

**Kentucky Department of Education
FFY 2011 Annual Performance Report
February 15, 2013**



Executive Summary: FFY 2011 Kentucky Part B Annual Performance Report

The Annual Performance Report (APR) for FFY 2011 details the work of the Kentucky Department of Education (KDE) toward improving educational outcomes for students with disabilities. Public Law 108-446, the Individuals with Disabilities Education Act (IDEA) 2004, requires Kentucky to report to the Secretary of Education and to the public the State's performance under the State Performance Plan (SPP). This APR is due February 15, 2013 and covers the academic year 2011-2012.

In 2011, KDE implemented a major reorganization that has had a profound effect on the work of the Division of Learning Services (DLS). The restructuring of the organization has improved collaborative efforts between KDE, school districts, and other Kentucky agencies. 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. Special Education within KDE is continuing to evolve from separate, stand-alone work to an integral part of the Department's work.

Last year, KDE predicted that, "As DLS 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 2011 APR will show this prediction is coming true. We are working to break down the silos that have kept us separate, and are continuing to collaborate across KDE to improve the educational outcomes of all children in Kentucky.

KDE's vision is operationalized by the Department's three delivery plans. The delivery plans and their links to the KDE web site are:

- The College and Career Readiness delivery plan
<http://education.ky.gov/commofed/cdu/documents/ccr%20delivery%20plan.pdf>
- The Proficiency delivery plan
<http://education.ky.gov/commofed/cdu/documents/proficiency%20delivery%20plan.pdf>
- The Gap delivery plan
<http://education.ky.gov/commofed/cdu/documents/gap%20delivery%20%20plan.pdf>

The Educator Effectiveness delivery plan is currently being developed that includes special education teachers. The draft of that plan may be found at:

- The Next Generation Professionals delivery plan (including specialty teachers) (draft)
<http://education.ky.gov/commofed/cdu/documents/next%20generation%20professionals%20delivery%20plan.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 will have a major effect on whether KDE achieves its vision for all Kentucky students.

The three completed delivery plans were finalized in 2011 and 2012, with the fourth not yet concluded; 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 2012 APR outcomes on February 1, 2014.

The FFY 2011 APR and revised SPP are posted on the KDE web site at:

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

KDE has worked closely with its partners over the course of the year. Kentucky’s 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 to schools and teachers.

KDE’s relationship with the State Advisory Panel for Exceptional Children (SAPEC) is a collaborative process that strives to improve all student outcomes. The SAPEC was consulted in the setting of new targets for Indicator 3, as this year a baseline score was established because of a new statewide assessment based on Kentucky’s Core Academic Standards. 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 APR’s.

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

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

February 15, 2013

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***Denotes a compliance indicator**

Part B State Annual Performance Report (APR) for FFY 2011

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

Monitoring Priority: FAPE in the LRE

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

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

Measurement: States must report using the graduation rate calculation and timeline established by the Department under the ESEA.

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

Graduates receiving regular diplomas

Graduates + # GEDs (and certificates) + # dropouts + # who maxed in age + # deceased

Data Source: Section 618 Data

FFY	Measurable and Rigorous Target
2011	Eighty-five and one-tenth percent (85.1%) of students with disabilities will graduate with a regular diploma.

Actual Target Data for FFY 2011: 73.21%

The graduation rate of students with disabilities decreased to 73.21% for FFY 2011 from last year’s rate of 74.19%. This was a slippage of .98 %. The SPP target of 85.1% was not met.

The Measurement requires the following calculation be used:

3258 graduates with regular diplomas ÷ 4450 (total of 3258 graduates + 457 GEDs and certificates + 680 dropouts + 38 who maxed in age + 17 deceased) = .7321 × 100 = 73.21%.

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 and Explanation Slippage, if the State did not meet its target, which occurred for FFY 2011:

Explanation of Slippage:

The percentage of students with disabilities graduating from high school with a regular diploma decreased by .98% to 73.21%, from last year’s rate of 74.19%.

The total number of graduates with a diploma for FFY2011 decreased from by 189 students. The total number of exiters decreased by 196 students. This means the number of exiters who graduated without a regular diploma increased by seven students in FFY2011. The seven exiters correlate to a slight increase in FFY2011. The seven exiters represent the seven dropouts as demonstrated in the Indicator 2 measurement.

KDE continues to analyze data to determine the root cause for slippage. District level self-assessments as reported through the Kentucky Continuous Monitoring of Progress (KCMP) process last year, resulted in a more narrow focus on the root causes of graduation.

The most common cited root cause districts reported for having met the state targets was

“District has a process for flagging students at risk for dropping out and intervenes with effective strategies.” These reports reinforce the need for continuing the activities for Indicator 1, which include use of the Persistence to Graduation Tool (PtGT) and Toolkit.

KDE has consistently worked on increasing the accuracy of exiting data submitted by districts, which may have impacted the data this year.

KDE reviewed district-level data and compared it against the APR state target for graduation rate for students with disabilities. KDE found:

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

Because of a lack of formative 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 were required to determine the reason that students were dropping out by examining district, school and student-level data.

Last year, DLS amended its SPP activities to include the use of KDE’s new Persistence to Graduation Tool (PtGT) and Toolkit, to detect students who were off-track for graduation, by identifying at risk students before they dropped out of school. Persistence to graduation is a strategy set out in KDE’s College and Career Readiness delivery plan that, once fully implemented, will increase the number of students graduating from high school.

Even though Kentucky has experienced a slight decrease in graduation rate, KDE will continue to focus its emphasis on the use of the Persistence to Graduation Tool (PtGT).

Beginning with FFY 2012, districts will continue use of the PtGT for students with disabilities through district use of the Adaptive System of School Improvement Support Tools (ASSIST) process.

Discussion of Improvement Activities:

Activities completed for Indicators 1 and 2 are:

- DLS and the Co-ops further refined Investigative Questions for districts to use in root cause analysis during the use of ASSIST. 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 as part of the Persistence to Graduation Evidence-Based Strategies Toolkit. The toolkit is on the KDE website at:
<http://education.ky.gov/school/pages/ptgt.aspx>
- Investigative Questions and evidenced-based strategies for Indicators 1 and 2 are contained in the ASSIST Special Education Guidance Document. The guidance document is on the KDE web site at:
<http://education.ky.gov/school/csip/Pages/default.aspx>
- Districts are in the process of completing the ASSIST self-assessment for Graduation Rate and Dropout Rate.
- Materials and information were developed to assist school districts in preparing Community Volunteers for meeting with students with disabilities during Operation Preparation.
- A field was added to the student information system and Individual Learning Plan process to disaggregate data for students with IEP's beginning the 2012-2013 school year.

Evaluation of Activities:

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

DLS also surveyed the districts who participated in Operation Preparation during March of 2012. Districts responding indicated that 80-100% of students with IEPs (% of students with IEPs when compared to total of students with IEPs in grade levels served) participated in their district's Operation Preparation activities. 72.9% responded that Operation Preparation advisors and students had access to the student's Individual Learning Plan during advising activities.

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 2011:

The activity for Indictors 1, 2, 13, and 14 is revised as follows:

<p>Indicators 1, 2, 13, and 14</p> <p>Improvement Activity 1</p>	<p>Support district use of KDE systems and tools that will positively impact students’ persistence to graduation</p> <p>Action Steps:</p> <p>A. Support district use of KDE Systems</p> <ol style="list-style-type: none"> 1. Align investigative questions, root causes, activities, and suggested exemplary programs in the process for <i>ASSIST</i> reporting 2. Identify appropriate resources for use by districts for <i>ASSIST</i> 3. Train districts on how to conduct self-assessment using revised <i>ASSIST</i> 4. Train districts on use of identified resources 5. Provide successful practice examples (example of data analysis using Persistence to Graduation Tool, root cause analysis, determination of intervention) 6. Pilot districts as examples 7. Provide technical assistance to districts over the course of implementation <p>B. Support district use of KDE Tools</p> <ol style="list-style-type: none"> 1. Incorporate Persistence to Graduation Tool into the <i>ASSIST</i> 2. Require use of Persistence to Graduation data in the <i>ASSIST</i> data analysis for Indicators 1 and 2 3. Develop plan for formative assessment / feedback loop, data check points as well as feedback from districts
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Justification:

The process by which districts will self-monitor is changing from the Kentucky Continuous Monitor Process (KCMP) to the Adaptive System of School Improvement Support Tools (ASSIST). This reflects an alignment with the KDE Gap Delivery Plan strategy of consolidated

planning and use of data. This strategy provides districts with access to ASSIST, a system for developing school and district level improvement plans.

Part B State Annual Performance Report (APR) for FFY 2011

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

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 2, 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
2011	The dropout rate for students with disabilities will decrease by four-tenths of one percent (0.4%).

Actual Target Data for FFY 2011: +0.12%. The dropout rate increased by 0.12% to 2.71% from last year's rate of 2.59%.

KDE showed slippage in meeting the target of reducing the dropout rate by more than 0.4%.

The Measurement requires the following calculation be used:

680 special education dropouts from grades 9-12 ÷ 25,108 special education students ages 14-21
= .0271 × 100 = 2.71% 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 and Explanation of Slippage, if the State did not meet its target that occurred for FFY 2011:

Explanation of Slippage:

KDE showed slippage toward the target of reducing the dropout rate by 0.4%. The dropout rate increased by 0.12%.

KDE analyzed data to determine the root cause for slippage under Indicator 2. District level self-assessments, as reported through the KCMP last year, resulted in a more narrow focus on the root causes of dropout rates. The most common cited root cause for not meeting the state targets was "District does not implement a process for flagging students who are at high risk for dropping out." These reports reinforce the need for continuing the activities listed for Indicator 1 and 2, which include use of the Persistence to Graduation Tool (PtGT) and Toolkit.

KDE has consistently worked on increasing the accuracy of exiting data submitted by districts, which may have impacted the data this year. Further, the count of students exiting has decreased (as well as child count overall), which impacts the percentage of dropout rate.

KDE reviewed district-level data and compared it against the APR state target for students with disabilities dropping out of school. KDE found:

- 105 LEAs met or exceeded the state target, slippage from last year's count of 124
- 66 LEAs did not meet the state target, a slippage from last year's count of 47 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 percentage decreases 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 variation by Co-op for dropout rate, although it varies from 1% to 3.1%
- Dropout rate does not significantly vary based on urbanicity
- Size of district (greater or less than 30 exiters) is not a significant factor for graduation rate or dropout rate
- No difference in dropout rate between county and independent districts

As in the past, KDE has aligned APR Indicators 1 and 2 based on the close relationship between improved outcomes for graduation rates and drop-out rates.

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 2011:

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

KDE will emphasize college and career readiness for all students as described in the College and Career Readiness Delivery Plan (CCR). One of the strategies of the CCR Delivery Plan is *Persistence to Graduation*. This has resulted in the development of the Persistence to Graduation Tool (PtGT) and accompanying Evidence-Based Strategies Toolkit. The use of the tool is the focus of Activity 1 and 2.

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

The College and Career Readiness Delivery Plan can be viewed at the following link:

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

The GAP Delivery Plan can be viewed at the following link:

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

Note: The activities are outlined in the State Performance Plan.

Part B State Annual Performance Report (APR) for FFY2011

Overview of the Annual Performance Report Development: See Executive Summary

Monitoring Priority: FAPE in the LRE

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

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

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

Measurement:

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

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

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

Targets and Actual Target Data for FFY 2011:

FFY 2011	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 2011 (2011-2012)	54%	Reading		Math		Reading		Math	
		% 100		% 100		% 40.22		% 48	
Actual Target Data for FFY 2011 2011-2012)	State Rate Reading: 21.20% State Rate Math: 17.16%	#	%	#	%	#	%	#	%
		42,309	99.87	41,249	99.88	8,937	21.12	7,078	17.16

The Measurements require the following calculations be used:

3A Measurement:

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

Kentucky has undergone a significant revision to its accountability system with the passage of Senate Bill 1 in 2009. Senate Bill 1 required KDE to establish new curriculum standards and to develop a new assessment and accountability system for the 2011-12 school year.

During the 2010-11 academic year, schools and districts began to implement the Kentucky Core Academic Standards (KCAS) for Mathematics and English/language arts. For accountability purposes, the KCAS were not used for the state assessment until the 2011-12 academic year.

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

Due to the adoption of the new Kentucky Core Academic Standards and the new statewide testing system based on higher standards, KDE has established a new baseline and targets this year for Indicators 3A and 3C.

3B Measurement:

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

Reading:

42,309 children with IEPs participating in the reading assessment divided by 42,363 children with IEPs enrolled during the testing window =99.87%

Math:

41,249 children with IEPs participating in the math assessment divided by 41,299 children with IEPs enrolled during the testing window =99.88%

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 (42,363 students with IEPs) than eleventh graders tested in math (41,299 students with IEPs).

3C Measurement:

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

Reading:

8,937 children with IEPs scoring at or above proficient against grade level, modified and alternate academic achievement standards divided by 42,309 children with IEPs who received a valid score and for whom a proficiency level was assigned= 21.12%

Math:

7,078 children with IEPs scoring at or above proficient against grade level, modified and alternate academic achievement standards divided by 41,249 children with IEPs who received a valid score and for whom a proficiency level was assigned= 17.16%

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

Discussion of Improvement Activities and Explanation Slippage, if the State did not meet its target, that occurred for FFY2011:

Explanation of Progress or Slippage for 3A:

See 3A. Measurement above for explanation of why Kentucky is establishing a new baseline for 3A this year.

Explanation of Slippage for 3B:

According to Indicator 3B data, 54 students did not participate in the reading assessment and 50 students did not participate in the math assessment. Kentucky did not meet the 100% target for math and reading due to district requested medical waivers and non-tested first year students with Limited English Proficiency (LEP).

Improvement activities for Indicator 3A, 3B, and 3C were combined for FFY 2011.

Activity:

The Kentucky Department of Education analyzed Kentucky Interim Performance test data (Indicator 3) and all reading and math assessment data has been disaggregated by students with disabilities performing at or above proficiency for the 2011-2012 school year.

Public Reporting Information:

KDE publicly reports its assessment results in conformance with 34 CFR §300.160(f).

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

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

In the *Kentucky Part B FFY 2011 SPP/APR Status Table* for Indicator 3B and 3C, OSEP stated, “The State did not provide a Web link to FFY 2011 publicly-reported assessment results. The failure to publicly report as required under 34 CFR §300.160(f) is noncompliance.”

KDE has reported a link to the state’s “School Report Card” under the “*Public Reporting Information*” section above. KDE understands OSEP’s issue to be, not that the State did not report the information required in 3B and C, but that the information may be difficult for lay people to access.

KDE’s School Report Card includes a vast amount of information and contains many levels of data at the district, school and grade-level. The complexity of the system has resulted in several steps being required to access data of every subgroup, especially at the school level.

The DLS will work with KDE colleagues in the Office of Assessment and Accountability (OAA), to develop instructions for navigating the School Report Card to the subgroup level, including students with disabilities. The instructions should assist data-users for all sub-groups, not only students with disabilities. The projected date for the posting of these instructions is July 1, 2013.

Although not cited in OSEP’s Status Table, OSEP and KDE staffs have discussed the issue of KDE’s suppression of numbers across subgroups when one of the subgroups has less than 10 students participating in the statewide assessment. [The number of students (‘n’ size) at which KDE does not report data, due to privacy issues raised by the federal Family Educational Rights and Privacy Act (FERPA), is less than ten.]

What follows is a brief explanation of how the DLS and OAA propose to work with OSEP to address the concerns raised around Indicator 3B and 3C.

In terms of an overall rationale, KDE has created a set of suppression rules that it believes ensures the privacy of individual student data. Currently, Kentucky is erring on the conservative and safe side, but wants to make necessary changes, so long as privacy rights are maintained and requirements of FERPA are met.

DLS and OSEP representatives have recently discussed how to resolve the issue surrounding Indicators 3B and C. Kentucky looks forward to working with the USED/OSEP staff to resolve this issue in the following manner:

1. KDE proposes sending OSEP an example of actual district/school/grade data from a Kentucky district, to explain how KDE applied its suppression rules. It requests that OSEP review the example after KDE sends it and provide KDE with feedback.
2. KDE asks for the following information from OSEP:
 - Feedback on KDE’s suppression rules. (Kentucky will be glad to provide a copy of its suppression rules at OSEP’s request); and,
 - Recommendations concerning states that OSEP views as having acceptable methods of suppressing data so that OAA staff can follow up with those states.

DLS will continue to collaborate with the OAA and OSEP to ensure a prompt resolution to this issue. Given the complexity of the task, DLS projects that it will be able to report the information required for Indicators 3B and C in its FFY 2012 APR.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY2011:

As mentioned earlier, with the passage of Senate Bill 1 and the adoption of the KCAS, Kentucky has designed a new assessment and accountability system. Due to these changes, Kentucky must revise the Indicator 3 and Indicator 5 improvement activities to align with the new Kentucky Core Academic Standards (KCAS) and Kentucky's Unbridled Learning Assessment and Accountability System.

As discussed in the overview, the revised improvement activities have been written to parallel two of KDEs Strategic Plans.

- The Proficiency Delivery Plan's third strategy entitled *Unbridled Learning and Accountability Model* addresses these two indicators. The plan looks at achievement (proficiency), gap, growth, readiness and graduation rate. The focus of this plan is on the student data from the state-required assessments administered in grades 3-12.
- The Achievement Gap Delivery Plan's first strategy, *Best Practices and Sustainability*, ensures that strategies are effective in closing gaps and improving student outcomes.

These plans are found at the following links:

Kentucky Department of Education Proficiency Delivery Plan:

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

Kentucky Department of Education Achievement Gap Delivery Plan:

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

Note: The new activities are outlined within the revised State Performance Plan.

Part B State Annual Performance Report (APR) for FFY 2011

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

Monitoring Priority: FAPE in the LRE

Indicator 4: Rates of suspension and expulsion:

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

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

Measurement:

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

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

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

Definition of Significant Discrepancy and Methodology for 4A:

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

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

Kentucky revised its methodology for calculating significant discrepancy for Indicator 4A beginning with the FFY 2010 APR and data from the 2009-2010 school year. Since that time, KDE annually calculates a *statewide rate* of out-of-school removals greater than 10 days for children with disabilities, using data obtained through the Kentucky Student Information System (KSIS). This rate is based on the total number of Kentucky children with disabilities subject to out-of-school removals greater than 10 days divided by the total number of children with disabilities within the state. A similar rate is calculated for each individual school district in the state, based on its local discipline data and count of children with disabilities.

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

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

Kentucky defines 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
<p>2011(FFY 2011 APR, using 2010-2011 data)</p>	<p>Kentucky will identify 6 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>6 districts with significant discrepancies ÷ 176 districts x 100 = 3.41%</p>

Actual Target Data for FFY 2011 (using 2010-2011 data):

One Kentucky school district or **.56%** had a significant discrepancy.

The Measurement requires the following calculation be used:

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

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

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

No districts were excluded from the calculation, based on the “n” size requirement above. Thirteen 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 13, 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	8 districts	1/176 districts	4.55%	.56%

FFY 2011 (using 2010-2011 data)	6 districts	1/176 districts	3.41%	.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 2011 (using 2010-2011 data)	176 districts	1 district	.56%

Review of Policies, Procedures, and Practices (completed in FFY 2011 using 2010-2011 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.

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 disciplinary *practices* to ensure these practices complied with IDEA. District leaders had already conducted a self-investigation. They acknowledged 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.

In a subsequent on-site visit in December 2011, KDE staff reviewed IEPs, Functional Behavior Assessments (FBA) and Behavior Intervention Plans (BIP) of students who had been suspended for greater than 10 days in the previous school year.

In the area of district practices, KDE has reviewed practices of all districts statewide through the Kentucky Continuous Monitoring Process (KCMP) self-assessment process. In the FFY 2008, 2009, 2010 and 2011 KCMP's, all districts self-reported Indicator 4A data to DLS and described discipline practices they were using.

In the 13 districts where a discrepancy (greater than 3 times the state rate) was present, regardless of the number of students suspended, actions were required. With the assistance of the Special Education Cooperative staff, directors of special education were required to analyze district and school-level data and to identify district practices that were 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 IDEA requirements related to discipline. As a result, KDE cited the district for noncompliance and wrote a Corrective Action Plan (CAP) on the district which targeted specific practices related to Indicator 4A.

KDE provided ongoing staff consultation to the district and required quarterly progress reporting on district activities and data analysis. KDE then conducted an on-site visit in December 2011, near the end of the one-year timeline. While the individual student noncompliance identified in 2010 had been corrected, a random review of other student

folders revealed that systemic problems remained. CAP activities were evaluated and were continued or revised.

KDE staff reviewed suspension data and individual student records in key schools. As a result, the district has requested that KDE staff meet with the district Superintendent, the Assistant Superintendent for Instruction and the Director of Special Education to address systemic suspension concerns, including the practices of general education administrators.

KDE will provide technical assistance for a systemic district-level initiative which will unite general and special education leaders to review school level suspension data together and create a more focused and coordinated joint effort to intervene around systemic district-wide suspension issues.

Discussion of Improvement Activities Completed for Indicator 4A:

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

1. Investigative Questions - Investigative questions were included in the 2011-2012 Kentucky Continuous Monitoring Process (KCMP) Instruction Manual and were used by districts in developing their root cause analysis and KCMP self-assessment of Indicator 4.
2. Trend Analysis of Discipline Data - KDE requires 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 reviews 5 prior years of district suspension/expulsion trend data.
3. 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 regional Special Education Co-op directors and behavior consultants.
4. 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

Explanation of Progress that occurred in FFY 2011:

Since the FFY 2004 baseline year, the total number of districts with a significant discrepancy has decreased from 21 to 1, indicating progress statewide.

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 FFY 2011-2012 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 2010 Findings of Noncompliance:

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

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

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

Actions Taken if Noncompliance Not Corrected:

One district was cited for non-compliance with Indicator 4A for FFY 2010, based on examination of 2009-2010 data. This district has corrected individual student instances of non-compliance, but has failed to correct the larger systemic issues at the root of the non-compliance within the one year timeline.

KDE is providing increased technical assistance to the district around systemic issues involving general education administrators. The district has made progress and has reduced the number of students with disabilities being suspended more than 10 days in a year. However, it is a large urban district with many schools and serious behavior challenges, which will require partnerships to solve.

KDE staff reviewed suspension data and individual student records in key schools. As a result of the review, the district has requested that KDE staff meet with the district Superintendent, the Assistant Superintendent for Instruction and the Director of Special Education to address systemic suspension concerns, including the practices of general education administrators.

KDE will provide technical assistance for a systemic district-level initiative which will bring general and special education leaders together. The initiative will require them to review school-level suspension data and create a more focused, coordinated joint effort to intervene around systemic district-wide suspension issues.

More work remains to correct a systemic over-reliance on suspension. KDE staff expects the district to progress substantially this coming year as a result of new joint efforts of district leadership in both general and special education.

Correction of FFY 2009 Findings of Noncompliance:

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

Correction of FFY 2008 Findings of Noncompliance:

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

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

Not applicable.

Additional Information required by the OSEP APR Response Table for this Indicator (if applicable): Not applicable.

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

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

Ongoing efforts to reduce suspension rates for students with disabilities are supported by school-wide efforts to improve behavior and reduce barriers to learning and to analyze discipline data for root causes and related interventions which support school improvement.

- The Achievement Gap Delivery Plan involves consolidated planning with use of data goals and frequent monitoring to address needs of students in the gap subgroups (including students with disabilities). This activity lends itself to the support of PBIS initiatives and data-based decision-making around discipline and the frequent monitoring of suspension data.
- The KDE College and Career Readiness Delivery Plan involves use of the state’s “Persistence to Graduation” tool, which is a flagging system for early warning of student difficulty, which includes suspension as a factor. Districts are using this tool to identify students who merit student assistance team focus and targeted intervention in academics or behavior. New ‘Resources’ listed in the SPP under Indicator 4A include the KDE websites for these plans.

The Achievement Gap Delivery Plan can be viewed at the following link:

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

The College and Career Readiness Delivery Plan can be viewed at the following link:

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

Note: The activities are outlined in the State Performance Plan.

Part B State Annual Performance Report (APR) for FFY 2011

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 (Individual Education Programs); and
- (b) policies, procedures or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.

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

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

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

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

Beginning with the 2009-2010 school year, KDE annually calculates a *statewide rate* of out-of-school removals greater than 10 days for all Kentucky 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 seven racial and ethnic categories (White, Black, Hispanic, Asian, Native American, Pacific Islander and Multiple), based on its local discipline data and disaggregated count of children with disabilities. The category of "Multiple" signifies two or more racial or ethnic categories. The comparison currently used to determine discrepancy for this indicator is to compare the statewide rate for all students with disabilities described above to the district rate in each category of race or ethnicity.

Definition of Significant Discrepancy and Methodology:

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

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

See the FFY 2010 State Performance Plan under Indicator 4B for a detailed rationale regarding changes to the definition of significant discrepancy.

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 corrected all non-compliances associated with this indicator within one year from the date of notification of the non-compliance to the district.

FFY	Measurable and Rigorous Target
<p>2011 (FFY 2011 APR, using 2010-2011 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 2011 (using 2010-2011 data):

One district (.56%) 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

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

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

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

1. No districts were excluded due to having <10 ‘White’ students with disabilities enrolled.
2. 101 districts were excluded due to having <10 ‘Black’ students with disabilities enrolled.
3. 134 districts were excluded due to having <10 ‘Hispanic’ students with disabilities enrolled in the district.
4. 169 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.

6. 176 districts were excluded due to having <10 ‘Pacific Islander’ students with disabilities enrolled in the district.
7. 139 districts were excluded due to having <10 ‘Multiple’ students with disabilities enrolled in the district.

Many districts in Kentucky are small and rural. In these districts, the 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 n size (at least 10 students with IEPs in a race/ethnicity category in the district), the following number of districts met the first criteria for a significant discrepancy, by having a discrepancy in a race/ethnicity category, that was 3 or more times the state rate for all students with disabilities.

- Eleven districts had a discrepancy for the ‘white’ category,
- Six districts had a discrepancy for the ‘black’ category,
- Zero districts had a discrepancy for the ‘Hispanic’ category,
- Zero districts had a discrepancy for the ‘Asian’ category,
- Zero districts had a discrepancy for the ‘Native American’ category,
- Zero districts had a discrepancy for the ‘Pacific Islander’ category, and
- One district had a discrepancy for the ‘Multiple’ category.

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

Of those districts listed above, only one district also met the second additional criteria required 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. 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 2011 (using 2010-2011 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 2011 (using 2010-2011 data)	176	1	.56% of all KY districts

Review of Policies, Procedures, and Practices (completed in FFY 2011 using 2010-2011 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, related to IDEA disciplinary requirements 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 2011, for the purpose of reviewing the district's practices associated with IDEA disciplinary requirements to ensure the practices complied with IDEA. KDE randomly reviewed discipline and IDEA records for individual students with disabilities who had been suspended for more than 10 days during a school year.

KDE staff also reviewed an administrative process the district had developed to review long-term suspensions and expulsions for students with IEPs. The purpose of the district process was to review manifestation determination documentation and to correct individual student non-compliances related to IEPs, the use of positive behavior interventions, and procedural safeguards. District leaders, who had already conducted a self-investigation, acknowledged that despite progress, the district still had some practices which contributed to excessive (4A) and disproportionate (4B) suspension of students with disabilities.

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

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

KDE identified the one district 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.

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

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

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

The CAP required analysis of suspension patterns, central office reviews of individual student discipline with reports sent to KDE, central office review of manifestation

determinations and the appropriateness of IEPs and behavior plans of students. Technical assistance and training on positive behavior supports were provided to schools with excessive numbers of students suspended.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred in FFY 2011:

KDE has one district that remains in non-compliance for Indicator 4B; however, the district has made progress. Though significant challenges remain, KDE is optimistic that future improvement will be substantial, due to recent district leadership initiatives involving significant collaboration of general and special education leaders at the highest levels of the district administration.

The district is a large urban district with many schools and significant concentrations of high-risk students in poverty, some with significant behavior challenges. The suspension of black students with disabilities is part of an overall district-wide pattern of repeated general education suspension of students for discipline purposes.

The superintendent and key district leadership staffs are committed to addressing systemic problems regarding district suspension practices. Suspension reduction (with weekly review team meetings) will become a new district-wide priority activity for increasing student engagement and instructional time, to address achievement gaps of high-risk student sub-groups, including students with disabilities.

KDE and Educational Cooperatives provide training and consultation/technical assistance for data analysis and action planning in districts whose data indicate a significant discrepancy in the rate of suspensions and expulsions of students with disabilities for greater than ten days and within specific race and ethnicity categories.

Correction of FFY 2010 Findings of Noncompliance:

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

Discussion of Correction of FFY 2010 Findings of Non-Compliance:

KDE is committed to giving the district additional technical assistance to make needed systemic changes and improvements. A sizeable district, with significant challenges and large numbers of schools and students will need sufficient time to change system wide problems. KDE is expecting significant effort on the part of district leaders to reduce suspensions, and improvement in the quality of IEPs, FBAs, BIPs and manifestation determination meetings.

KDE is also tracking evidence of progress in suspension/ discipline data over time, and monitoring district progress through the CAP. KDE expects that district data will improve over time.

Actions Taken if FFY 2010 Noncompliance Not Corrected:

KDE is meeting with the district Superintendent and top district leadership in both general and special education, including all Assistant Superintendents and Director of Special Education to outline the remaining issues and review additional activities and outcomes required. The CAP will be amended, to add joint general/special education suspension reduction activities and training. KDE will provide additional technical assistance support to the district.

Correction of FFY 2009 Findings of Noncompliance:

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

Actions Taken if FFY 2009 Noncompliance Not Corrected:

Not applicable.

Verification of Correction (either timely or subsequent):

Not applicable

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

Improvement Activities listed in the SPP for this indicator are continuing, but will be integrated within the larger framework of the KDEs delivery plans, which are the focus of improving student outcomes.

- The Achievement Gap Delivery Plan involves consolidated planning with use of data goals and frequent monitoring to address needs of students in the gap subgroups (including students with disabilities). This activity lends itself to the support of PBIS initiatives and data-based decision-making around discipline and the frequent monitoring of suspension data.

- The KDE College and Career Readiness Delivery Plan involves use of the state’s “Persistence to Graduation” tool, which is a flagging system for early warning of student difficulty, which includes suspension as a component factor. Districts are using this tool to identify students who merit student assistance team focus and targeted intervention in academics or behavior. New ‘Resources’ listed in the SPP under Indicator 4B include the KDE websites for these plans.

The Achievement Gap Plan can be viewed at the following link:

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

The College and Career Readiness Plan can be viewed at the following

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

Note: The activities are outlined in the State Performance Plan.

Part B State Annual Performance Report (APR) for FFY 2011

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 2011</i>	<i>Maintain the percentage of students served inside the regular class 80% or more of the day at 65 percent.</i>

Actual Target Data for FFY2011: 71.35%

During FFY 2011, 71.35% 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 6.35%.

The Measurement requires that the following calculation be used:

58,053 students with disabilities in General Education > 80% ÷ 81,362 total students with disabilities = .7135 x 100 = 71.35%

Discussion of Improvement Activities and Explanation Slippage, if the State did not meet its target that occurred for FFY2011: N/A

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY2011:

With the passage of Senate Bill 1 (2009) and the adoption of the Common Core Standards (2010), Kentucky has designed a new assessment and accountability system. Due to these changes, Kentucky must revise the Indicator 3 and Indicator 5 improvement activities to align with the new Kentucky Core Academic Standards (KCAS) and Kentucky's Unbridled Learning assessment and accountability system. The new activities are outlined within the revised State Performance Plan.

In addition, the revised improvement activities have been written to align with two KDE Strategic Plans.

- The Proficiency Delivery Plan’s third strategy entitled *Unbridled Learning and Accountability Model* addresses these indicator activities. The plan addresses achievement (proficiency), gap, growth, readiness and graduation rate. The focus of this plan is on the student data from the state-required assessments administered in grades 3-12.
- The Achievement Gap Delivery Plan’s first strategy, *Best Practices and Sustainability*, is meant to validate and ensure that strategies are effective in closing gaps and improving student outcomes.

These plans are found at the following links:

Kentucky Department of Education Proficiency Delivery Plan:

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

Kentucky Department of Education Achievement Gap Delivery Plan:

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

Note: The new activities are outlined within the revised State Performance Plan.

Indicator 5B

FFY	Measurable and Rigorous Target
FFY 2011	<i>Maintain the percentage of students served inside the regular class less than 40% of the day at 11.0%.</i>

Actual Target Data for FFY2011: 8.88%

KDE met its target of 11.0% and exceeded it by 2.12%.

The Measurement requires the following calculation be used:

$7,226 \text{ students with IEPs served inside the regular class less than 40\% of the day} \div 81,362 \text{ total students with disabilities} = 0.0888 \times 100 = 8.88\%$

Discussion of Improvement Activities and Explanation Slippage, if the State did not meet its target that occurred for FFY2011: N/A

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY2011:
See 5A.

Indicator 5C

FFY	Measurable and Rigorous Target
<i>FFY2011:</i>	<i>Maintain the percentage of students receiving their special education services in public and private residential day schools at 2.0%.</i>

Actual Target Data for FFY2011: 1.93%

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

The Measurement requires the following calculation be used:

$1,569 \text{ children with IEPs served in separate schools, residential facilities, or homebound/hospital placements} \div \text{divided by } 81,362 \text{ students aged 6 through 21 with IEPs} = 0.0193 \times 100 = 1.93\%$

Discussion of Improvement Activities and Explanation Slippage, if the State did not meet its target that occurred for FFY2011: N/A

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY2011:
See 5A

Part B State Annual Performance Report (APR) for FFY 2011

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

Monitoring Priority: LRE for children ages 3 through 5

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

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

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

Measurement:

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

APR Indicator 6 information is not required for FFY2011.

Part B State Annual Performance Report (APR) for FFY 2011**Overview of the Annual Performance Report Development:** See Executive Summary**Monitoring Priority:** Early Intervention Services in Natural Environments**Indicator 7:** Percent of preschoolers with IEPs who demonstrated improved:

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

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

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

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

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

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

- a. Percent of preschool children who did not improve functioning = [(# of preschool

children who did not improve functioning) divided by the (# of preschool children with IEPs assessed)] times 100.

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

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

C. Use of appropriate behaviors to meet their needs:

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

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

FFY	Measurable and Rigorous Target
2011	<p>Outcome A: Positive social-emotional skills</p> <p>Outcome B: Acquisition & use of knowledge & skills (early language/communication; early literacy)</p> <p>Outcome C: Use of appropriate behaviors to meet their needs</p>

Table 4. Targets and Actual Data for Part B Section 619 Students Exiting in FFY 2011(2011-12):

Summary Statements	Actual FFY 2010 (%, <i>n</i>)	Actual FFY 2011 (%, <i>n</i>)	Target FFY 2011 (%)	Target FFY 2012 (%)	Target FFY 2013 (%)
Outcome A: Positive social-emotional skills (including social relationships)					
1. Of those students 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)	84% <i>n</i> =5,398	84% <i>n</i> =5,691	81%	82%	82.5%
2. The percent of students who were functioning within age expectations in Outcome A by the time they exited the program. d+e/ a+b+c+d+e	68% <i>n</i> =5,398	40% <i>n</i> =5,691	60%	61%	61.5%
Outcome B: Acquisition & use of knowledge & skills (early language/communication; early literacy)					
1 Of those students who entered or exited the	87% <i>n</i> =5,398	72% <i>n</i> =5,691	81%	82%	82.5%

<p>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</p>					
<p>3. The percent of students who were functioning within age expectations in Outcome B by the time they exited the program d+e/ a+b+c+d+e</p>	<p>72% <i>n</i> =5,398</p>	<p>28% <i>n</i>=5,691</p>	<p>58%</p>	<p>59%</p>	<p>59.5%</p>
<p>Outcome C: Use of appropriate behaviors to meet their needs</p>					
<p>1 Of those students who entered or exited the program below age expectations in Outcome C, the percent who substantially increased their rate of growth by the time they exited the program. c+d/ a+b+c+d</p>	<p>86% <i>n</i> =5,398</p>	<p>84% <i>n</i>=5,691</p>	<p>81%</p>	<p>82%</p>	<p>82.5%</p>
<p>2. The percent of students who were functioning within age expectations in Outcome C by the time they exited the program. d+e/ a+b+c+d+e</p>	<p>70% <i>n</i> =5,398</p>	<p>35% <i>n</i>=5,691</p>	<p>62%</p>	<p>63%</p>	<p>63.5%</p>

A. Positive social-emotional skills (including social relationships):	Number of students	% of students
a. Percent of students who did not improve functioning	206	3.62%
b. Percent of students who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers	553	9.72%
c. Percent of students who improved functioning to a level nearer to same-aged peers but did not reach	2,672	46.95%
d. Percent of students who improved functioning to reach a level comparable to same-aged peers	1,433	25.18%
e. Percent of students who maintained functioning at a level comparable to same-aged peers	827	14.53%
B. Acquisition and use of knowledge and skills (including early language/communication and early literacy):	Number of students	% of students
a. Percent of students who did not improve functioning	430	7.56%
b. Percent of students who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers	1,068	18.77%
c. Percent of students who improved functioning to a level nearer to same-aged peers but did not reach	2,623	46.09%
d. Percent of students who improved functioning to reach a level comparable to same-aged peers	1,144	20.10%
e. Percent of students who maintained functioning at a level comparable to same-aged peers	426	7.49%
C. Use of appropriate behaviors to meet their needs:	Number of students	% of students
a. Percent of students who did not improve functioning	214	3.76%

b. Percent of students who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers	585	10.28%
c. Percent of students who improved functioning to a level nearer to same-aged peers but did not reach	2,905	51.05%
d. Percent of students who improved functioning to reach a level comparable to same-aged peers	1,238	21.75%
e. Percent of students who maintained functioning at a level comparable to same-aged peers	749	13.16%
Total	N = 5,691	100.00%

Actual Target Data for FFY 2011: To ensure data entry reliability, two data cleaning phases were implemented by Kentucky Early Childhood Data System (KEDS) staff (see SPP-Methodology). Five Preschool Regional Training Centers (RTCs) continued to provide technical assistance (TA) 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 opportunity 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.

Discussion of Improvement Activities and Explanation Slippage, if the State did not meet its target that occurred for FFY 2011:

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

- Focus of Early Learning Leadership Networks (ELLN) teams around Math and English Language Arts Standards and how assessment data must be used to drive classroom instruction.
- ELLN 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 FFY2010, 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.
- 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.
- Training and technical assistance to districts concerning completion and use of data in classroom instructional planning continues to districts through collaboration with the RTCs, 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 2011

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
2011	31.0%

Actual Target Data for 2011: 31.1%.

KDE met its target.

The percentage of parents who reported that schools facilitated parent involvement was 31.1%.

The Measurement requires the following calculation be used:

272 parents of students with disabilities surveyed who report schools facilitated parent involvement ÷ 876 parents of students with disabilities surveyed × 100 = 31.1%.

Data Source: KDE’s Indicator 8 parent survey

The parent survey used in FFY 2011 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=754) or go to the designated URL to complete the survey online (n=121). 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	655	75.4%	86.03%
Black or African – American	116	13.4%	11.61%
Hispanic or Latino	31	3.6%	1.75%
Asian or Pacific Islander	14	1.6%	0.46%
American Indian or Alaskan Native	1	.12%	.15%

The statewide response rate to the survey was 8.8%. This percentage is somewhat less than the minimum required for an adequate confidence level to acquire valid and reliable data based on survey sample guidelines.

Discussion of Improvement Activities Completed and Explanation of slippage if state did not meet its target:

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. The survey was mailed in March instead of May this year with the intention of increasing responses. Next year, KDE will strongly encourage districts to inform parents about this survey and ask them to complete it.

31% of parents who report that schools facilitated parent involvement is an increase from the previous year's figure of 27.3%, but is also more in line with figures from two years ago

(34%). Yearly fluctuations are likely due to chance, with FFY 2010 being a low point. A new improvement activity is anticipated to begin to show a more stable positive trend.

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

KDE believes that a parent involvement improvement activity that is known to raise post-school outcomes is a meaningful activity that will raise the participation rate for Indicator 8, and will improve outcomes for both Indicator 8 and 14. It is also an activity whose data can be reviewed in every district every year, making it more meaningful to the district than the survey data that has currently been collected in six year cycles.

This is a joint activity with Indicator 14, as parent involvement is a known predictor of post-school success. This activity aligns with the College and Career Advising strategy of KDE's College and Career Readiness Delivery Plan.

The College and Career Readiness Delivery Plan can be found at the following link:

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

Note: The activities are outlined in the State Performance Plan.

Part B State Annual Performance Report (APR) for FFY 2011

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.

Measurement: Percent = [(# of districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification) divided by the (# of districts in the State)] times 100.

FFY	Measurable and Rigorous Target
FFY 2011	0%

Actual Target Data for FFY 2011: 0.57%

Kentucky missed its target by one district.

The Measurement requires the following calculation to be used:

One (1) district with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification divided by 176 districts in the State times 100 = **0.57%**.

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

Districts Excluded from the Calculations:

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

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

- 176 districts met the “n” size of 10 **White** students in special education. 0 districts were excluded due to failure to meet the “n” size;
- 68 districts met the “n” size of 10 **Black** students in special education. 108 districts were excluded due to failure to meet the “n” size;

- 2 districts met the “n” size of 10 **Native American** students in special education. 174 districts were excluded due to failure to meet the “n” size;
- 7 districts met the “n” size of 10 **Asian** students in special education. 169 districts were excluded due to failure to meet the “n” size;
- 0 districts met the “n” size of 10 **Pacific Islander** students in special education. All 176 districts were excluded due to failure to meet the “n” size;
- 49 districts met the “n” size of 10 **Hispanic** students in special education. 127 districts were excluded due to failure to meet the “n” size;
- 40 districts met the “n” size of 10 **Multiple Race** students in special education. 136 districts were excluded due to failure to meet the “n” size.

Count of districts Identified with a Disproportionate Representation that are Over Identified:

Indicator 9:

- 1 district had disproportionate representation of **White** students with disabilities. 1 district was 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;
- 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 procedure.

Definition of “Disproportionate Representation” and Methodology:

The FFY 2010 SPP contains Kentucky’s definition of disproportionate representation for over-identification, as well as the methodology used. See pages 75 through 83 of the FFY2010 SPP.

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

- Indicator 9 – $RR \geq 2.0$ with a minimum of 10 special education students of a particular race/ethnicity, and a minimum of 50 students of a particular race/ethnicity group enrolled in the district

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

Year	Indicator	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 2011	9A	176	3	1	0.57%

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

As indicated in the table above, KDE identified three (3) 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

DLS has reviewed policies and procedures for the 3 districts and found them to be in compliance with IDEA’s related requirements for Indicator 9.

The three (3) districts identified as having disproportionate representation related to Indicator 9 received desk audits. The child find, evaluation and eligibility practices were examined through the reviews of student due process records. One (1) of the districts was found to be out of compliance with the requirements of Indicator 9.

Discussion of Improvement Activities and Explanation Slippage, if the State did not meet its target that occurred for FFY 2011:

Explanation of Slippage for Indicator 9:

KDE attributes the slippage of the state target for **Indicator 9** from 0% in FFY 2010 to 0.57% in FFY 2011 due to issues with compliance in eligibility requirements in one district. The district has been cited for noncompliance and will implement a CAP to ensure that the regulatory issues are corrected according to both Prongs of OSEP Memorandum 09-02.

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 programs and ensure compliance with all IDEA requirements.
 - This activity is being discontinued since current monitoring data for Indicator 9 and Indicator 10 no longer support the hypothesis that disproportionate representation due to inappropriate identification is concentrated in districts that house DJJ facilities.

Correction of FFY 2010 Findings of Noncompliance (if State did not report 0%):

Level of compliance (actual target data) State reported for FFY 2009 for this indicator:
Not applicable.

Correction of Remaining FFY 2009 Findings of Noncompliance (if applicable):

Not applicable.

Verification of Correction of Remaining FFY 2009 findings:

Not applicable.

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

Not applicable.

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

Not applicable.

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

KDE has added a new activity for Indicator 9 and Indicator 10 to clearly articulate the State’s focus to ensure districts are using appropriate practices in the identification, evaluation and eligibility of children with suspected disabilities for all races and ethnicities.

Note: The activities are outlined in the State Performance Plan.

Part B State Annual Performance Report (APR) for FFY 2011

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.

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.

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

FFY	Measurable and Rigorous Target
FFY 2011	0%

Actual Target Data for FFY 2011: 1.14%

Kentucky did not meet its target of zero percent.

The Measurement requires the following calculation to be used:

Two 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 = 1.14%.

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.

Districts excluded from the Calculations:

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

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

- 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:

Indicator 10: 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;
- 27 districts met the “n” size of 10 **Black** students in special education. 149 districts were excluded due to failure to meet the “n” size;
- 0 districts met the “n” size of 10 **Native American** students in special education. 176 districts were excluded due to failure to meet the “n” size;
- 1 district met the “n” size of 10 **Asian** students in special education. 175 districts were excluded due to failure to meet the “n” size;
- 0 districts met the “n” size of 10 **Pacific Islander** students in special education. All 176 districts were excluded due to failure to meet the “n” size;
- 3 districts met the “n” size of 10 **Hispanic** students in special education. 173 districts were excluded due to failure to meet the “n” size;
- 2 districts met the “n” size of 10 **Multiple Race** students in special education. 174 districts were excluded due to failure to meet the “n” size.

Indicator 10: Speech Language:

- 169 districts met the “n” size of 10 **White** students in special education. 7 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;
- 5 districts met the “n” size of 10 **Asian** students in special education. 171 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;
- 16 districts met the “n” size of 10 **Hispanic** students in special education. 160 districts were excluded due to failure to meet the “n” size;
- 11 districts met the “n” size of 10 **Multiple Race** students in special education. 165 districts were excluded due to failure to meet the “n” size.

Indicator 10: Emotional Behavior Disability:

- 91 districts met the “n” size of 10 **White** students in special education. 85 districts were excluded due to failure to meet the “n” size;
- 12 districts met the “n” size of 10 **Black** students in special education. 164 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;
- 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;
- 3 districts met the “n” size of 10 **Multiple Race** students in special education. 173 districts were excluded due to failure to meet the “n” size.

Indicator 10: Other Health Impaired:

- 150 districts met the “n” size of 10 **White** students in special education. 26 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;
- 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;
- 8 districts met the “n” size of 10 **Multiple Race** students in special education. 168 districts were excluded due to failure to meet the “n” size.

Indicator 10: Specific Learning Disability:

- 151 districts met the “n” size of 10 **White** students in special education. 25 districts were excluded due to failure to meet the “n” size;
- 22 districts met the “n” size of 10 **Black** students in special education. 154 districts were excluded due to failure to meet the “n” size;
- 0 districts met the “n” size of 10 **Native American** students in special education. 176 districts were excluded due to failure to meet the “n” size;
- 0 districts met the “n” size of 10 **Asian** students in special education. 176 districts were excluded due to failure to meet the “n” size;
- 0 districts met the “n” size of 10 **Pacific Islander** students in special education. All 176 districts were excluded due to failure to meet the “n” size;
- 11 districts met the “n” size of 10 **Hispanic** students in special education. 165 districts were excluded due to failure to meet the “n” size;
- 5 districts met the “n” size of 10 **Multiple Race** students in special education. 171 districts were excluded due to failure to meet the “n” size.

Indicator 10: Autism:

- 84 districts met the “n” size of 10 **White** students in special education. 92 districts were excluded due to failure to meet the “n” size;
- 4 districts met the “n” size of 10 **Black** students in special education. 172 districts were excluded due to failure to meet the “n” size;
- 0 districts met the “n” size of 10 **Native American** students in special education. 176 districts were excluded due to failure to meet the “n” size;

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

Indicator 10: Developmentally Delayed:

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

Count of districts Identified with Disproportionate Representation that are Over Identified:

Mental Disabilities:

- 0 districts had disproportionate representation of **White** students with disabilities. 0 districts were disproportionate due to inappropriate practices, policies, or procedures;
- **14** 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.

Speech Language:

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

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

Other Health Impaired:

- **0** districts had disproportionate representation of **White** students with disabilities. **0** districts were disproportionate due to inappropriate practices, policies, or procedures;
- **2** districts had disproportionate representation of **Black** students with disabilities. **0** districts were disproportionate due to inappropriate practices, policies, or procedures;
- **0** districts had disproportionate representation of **Native American** students with disabilities. **0** districts were disproportionate due to inappropriate practices, policies, or procedures;
- **0** districts had disproportionate representation of **Asian** students with disabilities. **0** districts were disproportionate due to inappropriate practices, policies, or procedures;
- **0** districts had disproportionate representation of **Pacific Islander** students with disabilities. **0** districts were disproportionate due to inappropriate practices, policies, or procedures;
- **0** districts had disproportionate representation of **Hispanic** students with disabilities. **0** districts were disproportionate due to inappropriate practices, policies, or procedures;
- **2** 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;
- **5** 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;
- **2** districts had disproportionate representation of **Black** students with disabilities. **0** districts were disproportionate due to inappropriate practices, policies, or procedures;
- 0 districts had disproportionate representation of **Native American** students with disabilities. 0 districts were disproportionate due to inappropriate practices, policies, or procedures;
- 0 districts had disproportionate representation of **Asian** students with disabilities. 0 districts were disproportionate due to inappropriate practices, policies, or procedures;
- 0 districts had disproportionate representation of **Pacific Islander** students with disabilities. 0 districts were disproportionate due to inappropriate practices, policies, or procedures;
- **0** districts had disproportionate representation of **Hispanic** students with disabilities. **0** districts were disproportionate due to inappropriate practices, policies, or procedures;
- 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 2010 SPP contains Kentucky’s definition of disproportionate representation for over-identification, as well as the methodology used. See pages 84 through 93 of the FFY2010 SPP.

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

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

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

Year	Indicator	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 2011	10	176	28	2	1.14%

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

As indicated in the above table for **Indicator 10**, KDE identified 28 districts as having disproportionate representation by race/ethnicity groups in specified categories.

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

DLS has reviewed policies and procedures for all 31 districts and found them to be in compliance with IDEA’s related requirements for Indicator 9 and Indicator 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.

Indicator 10:

- Nineteen (19) of the 28 districts identified as having disproportionate representation related to Indicator 10 received desk audits. The child find, evaluation and eligibility

practices were examined through reviews of student due process records. Two (2) of the districts were found to be out of compliance with the requirements of Indicator 10.

- Nine (9) of the 28 districts identified as having disproportionate representation related to Indicator 10 were examined for inappropriate practices for FFY 2010. These districts were either found to have been in violation of the former Indicator 10, or 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.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2011:

Explanation of Progress for Indicator 10:

KDE attributes its progress toward meeting the state target for Indicator 10 -from 3.41% in FFY 2010 to 1.14% in FFY 2011 - on the following:

- For the fourth 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 are 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 9 recently reconfigured 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 programs and ensure compliance with all IDEA requirements.
 - This activity is being discontinued since current monitoring data for Indicator 9 and Indicator 10 no longer support the hypothesis that disproportionate representation due to inappropriate identification is concentrated in districts that house DJJ facilities.

Correction of FFY 2010 Findings of Noncompliance (if State did not report 0%):

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

10. Number of findings of noncompliance the State made during FFY 2010 (the period from July 1, 2008 through June 30, 2009)	6
11. Number of FFY 2010 findings the State verified as timely corrected (corrected within one year from the date of notification to the LEA of the finding)	6
12. Number of FFY 2010 findings <u>not</u> verified as corrected within one year [(1) minus (2)]	0
13. Number of FFY 2010 findings not timely corrected (same as the number from (3) above)	0
14. Number of FFY 2010 findings the State has verified as corrected beyond the one-year timeline (“subsequent correction”)	0
15. Number of FFY 2010 findings <u>not</u> yet verified as corrected [(4) minus (5)]	0

Actions Taken if Noncompliance Not Corrected: Not applicable. All noncompliance was corrected.

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 2010 Indicator 10 noncompliance.

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

- Prong 1 - As part of the individual student review process for all students identified with Indicator 10 noncompliance, DLS verifies through record reviews that Indicator 100 noncompliance for each affected student has been corrected
- Prong 2 –To determine correction of the Indicator 10 noncompliance at a systemic level, DLS randomly chooses and reviews student folders, thus verifying that there are no systemic violations.

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

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 2009 Findings of Noncompliance (if applicable):

Not applicable.

Verification of Correction of Remaining FFY 2009 findings:

Not applicable.

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

Not applicable.

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):

Statement from the Response Table	State’s Response
Because the State Reported less than 100% compliance for FFY 2010 the State must report on the correction of noncompliance identified in FFY 2010 for this indicator. The State must demonstrate, in the FFY 2011 APR, that the	All findings of noncompliance pertaining to Indicator 10 identified in FFY 2010 have been corrected, consistent with the requirements of OSEP Memo 09-02. The specific actions taken by the State are

<p>districts identified in FFY 2010 with disproportionate representation of racial and ethnic groups in specific disability categories that was the result of inappropriate identification are in compliance with the requirements of 34 CFR §§300.111, 300.201, and 300.301 through 300.311, including that the State verified that each district with noncompliance: (1) is correctly implementing the specific regulatory requirement(s) (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the district, consistent with OSEP Memo 09-02. In the FFY 2011 APR, the State must describe the specific actions that were taken to verify the correction.</p>	<p>identified above in the sections titled “Verifications of Correction (either timely or subsequent)” and “Describe the specific actions that the State took to verify the correction of findings of noncompliance identified in FFY 2010”.</p>
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Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2011:

See Indicator 9 for revisions of Improvement Activities and Timelines for Indicators 9 and 10.

Part B State Annual Performance Report (APR) for FFY 2011

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

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))

Monitoring Priority: Effective General Supervision Part B / Child Find

Measurement:

A. # of children for whom parental consent to evaluate was received¹.
 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 2011</i>	<i>100%</i>

Actual Target Data for FFY 2011:

99.27%

¹ States are encouraged, but not required, to include in their data for Indicator 11 all children for whom consent to conduct an initial evaluation was received during FFY 2011, whether or not the timeline for completing the evaluation elapsed during FFY 2011. States are further encouraged to describe in their APR how they treated, in their data for Indicator 11, children for whom consent to conduct an initial evaluation was received during FFY 2011, but the timeline for completing the evaluation elapsed after the end of FFY 2011.

Kentucky missed its target by .73%.

The Measurement Table requires the following calculation to be used:

2,316 children whose evaluations were completed within Kentucky’s 60 school day timeline ÷ 2,333 children for whom parental consent to evaluate was received times 100 = 99.27%.

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.

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

A. Number of children for whom parental consent to evaluate was received	2,333
B. Number of children whose evaluations were completed within 60 days (or State-established timeline)	2,316
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)	99.27%

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

- Least number of days = 1
- Greatest number of days = 46

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)
- Excessive student absenteeism

Other reasons cited include:

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

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that Occurred for FFY 2011²:

Explanation of Progress:

KDE improved its rate of compliance from FFY 2010 by .27%. It reached a high rate of compliance (99.27%), 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.

Additionally, the number of students being evaluated has decreased based on district data from FFY 2010 to FFY 2011. KDE believes the reduction in numbers is due to more districts implementing Response to Intervention (RtI) prior to referral and evaluation of students.

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

- None of the districts cited for noncompliance for Indicator 11 for FFY 2010 were cited again for FFY 2011. No patterns were identified for districts being cited this year.
- The state’s compliance rate of 99% is consistent with data reported for FFY 2010, 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, 14 districts were cited for noncompliance with the requirements of Indicator 11 during FFY 2011. All 14 districts are currently within the one year time frame for correcting the findings of noncompliance.

Correction of FFY 2010 Findings of Noncompliance (if State reported less than 100% compliance):

Level of compliance (actual target data) State reported for FFY 2009 for this indicator: 90%

16. Number of findings of noncompliance the State made during FFY 2009 (the period from July 1, 2010 through June 30, 2011)	13
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² In an effort to reduce reporting burden, in the FFY 2011 APR, States: 1) Are not required to provide an explanation of: a) progress; b) no change in actual target data from the data for FFY 2010; or c) slippage if the State meets its target. 2) Are not required to discuss improvement activities for: a) compliance indicators where the State reports 100% compliance for FFY 2011; and b) results indicators where the State has met its FFY 2011 target. 3) May provide one set of improvement activities for the entire APR as long as the Improvement Activities are indexed back to reference the relevant indicators.

17. Number of FFY 2010 findings the State verified as timely corrected (corrected within one year from the date of notification to the LEA of the finding)	13
18. Number of FFY 2010 findings <u>not</u> verified as corrected within one year [(1) minus (2)]	0

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

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

Actions Taken if Noncompliance Not Corrected:

Not Applicable.

Verification of Correction of FFY 2010 noncompliance (either timely or subsequent):

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

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

During 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 2010 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 2010:

KDE verified the correction of findings of noncompliance identified in FFY 2010 in two ways:

- Based on a review of district-submitted data, DLS notified districts who self-reported less than 100% compliance with Indicator 11. Districts were required to submit the student files identified as exceeding the 60 school day timeline to DLS. DLS verified that, for the students whose files were reviewed, eligibility was determined, and if eligible, an IEP was developed even if it exceeded the 60 school day timeline for completing the evaluation. This is consistent with Prong 1, OSEP Memorandum 09-02.
- Prior to the closure of all Corrective Action Plans (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):

Not Applicable.

1. Number of remaining FFY 2009 findings noted in OSEP’s June 2012 FFY 2010 APR response table for this indicator	0
2. Number of remaining FFY 2009 findings the State has verified as corrected	0
3. Number of remaining FFY 2009 findings the State has NOT verified as corrected [(1) minus (2)]	0

Verification of Correction of Remaining FFY 2009 findings:

Not Applicable.

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

Not Applicable.

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

Provide information for FFY 2008 or earlier, as applicable, regarding correction using the same table format provided above.

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>When reporting on the correction of noncompliance, the State must report, in its FFY 2011 APR, that it has verified that each LEA with noncompliance reflected in the FFY 2010 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 (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 2011 APR, the State must describe the specific actions that were taken to verify the correction.</p>	<p>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 2011.</i>”</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. The timeline will be extended to FFY 2014. See the justification in Revisions section.</p>

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

The timeline for completion of the activity has been extended to FFY 2014 to apply to districts found in noncompliance in Spring 2013.

Part B State Annual Performance Report (APR) for FFY 2011

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 birthday.

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

Measurement: Measurement:

A. # of children who have been served in Part C and referred to Part B for eligibility determination.

B. # of those referred determined to be NOT be eligible and whose eligibilities were determined prior to their third birthday.

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 birthday.

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.

FFY	Measurable and Rigorous Target
FFY2011	100%

Data source: Preschool Program End of Year Performance Report

Actual Target Data for FFY2011: 99.86%

The measurement requires the following calculation be used:

2098 children found eligible who had an IEP developed by their third birthday ÷ 2101 children* ×100= 99.86%.

*The denominator of 2101 children was obtained by the following calculations:

2720 children served in Part C and referred to Part B, minus 334 children determined not eligible, minus 247 children whose parents refused to provide consent that caused delay, minus 38 children who were late referrals from Part C for a total of 2101 children.

Discussion of Improvement Activities and Explanation Slippage, if the State did not meet its target, that occurred for FFY 2011:

The FFY 2011 actual target data of 99.86% shows improvement of .21% from the FFY 2010 rate of 99.65%.

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

FFY	Target %
2011	99.86% 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 birthday
2010	99.65%
2009	99.60%
2008	98.73%
2007	95.69%
2006	96.55%
2005	93.75%
2004	79.34%

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

1. In FFY 2007, 419 referrals from Part C to local districts were late referrals. The number dropped in FFY 2008 to 144 late referrals. In FFY 2009, the number of late referrals continued to decrease to 92 referrals. 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 the number 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, two districts were out of compliance. One large district had a compliance rate of 97.94%. This district was also non-compliant FFY2009. The additional smaller district was non-compliant with one child, which resulted in a 98.21% district compliance rate.
6. During the FFY 2011, two large districts were out of compliance. Both districts were slightly under the 100% target rate, at 99.22% and 99.46%.
7. KDE continues to provide technical assistance and training to all districts in order to achieve the target of 100% compliance.

Discussion of Improvement Activities Completed

Ongoing training and technical assistance was provided by Kentucky Early Childhood Transition Project (KECTP), Early Childhood Regional Training Centers, Special Education Cooperative staff, and Kentucky Department of Education (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.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY2011:

Not Applicable

Part B State Annual Performance Report (APR) for FFY 2011

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

FFY	Measurable and Rigorous Target
2011	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 2011: 98.37%

The Indicator 13 compliance rate increased to 98.37% for FFY 2011 from last year’s rate of 94.61%. This was a gain of 3.76%. The SPP target of 100% was not met.

The Measurement requires the following calculation be used:

2360 youth with IEPs aged 16 and above with an IEP that includes all the regulatory requirements referenced in the Indicator 13 Measurement ÷ 2399 youth with an IEP aged 16 and above = 0.9837 x 100 = 98.37%.

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 2011 (2011-2012)	2399	2360	98.37%

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred in FFY 2011:

The Indicator 13 compliance rate increased to 98.37% for FFY 2011 from last year’s rate of 94.61%.

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

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

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.	99.12%
The IEP includes transition services that will reasonably enable the child to reach the postsecondary goals.	99.42%
For transition services likely to be provided or paid for by another agency, the other agency is invited to send a representative, if appropriate.	99.21%
If an agency was invited to send a representative, signed Consent for Outside Agency Invitation is included.	99%
As a transition service, the child has a multi-year course of study as outlined in the Individual Learning Plan (ILP).	99.54%

Annual goal(s) included in the IEP are related to the transition service needs.	99.50%
Measurable postsecondary goals are based on age-appropriate transition assessment.	99.58%
The child is invited to the ARC meeting where transition services are discussed.	99.50%
The measurable postsecondary goals are updated annually.	99.37%

Improvement Activity 1 provided targeted technical assistance to districts based on the analysis of the data. The development of common and consistent training materials and methods ensured that training content and resources 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 on Activity 2 was an analysis of Indicator 13 and Indicator 14 data to determine a relationship between the transition services monitored with Indicator 13 and the post school outcomes monitored with Indicator 14. The analysis of data in this study did not produce any evidence of statistical correlations by comparing the level of IDEA compliance with transition service requirements as measured by Indicator 13 with post-school outcomes measured by Indicator 14.

The Indicator 13 compliance rate for the state has increased to 98.37% for FFY 2011; however, there is slippage with individual districts that have failed to meet compliance for consecutive years based on district self-reported data. Based on the analysis of these data, KDE is revising Activity 1 to provide specific, targeted training and technical assistance to districts that have self-reported as noncompliant for DLS Indicator 13 for two or more consecutive years. DLS will require districts that have historical noncompliance with Indicator 13 to conference with the Indicator 13 lead, - to develop an action plan approved by DLS to achieve sustained systemic compliance.

KDE is implementing a plan to address a larger vision for all students to ensure they graduate from high school and are ready for college and career. KDE’s College and Career Readiness (CCR) delivery plan was developed in 2011, and targets specific strategies and activities toward increasing the rate of students who leave high school ready for college, career or both.

One of the strategies of the CCR delivery plan is persistence to graduation. In alignment with the CCR delivery plan Activity 2 will be replaced with a new activity to analyze the data for Indicator 13 and the Kentucky’s College and Career Readiness (CCR) data to determine whether a correlation exists between districts’ compliance with transition planning requirements (Indicator 13) and the percentage of students identified as college and career ready.

Correction of FFY 2010 Findings of Noncompliance:

Level of compliance (actual target data) State reported for FFY 2010 for this indicator: 94.61%

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

The noncompliance cited in the table above was found during an on-site monitoring visit.

Correction of FFY 2009 findings of Noncompliance:

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

1. Number of findings of noncompliance the State made during FFY 2009 (the period from July 1, 2010 through June 30, 2011)	22
2. 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
3. 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. Correction of noncompliance was 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 provided timely notification to the 22 districts that they had corrected identified instances of noncompliance within one year.

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).

In verifying correction of noncompliance, DLS reviews Indicator 13 records in accordance with OSEP Memorandum 09-02 through the following process:

- Prong 1 - As part of the individual student review process for all students identified with Indicator 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, DLS randomly chooses and reviews student folders, thus verifying that there are no systemic violations.

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.

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

As noted above, **one district** did not correct its noncompliance within one year of notification by DLS of the noncompliance. However, **the district subsequently corrected its noncompliance in accordance with OSEP Memorandum 09-02.**

Actions Taken if Noncompliance Not Corrected:

If a district does not correct noncompliance within one year, DLS extends the Corrective Action Plan (CAP) a second year. The DLS consultant may keep or revise the CAP activities as appropriate.

In extending the CAP, DLS provides the district with a date by which DLS will again review records for both individual and systemic compliance as described above. The review must take place prior to the expiration of the second one year timeline, so the CAP will be closed within two years of the original citation for Indicator 13 noncompliance.

Districts that do not correct noncompliance within one year of notification of noncompliance are provided with technical assistance by KDE's regional technical assistance providers, the Regional Educational Cooperatives (Co-op). Each Co-op employs secondary transition consultants, who provide districts that remain out of compliance with secondary transition training, conduct Indicator 13 record reviews on-site, and advise and provide technical assistance to both directors of special education and special education teachers.

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

Not applicable

Verification of Correction of Remaining FFY 2009 findings:

Not applicable

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

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.

Based on the record reviews of student-level and randomly selected folders, KDE believes with reasonable confidence that all districts identified with noncompliance corrected their noncompliance according to both prongs specified in OSEP Memorandum 09-02.

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):

OSEP Analysis/ Next Steps	State Response
<p>The State must demonstrate, in the FFY 2011 APR, that the State is in compliance with the secondary Transition requirements in CFR §300.320(b) and 300.321(b). Because the state reported less than 100% compliance for FFY 2010, the State must report on the status of correction of noncompliance identified in FFY 2010 for this indicator.</p>	<p>1. The specific actions taken by the State are identified above in the sections titled: <i>1.1 Correction of FFY2010 Findings of noncompliance</i></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 to ensure compliance.</p>	<p>1 The specific actions taken by the State are identified above in the sections titled: <i>1.1 Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred in FFY 2011</i></p>
<p>When reporting on the correction of noncompliance, the State must report, in its FFY 2011 APR, that it has verified that each LEA with noncompliance identified in FFY 2010 for this indicator: (1) is correctly</p>	<p>1. The specific actions taken by the State are identified above in the sections titled: <i>1.1 Correction of FFY 2010 Findings of Noncompliance</i></p>

<p>implementing CFR §300.320(b) and 300.321(b) (i.e., achieved 100% compliance) based on review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the LEA, consistent with OSEP Memo 09-02. In the FFY 2011 APR, the State must describe the specific actions that were taken to verify the correction.</p>	<p><i>1.2 Correction of FFY 2010 Findings of Noncompliance Not Timely Corrected (corrected more than one year from identification of the noncompliance)</i></p>
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Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2011 (if applicable):

Activity 1 for Indicator 13 has been changed in order to provide specific, targeted training and technical assistance to districts who have self-reported as noncompliant for Indicator 13 for two or more consecutive years.

Activity 2 has been completed. A new activity for Indicator 13 has been written to reflect KDE’s emphasis on college and career readiness for all students, including students with disabilities.

Note: The activities are outlined in the State Performance Plan.

The College and Career Readiness Delivery Plan can be viewed at the following link:
<http://education.ky.gov/commofed/cdu/documents/ccr%20delivery%20plan.pdf>

Part B State Annual Performance Report (APR) for FFY 2011

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

Monitoring Priority: Effective General Supervision Part B / Effective Transition

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

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

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

Measurement:

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

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

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

APR Development:

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

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

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

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

Dissemination

See Executive Summary and Indicator 1 Overview for a broad discussion of the overall dissemination of the APR. Specifically in regard to Indicator 14, individual district reports are made available to each district following a modified version on the Data Use Toolkit developed by the National Post School Outcomes Center.

Definitions:

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

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

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

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

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

Leavers are youth who left school by graduating with a regular or modified diploma, aging out, left school early (i.e., dropped out).

FFY	Measurable and Rigorous Target
2011	A= 25.0% enrolled in higher education B= 53.7% enrolled in higher education or competitively employed C= 63.9% enrolled in higher education or in some other postsecondary education or training program; or competitively employed or in some other employment

Actual Target Data for FFY 2011:

The following sections describe the overall FFY 2011 outcomes, including an analysis of the not engaged and outcomes disaggregated by subgroups of gender, disability, race/ethnicity, and method of exit.

FFY 2011 Outcomes:

There were 4573 leavers identified through KDE exit data for the 2010-2011 school year. Of these, 2745 were able to be contacted and agreed to participate in the YOYO interview. This represents a response rate of 60%. Each respondent is counted only once in the highest of the following categories:

- 1 = 541 respondent leavers were engaged in “higher education.”
- 2 = 1027 were engaged in “competitive employment” (and not counted in 1 above).
- 3 = 117 respondent leavers were engaged in “some other postsecondary education or training” (and not counted in 1 or 2 above).
- 4 = 182 respondent leavers were engaged in “some other employment” (and not counted in 1, 2 or 3 above).

Thus,

$$A = 541 \text{ (#1) divided by } 2745 \text{ (total respondents)} = 19.7\%$$

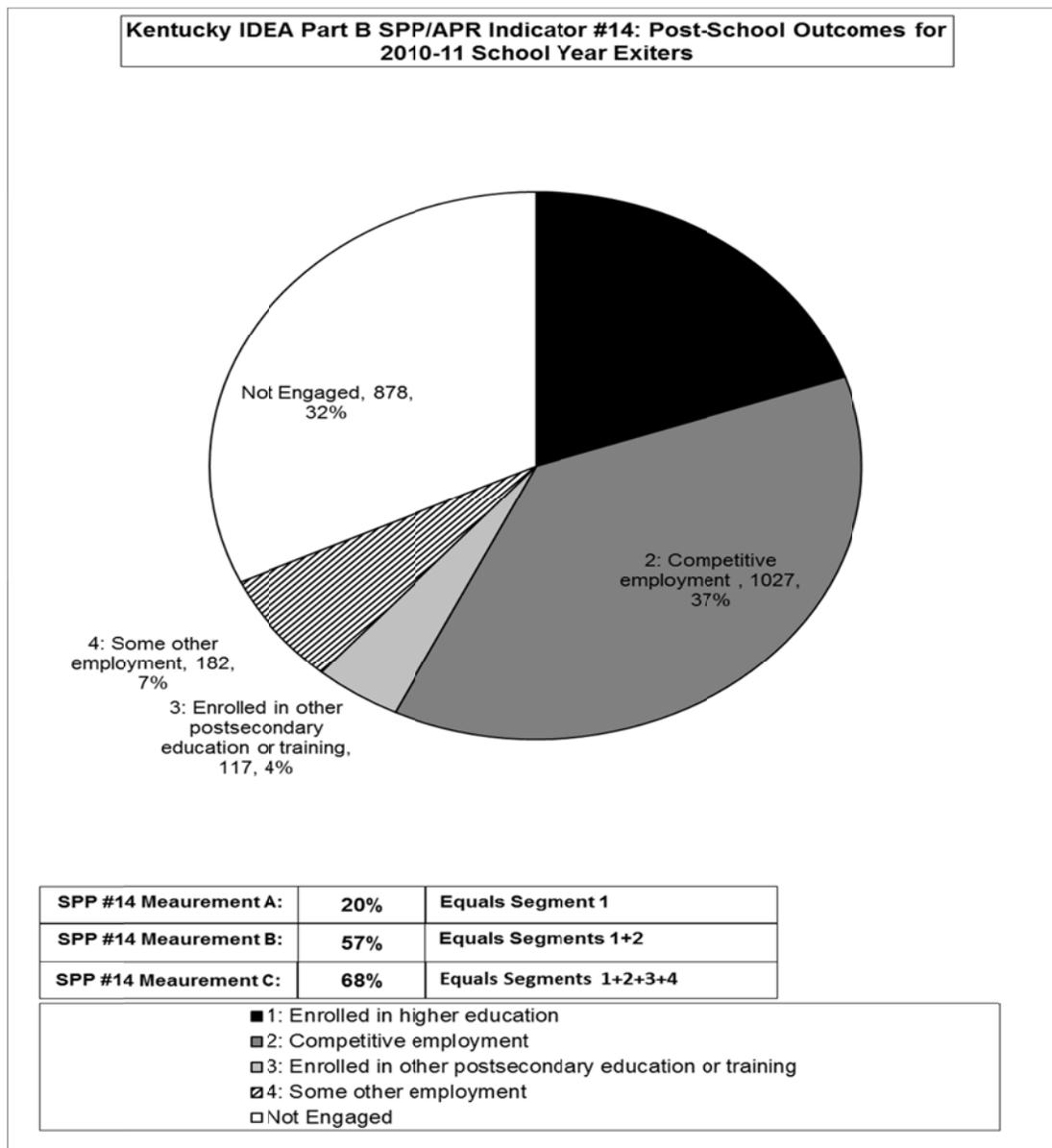
$$B = 541 \text{ (#1) + } 1027 \text{ (#2) divided by } 2745 \text{ (total respondents)} = 57.1\%$$

$$C = 541 \text{ (#1) + } 1027 \text{ (#2) + } 117 \text{ (#3) + } 182 \text{ (#4) divided by } 2745 \text{ (total respondents)} = 68.0\%$$

As seen in Figure 1, *Pie Chart of Kentucky’s Post-School Outcomes for 2010-11 School Year*, Kentucky’s largest percentage of leavers was in the outcome category, “Competitive

Employment” with 37% (n=1027) of leavers counted in this category. The second largest percentage of leavers was the outcome category, “Not Engaged” with 32% (n=878). The remaining categories, in order of largest to smallest percentage, were: “Higher Education” with 20% (n=541); enrolled in “Some other Employment,” 7% (n=182); and “Some Other postsecondary education or training,” 4% (n=117).

Figure 1. Pie Chart of Kentucky’s Post-School Outcomes for 2010-11 School Year

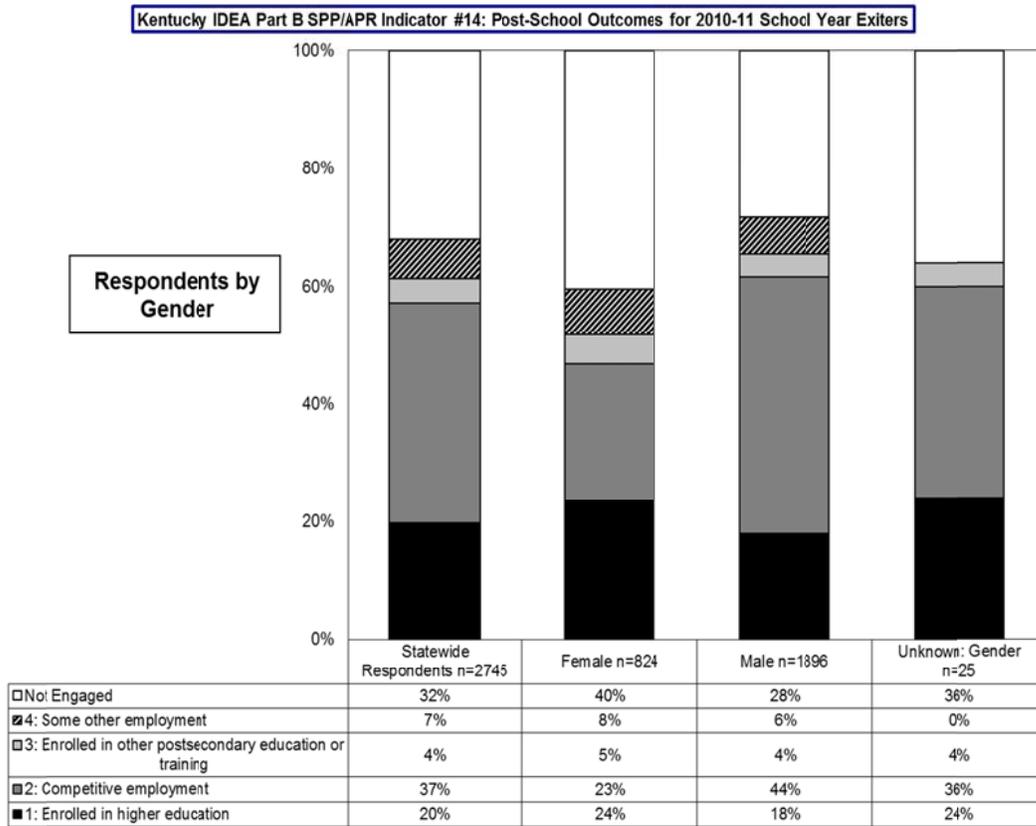


Disaggregated Outcomes by Subgroups:

To better understand the post-school outcomes of youth, the Kentucky Post School Outcomes Center (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 (40% vs. 28%). Female respondents were more likely to be enrolled in higher education than male respondents (24% vs. 18%), but males were far more likely to be competitively employed (44% vs. 23%).

Figure 2. Post-School Outcomes by Gender:

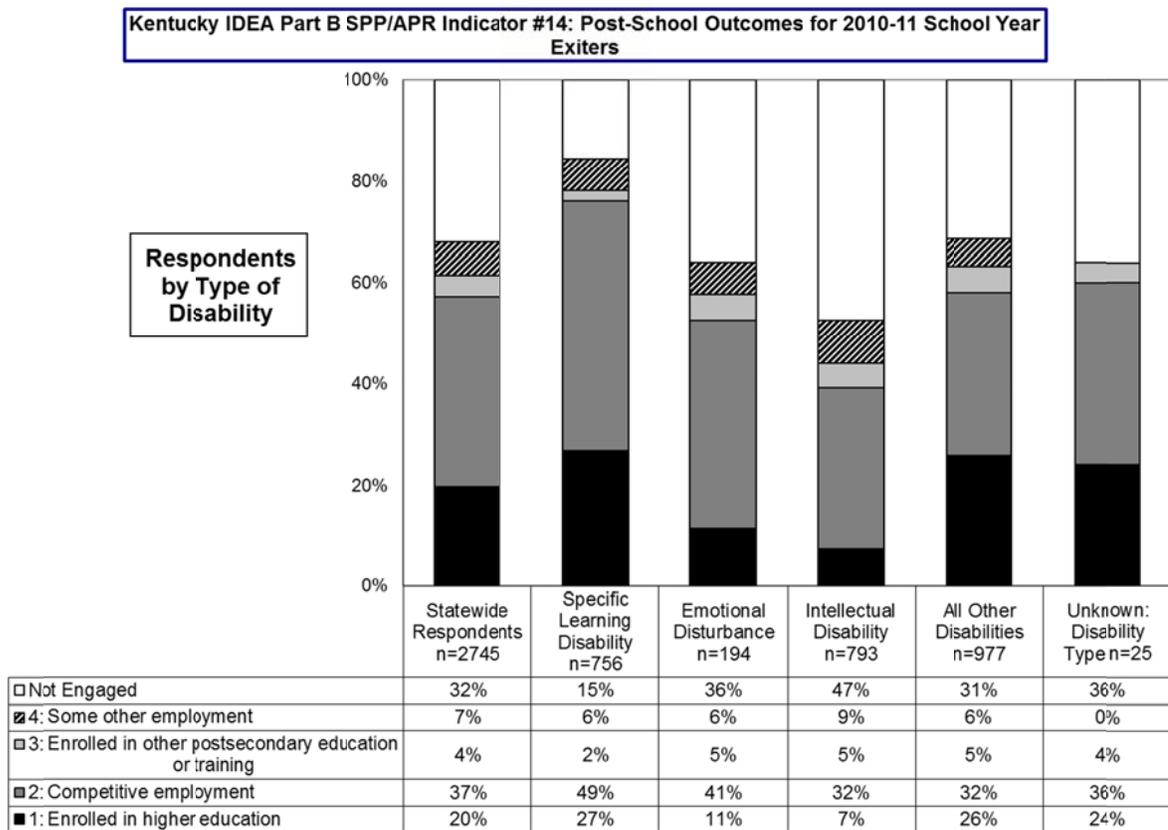


Further analysis into the reasons that males have higher employment rates should be examined at the state, as well as local levels. Although females tend to enroll in post-secondary education at slightly higher rates than males, the difference is not enough to offset the overall higher engagement rate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

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 (7%).

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

Figure 3. Post-School Outcomes by Disability Category:



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

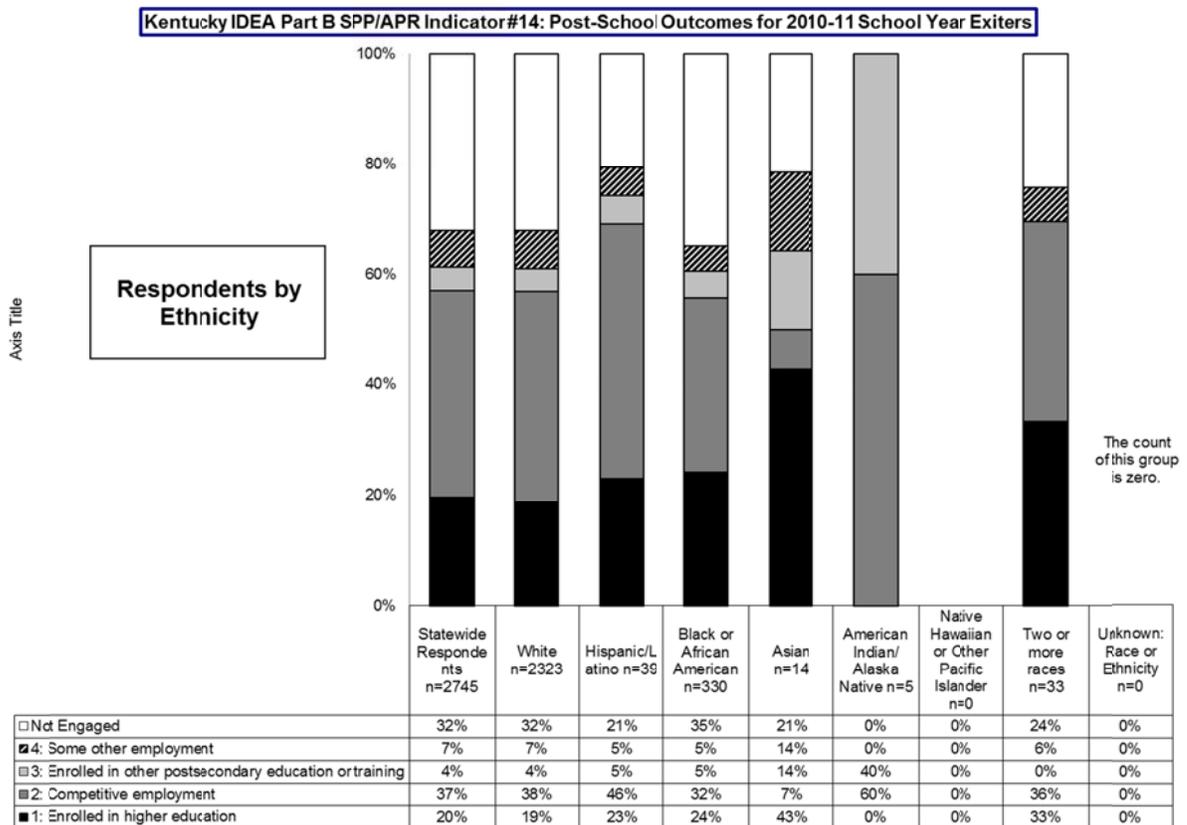
African-American exiters were somewhat more likely to be enrolled in higher education (24%) than White exiters (19%). This pattern has been evident in Kentucky’s data for

several years. The reverse appears to be true in terms of competitive employment, where White exiters have higher rates (38%) than Black exiters (32%).

The differences between White and African –American students is significant. Additional research by KyPSO has attempted to uncover the reason for this disparity. African-American students appear to be advantaged in several areas predictive of enrollment in higher education. These include: higher rates of planning for college through the IEP; increased interest in pursuing higher education; and involvement of the Office of Vocational Rehabilitation (OVR) and college counselors at ARC meetings. Although they tend to spend less time in the LRE, these other factors appear to be significant enough to increase rates of higher education for this group.

Other ethnic groups have much smaller numbers of respondents, which makes it difficult to draw meaningful conclusions from these data. Even with the small sample size (n=39) of Hispanic exiters, it is noteworthy that this group’s competitive employment rate is very high (46%). Both Hispanic and Asian students have the lowest unengagement rate (21%), while Asian American students have the highest rate of enrollment in higher education (43%).

Figure 4. Post-School Outcomes by Ethnicity:

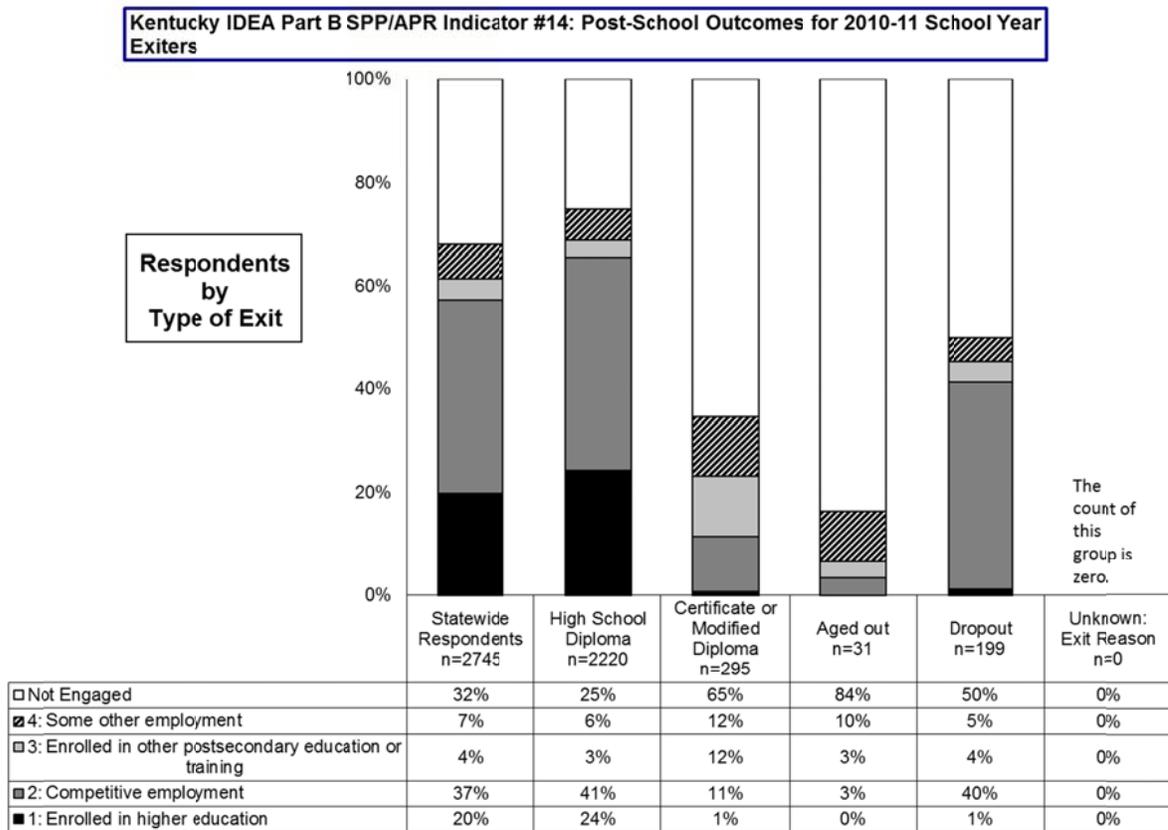


In Figure 5, Post-School Outcomes by Type of Exit, there are sharp differences in outcomes for those exiting in different manners. Nearly all exiters enrolling in higher education left high school with a standard diploma (24%). Those exiting by means of a certificate had only 1% enrolled in higher education, while only 1% of dropouts and no exiters who aged-out enrolled in higher education.

The respondents who aged-out were the most unengaged (84%) and had only 3% competitive employment. Exiters who had earned certificates had low rates of competitive employment (11%) and also high rates in the not engaged category (65%). While exiters who dropped out of high school had poor educational outcomes, they did have a 40% 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 are 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 third 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 (2010-11) by means of graduation with a Diploma, receiving an Alternate Diploma, 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. 4573 former students comprised this population. 4471 YOYO Interviews were attempted, and 2745 interviews were completed, giving an overall response rate of $2745 \div 4471 = 60\%$. This is up from 52% last year, which is most likely attributable to increased training and refinement of our instrument, which now pre-populates the call list for each district and provides contact information.

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. (Note: The color red shows up only in the electronic version of Indicator 14).

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:

NPSO Response Calculator		Representativeness							
	Overall	LD	ED	MR	AO	Female	Minority	ELL	Dropout
Target Leaver Totals	4576	1242	398	1286	1650	1371	834	0	585
Response Totals	2745	756	194	793	1002	824	422	0	199
Target Leaver Representation		27.14%	8.70%	28.10%	36.06%	29.96%	18.23%	0.00%	12.78%
Respondent Representation		27.54%	7.07%	28.89%	36.50%	30.02%	15.37%	0.00%	7.25%
Difference		0.40%	-1.63%	0.79%	0.45%	0.06%	-2.85%	0.00%	-5.53%

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 259 from FFY 2010. During the same period, the response rate increased. As discussed above, our ability to prepopulate the database from extant data in a secure fashion has not only helped clarify our population, but has increased both number of responses and response rate.

Explanation of progress and slippage (A showed minor slippage, B & C showed progress):

It is likely attributable to national economic factors. The fact that former students are somewhat less likely to be enrolled in two or four- year colleges or universities, while being more likely to be competitively employed indicates that opportunities are likely the reason as much as planning. KyPSO continues to conduct research with the aim of identifying malleable educational factors that are predictive of post-school success. Clearly, planning, documentation, in-school experiences and self-determination are key factors which can improve outcomes.

Analysis of Improvement Activities includes:

1. **Develop needs assessment to send to districts**
 - This activity has been completed.

2. **Conduct more thorough analysis of one year out data, merged with in school transition survey to determine how best to focus efforts to improve transition planning and outcomes**
 - This is an annual activity, and has been completed each year.

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

Two new improvement activities were added for FFY 2011. The first was a joint activity with Indicator 8. Increasing parent involvement, particularly through the Individual Learning Plan (ILP), is expected to engage parents more in transition planning. See Indicator 8 for details.

The second new activity will address our analysis of former students who were unengaged indicated a disproportionate number in this category, and they were from former students with significant intellectual disabilities (see Figures 3 and 5). The newly funded KY-SPDG addresses College and Career Readiness for students on the Alternate Assessment. We included this as new activity in order to target improvements among this low-performing group.

Both of these activities are aligned with the College and Career Advising strategy of KDE's College and Career Readiness Delivery Plan.

The College and Career Readiness Plan can be viewed at the following link:
<http://education.ky.gov/commofed/cdu/documents/ccr%20delivery%20plan.pdf>

Note: The activities are outlined in the State Performance Plan.

Part B State Annual Performance Report (APR) for FFY 2011

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 Attachment A).

FFY	Measurable and Rigorous Target
<i>FFY 2011</i>	<i>100%</i>

Actual Target Data for FFY 2011: 88.1%

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

Fifty-two (52) corrections of noncompliance completed as soon as possible, but in no case later than one year from identification ÷ Fifty-nine (59) findings of noncompliance times 100 = 88.1%

Indicator/Indicator Clusters	General Supervision System Components	# of LEAs Issued Findings in FFY 2010 (7/1/10 to 6/30/11)	(a) # of Findings of noncompliance identified in FFY 2010 (7/1/10 to 6/30/11)	(b) # of Findings of noncompliance from (a) for which correction was verified no later than one year from identification
<p>1. Percent of youth with IEPs graduating from high school with a regular diploma.</p> <p>2. Percent of youth with IEPs dropping out of high school.</p> <p>14. Percent of youth who had IEPs, are no longer in secondary school and who have been competitively employed, enrolled in some type of postsecondary school or training program, or both, within one year of leaving high school.</p>	<p>Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other</p> <p>Dispute Resolution: Complaints, Hearings</p>			
<p>3. Participation and performance of children with disabilities on statewide assessments.</p> <p>7. Percent of preschool children with IEPs who demonstrated improved outcomes.</p>	<p>Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other</p> <p>Dispute Resolution: Complaints, Hearings</p>			
<p>4A. Percent of districts identified as having a significant discrepancy in the rates of suspensions and expulsions of children with disabilities for greater than</p>	<p>Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other</p>	2	2	1

Indicator/Indicator Clusters	General Supervision System Components	# of LEAs Issued Findings in FFY 2010 (7/1/10 to 6/30/11)	(a) # of Findings of noncompliance identified in FFY 2010 (7/1/10 to 6/30/11)	(b) # of Findings of noncompliance from (a) for which correction was verified no later than one year from identification
<p>10 days in a school year.</p> <p>4B. Percent of districts that have: (a) a significant discrepancy, by race or ethnicity, in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs; and (b) policies, procedures or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.</p>	<p>Dispute Resolution: Complaints, Hearings</p>			
<p>5. Percent of children with IEPs aged 6 through 21 - educational placements.</p> <p>6. Percent of preschool children aged 3 through 5 – early childhood placement.</p>	<p>Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other</p> <p>Dispute Resolution: Complaints, Hearings</p>	<p>1</p>	<p>2</p>	<p>2</p>
<p>8. Percent of parents with a child receiving special education services who report that schools facilitated parent involvement as a means of improving services</p>	<p>Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other</p>			

Indicator/Indicator Clusters	General Supervision System Components	# of LEAs Issued Findings in FFY 2010 (7/1/10 to 6/30/11)	(a) # of Findings of noncompliance identified in FFY 2010 (7/1/10 to 6/30/11)	(b) # of Findings of noncompliance from (a) for which correction was verified no later than one year from identification
and results for children with disabilities.	Dispute Resolution: Complaints, Hearings			
9. Percent of districts with disproportionate representation of racial and ethnic groups in special education that is the result of inappropriate identification.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	6	6	6
10. Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.	Dispute Resolution: Complaints, Hearings			
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	1	1	1
	Dispute Resolution: Complaints, Hearings			
12. Percent of children referred by Part C prior to age 3, who are found eligible for Part B, and who have an IEP developed and implemented by their third birthdays.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other			
	Dispute Resolution:			

Indicator/Indicator Clusters	General Supervision System Components	# of LEAs Issued Findings in FFY 2010 (7/1/10 to 6/30/11)	(a) # of Findings of noncompliance identified in FFY 2010 (7/1/10 to 6/30/11)	(b) # of Findings of noncompliance from (a) for which correction was verified no later than one year from identification
	Complaints, Hearings			
13. Percent of youth aged 16 and above with 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.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	1	1	0
	Dispute Resolution: Complaints, Hearings			
Other areas of noncompliance: Free Appropriate Public Education (FAPE)	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	1	1	1
	Dispute Resolution: Complaints, Hearings	4	6	4
Other areas of noncompliance: Implementation of IEP	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	1	5	5
	Dispute Resolution:	5	7	5

Indicator/Indicator Clusters	General Supervision System Components	# of LEAs Issued Findings in FFY 2010 (7/1/10 to 6/30/11)	(a) # of Findings of noncompliance identified in FFY 2010 (7/1/10 to 6/30/11)	(b) # of Findings of noncompliance from (a) for which correction was verified no later than one year from identification
	Complaints, Hearings			
Other areas of noncompliance: Eligibility	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	6	13	12
	Dispute Resolution: Complaints, Hearings			
Other areas of noncompliance: Evaluation	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	8	14	14
	Dispute Resolution: Complaints, Hearings	1	1	1
Sum the numbers down Column a and Column b			59	52
Percent of noncompliance corrected within one year of identification = (Column (b) sum divided by column (a) sum) times 100.			(b) / (a) X 100 =	88.1%

Describe the process for selecting LEAs for Monitoring:

The focus of monitoring during FFY 2010 was Indicators 4b, 9 and 10. DLS conducted desk audits during FFY 2010 for Indicators 9 and 10 (Disproportionate Representation). Onsite monitoring visits were conducted for Indicator 4b in one district and one district received an

onsite visit based on various factors, including discrepancies and high percentages in self-reported data and a large number of phone calls regarding issues in the district.

DLS conducted six formal complaint investigations that resulted in findings of noncompliance.

In addition to conducting desk audits and an onsite monitoring visit, DLS provided technical assistance to districts issued corrective action for areas of noncompliance during FFY 2009. DLS issued an Eligibility Policy Letter during FFY 2010 and conducted a webinar around the policy letter. All districts under corrective action at the time were required to review the webinar and be trained by their regional special education cooperative.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that Occurred for FFY 2011³:

Explanation of Slippage:

Seven (7) findings of noncompliance cited in FFY 2010 were not corrected within one year. KDE attributes the decrease in compliance, from the FFY 2009 level of 90% to the current level of 88.1%, to these reasons.

- One district with a CAP for Indicator 4b was not able to be closed within the one year timeline due to systemic noncompliance issues. It is a large district with many schools and substantial behavior challenges. DLS expects the district to progress substantially this coming year as a result of new joint efforts of district leadership in both general and special education; see the Indicator 4b report of more specific information regarding the findings of noncompliance.
- Due to the extensive issues of noncompliance found in the district where the onsite visit was conducted, all findings of noncompliance were not able to be closed within one year of the notification of noncompliance. One finding of noncompliance, pertaining to eligibility, remained unable to be corrected within the one year timeline due to the significant technical assistance needed to correct the finding of noncompliance; however verification of correction was determined after the one year timeline.
- Findings of noncompliance in one formal complaint were not able to be closed within the one year timeline due to the reassignment of the formal complaint responsibilities to a different complaint investigator who made a mistake in calculating the one year timeline.

³ *In an effort to reduce reporting burden, in the FFY 2011 APR, States: 1) Are not required to provide an explanation of: a) progress; b) no change in actual target data from the data for FFY 2010; or c) slippage if the State meets its target. 2) Are not required to discuss improvement activities for: a) compliance indicators where the State reports 100% compliance for FFY 2011; and b) results indicators where the State has met its FFY 2011 target. 3) May provide one set of improvement activities for the entire APR as long as the Improvement Activities are indexed back to reference the relevant indicators.*

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 53 findings of noncompliance issued during FFY 2010, only 1 remains 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 2010 Findings of Noncompliance (corrected within one year from identification of the noncompliance):

22. Number of findings of noncompliance the State identified in FFY 2010 (the period from July 1, 2010 through June 30, 2011) (Sum of Column a on the Indicator B15 Worksheet)	59
23. 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)	52
24. Number of findings <u>not</u> verified as corrected within one year [(1) minus (2)]	7

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

25. Number of FFY 2010 findings not timely corrected (same as the number from (3) above)	7
26. Number of FFY 2010 findings the State has verified as corrected beyond	6

the one-year timeline (“subsequent correction”)	
27. Number of FFY 2010 findings <u>not</u> yet verified as corrected [(4) minus (5)]	1

Verification of Correction for findings of noncompliance identified in FFY 2010 (Either timely or subsequent):

In verifying correction of noncompliance, DLS reviews Indicator 15 records in accordance with OSEP Memorandum 09-02 through the following process:

- Prong 1 - As part of the individual student review process for all students identified with Indicator 15 noncompliance, DLS verifies through record reviews that Indicator 15 noncompliance for each affected student has been corrected
- Prong 2 –To determine correction of the Indicator 15 noncompliance at a systemic level, DLS randomly choses and reviews student folders, thus verifying that there are no systemic violations.

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 Indicators 9 and 10 desk audits and the onsite monitoring visits conducted during FFY 2010, KDE verified the correction of findings of noncompliance during KDE’s initial record reviews by reviewing student-specific documentation of corrections for all findings of noncompliance. All findings of noncompliance for Indicators 9 and 10 were corrected within the one year timeline.
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.

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 the specific actions that the State took to verify the correction of findings of noncompliance identified in FFY 2010 (including any revisions to general supervision procedures, technical assistance provided and/or any enforcement actions that were taken):

DLS conducted follow-up desk audits to verify all findings of noncompliance were corrected according to the two prongs of OSEP Memorandum 09-02. Technical assistance was provided specific to the areas findings of noncompliance were in. Training, technical assistance calls, and

corrective action feedback were provided to the district prior to verifying the correction of findings of noncompliance.

Actions Taken if Noncompliance Not Corrected:

One district was cited for disproportionate suspension rates among students with disabilities. This is a large district with a variety of complex discipline challenges that require additional time to systemically address the disproportionate issues of noncompliance. KDE will provide technical assistance for a systemic district-level initiative, which will unite general and special education leaders to review school level suspension data together and create a more focused and coordinated joint effort to intervene around systemic district-wide suspension issues.

Correction of Remaining FFY 2009 Findings of Noncompliance (if applicable):

If the State reported <100% for this indicator in its FFY 2010 APR and did not report in the FFY 2010 APR that the remaining FFY 2009 findings were subsequently corrected, provide the information below:

4. Number of remaining FFY 2009 findings noted in OSEP’s FFY 2010 APR response table for this indicator	2
5. Number of remaining FFY 2009 findings the State has verified as corrected	2
6. Number of remaining FFY 2009 findings the State has NOT verified as corrected [(1) minus (2)]	0

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

Not applicable.

Additional Information required by the OSEP FFY 2010 APR Response Table for this Indicator (if applicable):

Statement from the Response Table	State’s Response
The State must demonstrate, in the FFY 2011 APR, that the remaining two findings of noncompliance identified in FFY 2009 that were not reported as corrected in the FFY 2010 APR were corrected.	DLS has verified all issues of noncompliance for the two districts have been corrected using the two-pronged approach described in OSEP Memorandum 09-02.

<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 2011 APR, demonstrating that the State timely corrected noncompliance identified by the State in FFY 2010 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>When reporting on correction of findings of noncompliance in the FFY 2011 APR, the State must report that it verified that each LEA with noncompliance identified in FFY 2010 and each LEA with noncompliance identified in FFY 2009: (1) is correctly implementing the specific regulatory requirements (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the LEA, consistent with OSEP Memo 09-02. In the FFY 2011 APR, the State must describe the specific actions that were taken to verify the correction.</p>	<p>See body of Indicator 15 for full discussion of all required components.</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 4A, 4B, 10, 11, 12, and 13 in the FFY 2011 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 2011 (if applicable):

Not applicable.

Part B State Annual Performance Report (APR) for FFY 2011

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
2011	Seventy percent (70%) to eighty percent (80%) of hearing requests that went to resolution sessions are resolved through resolution session settlement agreements.

Actual Target Data for FFY 2011: 25%. Note that, under OSEP requirements, KDE is not required to meet its target for Indicator 18, since fewer than ten resolution sessions were held during FFY 2011.

The Measurement requires the following calculation be used:

Two settlement agreements resulting from resolution sessions held, divided by 8 resolution sessions held, multiplied by 100 = 25%

The data for the Measurement comes from Table 7 of KDE’s Section 618 Data Report, submitted to the U.S. Department of Education on November 7, 2012.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2011:

Resolution agreements were not reached in six hearing requests in which resolution sessions were held. However, there was only one case in which the resolution session was reported to the hearing officer as unsuccessful.

Documentation in the remaining five cases indicated the parties had either reached partial agreement in the resolution session or that subsequent resolution session had been scheduled. The five cases are all pending.

According to OSEP guidance, KDE is not required to provide improvement activities for Indicator 18 in FFY 2011, since fewer than ten resolution sessions were held during the year KDE had only 8 resolution sessions conducted in FFY 2011.

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

Not applicable.

Part B State Annual Performance Report (APR) for FFY 2011

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
2011 (2011-2012)	Sixty-one percent (61%) to eighty-five percent (85%) of mediations requested will result in mediations agreement.

Actual Target Data for FFY 2011: 60%.

KDE’s success rate for mediations held decreased from 78% in FFY 2010 to 60% in FFY 2011. KDE missed its target by 1%.

The Measurement requires the following calculation be used:

Two mediation agreements related to due process plus seven mediation agreements not related to due process, divided by 15 mediations held times 100, for a percentage of 60%.

The data for the Measurement comes from Table 7 of KDE’s Section 618 Data Report, submitted to the United States Department of Education on November 7, 2012.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2011:

Explanation of Slippage that occurred for FFY 2011:

As noted in last year’s APR, mediations related to due process hearings have a markedly lower success rate than mediations requested that were not related to due process hearings.

Only two of seven mediations related to due process hearings were resolved through

mediation agreement for a success rate of 28%. Contrast this with 87% of mediations not related to hearings being resolved by agreement (seven of eight mediations).

While the mediation option must continue to be offered to parties to a due process hearing, clearly mediation is most successful when the parties have not yet “hardened” their positions.

Discussion of Improvement Activities Completed:

See Indicator 18.

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

Not applicable.

Part B State Annual Performance Report (APR) for FFY2011

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 7 for exiting, discipline, personnel and dispute resolution, December 19 for assessment; and February 2 for Annual Performance); and
- b. Accurate, including covering the correct year and following the correct measurement.

States are required to use the “Indicator 20 Scoring Rubric” for reporting data for this indicator (see Attachment 2).

FFY	Measurable and Rigorous Target
<i>2011</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 2011: 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 as *Attachment 2* to this APR.

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 2009-2010 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 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 this annual conference, KDE staff provides Start of Year and End of Year trainings on the special education module of KSIS. Both of these trainings are provided in several regional locations across the state. Trainings address special education data standards, including definitions for special education data requirements, as well as criteria for data collection and other aspects of the student information system.

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

KDE also sponsors a Special Education Advisory Group for Infinite Campus (SEAGIC) that works with local districts and our 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, and KDE staff as well as staff from the vendor as needed. SEAGIC provides input on the special education content of the system, user interface requests, design of state forms (e.g., IEP, Referral, Meeting Summary, etc.), special education specific requirements required by federal and state laws, and creates data standards.

Data received from local school districts are routinely checked for accuracy and errors by staff within KDE. This includes checking data for duplication, completeness, and accuracy. KDE contacts districts by email and phone to clarify data concerns and data discrepancies from year to year. District and school level data are cleaned utilizing computer automated processes and by data review with KDE staff to make sure anomalies are discovered and either cleaned or explained.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2011:

Explanation of progress: In FFY 2010, Kentucky reported 100% compliance with Indicator 20 using the OSEP rubric format. This means Kentucky met the target for this indicator.

For FFY 2011, Kentucky is using the OSEP approved rubric and has reported 100% compliance. Kentucky has met the target for this indicator and has sustained its level of compliance.

In October 2012 all of the special education EDEN files for Behavior (C005 and C007) and Personnel (C070) were emailed to Kentucky's EDFacts Coordinator for submission. This included both the SEA and LEA versions of these files. Email confirmation was sent from Kentucky's EDFacts Coordinators to the Special Education Data Manager that these files were submitted prior to the November 7, 2012 due date.

Shortly after the submission an error was discovered in the C005 and C007 files. As these files both report data relative to Unilateral Removals to an Interim Alternative Educational Setting, a similar error existed in both files. A correction was made to these files and they were again sent to the EDFacts Coordinator and the files were re-submitted.

Apparently in October when these files were all originally sent to the EDFacts Coordinator to be uploaded 2 different files (C007 and C070) either failed to upload successfully or were overlooked and were not uploaded prior to the November 7, 2012 due date. The Division of Learning Services nor the Special Education Data Manager were aware that these files were not submitted.

Because of the error in the original submission of the C005 and C007 files, corrections were made and sent to the EDFacts Coordinator to be re-submitted. This fixed the data note issues as reported for C005 and resulted in C007 finally being submitted though it was past the due date.

The submission of C007 after the due date was intended to correct an error that existed in the original version of the file but because the file was actually never successfully uploaded this became the first official submission and it was not timely as a result.

C070 for Personnel was originally sent in October to the ED Facts Coordinator and the SEA level of this file was also either over looked or failed to transmit prior to the due date though our ED Facts Coordinator thought the file was submitted. This file contained no known errors and no corrections were submitted. As a result, this file remained un-submitted until last week shortly after notice from our APR Review team from OSEP that the file was not received.

Please note that all of the LEA versions of these files were submitted prior to the due date and the reasons for the late submissions were due to errors not related to the preparation of the files.

Discussion of Improvement Activities Completed:

KDE has continued to convene regular meetings of SEAGIC. In FFY 2011, 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 and how best to not only capture the data but to utilize the program as a case management tool for special education students and staff. This assists districts in realizing the 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 2011:

No revisions needed.

Attachment 2: Part B Indicator 20 Data Rubric

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

DATE: February 2013 Submission

OSEP will use the Rubric for Part B - Indicator 20 to calculate each State's percentage for Indicator 20. In each cell, OSEP will select **1** if the State met the requirements for the given APR indicator or 618 data collection, **0** if the State did not meet the requirements and "N/A" if the requirement is not applicable to the State.

Note any cell marked as N/A will decrease the denominator by 1 for APR and 1.708 for 618.

The following are definitions for the terms used in this worksheet.

SPP/APR Data

- 1) Valid and Reliable Data** - Data provided are from the correct time period, are consistent with 618 (when appropriate) and the measurement, and are consistent with previous indicator data (unless explained).
- 2) Correct Calculation** - Result produced follows the required calculation in the instructions for the indicator.
- 3) Timely** - All data for the APR are submitted on or before February 15, 2013.

618 Data

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

Part B Indicator 20 Data Rubric:

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
6	1	1	2
7	1	1	2
8	1	1	2
9	1	1	2
10	1	1	2
11	1	1	2
12	1	1	2
13	1	1	2
14	1	1	2
15	1	1	2
18	1	1	2
19	1	1	2
		Subtotal	38
APR Score Calculation	Timely Submission Points - If the FFY 2011 APR was submitted on-time, place the number 5 in the cell on the right.		5
	Grand Total – (Sum of the subtotal and Timely Submission Points) =		43

FFY 2011 APR (State)

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: 2/2/12	1	1	1	1	4
Table 2 – Personnel Due Date: 11/2/12	1	1	1	N/A	3
Table 3 – Ed. Environments Due Date: 2/2/12	1	1	1	1	4
Table 4 – Exiting Due Date: 11/2/12	1	1	1	N/A	3
Table 5 – Discipline Due Date: 11/2/12	1	1	1	N/A	3
Table 6 – State Assessment Due Date: 12/19/12	1	NA	NA	N/A	1
Table 7 – Dispute Resolution Due Date: 11/7/12	1	1	1	N/A	3
Table 8 – MOE/CEIS Due Date: 5/1/12	1	1	NA	NA	2
				Subtotal	23
618 Score Calculation			Grand Total (Subtotal X 1.87)=		43

Indicator #20 Calculation	
A. APR Grand Total	43.00
B. 618 Grand Total	43.00
C. APR Grand Total (A) + 618 Grand Total (B) =	86.00
Total N/A in APR	0.00
Total N/A in 618	0.00

	Base	86.00
D. Subtotal (C divided by Base*) =		1.000
E. Indicator Score (Subtotal D x 100) =		100.00

* Note any cell marked as N/A will decrease the denominator by 1 for APR and 1.87 for 618