



Kentucky Department of  
**E D U C A T I O N**

**State Performance  
Plan and Annual  
Performance Report  
(SPP/APR) Indicator  
Support Guide**

Navigating through State and Federal Data Requirements



Office of Special Education and Early Learning

Aug. 18, 2022

The following is non-regulatory guidance designed to work in conjunction with the procedural safeguard protections for students with disabilities under the Individuals with Disabilities Education Act (IDEA). It is intended to be informal guidance representing the interpretation of the applicable statutory or regulatory requirements in the context of the specific facts presented and is not legally binding.

Revision to guidance is reviewed annually and is based on feedback the Office of Special Education and Early Learning (OSEEL) receives from the directors of Special Education (DoSEs), state shareholder groups, the Kentucky Department of Education's (KDE's) interpretation of law, court cases and guidance from the U.S. Department of Education's Office of Special Education Programs (OSEP). The OSEEL also revises guidance based on on-site monitoring visits, desk reviews and formal written complaints.

## Introduction

The IDEA requires states to submit a State Performance Plan (SPP) and to annually report the status toward meeting indicator targets through the Annual Performance Report (APR). The APR is submitted Feb. 1 of each year. To determine Kentucky's status toward meeting targets the OSEEL collects data from local educational agencies (LEAs), parents, the Youth One Year Out (YOYO) survey and complaint investigators. The OSEEL reports and analyzes Kentucky's data within its APR. The APR contains information about how the state performed for each of the indicators. When required by OSEP, the APR also explains why a target was not met and includes descriptions of continued activities for maintaining or improving performance.

Every state is required to submit a new SPP to the OSEP at least every six years. The Federal Fiscal Year (FFY) 2020 SPP/APR submission (submitted February 2022) began a new six-year SPP cycle for FFY 2020-2025. The OSEEL solicited broad stakeholder input on setting the new state targets for the SPP. The OSEEL received input and feedback from parents, school administrators, educators, advocacy organizations, community members and other stakeholders on improving educational outcomes for students with disabilities.

This Indicator Guide provides an overview of each of the 17 indicators in the APR, including: a definition of each indicator; key vocabulary terms specific to that indicator; and a brief explanation of how OSEEL collects data for every indicator. For further information specific to the collection of data, please see the KDE Data Manuals.

The OSEEL analyzes the collected data for each indicator to inform guidance for LEAs. In addition, the OSEEL conducts a desk review for Indicators 4B, 9, 10, 11, 12 and 13. Once any required measurement calculations are completed for all indicators, the data is compared to the established targets and previous years' data to determine trends. If the indicator data target is not met and the trend worsened sufficiently to meet the slippage criteria, the OSEEL works with LEAs to address the identified issues. For Indicators 4B, 9, 10, 11, 12 and 13, the OSEEL works with LEAs through the Corrective Action Plan (CAP) process. For other indicators, the OSEEL opens discussions with LEAs on potential causes for the worsening of data. Current and historical statewide data, disaggregated by LEA, is available on KDE's [Public Reporting of IDEA Part B Data](#) webpage.

This Indicator Guide uses terms throughout the document that may not be familiar to the reader in the context of SPP/APR work. Explanations of the terms used in this document are provided below.

- **Kentucky Student Information Systems (KSIS):** Also known as Infinite Campus (IC), KSIS provides data for many purposes, including policy making, budgetary planning and educational program management and improvement. The KSIS enterprise system



supports Kentucky’s LEAs by providing a secure and seamless integration of data collection needed by LEAs and the OSEEL.

- **Lag Year Data:** Some indicators use data from years prior to the reporting year, known as “lag year” data. For example, Indicators 1, 2, and 4 use data from the 2020-2021 school year for the FFY 2021 APR that is due Feb. 1, 2023, while all other indicators use data from the 2021-2022 school year.
- **Slippage:** When analyzing data, if data for a specific indicator did not meet the identified SPP target and worsened from the previous year more than the slippage criteria for that indicator, then the data reflect the state has experienced slippage in this indicator. The data collected for the indicator show the state or LEA is not making the expected progress on that indicator.



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## SPP Indicator 1: Graduation

**Definition:** Indicator 1 is the percentage of youth ages 14-21 with individual education programs (IEPs) graduating with regular diploma.

### Vocabulary:

- **High school diploma:** The student has completed the required course of study with the minimum number of credit hours as required by [704 KAR 3:305](#) and any applicable LEA requirements. "High school diploma" does not mean a certificate of completion or a General Education Development (GED).

**Data Collection:** DoSEs review the data in the Special Ed Exit Report in IC prior to July 31. Graduation data are based on a school year (July 1 through June 30). For more information, please see OSEEL's Data Manual.

**Measurement:** The OSEEL calculates Indicator 1 by taking the number of youth with IEPs ages 14-21 who exited special education due to graduating with a regular high school diploma and dividing it by the sum of all youth with IEPs ages 14-21 who graduated with a regular high school diploma, graduated with an alternate diploma, reached maximum age or dropped out and then converting the result to a percentage. Students who exited special education by transferring to regular education or moving (but are known to be continuing in an educational program) are not included in the calculation.

$$\frac{\text{Number of students who graduated with a regular diploma}}{\text{Number of students who} \left( \begin{array}{l} \text{graduated with regular diploma + graduated with alt diploma +} \\ \text{reached maximum age + dropped out} \end{array} \right)}$$

### Resources:

- [KDE School Improvement](#)
- [KDE Early Warning and Persistence to Graduation Data Tools](#)
- [KDE Information on Alternative Programs of Distinction](#)
- [KDE Minimum High School Graduation Requirements](#)

### Frequently Asked Question

**Q: Where can we see the Kentucky Graduation Data?**

**A:** For OSEEL's federal reporting, data is available via [OSEEL's Public Reporting of IDEA Part B Data page](#). For state accountability, LEAs, parents and other interested stakeholders may view this data in the [School Report Card](#). Within the school report card application, first choose state, then LEA or school, then Delivery Targets and finally Graduation Rate.

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## SPP Indicator 2: Dropout

**Definition:** Indicator 2 is the percentage of youth ages 14-21 with IEPs who drop out of school.

### Vocabulary:

- **Compulsory School Attendance:** [KRS 159.010](#) states all children must be enrolled in and attend school between the ages of 6 and 18.
- **Dropout:** Kentucky describes what counts as dropping out for all youth as dropouts, runaways, GED recipients, expulsion, status unknown and students who moved and were not known to be continuing in another education program.
- **Exiting Data:** Exiting data report captures the count of students with disabilities, ages 14-21, who exited special education during the school year. In order to be included, students must have begun the school year receiving special education services but at the end of the school year no longer received the services. Students are considered “exiters” for the following reasons:
  - Transferred to full time general education
  - Graduated with a standard high school diploma
  - Received a certification (such as the *Alternative High School Diploma*) indicating program completion and the student withdrew from school
  - Reached the maximum age for services
  - Moved and enrolled in another elementary or secondary program either in another LEA or state or in a private, parochial or homeschool (the student does not have to continue special education in the other school)
  - Dropped out or withdrew and the student’s whereabouts are unknown.

**Data Collection:** All data are collected from the Special Ed Exit Report in IC. Drop out data are based on a school year, July 1 through June 30. LEAs submit a survey indicating verification of student exiting data by July 31. The OSEEL then calculates exiting reason totals by LEA and for the state as well as the dropout rate. Indicator 2 uses lag data.

**Measurement:** The OSEEL calculates Indicator 2 by taking the number of youth with IEPs ages 14-21 who exited special education due to dropping out and dividing it by the sum of all youth with IEPs ages 14-21 who graduated with a regular high school diploma, graduated with an alternate diploma, reached maximum age or dropped out and then converting the result to a percentage. Students who exited special education by transferring to regular education or moving (but are known to be continuing in an educational program) are not included in the calculation.

$$\frac{\text{Number of students who dropped out}}{\text{Number of students who } \left( \begin{array}{l} \text{graduated with regular diploma + graduated with alt diploma +} \\ \text{reached maximum age + dropped out} \end{array} \right)}$$

### Resources:

- [College and Career Readiness and Success Center](#)
- [National Dropout Prevention Center](#)
- [National Center on Educational Outcomes \(NCEO\)](#)
- [IDC IDEA Data Center: Graduation Rate \(Indicator 1\) and Dropout Rate \(Indicator 2\)](#)
- [National Technical Assistance Center on Transition: The Collaborative \(NTACT:C\) Dropout Prevention/Graduation](#)

### Frequently Asked Questions

**Q: Which exit codes in IC count as dropout?**

**A:** Dropout Code 07 is the only Special Ed Exit Status that will indicate the student dropped out. However, if the student is designated under Dropout Code 06: Moved, Known to Continue, the report in IC will look at whether the student enrolled elsewhere. If not, the student will be considered a dropout. LEAs will be notified if status changes from 06 to 07 or vice versa.

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## SPP Indicator 3: Statewide Assessment

**Definition:** Indicator 3 addresses: 3(A) participation rate of students with IEPs, 3(B) proficiency rate of students with IEPs against grade-level academic achievement standards, 3(C) proficiency rate for students with IEPs against alternate academic achievement standards, 3(D) gap in proficiency rates for students with IEPs and all students against grade-level academic achievement standards .

### Vocabulary:

- **Academic Achievement Standard:** A fixed reference point for reporting a student's level of attainment as a particular grade on a scale.
- **Alternate Assessment:** The state assessment program and any school division-wide assessment to the extent the school division has one, for measuring student performance against alternate achievement standards for students with significant intellectual disabilities who are unable to participate in statewide testing, even with accommodations.
- **Free Appropriate Public Education (FAPE):** A FAPE applies to all children with a disability, including those suspended or expelled from school. FAPE includes the special education and related services provided to a child identified with a disability, provided at public expense, including preschool through secondary school education.
- **Grade Level Standards:** The learning standards and academic expectations for a particular grade or grade span in public schools.
- **Least Restrictive Environment (LRE):** Least Restrictive Environment is the educational setting that provides the child access to the general curriculum and same age peers as much as possible based on the child's needs, as determined annually by the Admissions and Release Committee (ARC).
- **Participation Rate:** The number of children with IEPs participating in a statewide assessment.
- **Proficiency Rate:** The number of children with IEPs scoring at or above proficient grade level standards on a statewide assessment.
- **Proficiency Rate Gap:** The difference between the proficiency rate for children with IEPs scoring at or above proficient as measured against grade level standards and the proficiency rate for all students scoring at or above proficient as measured against grade level standards.
- **Proficiency Rate Percent:** The number of children with IEPs scoring at or above proficient against grade level standards (3B) or alternate academic achievement standards (3C) divided by the total number of children with IEPs who received a valid score and for whom a proficiency level was assigned for the regular assessment (3B) or alternate assessment (3C). This is calculated separately for reading and math for grades 4, 8 and high school for the regular assessment (3B) and alternate assessment (3C).

**Data Collection:** The OSEEL pulls Student Data Review and Rosters (SDRR) data from IC. Schools and LEAs are expected to check the data and update it, as necessary. All changes made by schools and LEAs are reflected in the interactive system. When LEAs create rosters within IC, each roster is associated to a specific test. The OSEEL extracts the demographic data for the current year student enrollment once the roster systems are closed.

**Measurement:**

**3A:** The OSEEL measures the statewide assessment participation rate as a percentage of all students with IEPs who participate in statewide assessments. The OSEEL calculates Indicator 3A separately for grades 4, 8 and high school and for the subject areas reading and math.

**3B:** The OSEEL measures proficiency rate as a percentage of children with an IEP who score at or above proficient level against grade-level academic achievement standards on a statewide assessment. The OSEEL calculates Indicator 3B separately for grades 4, 8 and high school and for the subject areas reading and math.

**3C:** The OSEEL measures proficiency rate as a percentage of children with an IEP who score at or above proficient level against alternate academic achievement standards. The OSEEL calculates Indicator 3B separately for grades 4, 8 and high school and for the subject areas reading and math.

**3D:** The OSEEL calculates the proficiency rate gap by subtracting the proficiency rate of students with IEPs against grade-level standards (3B) from the proficiency rate of all students against grade level standards for a given school year. The OSEEL calculates Indicator 3B separately for grades 4, 8 and high school and for the subject areas reading and math.

**Resources:**

- [Universal Technical Assistance for SPP/APR](#)
- [Federally Funded Technical Assistance and Research Centers](#)
- [Office of Special Education Programs Technical Assistance Network](#)

**Frequently Asked Question**

**Q: Is there a list of students with IEPs who participated in alternate assessment?**

**A:** Please contact the Office of Assessment and Accountability.

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## SPP Indicator 4: Suspension/Expulsion

**Definition:** Indicator 4A is the percentage of LEAs with significant discrepancy in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs. Indicator 4B is the percentage of LEAs that have (a) a significant discrepancy, by race or ethnicity in the rate of suspensions or 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.

### Vocabulary:

- **Interim Alternative Educational Setting (IAES):** An alternative educational setting other than the student's current placement enabling the continuation of educational services. Unless determined by an ARC or manifestation determination, students with IEPs can remain in the IAES up to 45 days.
- **Manifestation determination:** A meeting which convenes within 10 days of any decision to change the student's placement due to a violation of the student code of conduct. The purpose of the meeting is to review relevant information and determine if the behavior in question is a manifestation of the student's disability. If the ARC determines the behavior is a manifestation of the student's disability, steps must be taken as outlined in [707 KAR 1:320, Section 15](#).
- **N size:** The number of students with disabilities within the LEA (4A: at least 50 students; 4B: at least 10 students).
- **Removal:** Any instance in which a child is removed from his or her educational placement for disciplinary purposes including in-school suspensions, out of school suspensions, expulsions, removals by school personnel to an interim alternative educational setting (IAES) for violating the student code of conduct and removals by hearing officer to an IAES.
- **Significant discrepancy:** A Kentucky LEA is found to have significant discrepancy under Indicator 4A if the following two criteria are met: The LEA suspends or 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 static rate of 0.2% for these types of removals during that year.

**Data Collection:** LEAs enter student behavior information, including suspensions and expulsions, into IC following [Infinite Campus Safe Schools Data Standards](#).

LEAs are given a survey to verify the Safe Schools data gathered from IC is correct. The Office of Continuous Improvement and Support (OCIS) provides the Safe Schools data to the OSEEL, which then reviews the file to ensure the LEAs have submitted all required data. Then, student-

specific identification numbers are identified for those LEAs whose data indicated students with IEPs are being removed out of school more than 10 days during the school year. For each district with students removed out of school more than 10 days during the school year, the OSEEL conducts a desk review of 10% of identified students, to include no less than 10 students nor more than 50 students for any one district.

**Measurement:**

**4A:** The OSEEL calculates 4A by dividing the number of LEAs that meet the established n-size (50) and have a significant discrepancy in the rates of suspensions and expulsions of students with IEPs for greater than 10 days during the school year by the number of LEAs that meet the established n-size (50) and then converting the result to a percentage.

**4B:** The OSEEL calculates 4B by dividing the number of LEAs that meet the established n-size (10) for one or more racial or ethnic groups and have a) a significant discrepancy in the rates of suspensions and expulsions of students with IEPs for greater than 10 days during the school year 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 by the number of LEAs that meet the established n-size (10) for one or more racial or ethnic groups and then converting the result to a percentage.

**Resources:**

- [Methods for Assessing Racial/Ethnic Disproportionality in Special Education: A Technical Assistance Guide \(Revised\)](#)
- [Equity Requirements in IDEA](#)
- [KDE Safe Schools Data Collection and Reporting](#)

**Frequently Asked Question**

**Q: What is the difference between significant discrepancy and significant disproportionality?**

**A:** Significant discrepancy is the comparison of LEA data from a single year to the static statewide rate. Significant disproportionality is the comparison of data from different subgroups within an LEA.

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## SPP Indicator 5: LRE Placement

**Definition:** Indicator 5 is the percentage of children with IEPs, age 5 and enrolled in kindergarten and ages 6-21, who are served: A) inside regular classes 80% or more of the school day; B) inside regular class less than 40% of the school day; or C) in separate schools, residential facilities or homebound/hospital placements.

**Vocabulary:**

- **LRE:** The setting where a child with a disability can receive an appropriate education designed to meet his or her educational needs alongside peers without disabilities to the maximum extent appropriate.

**Data Collection:** IC houses the data collected for indicators 5A, 5B and 5C. The OSEEL pulls this data as part of the reporting for the Dec. 1 child count. LEAs are then required to submit a survey stating that they have verified the data.

**Measurement:**

**5A:** The OSEEL calculates the percentage of children with IEPs age 5 and in kindergarten and ages 6-21 served inside the regular class 80% or more of the day.

**5B:** The OSEEL calculates the percentage of children with IEPs age 5 and in kindergarten and ages 6-21 served inside the regular class less than 40% of the day.

**5C:** The OSEEL calculates the percentage of children with IEPs age 5 and in kindergarten and ages 6-21 served in separate schools, residential facilities or home/hospital instructional placements.

**Resources:**

- [KDE Technical Assistance Network](#)
- [IRIS Center: LRE](#)
- [IRIS Center: Module on Inclusion](#)
- [PACER Center: Least Restrictive Environments](#)
- [Center on Multi-Tiered System of Support](#)

Frequently Asked Questions
<p><b>Q: Are 5-year-old students in kindergarten calculated into indicator 5A, 5B and 5C?</b></p> <p><b>A:</b> As of the FFY 2019, 5-year-old students in kindergarten are included in Indicator 5 parts A, B and C data.</p>
<p><b>Q: What are the components of Indicator 5?</b></p> <p><b>A:</b> Indicator 5 is divided into three components, each of which measures students with disabilities' (SWD) access to education in the LRE:</p>



## Frequently Asked Questions

- 5A Performance indicator that measures the percentage of children with disabilities, ages 5-21 served in the regular classroom at least 80% of the day
- 5B Performance indicator that measures the percentage of children with disabilities, ages 5-21 served inside the regular classroom 40% of the day
- 5C Performance indicator that measures the percentage of children with disabilities, ages 5-21, served in public or private separate schools, residential facilities or home/hospital instructional placement.

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## SPP Indicator 6: Early Childhood Settings

**Definition:** Indicator 6 is the percentage of children with IEPs, ages 3, 4 and 5 who are enrolled in a preschool program and: A) Receiving the majority of special education and related services in regular early childhood program; B) Attending separate special education class, separate school or residential facility; or C) Receiving special education and related services in the home.

### Vocabulary:

- **Related Services:** Transportation and such developmental, corrective or supportive services as are required to assist a child with a disability to benefit from special education.

**Data Collection:** IC houses data for indicators 6A, 6B and 6C. The OSEEL pulls this data as part of the reporting for the Dec. 1 child count. LEAs are then required to submit a survey stating the data has been verified.

### Measurement:

**6A:** The OSEEL calculates the percentage of preschool children ages 3-5 with IEPs attending an early childhood program and receiving the majority of special education and related services in the regular early childhood program.

**6B:** The OSEEL calculates the percentage of preschool children ages 3-5 with IEPs attending a separate special education class, separate school or residential facility.

**6C:** The OSEEL calculates the percentage of preschool children ages 3-5 with IEPs receiving special education and related services in the home.

### Resources:

- [KDE Early Childhood Regional Training Centers](#)
- [Early Childhood Technical Assistance Center \(ETCA\)](#)
- [Center for IDEA Early Childhood Data Systems \(DaSy\)](#)
- [IDEA Data Center \(IDC\)](#)

#### Frequently Asked Question

**Q: Are 5-year-old students in kindergarten calculated into indicator 6A, 6B and 6C?**

**A:** No. As of the FFY 2019, 5-year-old students in kindergarten are included in Indicator 5, not in Indicator 6.

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## SPP Indicator 7: Preschool Outcomes

**Definition:** Indicator 7 is the percentage of preschool children ages 3-5 with IEPs with improved A) positive social-emotional skills; B) acquisition and use of knowledge and skills; and C) use of appropriate behaviors to meet their needs.

**Vocabulary:**

- **Continuous assessment:** One of five assessments approved by the OSEEL for use in preschool; the assessment chosen must be consistently used a minimum of twice per year (fall and spring) throughout a child's enrollment in preschool.

**Data Collection:** LEA staff enroll preschool students in IC and designate which continuous assessment will be used. The LEA enters the Child Outcomes Summary (COS) Process rating into IC. Three times a year, the OSEEL pulls the data from IC and reviews for completeness.

The student's COS program entry, interim and exit ratings are analyzed using calculators developed by ECTA. The data is then disaggregated into each of the three OSEP target categories:

**7A:** Positive social-emotional skills (including social relationships);

**7B:** Acquisition and use of knowledge and skills (including early language/communication); and

**7C:** Use of appropriate behaviors to meet their needs.

The OSEEL calculates percentage of items on which the student scored at age level at the exit for each of the three outcomes. The OSEEL determines growth by calculating the change in percentage between initial entry, interim and exit ratings. The results are then categorized into one of five levels of functioning (also known as progress categories or outcomes) specified by the OSEP:

- (a) students who did not improve, i.e., did not move nearer to age-equivalent functioning and exhibited no change or a decrease in total item scores;
- (b) students who improved but not sufficiently to move nearer to age-equivalent functioning, i.e., exhibited a total item gain but did not exhibit an increase in age-equivalent functioning;
- (c) students who improved functioning and moved nearer to age-equivalent functioning but did not reach the level of same-aged peers, i.e., increase in percentage of age-equivalent functioning, but still less than 40% of items used to measure an outcome;

(d) students who improved functioning reaching levels comparable to same-aged peers, i.e., reached age-appropriate functioning on at least 40% of items used to measure an outcome; and

(e) students who maintained functioning comparable to same-aged peers, i.e., continued to function at age-level on 40% or more items for an outcome at both entry and exit from preschool.

**Measurement:** For each part of Indicator 7 (A-C), two summary statements are addressed:

**Summary Statement 1 (SS1):** Of those preschool children who entered or exited the preschool program below age expectations in each outcome (a-e), the percentage who substantially increased their rate of growth by the time they turned 6 years of age or exited the program.

**SS1 Measurement:** The OSEEL calculates by taking the total number of preschool children reported in progress category (c) and (d) dividing it by the total number of preschool children reported in progress categories a, b, c and d and converting to a percentage.

**Summary Statement 2 (SS2):** The percentage of preschool children who were functioning within age expectations in each outcome (a-e) by the time they turned 6 years of age or exited the program.

**SS2 Measurement:** The OSEEL calculates by taking the total number of preschool children reported in progress categories (d) and (e) dividing it by the total number of preschool children reported in progress categories (a), (b), (c), (d) and (e) and converting to a percentage.

**Resources:**

- [KDE Early Childhood Regional Training Centers](#)
- [Early Childhood Technical Assistance Center \(ETCA\)](#)
- [Center for IDEA Early Childhood Data Systems \(DaSy\)](#)
- [IDEA Data Center \(IDC\)](#)

**Frequently Asked Questions**

**Q: What happens once data is submitted to the OSEEL?**

**A:** The OSEEL submits student data to OSEP for analyses. OSEP's returns the analyses to the OSEEL in the form of determinations. In turn, the OSEEL will share OSEP's analyses with LEAs for use in driving instruction in order to improve student outcomes.

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## SPP Indicator 8: Parent Involvement

**Definition:** Indicator 8 is the percentage 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.

### Vocabulary:

- **Involvement:** Parental involvement and engagement refers to the two-way partnerships between schools and families, where families are involved and meaningfully engaged in their child's education. For students with disabilities, parent engagement includes parents' capacity to meaningfully participate in the special education process.
- **Parent:** For purposes of the Indicator 8 survey, the term "Parent" is defined by the Kentucky Administrative Regulations for Special Education Programs (KARs) in [707 KAR 1:002, Section 1 \(43\)](#):

Parent means:

- (a) A biological or adoptive parent of a child;
  - (b) A guardian generally authorized to act as the child's parent or authorized to make educational decisions for the child, but not the state if the child is a ward of the state;
  - (c) A person acting in the place of a biological or adoptive parent such as a grandparent, stepparent or other relative with whom the child lives or a person who is legally responsible for the child's welfare;
  - (d) A foster parent if the biological or adoptive parents' authority to make educational decisions on the child's behalf has been extinguished and the foster parent has an ongoing, long-term parental relationship with the child, is willing to make the educational decisions required of parents under 707 KAR Chapter 1 and has no interest that would conflict with the interests of the child;
  - (e) A foster parent if the biological or adoptive parents grant authority in writing for the foster parent to make educational decisions on the child's behalf and the foster parent is willing to make educational decisions required of parents under 707 KAR Chapter 1 and has no interest that would conflict with the interests of the child; or
  - (f) A surrogate parent who has been appointed in accordance with [707 KAR 1:340, Section 6](#).
- **School facilitated:** School facilitated refers to the specific responsibilities schools have in facilitating family engagement and ensuring families are supported through equitable practices, policies and programs. The IDEA outlines the schools' responsibilities in facilitating meaningful engagement with parents of students with IEPs. For example, the

school has specific requirements in facilitating parent involvement in meeting participation, IEP development and informed decision making.

**Data Collection:** The OSEEL sends an email to all LEA DoSEs within the state as part of the process to obtain data for Indicator 8. The email contains information about the survey, as well as suggestions on how the DoSE could promote completion of the survey among students' families. The LEA's DoSE then facilitates survey completion using the method that best meets the needs of all parents of students with active IEPs within the LEA. The email to DoSE also includes a sample letter to parents explaining the purpose of the survey, as well as a QR code and active link to an electronic survey. Sample parent letters and parent surveys are provided in English, Spanish and Arabic.

Moreover, the OSEEL Parent and Family Engagement Consultant engages in regular meetings with a variety of stakeholder groups, including but not limited to, the Kentucky Collaborative for Families and Schools (KYCFS), the State Advisory Panel for Exceptional Children (SAPEC) and the Kentucky Special Parent Involvement Network (KY-SPIN). Both KY-SPIN and KYCFS regularly hold events to train, support and inform parents. The OSEEL engages with these groups to provide links to the survey and emphasize the importance and impact of the data to encourage participation.

**Measurement:** The OSEEL calculates indicator 8 by dividing the number of respondent parents who report schools facilitated parent involvement as a means of improving services and results for children with disabilities by the total number of respondent parents of children with disabilities and converting the result to a percentage.

**Additional Data Analysis and Reporting:** In addition to the data analysis completed for every indicator, the OSEEL completes data analysis specific to Indicator 8, analyzing the demographics of survey respondents. The OSEEL disaggregates the survey data by preschool or school-age students, race or ethnicity, LEA, age, gender and disability category.

In addition to the public reporting of all SPP/APR indicator data, DoSEs may contact the Human Development Institute (HDI) at the University of Kentucky for LEA-specific results from all items on the Parent Survey. These reports show both LEA and state figures for each item, supporting LEA's ability to analyze their local data.

**Resources:**

- [IDC Parent Involvement Toolkit: Making the Most of Parent Involvement Data: Improving Quality and Enhancing Understanding](#)
- [Family Involvement \(OSEP IDEAs that Work\)](#)
- [Family and Community Engagement \(U.S. Department of Education\)](#)
- [OSEEL Family and School Partnerships Critical Fact Sheet](#)
- [Kentucky Special Parent Involvement Network \(KY-SPIN\)](#)

- [Kentucky Collaborative for Families and Schools](#)

### **Frequently Asked Questions**

**Q: How many surveys does the LEA have to turn in to be compliant?**

**A:** Currently, there are no minimum requirements for compliance within LEAs. However, LEAs are encouraged to facilitate survey completion among families to the greatest extent possible.

**Q: What does the OSEEL do with data from the other survey questions (not the APR question)?**

**A:** The HDI provides a detailed narrative report that analyzes other items related to parent involvement. OSEEL reviews and analyzes this data to further understand the needs of LEAs, families and students in relation to parent and family engagement. As an example, the data helps the OSEEL understand which groups are underrepresented in the survey and develop action steps to increase responses among those populations.

**Q: Does the OSEEL review the data from each special education cooperative region?**

**A:** Yes. One way the data is disaggregated is by special education regional technical assistance centers (SERTACs). This data is shared with SERTAC directors both during and after the survey window. This helps the SERTACs further support the individual LEAs within their regions.

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## SPP Indicator 9: Disproportionate Representation in Special Education

**Definition:** Indicator 9 is the percentage of LEAs with disproportionate representation of racial and ethnic groups in special education and related services that is a result of inappropriate identification.

### Vocabulary:

- **Cell size:** The number of students with IEPs identified in the area under examination.
- **Disproportionate representation:** The percentage of the groups in special education differs significantly from their percentage in the general school population.
- **N size:** The number of students who could have been identified in the area under examination.
- **Racial and ethnic sub-groups:** For Indicator 9, states are required to analyze, at minimum, each of the following racial and ethnic sub-groups for children in kindergarten through grade 14: Hispanic/Latino, American Indian or Alaska Native, Asian, Black or African American, Native Hawaiian or Other Pacific Islander, White and Two or more races.
- **Risk ratio:** The comparison of two risks: the risk of the sub-group being examined compared to the risk of all other students not in that sub-group of being subject to the same outcome.

**Data Collection:** The OSEEL collects Indicator 9 data through LEA provided information as self-reported in IC via the Dec. 1 child count. Once the child count data are complete and verified, LEA-level identification data by each of the seven racial and ethnic sub-groups is reviewed to determine if disproportionality exists. For LEAs identified as having a disproportionality, the state reviews policies, procedures and practices for appropriate identification of students with disabilities. The state also reviews student records in each racial and ethnic group identified with a disproportionality. The OSEEL uses this review to determine if the disproportionality identified was due to inappropriate policies, procedures and practices.

Annually, the OSEEL uses a “risk ratio” methodology to determine if disproportionate representation exists in LEAs. The risk ratio methodology identifies LEAs who have disproportionality in the identification of students in particular sub-groups. For Indicator 9, OSEEL applies this methodology to determine if disproportionate representation by race/ethnicity existed when identifying students for special education services. In applying this methodology, the OSEEL reviews each LEA’s data to ensure for each race/ethnicity examined the following conditions exist:

- There were at least 30 students in the racial or ethnic group examined who were enrolled in the LEA. This is often referred to as the n-size and served as the denominator in determining risk.
- There were at least 10 students in the racial or ethnic group being examined who were identified as eligible for special education services. This is often referred to as the cell size and served as the numerator in determining risk.
- The risk for a student in a particular racial or ethnic group was compared to the risk of all other students not of that same racial or ethnic group who were identified for the same outcome. For example, the risk of a white student enrolled in the LEA being identified for special education services was compared to the risk of all non-white students enrolled in the LEA who were identified. The “risk ratio” is the comparison of these two risks.
- The risk ratio or comparison of the two risks indicated that students in the racial or ethnic group examined were at least 2.25 times as likely to be identified for the same outcome than students who were not of that same racial or ethnic group.

**Measurement:** The OSEEL calculates Indicator 9 by taking by the total number of LEAs with disproportionate representation of ethnic groups that is a result of inappropriate identification and dividing it by the number of LEAs that met the established n- or cell-size and converting to a percentage.

**Resources:**

- [Methods for Assessing Racial/Ethnic Disproportionality in Special Education](#)
- [IDEA Data Center \(IDC\)](#)

**Frequently Asked Question**

**Q: If an LEA is identified for a specific racial or ethnic category this year, could an LEA be identified for the same category next year?**

**A:** LEAs will be identified annually if their risk ratio is 2.25 or greater and the review of policies, procedures and practices is found to be inappropriate. When an LEA meets the risk ratio requirements for identification for Indicator 9, the OSEEL will complete a desk audit to determine if the LEA is correctly identifying students in the identified racial or ethnic category.

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## SPP Indicator 10: Disproportionate Representation in Specific Disability Categories

**Definition:** Indicator 10 is the percentage of LEAs with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.

### Vocabulary:

- **Disproportionate representation:** The percentage of the groups in special education differs significantly from the percentage in the general school population.
- **Risk ratio:** The comparison of two risks: the risk of the sub-group under examination as compared to the risk of all other students not in that sub-group of being subject to the same outcome.
- **Cell size:** The number of students with IEPs identified in the area under examination.
- **N size:** The number of students who could have been identified in the area under examination.
- **Specific disability categories:** For Indicator 10, states are required to analyze, at minimum, each of the following seven disability categories for children in kindergarten through grade 14: Intellectual Disabilities (Functional Mental Disability and Mild Mental Disability), Developmental Delay, Specific Learning Disability, Emotional Behavioral Disability, Speech and Language Impairment, Other Health Impairment and Autism.

**Data Collection:** The OSEEL collects Indicator 10 data through LEA-provided data as self-reported in IC via the Dec. 1 child count. Once the child count data are complete and verified, LEA-level identification data by each of the seven racial and ethnic sub-groups and specific disability categories is reviewed to determine if disproportionality exists. For LEAs identified as having a disproportionality, the OSEEL reviews policies, procedures and practices for appropriate identification of students with disabilities. The OSEEL also reviews student-specific records in each racial and ethnic group identified with a disproportionality. The OSEEL uses this review to determine if the disproportionality identified was due to inappropriate policies, procedures and practices.

Annually, the OSEEL uses a “risk ratio” methodology to determine if disproportionate representation exists in LEAs. The risk ratio methodology identifies LEAs who have disproportionality in the identification of students in particular sub-groups. For Indicator 10, OSEEL applied this methodology to determine if disproportionate representation by race/ethnicity and identified as a child with a specific high-incidence disability category existed when identifying students for special education services. In applying this methodology, the OSEEL reviewed each LEA’s data to ensure for each race/ethnicity and specific high-incidence disability examined the following conditions existed:

- There are at least 30 students in the racial or ethnic group with a certain disability category being examined who are enrolled in the LEA,
- There are at least 10 students in the racial or ethnic group with a certain disability category being examined who were identified as eligible for special education,
- The rate at which students in the racial or ethnic group with a certain disability category being examined is 2.25 times and over the rate of students in all other races and certain disability category who are identified.

**Measurement:** The OSEEL calculates Indicator 10 by taking by the total number of LEAs with one or more racial or ethnic groups that meet the established n- or cell-size and have disproportionate representation of racial and ethnic groups in at least one specific disability category divided by the total number of LEAs with one or more racial or ethnic groups that meet the established n- or cell-size and then converting to a percentage.

**Resources:**

- [Methods for Assessing Racial/Ethnic Disproportionality in Special Education](#)
- [IDEA Data Center \(IDC\)](#)

**Frequently Asked Question**

**Q: If an LEA is identified for a specific racial or ethnic category this year, could the same LEA be identified for the same category next year?**

**A:** LEAs will be identified annually if their risk ratio is 2.25 or greater and the review of policies, procedures and practices is found to be inappropriate. When an LEA meets the risk ratio requirements for identification for Indicator 10, the OSEEL will complete a desk audit to determine if the LEA is correctly identifying students in the identified racial or ethnic category.

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## SPP Indicator 11: Child Find

**Definition:** Indicator 11 is the percentage of children evaluated for special education services within 60 school days of parental consent.

### Vocabulary:

- **Child Find:** Following the requirements of [707 KAR 1:300, Section 1 \(a\)](#), LEAs must have policies and procedures that plan and implement a child find system to locate, identify and evaluate each child with a suspected disability age 3 to 21.
- **Evaluation Procedures:** LEAs shall ensure that a full and individual evaluation is conducted for each child considered for specially designed instruction and related services prior to the provision of services.

**Data Collection:** The OSEEL provides a self-assessment spreadsheet to all LEA DoSEs to enter the Indicator 11 data. The OSEEL instructs LEAs to randomly select and then review 10% of students who received parental permission for an initial evaluation, for a total of no fewer than 10 and no more than 50 students. The LEA submits its review results via the self-assessment report to the OSEEL, where the OSEEL checks the LEA's self-reported data for completion, duplication and errors. The OSEEL then reviews and validates self-reported non-compliance and performs random desk reviews to validate self-reported compliance.

**Measurement:** The OSEEL calculates Indicator 11 by taking the total number of children whose evaluations were completed within 60 school days from parental consent and dividing it by the total number of children from whom the LEA received parental consent to evaluate and then converting the result to a percentage.

### Resources:

- [Quick References for IDEA Part B Data](#)
- [KDE Policy Letter #2010-11-01: Establishing Student Eligibility for IDEA Services](#)
- [KDE Monitoring Documents](#)

### Frequently Asked Questions

**Q: Does the 60 school day timeline end at eligibility or the creation of an IEP if eligible?**

**A:** According to [707 KAR 1:320, Section 2\(3\)](#) the 60 school day timeline is measured from the time an LEA receives parental consent for an initial evaluation of the student until the eligibility date. According to [707 KAR 1:320, Section 2\(4\)](#) within this sixty (60) school day period, an LEA shall ensure that the ARC meeting to develop an IEP for the child is conducted within thirty (30) days of the determination that the child is eligible.

**Q: Are there exceptions to the 60 school day requirement?**

**A:** There are two exceptions to the 60 school day requirement:

## Frequently Asked Questions

- If the child moves to a new LEA after consent and prior to the completion of the evaluation, the LEA and the parent can determine a new completion date as long as the LEA is making significant progress; and
- If the parent repeatedly fails or refuses to produce the child for evaluation.

### **Q: How are non-traditional instruction days counted in the 60 school day timeline?**

**A:** Non-traditional instruction days are included as any other instructional day in the 60 school day timeline.

### **Q: If the preschool calendar only has two instructional days per week, does the LEA have 30 weeks to meet the 60 school day timeline?**

**A:** Although preschool calendars in IC may only have two, three or four instructional days per week, the preschool needs to use the LEA calendar for grades K-12 to count the school days between Consent for Evaluation and Eligibility Determination, as the LEA is the responsible party for evaluation. [704 KAR 3:410, Section 6\(3\)](#) states the hours of operation of the half-day program may vary but shall provide a minimum of two and one-half hours of classroom time per day, which shall not include the time required to provide breakfast or lunch. The program shall provide direct services for children or parents for the minimum number of teaching days set by the local school district for the school year.

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## SPP Indicator 12: Part C to B Transition

**Definition:** Indicator 12 is the percentage of children found eligible for Part B with an IEP implemented by their third birthday.

**Vocabulary:**

- **Part B:** Children eligible for IDEA services ages 3-21.
- **Part C:** First Steps eligibility for children under age 3.
- **Technology Assisted Observation and Teaming Support (TOTS):** TOTS early intervention system uses an integrated database that provides an electronic early intervention record for each child referred. The data entry screens reflect the process for enrolling and documenting all services provided to a child in First Steps as well as providing all data needed for provider payments, Medicaid and insurance billing, financial reports and required federal reports. The system also includes enrollment data for all providers and a provider directory of available providers.

**Data Collection:** Quarterly, the OSEEL uses the TOTS system to generate a list of children who are potentially eligible for Part B (at age 2). The OSEEL generates a report and provides LEA preschool coordinators with a list of transitioning children. The OSEEL provides a self-assessment spreadsheet to all LEA DoSEs to enter the Indicator 12 data. Data is collected in six categories:

- a. Number of children who have been served in Part C and referred to Part B for Part B eligibility determination;
- b. Number of those referred determined to be NOT eligible and whose eligibility was determined prior to their third birthdays;
- c. Number of those found eligible who have an IEP developed and implemented by their third birthdays;
- d. Number 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. Number of children determined to be eligible for early intervention services under Part C less than 90 days before their third birthdays; and
- f. Number of children whose parents chose to continue early intervention services beyond the child's third birthday through a state's policy under 34 CFR §303.211 or a similar state option (compensatory education only through First Steps).

The OSEEL instructs LEAs to randomly select and then review 10% of students, for a total of no fewer than 10 and no more than 50 students. The LEA submits its review results via the self-assessment report to the OSEEL, where the OSEEL checks the LEA's self-reported data for completion, duplication and errors. The OSEEL then reviews and validates self-reported non-compliance and performs random desk reviews to validate self-reported compliance.

**Measurement:** The measurement for Indicator 12 must account for children included in category a but not included in categories b, c, d, e or f and indicate the range of days beyond the third birthday when eligibility was determined, the IEP developed and the reasons for the delays.

The OSEEL calculates Indicator 12 as a percentage, where the total number of students in category c is divided by the number of students in category a minus the number of students in category b minus the number of students in category d minus the number of students in category e minus the number of students in category f.

**Resources:**

- [KDE Early Childhood Regional Training Centers](#)
- [Early Childhood Technical Assistance Center \(ETCA\)](#)
- [Center for IDEA Early Childhood Data Systems \(DaSy\)](#)
- [IDEA Data Center \(IDC\)](#)

**Frequently Asked Questions**

**Q: If an LEA receives a referral from First Steps in less than 90 days before a child’s third birthday, is the LEA still required to have the IEP in place by the child’s third birthday?**

**A:** The LEA is responsible for:

- Ensuring that an initial evaluation under Part B is completed and if eligible,
- An IEP is developed and implemented by the child’s third birthday, even if the timeline for conducting an initial evaluation expires after the child’s third birthday

**Q: If a First Steps child’s Individualized Family Service Plan (IFSP) ends a couple of weeks before they turn 3 and the family declines to have a new IFSP meeting for just a short amount of time, does this impact their eligibility for Part B at their 3rd birthday?**

**A:** If there is a lapse between a First Steps child’s IFSP and referral, the child would no longer be receiving First Steps services. This would change their status from transition to a new referral. Timelines would then start over and the LEA would have 60 school days from the referral date to place the child. However, if First Steps follows the requirement of scheduling the transition meeting at least 90 days before the 3rd birthday while the child is still receiving services, then the child would remain as a transition status. The LEA would have the ability and responsibility to begin evaluation and potential placement within the required timeframe.

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## SPP Indicator 13: Secondary Transition with IEP Goals

**Definition:** Indicator 13 is the percentage of youth age 16-21 with an IEP which includes measurable, annually updated postsecondary goal(s) based upon an age-appropriate transition assessment, IEP goals related to transition service needs, transition services and a course of study. Transition services, annual IEP goals related to transition service needs and the course of study should enable the LEA to facilitate the student's reasonable progress toward achieving their postsecondary goals. As part of collecting data for this indicator, LEAs will provide evidence that the student was invited to the ARC meeting where transition services are discussed and evidence that, if appropriate, a representative of participating outside agencies was invited with the prior consent of the parent.

### Vocabulary:

- **Course of study:** A multiyear description of coursework from the student's current school year to the anticipated exit year designed to achieve the student's desired post school goals.
- **Postsecondary goals:** Goals that a student hopes to achieve after leaving high school, including employment, education and, when appropriate, independent living skills.
- **Prior consent to invite outside agency:** For transition services provided or paid for by another agency, the other agency was invited to send a representative with the prior written consent of the parent or the child (if the child is an emancipated adult).
- **Participating outside agency:** Any person or agency not employed by the LEA; an agency that is likely to be responsible for providing or paying for postsecondary transition services [e.g., the Office of Vocational Rehabilitation (OVR)].

**Data Collection:** The OSEEL provides a self-assessment spreadsheet to all LEA DoSEs to enter the Indicator 13 data. The OSEEL instructs LEAs to randomly select and then review 10% of students who are age 16 and older, for a total of no fewer than 10 and no more than 50 students. The LEA submits its review results via the self-assessment report to the OSEEL, where the OSEEL checks the LEA's self-reported data for completion, duplication and errors. The OSEEL then reviews and validates self-reported non-compliance and performs random desk reviews to validate self-reported compliance.

**Measurement:** The OSEEL calculates Indicator 13 by taking the total number of youth age 16 and older with an IEP containing all of the required transition components as outlined in the Indicator 13 definition dividing it by the total number of youth age 16 and older with an IEP and then converting the result to a percentage.

### Resources:

- [Indicator 13 KY Transition Compliance Training](#)
- [Human Development Institute](#)
- [Kentucky Post School Outcome Center \(KYPSO\)](#)

- [National Center on Secondary Education and Transition \(NCSET\)](#)
- [National Technical Assistance Center on Transition: The Collaborative \(NTACT: C\)](#)

## Frequently Asked Questions

### **Q: What must the course of study include?**

**A:** In accordance with [707 KAR 1:320, Section 7\(1\)](#) in the child's eighth grade year or when the child has reached the age of fourteen (14) years, and in alignment with the child's Individual Learning Plan (as required by [704 KAR 3:305](#)), or earlier if determined appropriate by the ARC, the IEP for a child with a disability shall include a statement of the transition service needs of the child under the applicable components of the child's IEP that focus on the child's course of study. This statement shall be updated annually. The student's course of study must connect with/relate to the student's statement of transition services and their postsecondary transition goals. There must be a closely aligned relationship between these components. Example: Student A is currently in 10th grade and will participate in grade 14 after age 18. The IEP should include a course of study for grades 10, 11, 12 and 14.

### **Q: When does an LEA need to obtain signed consent from a parent or guardian to invite an outside agency to attend their child's ARC meeting?**

**A:** If an ARC determines an outside agency needs to be invited to the ARC, the ARC must have consent documented (signed) *prior to* sending the first meeting notice invitation for each scheduled ARC. (Emphasis added.)

Example: For a meeting scheduled for Dec. 1, 2021, the first Meeting Notice scheduled to be sent to parent or guardian is Nov. 10, 2021. Consent to invite the outside agency must be obtained prior to Nov. 10, 2021.

### **Q: If a student's post-secondary goal is still the same but regulation requires it to be updated annually, can the ARC have the same post-secondary goal on prior and current IEP?**

**A:** Yes. However, the ARC must document in the ARC conference summary or in the transition section of the Present Levels section of the student's IEP that, based on data gleaned from current interviews or assessments, the student's postsecondary goal remains the same.

Example: A student's post-secondary goal in the 2019-2020 school year was to go to trade school to become a welder. The student's current post-secondary goal for the 2020-2021 school year is still to go to trade school to become a welder. The ARC would need to document in the ARC conference summary or the transition section of Present Levels section of the student's IEP that, according to the interview with student during ARC, he still wants to go to trade school and become a welder.



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## SPP Indicator 14: Secondary Transition

**Definition:** Indicator 14 is the percentage of youth with IEPs, no longer in school, who are: 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, other postsecondary education or training program or competitively employed or in some other employment within one year of leaving high school.

### Vocabulary:

- **Competitive employment:** A person is employed full-or-part time and: a) compensated at or above minimum wage and comparable to the customary rate paid by the employer to employees without disabilities performing similar duties and with similar training and experience; b) receiving the same level of benefits provided to other employees without disabilities in similar positions; c) at a location where the employee interacts with other individuals without disabilities; and d) presented opportunities for advancement similar to other employees without disabilities in similar positions. [[34 CFR §361.5\(c\)\(9\)](#)] For the purpose of defining the rate of compensation for students working on a “part-time basis” under this category, OSEP maintains the standard of 20 hours a week for at least 90 days at any time in the year since leaving high school.
- **Higher education:** A student is enrolled full- or part-time in a community college or college/university (2- or 4-year program) for at least one complete term in the year following exit from high school.
- **Other education:** A student is enrolled full-or part-time for at least one complete term in an education or training program (e.g., Job Corps, adult education or technical school that is a less than a two-year program) in the year following exit from high school.
- **Other employment:** A person has worked for pay or been self-employed, including work in a family business or farm, for at least 90 total days in the year following exit from high school.

**Data Collection:** The OSEEL contracts with the Kentucky Post School Outcome Center (KYPSO) to support the data collection and analysis for Indicator 14. The KYPSO collects data for Indicator 14 with the assistance of interviewers at the LEA level as part of the YOYO. The KYPSO trains interviewers every other year, and all training materials are available on the KYPSO website. During the data collection window, typically April 1 – Aug. 31, interviewers collect the data and enter it into the online YOYO instrument. During this window, KYPSO sends periodic updates on LEA response rates to DoSEs. Following the data collection window, The KYPSO staff clean and analyze the data in preparation for public reporting.

**Additional Data Analysis and Reporting:** In addition to the data analysis completed by the OSEEL for every indicator, the KYPSO completes data analysis specific to Indicator 14, analyzing how well the respondent group represents the population. The KYPSO compares the

percentage of respondents to the percentage of the population (respondents plus non-respondents) in the areas of race/ethnicity, disability category, manner of exit, gender and region. Respondent groups are considered representative of their population group if their response percentage is within plus or minus 3% of the population. When discrepancies in representativeness are found, KYPSO clearly notes these in its reports. Strategies to increase response rates among under-represented groups are discussed with the Kentucky Interagency Transition Council (KITC) and the state team and communicated to DoSE and interviewers.

The YOYO survey results, including data that is not captured within Indicator 14, is available in an annual report and public data sets available on the [KYPSO](#) website.

**Measurement:**

**14A:** The OSEEL calculates the percentage of youth who are no longer in secondary school, had IEPs in effect when they left school and were: Part A (Enrolled in higher education within one year of exit).

**14B:** The OSEEL calculates the percentage of youth who are no longer in secondary school, had IEPs in effect when they left school and were: Part A + B (competitively employed within one year of leaving high school).

**14C:** The OSEEL calculates the percentage of youth who are no longer in secondary school, had IEPs in effect when they left school and were: Part A + Part B + Part C (Enrolled in other education program or otherwise employed).

**Resources:**

- [Kentucky Post School Outcomes Center \(KYPSO\)](#)
- [KDE Transition Resources](#)
- [National Technical Assistance Center on Transition: The Collaborative \(NTACT:C\)](#)

**Frequently Asked Questions**

**Q: What differentiates Parts A, B and C?**

**A:** The three parts of Indicator 14 build on each other. Part A includes only those students who attended at least one semester of higher education in the year following exit from high school. Part B includes both the students counted in Part A and any other students who are competitively employed for at least 90 total days in the year after high school. Part C includes the students in Part A and Part B, as well as any students who attend at least one term in any other training or education program in the year after exiting high school and any students who are employed for at least 90 totally days in the year after high school.

**Q: If students are enrolled in a higher education program for at least one term and are competitively employed for at least 90 days in the year after high school exit, are they counted in both Parts A and B?**



### Frequently Asked Questions

**A:** When the OSEEL and KYPSO analyze the data, it is analyzed in order: Part A, Part B and then Part C. Each student is counted individually only in the first section for which they qualify. The total count for Part A is included in the measurement for Part B, and the total count for Part B is included in the measurement for Part C.

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## SPP Indicator 15: Hearing Requests Resolved

**Definition:** Indicator 15 is the percentage of hearing requests resolved through resolution session settlement agreements.

**Vocabulary:**

- **Due Process:** A longstanding approach within IDEA to resolving disputes. The filing of a due process complaint is the first step in the process that may lead to a due process hearing. A due process hearing, like many legal proceedings, involves multiple steps that must be followed for a party to have his or her case heard before a hearing officer.
- **Impartial Hearing Officer:** An individual assigned by a board of education pursuant to Education Law or by the commissioner to conduct a hearing and render a decision.
- **Procedural Safeguards:** Safeguards designed to protect the rights of parents and their child with a disability and, at the same time, give families and school systems several mechanisms by which to resolve their disputes.
- **Resolution Session:** One way for parents to discuss their due process complaint and the facts that form the basis of that complaint, so that the school system has the opportunity to resolve the dispute without holding a due process hearing.

**Data Collection:** The State Education Agency (SEA) must monitor the use of resolution meetings. Data is collected under section 618 of the IDEA. The IDEA Part B Dispute Resolution Survey in the *EDFacts* Metadata and Process System (EMAPS) is based upon the total amount of due process complaints filed from July 1 and June 30 of the previous school year, including expedited due process complaints.

This data is disaggregated into (a) the number of resolution meetings that resulted in a written settlement agreement, (b) the number of due process complaints that resulted in hearings that were fully adjudicated, (c) the number of due process hearings that were conducted in which the hearing officer issued a written decision and (d) the number of written decisions within timelines and extended timelines and pending due process complaints by June 30 of the previous school year.

**Measurement:** The OSEEL calculates Indicator 15 by the number of resolution sessions resolved through settlement agreements divided by the number of resolution sessions and then converting the result to a percentage.

**Resources:**

- [IDEA Subpart E – Procedural Safeguards Due Process Procedures for Parents and Children](#)
- [KDE Dispute Resolution Process](#)
- [The Center for Appropriate Dispute Resolution in Special Education \(CADRE\)](#)

## Frequently Asked Questions

### **Q: What is the purpose of the resolution meeting?**

**A:** The purpose of the resolution meeting is to achieve a prompt and early resolution of a parent’s due process complaint to avoid the need for a more costly, adversarial and time-consuming due process hearing and the potential for civil litigation. If the LEA has not resolved the due process complaint to the satisfaction of the parent within 30 days of the receipt of the due process complaint, the hearing officer may proceed with conducting the due process hearing proper.

### **Q: If the complainant is a party other than a parent, may the parties use the mediation process to attempt to resolve the issues in the formal written complaint?**

**A:** An SEA is required to offer the parent and the public agency the opportunity to voluntarily engage in mediation to resolve the issues in a state complaint when the parent has filed a state complaint. However, regulation does not require an SEA to provide mediation when an organization or individual other than the parent files a state complaint. [[34 CFR §300.152\(a\)\(3\)\(ii\)](#)]

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## SPP Indicator 16: Mediation Agreements

**Definition:** Indicator 16 is the percentage of mediations held resulting in mediation agreements which fully or partially resolved the issues in dispute.

**Vocabulary:**

- **Mediation:** A voluntary and non-adversarial dispute resolution process. The meeting is facilitated by an impartial trained mediator and is focused on the needs of the student. The parent and LEA meet and work together to settle the dispute and develop a final agreement.

**Data Collection:** The OSEEL collects data for Indicator 16 under section 618 of the IDEA with the IDEA Part B Dispute Resolution Survey in EMAPS.

**Measurement:** The OSEEL calculates Indicator 16 by the number of mediation agreements related to and not related to due process complaints divided by the number of mediations held and then converting the result to a percentage.

**Resources:**

- [Center for Appropriate Dispute Resolution in Special Education](#)
- [KDE Dispute Resolution Process](#)

### Frequently Asked Questions

**Q: What are the benefits of mediation?**

**A:** Mediation can be a less expensive and less time-consuming method of dispute resolution between parents and LEAs. It is similar to assisted negotiation. It may be helpful in resolving state complaints, thus avoiding the need for the SEA to issue a written decision on the complaint.

**Q: What are the types of issues that can be the subject of mediation?**

**A:** This process offers an opportunity for parents and public agencies to resolve disputes about any matter under [34 CFR Part 300](#), including matters arising prior to the filing of a due process complaint. This includes matters regarding the identification, evaluation or educational placement of a child with a disability or the provision of a FAPE to a child with a disability.

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## SPP Indicator 17: State Systemic Improvement Plan (SSIP)

**Definition:** Indicator 17 is a comprehensive, ambitious, achievable, multi-year plan, with stakeholder engagement in all phases, for improving results for children with disabilities.

### Vocabulary:

- **State Identified Measurable Result (SiMR):** a long-term goal developed using a series of data analysis activities, stakeholder input and a focus on improved outcomes for students with disabilities.
- **Kentucky's SiMR:** To increase the percentage of students with disabilities performing at or above proficient in middle school math, specifically at the 8th grade level, with emphasis on reducing novice performance, by providing professional learning, technical assistance and support to elementary and middle school teachers around implementing, scaling and sustaining Positive Behavioral Interventions and Supports (PBIS) and evidence-based practices in math.
- **Transformation Zone:** a representative group of regions, LEAs, and schools within the education system.

**Data Collection:** As part of the SSIP, there is an evaluation plan with project measures focused on implementation and outcomes to show progress towards the SiMR.

Implementation data including student benchmark, capacity, training system, coaching system, and fidelity is entered in the SSIP Data Dashboard for the Transformation Zone. The OSEEL pulls data from the SSIP Data dashboard annually to report on project measures within the SSIP evaluation plan.

To report on outcome data within the SiMR, the process for Indicator 3B is followed for children with IEPs who score at or above proficient level against grade-level academic achievement standards on a statewide assessment in 8th grade mathematics.

**Measurement:** The OSEEL calculates Indicator 17 as the percentage of children with IEPs performing at or above proficient against grade-level academic achievement standards on a statewide assessment in 8th grade mathematics.

### Resource:

- [KDE State Systemic Improvement Plan](#)

### Frequently Asked Questions

**Q: Why is the SSIP structured differently than other indicators?**

**A:** The OSEP developed an accountability framework, called Results Driven Accountability (RDA). RDA seeks to balance the educational results and functional outcomes for children with disabilities with the compliance requirements of the IDEA. This includes states' development of an SSIP, a comprehensive multi-year plan as part of its APR.



**References:**

IDEA Data Center (IDC), [FFY 2020-2025 SPP/APR Indicator Card](#)

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