 20, based on the site visits and desk audits. Four of the five districts have demonstrated systemic correction of the noncompliance. The one remaining district is taking aggressive actions to correct its reporting issues and is expected to achieve full compliance within the next few months.
- Two (2) of the 16 findings were issued to one district related to the findings in an IDEA formal complaint that were not verified as being corrected within one calendar year. KDE verified the corrections and notified the district it had corrected all areas of noncompliance, subsequent to the February 1, 2012 submission of the APR.

KDE believes its systems for timely correction of noncompliance under Indicator 15 will result in improved performance for the FFY 2011 APR based on the following factors:

- KDE continues to require all districts cited for noncompliance based on onsite monitoring, desk audits or complaints to submit quarterly reports outlining the districts' progress in implementing their CAPs. This requirement has been proven effective in assisting 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 or complaint investigators meet regularly and work collaboratively within the division to make sure all findings of noncompliance are verified and the district notified of the CAP status within one calendar year
- Special education cooperatives continue to be 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 continue to be implemented by DLS monitoring team leaders and complaint investigators assigned to all districts identified with compliance issues. The requirement that districts with CAPS submit quarterly status reports has been a particularly effective tool in the timely correction of noncompliance.
- DLS will take enforcement actions towards districts that do not correct noncompliance within one year
 - This activity is being implemented. DLS has not yet directed or withheld IDEA funds. Of the 164 findings of noncompliance issued during FFY 2009, only 4 remain uncorrected at this time. See discussion in next section below.

- 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.
 - DLS is in the process of developing a web-based application to assist KDE in tracking General Supervision data.

Timely Correction of FFY 2009 Findings of Noncompliance (corrected within one year from identification of the noncompliance):

28. Number of findings of noncompliance the State made during FFY 2009 (the period from July 1, 2009 through June 30, 2010) (Sum of Column a on the Indicator B15 Worksheet)	178
29. 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)	162
30. Number of findings <u>not</u> verified as corrected within one year [(1) minus (2)]	16

FFY 2009 Findings of Noncompliance Not Timely Corrected (corrected more than one year from identification of the noncompliance and/or Not Corrected):

31. Number of FFY 2009 findings not timely corrected (same as the number from (3) above)	16
32. Number of FFY 2009 findings the State has verified as corrected beyond the one-year timeline (“subsequent correction”)	14
33. Number of FFY 2009 findings <u>not</u> yet verified as corrected [(4) minus (5)]	2

Actions Taken if Noncompliance Not Corrected

The two findings of noncompliance that have not yet been verified are associated with one district. The district was identified with numerous student-specific and systemic compliance issues.

This district appeared to be making little to no progress in the correction of noncompliance within the one year time frame. DLS was preparing to initiate progressive sanctions with the district. An unexpected change in district leadership occurred shortly before the end of the one year window.

The new superintendent immediately began taking decisive steps to correct the identified IDEA deficiencies within the district both in terms of providing professional development for district staff as well as undertaking personnel actions deemed necessary by the district. The district requested additional time to achieve full compliance without further sanctions being leveled against the district. DLS anticipates it will be able to verify correction of all findings of noncompliance consistent with OSEP Memorandum 09-02 by the end of March 2012.

Verification of Correction for findings of noncompliance reported in the FFY 2009 APR (either timely or subsequent):

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 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, KDE verified that an IEP was in place, even after the child's third birthday. Correction of student specific noncompliance was verified for Indicators 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 2009 (including any revisions to general supervision procedures, technical assistance provided and/or any enforcement actions that were taken):

DLS conducted follow-up onsite 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 2008 Findings of Noncompliance (if applicable)

Not applicable.

Correction of Any Remaining Findings of Noncompliance from FFY 2007 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
<p>The State must review its improvement activities and revise them, if appropriate, to ensure they will enable the State to provide data in the FFY 2010 APR, due February 1, 2012, demonstrating that the State timely corrected noncompliance identified by the State in FFY 2009 in accordance with 20 U.S.C. 1232d(b)(3)(E), 34 CFR §§300.149 and 300.600(e), and OSEP Memo 09-02.</p>	<p>DLS has reviewed its improvement activities for Indicator 15 and believes them to be appropriate.</p>
<p>In reporting on correction of findings of noncompliance in the FFY 2010 APR, the State must report that it verified that each LEA with noncompliance identified in FFY 2009:</p> <p>(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;</p> <p>Kentucky Part B FFY 2009 SPP/APR Response Table</p> <p>FFY 2009 SPP/APR Response Table Kentucky Page 15 of 16</p> <p>Monitoring Priorities and Indicators Status of APR Data/SPP Revision Issues OSEP Analysis/Next Steps and (2) has corrected each individual case of</p>	<p>See body of Indicator 15 for full discussion of all required components.</p>

<p>noncompliance, unless the child is no longer within the jurisdiction of the LEA, consistent with OSEP Memo 09-02. In the FFY 2010 APR, the State must describe the specific actions that were taken to verify the correction.</p>	
<p>In addition, in reporting on Indicator 15 in the FFY 2010 APR, the State must use the Indicator 15 Worksheet.</p>	<p>The Indicator 15 worksheet is included within the body of this indicator.</p>
<p>In addition, in responding to Indicators 4B, 11, 12, and 13 in the FFY 2010 APR, the State must report on correction of the noncompliance described in this table under those indicators</p>	<p>See each specified indicator for correction of noncompliance described in this table under those indicators.</p>

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

Not applicable.

Part B State Annual Performance Report (APR) for FFY 2010

Overview of the Annual Performance Report Development: See Executive Summary.

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 2010: 100%.

KDE reached its target of 100%

The Measurement requires the following calculation be used:

Eight reports within the 60-day timeline, plus three reports within properly extended timelines, divided by 11 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 26, 2011.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2010:

Explanation of Progress:

KDE has maintained 100% compliance for Indicator 16 since FFY 2005, when responsibility for complaint investigation was given to the Division of Learning Services (DLS).

FFY	Percentage resolved within 60-day timeline
2003	91%
2004	62.5%
2005	100%
2006	100%
2007	100%
2008	100%
2009	100%
2010	100%

DLS attributes its continued success with timely investigation of signed written complaints to close monitoring of the timelines, the relatively few complaints the Division receives in a year and expanding the number of complaint investigators from two investigators to a pool of six DLS staff who were used to investigate complaints during FFY 2010.

Three complaints went beyond the 60-day timeline. All three were properly extended due to exceptional circumstances related to the complaint. The exceptional circumstances were:

- Investigation of a class complaint
- Inclement weather
- Serious illness of the parent of the complaint investigator

In the situation related to the serious illness of the complaint investigator’s parent, the facts are as follow:

- ❖ The complaint at issue was complicated and volatile. It concerned a student with autism identified as having an Emotional-Behavioral Disability (EBD) who was first hospitalized, then withdrawn from school by the student’s parent. The complaint allegations were directly implicated in the student’s hospitalizations and school withdrawal.
- ❖ The investigator conducted an on-site visit, reviewing the entire student file, interviewing the parent, teachers and district staff.
- ❖ An attorney was actively representing the district.

- ❖ The investigator’s 85-year old parent became seriously ill a week before the complaint deadline and was hospitalized.
- ❖ As the investigator was the parent’s sole family member, the investigator took leave from KDE and traveled two hours to stay with the parent throughout the hospitalization. The investigator advised KDE that the investigator would return to finish the final report by the complaint timeline.
- ❖ Due to the relapse of the investigator’s parent two days before the complaint timeline, the investigator notified KDE that the investigator would not be able to return to work in time to finalize the complaint.
- ❖ Although staff who investigated complaints were available for assignment to the complaint, no KDE staff had an understanding of the evidence presented and the complex issues surrounding the complaint. No other staff had dealings with the district’s attorney.
- ❖ In making the decision to extend the complaint timeline due to “exceptional circumstances with respect to a particular complaint,” KDE used guidance entitled *State Complaint: Summary of How States Apply the Exceptional Circumstances Extension*, dated May 2010. The guidance was written by the Regional Resource Center Program and vetted by OSEP.
- ❖ The guidance states that, although **exceptional circumstances** is not defined in the regulation, exceptional can be understood based on its common meaning of “unusual, not typical.”
- ❖ The guidance further narrowed “...**with respect to a particular complaint**” the exceptional circumstances extension to circumstances relevant to the current complaint only.
- ❖ The guidance summarizes the standard by stating, “‘exceptional circumstances’ would mean those circumstances that do not normally occur.”
- ❖ OSEP addressed the “exceptional circumstances” standard in its 2000 monitoring report for Wisconsin Part B. OSEP stated, “a State educational agency may not extend or exceed the 60-calendar day timeline for resolving a complaint for reasons that relate to the resources or workload of that agency, rather than exceptional circumstances that exist with respect to a particular complaint.”
- ❖ In this situation, “...The unique circumstances with respect to a particular complaint” included:
 - the timing of the relapse of the investigator’s parent, which gave KDE two days to assign a new investigator and have the new investigator finalize the complaint
 - the complexity of the complaint
 - the volatility of the complaint
 - the breath of the investigation conducted by the investigator
 - the attorney’s involvement

In making the decision to grant an extension to the complaint timeline, KDE relied upon the language of 34 CFR 300.152(b)(1)(i), supplemented by OSEP language in the Wisconsin monitoring report and the RRCP guidance document. KDE understood that it could not extend the complaint for administrative reasons such as lack of resources, too many complaints filed or lack of KDE staff. None of those reasons existed.

KDE did not extend the timeline based on administrative factors. The extension was based on the timing of the parent's relapse, the unique circumstances surrounding the parent's illness and the complexity of this particular complaint.

These exceptional circumstances applied only to this complaint. Had KDE had a week's notice of the current investigator's unavailability, it would have reassigned the complaint to another investigator. However, it did not have the luxury of time and made its decision based on its understanding of the guidance in this area.

KDE has an obligation to issue a final report written by a person qualified to render an appropriate decision. It could not do this under these facts, since only two days were left until the timeline expired. Assigning the complaint to a new investigator and expecting the investigator to render conclusions of law without time to understand the facts, the allegations, the legal arguments, and the findings already written by the current investigator would have been a breach of this obligation.

Discussion of Improvement Activities Completed: DLS continues to track complaints using a system developed and maintained by complaint investigators.

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

Not applicable.

Part B State Annual Performance Report (APR) for FFY 2010

Overview of the Annual Performance Report Development: See Executive Summary.

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 2010: Not applicable.

Kentucky had no fully adjudicated due process hearings.

The data for the Measurement comes from Table 7 of KDE’s Section 618 Data Report, submitted to WESTAT on October 26, 2011.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2010:

Explanation of Progress or Slippage that occurred for FFY 2010:

Not applicable. KDE’s compliance rate was 100% in FFY 2009 but no hearings were fully adjudicated in FFY 2010.

Discussion of Improvement Activities Completed:

Not completed. DLS is developing a web-based system for collecting Table 7 data for Indicators 17-19.

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

Not applicable.

Part B State Annual Performance Report (APR) for FFY 2010

Overview of the Annual Performance Report Development: See Executive Summary.

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
2010	Eighty percent (80%) of hearing requests that went to resolution sessions are resolved through resolution session settlement agreements.

Actual Target Data for FFY 2010: 55%.

The Measurement requires the following calculation be used:

Six settlement agreements resulting from resolution sessions held, divided by 11 resolution sessions held, multiplied by 100 = 55%

The data for the Measurement comes from Table 7 of KDE’s Section 618 Data Report, submitted to WESTAT on October 26, 2011.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2010:

Explanation of Progress: KDE increased the rate of agreement through resolution sessions from 29% to 55%, an increase of 26%. KDE did not reach its target of 80%.

Of the five resolution sessions that were held without agreement being reached, only 2 were unsuccessful. The remaining three resolution sessions have been continued. In two cases, progress toward settlement had been made and additional sessions were pending. In the third case, the resolution session was held and continued, due to the student’s short-term residential placement in another school district.

Discussion of Improvement Activities Completed:

See Indicator 17.

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

Not applicable.

Part B State Annual Performance Report (APR) for FFY 2010

Overview of the Annual Performance Report Development: See Executive Summary.

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 2010	Eighty-five percent (85%) of all mediations requested will result in mediation agreements.

Actual Target Data for FFY 2010: 78%

The Measurement requires the following calculation be used:

Eight mediation agreements related to due process plus 10 mediation agreements not related to due process, divided by 23 mediations held, times 100, for a percentage of 78%.

The data for the Measurement comes from Table 7 of KDE’s Section 618 Data Report, submitted to WESTAT on October 26, 2011.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2010:

Explanation of Slippage that occurred for FFY 2010:

KDE’s percentage of agreements reached through mediation decreased from 82% in FFY 2009 to 78% for the current year. The Target of 85% was not met in FFY 2010.

Of the five mediations that were not settled, three were the subject of due process hearings involving one school district and three parents requesting to place their children in an out-of-state school. The district felt it could appropriately educate the students. As both parties were firm in their positions, there was little left to resolve through mediation.

Discussion of Improvement Activities Completed:

See Indicator 17.

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

Not applicable.

Part B State Annual Performance Report (APR) for FFY2010

Overview of the Annual Performance Report Development: See Executive Summary.

Monitoring Priority: Effective General Supervision Part B / General Supervision

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

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

Measurement:
 State reported data, including 618 data, State Performance Plan, and Annual Performance Reports, are:
 a. Submitted on or before due dates (February 2 for child count, including race and ethnicity; placement; November 2 for exiting, discipline, personnel and dispute resolution, December 15 for assessment; and February 2 for Annual Performance); and
 b. Accurate, including covering the correct year and following the correct measurement.
 States are required to use the “Indicator 20 Scoring Rubric” for reporting data for this indicator (see Attachment B).

FFY	Measurable and Rigorous Target
<i>2010</i>	<i>100% of State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate.</i>

Actual Target Data for FFY 2010: 100%

In using the Data Rubric, Kentucky measured 100% for this indicator. All APR indicators were reported as reliable and valid with correct calculations and all Section 618 Data Tables were submitted on time, were complete, and passed edit checks. All requests for edit notes were provided.

The Measurement requires that the following calculation be used:

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

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

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

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

Table 1

PART B INDICATOR 20 RUBRIC

SPP/APR Data – Indicator 20			
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	1	2

13	1	1	2
14	1	1	2
15	1	1	2
16	1	1	2
17	1	1	2
18	1	1	2
19	1	1	2
		Subtotal	40
APR Score Calculation	Timely Submission Points - If the FFY 2010 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) =		45.00

PART B INDICATOR 20 RUBRIC

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: 2/2/11	1	1	1	1	4
Table 2 – Personnel Due Date: 11/2/11	1	1	1	N/A	3
Table 3 – Ed. Environments Due Date: 2/2/11	1	1	1	1	4

Table 4 – Exiting Due Date: 11/2/11	1	1	1	N/A	3
Table 5 – Discipline Due Date: 11/2/11	1	1	1	N/A	3
Table 6 – State Assessment Due Date: 12/15/11	1	NA	NA	N/A	1
Table 7 – Dispute Resolution Due Date: 11/2/11	1	1	1	N/A	3
Table 8 – MOE/CEIS Due Date: 5/1/11	1	NA	NA	NA	
				Subtotal	22
618 Score Calculation			Grand Total (Subtotal X 2.045)=		45

Indicator #20 Calculation	
A. APR Grand Total	45.00
B. 618 Grand Total	45.00
C. APR Grand Total (A) + 618 Grand Total (B) =	90.00
Total N/A in APR	0.00
Total N/A in 618	0.00
Base	90.00

D. Subtotal (C divided by Base*) =	1.000
E. Indicator Score (Subtotal D x 100) =	100.00

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

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

With the start of the 2010-2011 school year the Kentucky Student Information System (KSIS) was being 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 this program at the State, district and school levels.

Infinite Campus (IC), the vendor that developed KSIS, conducts an annual user conference that attracts with approximately 1,500 participants from across the state. This conference has several strands for the attendees, allowing users to choose sessions and presentations that best suit their individual needs to collect maintain and report district and school level data. Conference presenters include technical staff from IC and KDE program staff, who train specific areas. The December 2010 conference had 2 sessions presented by DLS staff, and one session presented by vendor staff around special education data collection, management, and reporting. In addition these sessions address 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 of these trainings are provided in several regional locations across the state. Trainings address special education data standards including definitions for special education data requirements, as well as criteria for data collection and other aspects of the student information system.

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

KDE also sponsors a special education advisory group for Infinite Campus (SEAGIC) that works with local districts and the vendor, to make sure KSIS meets the special education needs of students, teachers, district and State staff. This group meets regularly throughout the school year and includes local district special education staff, regional staff, KDE staff and, as needed, staff from the vendor. SEAGIC provides input on the special education content of the system, user interface requests, design of state forms (for example, IEP, Referral, Meeting Summary), and special education specific requirements required by federal and state laws. It also 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. Data reviews by KDE staff also 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 2010:

Explanation of progress: In FFY 2009, Kentucky reported 100% compliance with Indicator 20 using the OSEP rubric format. This means that Kentucky met the target for this indicator.

For FFY 2010, Kentucky is using the OSEP approved rubric and is again reporting 100% compliance. Kentucky has met the target for this indicator and has sustained its level of compliance.

Discussion of Improvement Activities Completed: KDE has continued to convene regular meetings of SEAGIC. In FFY 2010, all districts in Kentucky used the KSIS and were required to use certain due process forms included in the special education module of the student information system. The SEAGIC has proved helpful in developing the forms for state-wide use.

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 data collection activities most important at the time. The trainings also address how best capture the data and utilize the program as a case management tool for their special education students and staff. This enables the districts to realize local benefit in the operation of their special education programs and more efficiently and effectively meet the needs of children with disabilities.

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

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

Not applicable.