

VIRGINIA'S 2005 – 2006 STATE PERFORMANCE PLAN/ ANNUAL PERFORMANCE REPORT

The attached document is the Virginia Department of Education's (VDOE) 2005 – 2006 State Performance Plan/Annual Performance Report (SPP/APR).

In addition to information submitted in the SPP/APR, Table 6, Report of the Participation and Performance of Students with Disabilities on State Assessments, is attached to supplement the information reported for Indicator 3; a copy of the parent survey used to collect data for Indicator 8 is attached; and Table 7, Report of Dispute Resolution Under Part B of the Individuals With Disabilities Education Act, is attached to supplement the information reported for Indicators 16 – 19.

The reader may wish to refer to Virginia's 2004 – 2005 State Performance Plan when reviewing the information included in Virginia's 2005 – 2006 State Performance Plan/Annual Performance Plan. Both of these documents will be available at: <http://www.doe.virginia.gov/VDOE/sess>

Information specific to measuring progress or slippage against state targets is included for Indicators 1, 2, 3, 4.A, 5, 6, 12, 15, 16, 17, 19 and 20.

Information specific to initial baseline data, state targets and improvement activities is being submitted for Indicators 4.B., 8, 9, 10, 11, 13, and 18.

Information specific to the process for the collection of post-secondary outcomes data is being reported for Indicator 14. Initial baseline data, state target and improvement activities will be submitted for Indicator 14 on February 1, 2008.

Information specific to entry level data for students under age six is being reported for Indicator 7. Initial baseline data, state target and improvement activities will be submitted for Indicator 7 on February 1, 2008.

As part of the submission of Virginia's 2005 – 2006 SPP/APR, VDOE is required to address the issues raised in U.S. Department of Education's Office of Special Education Programs March 14, 2006 letter to VDOE, written as follow-up to the 2004 – 2005 SPP.

For "...Issues Identified in the State Performance Plan...", the following information is submitted:

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

For the issue raised related to Indicator 12 in Virginia's 2004 – 2005 State Performance Plan, data were not available prior to the submission of that document in December 2005. Required data have been collected and baseline data, state target and improvement activities are being submitted in the 2005 – 2006 State Performance Plan format.

Indicator 14: Percent of youth who had IEPs, are no longer in secondary school and who have been competitively employed, enrolled in some type of postsecondary school, or both, within one year of leaving high school.

For the issue raised related to Indicator 14 in Virginia's 2004 – 2005 State Performance Plan, the language submitted by the Virginia Department of Education for Indicator 14 was not intended to suggest that VDOE was proposing to use a sampling methodology for collecting data on postsecondary outcomes. VDOE intends to include all school leavers in the survey to be

conducted to collect baseline data to meet the reporting requirements for Indicator 14. If VDOE proposes to change the collection methodology at some point in the future, VDOE will address any such change in subsequent submissions of the State Performance Plan/Annual Performance Report, after consultation with OSEP staff and with input from stakeholders.

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

For the issue raised related to Indicator 20 in Virginia's 2004 – 2005 State Performance Plan, the following language was submitted to address the baseline data requirement for Indicator 20 in Virginia's 2004 – 2005 State Performance Plan:

"All required reports were submitted in accordance with reporting requirements and within required timelines."

This statement should have included additional language stating that "...all data submitted were accurate...."

The following serves as VDOE's revision of the original 2004 – 2005 baseline language for Indicator 20:

"All data submitted to meet 618 and State Performance Plan/Annual Performance Plan requirements were accurate and submitted in a timely manner."

The letter dated March 14, 2006 letter to VDOE also specified certain "...Previously-Identified Issues....". In addressing these "...Previously-Identified Issues...", the following information is submitted:

Indicator 4: Percent of districts identified by the State as having a significant discrepancy in the rates of suspensions and expulsions of children with disabilities for greater than 10 days in a school year;

For the issue raised related to Indicator 4 in Virginia's 2004 – 2005 State Performance Plan, VDOE's efforts in working with school divisions where a significant discrepancy was identified is to provide technical assistance and to focus on providing information on functional behavior assessments and developing behavior intervention plans, consistent with the Effective School-wide Discipline project. On-going assessments are an essential part of the ESD model, including review of policies, procedures or practices, as appropriate. This training also addresses issues related to functional behavior assessments and developing behavior intervention plans where IEP development and procedural safeguards may be impacted.

Technical assistance relative to disciplinary procedures for students with disabilities was made available to all divisions in the state. Issues related to disciplinary practices are also addressed in VDOE's monitoring activities and in school divisions' local self-assessments.

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.

For the issue raised related to Indicator 9 in Virginia's 2004 – 2005 State Performance Plan, VDOE reviewed policies, practices and procedures for all school divisions where significant disproportionality was identified. Technical assistance was made available to these school divisions, as well as to all divisions in the state. VDOE's review of policies, practices and procedures included review of school division action plans to address disproportionality and VDOE has determined that the policies, practices and procedures for the school divisions identified are appropriate.

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

For the issue raised related to Indicator 12 in Virginia's 2004 – 2005 State Performance Plan and raised in the FFY 2003 Annual Performance Report (APR), VDOE intended to report that data on these students were not available, not that the children in question were not receiving services under Part B.

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.

For the issue raised related to Indicator 15 in Virginia's 2004 – 2005 State Performance Plan, all non-compliance findings, including those that had not been corrected within one year of identification, have been corrected. VDOE made on-site visits to school divisions that failed to make corrections in one year; met with directors of special education and division superintendents to address the findings; required monthly progress reports from school divisions and provided technical assistance specific to the noncompliance findings. Documentation was obtained to verify compliance with identified noncompliant findings.

Virginia's SPP/APR will be disseminated to the public. The SPP will be available on the VDOE website, and will be disseminated to all school divisions in the state, to members of the State Special Education Advisory Committee (SSEAC), and to all local advisory committees (LACs). The SPP will also be made to available to various media, consistent with VDOE dissemination of other material.

Please contact Mr. Paul J. Raskopf at 804-225-2080 or at paul.raskopf@doe.virginia.gov for information related to Virginia's State Performance Plan/Annual Performance Plan.

Part B State Annual Performance Report (APR) for 2005 - 2006

Overview of the State Performance Plan Development:

See overview description in introduction section.

Monitoring Priority: FAPE in the LRE

Indicator 1:

Percent of youth with IEPs graduating from high school with a regular diploma compared to percent of all youth in the State graduating with a regular diploma.

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

Measurement:

Measurement for youth with IEPs should be the same measurement as for all youth. Explain calculation.

FFY	Measurable and Rigorous Target
2005 - 2006	55% of youth with IEPs graduating from high school will receive an advanced studies or standard diploma.

Actual Target Data for 2005 - 2006:

Data Source: Data for Indicator 1 are taken from VDOE's school division end of year report.

In Virginia's 2004 - 2005 State Performance Plan, a graduation rate/diploma rate for all students was calculated by identifying the number of students receiving an advanced studies diploma or a standard diploma divided by the number of all students receiving diplomas (total number of advanced studies diplomas, standard diplomas, modified standard diplomas, special diplomas, certificates of attendance, and General Education Development (GED) Certificates). The graduation/diploma rate for students with disabilities was calculated by identifying the number of students with disabilities receiving an advanced studies diploma or a standard diploma divided by the number of all students with disabilities receiving diplomas (total number of advanced studies diplomas, standard diplomas, modified standard diplomas, special diplomas, certificates of attendance, and General Education Development (GED) Certificates).

Virginia did not meet the target established for the 2005 - 2006 school year. Using the calculation described above, the graduation rate/diploma rate for all students for the 2005 - 2006 school year was 85.2%. The graduation rate/diploma rate for students with disabilities for the 2005 - 2006 school year was 48.6%.

The graduation rates/diploma rates for both all students and students with disabilities dropped for the 2005 – 2006 school year. The gap between the graduation rate/diploma rate for all students and the graduation rate/diploma rate for students with disabilities narrowed slightly from the previous year.

Beginning with the 2006 - 2007 school year, Virginia will use the No Child Left Behind (NCLB) graduation rate calculation. This will necessitate a revision to the targets established in the 2004 - 2005 State Performance Plan. The revised targets and justification for the revisions are identified below.

DISCUSSION OF BASELINE DATA USING THE NCLB GRADUATION RATE CALCULATION:

The NCLB calculation takes the number of graduates in a given year divided by the number of graduates in that year, plus other completers that year, plus the number of 12th grade dropouts that year, the number of 11th grade dropouts a year earlier, the number of 10th grade dropouts 2 years earlier, and the number of 9th grade dropouts 3 years earlier. The numerator includes only Standard diplomas and Advanced Studies diplomas. The calculation does not account for transfers in or out of a school division. It does not measure “on-time” graduation. It accounts for students that may take longer to graduate.

Using the NCLB graduation calculation for the 2005 - 2006 school year, Virginia’s graduation rate for all students was 79%. The graduation rate for students with disabilities was 42%.

Information on Virginia’s Standards of Accreditation and requirements for diploma types can be found at:

<http://www.doe.virginia.gov/VDOE/Accountability/soa.html> .

Additional information can be found in Virginia’s Consolidated State Application and Accountability Workbook, revised June 2006, available at <http://www.doe.virginia.gov/VDOE/nclb/#csa>.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for 2005 - 2006:

All activities listed for Indicator 1 in Virginia’s 2004 - 2005 State Performance Plan were completed.

Using the calculation described above, the graduation rate/diploma rate for all students for the 2004 – 2005 school year was 90.3 percent. The graduation rate/diploma rate for students with disabilities for the 2004 – 2005 school year was 51.5 percent.

Using the calculation described above, the graduation rate/diploma rate for all students for the 2005 – 2006 school year was 85.2 percent. The graduation rate/diploma rate for students with disabilities for the 2005 – 2006 school year was 48.6 percent.

Therefore, there was slippage from the 2004 – 2005 school year to the 2005 – 2006 school year. Progress or slippage from the 2005 – 2006 school year compared to the 2006 – 2007 school year will be measured using the NCLB graduation rate calculation.

VDOE expects to place continued emphasis on providing online tools and tutorials designed to assist students and teachers with preparing for SOL assessments.

VDOE expects to continue to support local graduation academies to prepare rising seniors in need of verified units of credit.

VDOE expects to reassess whether additional data need to be collected to adequately assess whether progress has been made in reaching the state target for this indicator.

It is difficult to determine the impact of these activities on the 2005 - 2006 target graduation rates/diploma rates for all students and for students with disabilities. One factor related to this difficulty is that the activities that VDOE and school divisions in Virginia engage in may not have been in effect long enough to have an impact on the students who received regular diplomas in the 2005 – 2006 school year.

With one year’s data to compare to the target established in the 2004 - 2005 State Performance Plan, it is difficult to attribute which activities may or may not have contributed to progress or slippage. Once VDOE’s activities have been in place for several years, it is expected that the impact of those activities on a graduation rate can be better assessed. Also, once several years’ data have been collected, VDOE will have trend data which will be more likely to help attribute reasons for progress or slippage.

With the new calculation for a graduation rate and with new targets based on this calculation, VDOE will reassess which improvement activities can best provide information which can be used to measure progress or slippage.

The following chart displays totals for all diploma types available to students with disabilities in Virginia. VDOE believes these data more accurately depict the graduation status for students with disabilities in Virginia.

Students with Disabilities Completing School Ages 14-22+		
High School Completion Type	2004 - 2005	2005 - 2006
Advanced Studies Diploma	620 (7%)	765 (8%)
Standard Diploma	3949 (42%)	3894 (40%)
Modified Standard Diploma	1700 (16%)	1905 (20%)
Special Diploma	2583 (29%)	2501 (26%)
Certificate of Program Completion	646 (6%)	520 (5%)
General Education Development (GED) Certificate	11 (<1%)	109 (1%)
TOTAL	9509	9694

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for 2006 - 2007:

FFY	Measurable and Rigorous Target
2006 - 2007	43% of youth with IEPs graduating from high school will receive an advanced studies or standard diploma.
2007 - 2008	45% of youth with IEPs graduating from high school will receive an advanced studies or standard diploma. ***There will be new math graduation requirements in effect for the first time for the 2007-2008 school year. These requirements will impact students with and without disabilities and could require VDOE to revise graduation rate targets again.
2008 - 2009	47% of youth with IEPs graduating from high school will receive an advanced studies or standard diploma.

<p>2009 - 2010</p>	<p>50% of youth with IEPs graduating from high school will receive an advanced studies or standard diploma.</p>
<p>2010 - 2011</p>	<p>53% of youth with IEPs graduating from high school will receive an advanced studies or standard diploma.</p>

The justification for the revised targets is that this change will make Virginia’s target for a graduation rate for students with disabilities consistent with Virginia’s Accountability Workbook assurances of meeting No Child Left Behind requirements. These targets will also be consistent with Virginia’s State Board of Education initiatives and Annual Measurable Objectives (AMO) related to graduation rates and drop out rates.

In addition to the activities listed above, VDOE, through the Redesign the American High School initiative, will expand school divisions’ Algebra Readiness programs. VDOE will also help school divisions in developing and implementing transition plans aimed at reducing the number of ninth and tenth grade students retained in grade.

Part B State Annual Performance Report (APR) for 2005 - 2006

Overview of the State Performance Plan Development:

See overview description in introduction section.

Monitoring Priority: FAPE in the LRE

Indicator 2:

Percent of youth with IEPs dropping out of high school compared to the percent of all youth in the State dropping out of high school.

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

Measurement:

The measurement for the percent of youth with IEPs dropping out of high school is the same as that for all youth. The yearly dropout rate for all students and for students with disabilities is defined as:

- (i) the number of dropouts for a given school year; divided by
- (ii) the September 30th membership of that school year.

FFY	Measurable and Rigorous Target
2005 – 2006	The drop out rate for students with disabilities will decrease to 1.93 percent.

Data Source: Data for Indicator 2 are taken from VDOE’s end-of-the-year school division report.

The Virginia Department of Education (VDOE) defines dropout as an individual in grades 7-12 who was enrolled in school at some time during the previous school year and was not enrolled on October 1 of the current school year, or was not enrolled on October 1 of the previous school year although expected to be in the membership, has not graduated from high school or completed a state or district approved educational program and does not meet any of the exclusionary conditions: transfer to another public school district, private school or state or district approved education program, temporary school-recognized absence due to suspension, illness or death.

Actual Target Data for 2005 - 2006:

For the 2005 - 2006 school year, school divisions reported 10,737 students dropping out, for grades 7-12. The total membership for all students for grades 7-12 was 563,403.

For the 2005 - 2006 school year, school divisions reported 1,739 students with disabilities dropping out, for grades 7-12. The total membership for students with disabilities for grades 7-12 was 78,958.

For the 2005 - 2006 school year, the drop out rate for all students, grades 7-12, is calculated as the total number of students reported as dropped out for that year divided by the total number of students reported in grades 7-12. The rate for all students was 1.9 %.

For the 2005 - 2006 school year, the drop out rate for students with disabilities, grades 7-12, is calculated as the total number of students with disabilities reported as dropped out for that year divided by the total number of students with disabilities, grades 7-12. The rate for students with disabilities was 2.2 percent.

Virginia did not meet the projected drop out rate of 1.93 percent for the 2005 - 2006 school year.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for 2005 - 2006:

All activities listed for Indicator 2 in Virginia's 2004 - 2005 State Performance Plan for Indicator 2 were completed. VDOE expects to place continued emphasis on the implementation of the Transition Outcomes Project.

The drop out rate for all students for the 2004 – 2005 school year was 1.85 %.

The drop out rate for students with disabilities for the 2004-2005 school year was 1.96 %.

The drop out rate for all students for the 2005 – 2006 school year was 1.90 %.

The drop out rate for students with disabilities for the 2005-2006 school year was 2.20 %.

Since the dropout rate for students with disabilities increased instead of decreasing, there was slippage from the 2004 – 2005 school year to the 2005 – 2006 school year. It should be noted that the rate for all students also increased from 2004 – 2005 to 2005 – 2006.

With only one year's data to compare to the target established in the 2004 - 2005 State Performance Plan, it is difficult to attribute which activities may or may not have contributed to progress or slippage.

Once VDOE's activities have been in place for several years, it is expected that the impact of those activities on a drop out rate can be better assessed. Also, once several years' data have been collected, VDOE will have trend data which will be more likely to help attribute reasons for progress or slippage.

VDOE will reassess which improvement activities can best provide information which can be used to measure progress or slippage.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for 2006 - 2007

VDOE participates in the Virginia Team for Youth which is a collaborative effort among VDOE, Virginia Department of Social Services, Virginia Department of Correctional Education, Virginia Department of Juvenile Justice, Virginia Department of Rehabilitative Services, Job Corps, and Workforce Investment-

Youth Coordinators. The team initiates and facilitates networking at a local level for the purpose of providing transition services to all at risk youth.

Part B State Annual Performance Report (APR) for 2005 - 2006

Overview of the Annual Performance Report Development:

See overview description in introduction section.

Monitoring Priority: FAPE in the LRE

Indicator 3:

Participation and performance of children with disabilities on statewide assessments:

- A. Percent of districts that have a disability subgroup that meets the State's minimum "n" size meeting the State's AYP objectives for progress for disability subgroup.
- B. Participation rate for children with IEPs in a regular assessment with no accommodations; regular assessment with accommodations; alternate assessment against grade level standards; alternate assessment against alternate achievement standards.
- C. Proficiency rate for children with IEPs against grade level standards and alternate achievement standards.

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

Measurement:

- A. Percent = $[(\# \text{ of districts meeting the State's AYP objectives for progress for the disability subgroup (children with IEPs)}) \text{ divided by the (total \# of districts that have a disability subgroup that meets the State's minimum "n" size in the State)}] \text{ times } 100.$
- B. Participation rate =
 - a. # of children with IEPs in assessed grades;
 - b. # of children with IEPs in regular assessment with no accommodations (percent = $[(b) \text{ divided by } (a)] \text{ times } 100$);
 - c. # of children with IEPs in regular assessment with accommodations (percent = $[(c) \text{ divided by } (a)] \text{ times } 100$);
 - d. # of children with IEPs in alternate assessment against grade level achievement standards (percent = $[(d) \text{ divided by } (a)] \text{ times } 100$); and
 - e. # of children with IEPs in alternate assessment against alternate achievement standards (percent = $[(e) \text{ divided by } (a)] \text{ times } 100$).

Account for any children included in a but not included in b, c, d, or e above.

Overall Percent = $[(b + c + d + e) \text{ divided by } (a)].$

- C. Proficiency rate =
 - a. # of children with IEPs in assessed grades;
 - b. # of children with IEPs in assessed grades who are proficient or above as measured by the regular assessment with no accommodations (percent = $[(b) \text{ divided by } (a)] \text{ times } 100$);
 - c. # of children with IEPs in assessed grades who are proficient or above as measured by the regular assessment with accommodations (percent = $[(c) \text{ divided by } (a)] \text{ times } 100$);
 - d. # of children with IEPs in assessed grades who are proficient or above as measured by the alternate assessment against grade level achievement standards (percent = $[(d) \text{ divided by } (a)] \text{ times } 100$); and
 - e. # of children with IEPs in assessed grades who are proficient or above as measured

against alternate achievement standards (percent = [(e) divided by (a)] times 100).
 Account for any children included in a but not included in b, c, d, or e above.
 Overall Percent = [(b + c + d + e) divided by (a)].

FFY	Measurable and Rigorous Target
2005 - 2006	<p>A. At least 64% of Virginia’s school divisions will meet AYP objectives for students with disabilities subgroup.</p> <p>B. At least 95% of students with disabilities will participate in state assessments.</p> <p>C. At least 69% of students with disabilities will pass state English/Reading assessments. At least 67% of students with disabilities will pass state mathematics assessments.</p>

Data Source: Data for Indicator 3 are taken from VDOE’s state assessment data. Measurement for youth with Individualized Education Programs (IEPs) on assessment performance is the same measurement as for all youth for determining Adequate Yearly Progress (AYP) for schools and school divisions under the *No Child Left Behind Act*. AYP calculations include only first-time test takers and test answer sheets are coded to show if the test is “retest” or “recovery.”

Virginia’s annual measurable objectives for students with disabilities are consistent with those for all students as described in Virginia’s Accountability Workbook. The Accountability Workbook may be accessed at <http://www.doe.virginia.gov/VDOE/nclb/#csa>.

Actual Target Data for 2005 - 2006:

Virginia administered state assessments in grades 3, 4, 5, 6, 7, 8, and End-of-Course as required under the No Child Left Behind Act. In Virginia End-of-Course is considered grade 11. The addition of proxy percentages was used to calculate AYP. The percentages (14 percent for reading and 17 for mathematics) represent students with IEPs who demonstrate proficiency on modified achievement standards and were added to the subgroup’s pass rates under interim flexibility for states announced in May 2005 by United States Secretary of Education. The addition of grades 4, 6, and 7 into the Virginia state assessment program during the 2005 - 2006 school year dramatically changed the pool of students from which the baseline data were originally gathered.

- A. VDOE met the state target established in the 2004 - 2005 State Performance Plan. 76.5% (101 of 132) of Virginia’s public school divisions met Adequate Yearly Progress (AYP) objectives for the students with IEPs.
- B. VDOE met the state target established in the 2004 - 2005 State Performance Plan. Consistent with participation requirements for No Child Left Behind, data from 2005 - 2006 provide the percentage of students who participated in Virginia’s Standards of Learning (SOL) assessments for English/Reading and mathematics in grades 3, 4, 5, 6, 7, 8, and high school End-of-Course. The overall percentage for state assessment participation for students with IEPs is 99.8% for English/Reading and 99.7% for mathematics.

- C. VDOE did not meet the state targets for proficiency rates for Reading/English and Math. The data provided indicate that 64.6% of students with IEPs scored “proficient” or above in English/Reading and 53.6% scored “proficient” or above in mathematics on state assessments. These data include all tested grades 3, 4, 5, 6, 7, 8, and high school End-of-Course.

Table 6 Summary:

Additional information included in Table 6, Report of the Participation and Performance of Students with Disabilities on State Assessments By Content Area, Grade, and Type of Assessment, that is not addressed in Indicators 3.A, 3.B. and 3.C. include numbers of students with disabilities who participated in the state assessment program with accommodations and numbers of students exempted from the state assessment program. This information, including reasons for exemptions, is attached.

The VAAP was revised in 2005 to reflect student achievement on Aligned Standards of Learning and adjusted to the need for testing and scoring entries at more grade levels as required by the *No Child Left Behind Act*.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for 2005 - 2006:

All activities listed for Indicator 3 in Virginia’s 2004 - 2005 State Performance Plan were completed.

Because of the addition of testing grades 4, 6 and 7, it would not be statistically sound to compare 2005 – 2006 data to 2004 – 2005 data. Also, it would not be statistically sound to address progress or slippage due to this issue.

VDOE expects to place continued emphasis on providing training and technical assistance on activities related to reading skills, with a focus on needs of special education teachers, linking with Virginia’s Reading First project.

VDOE expects to place continued emphasis on providing online tools and tutorials designed to assist students and teachers with preparing for SOL assessments. This will include providing tutorials for students who need additional preparation for retakes of the SOL tests needed for high school verified course credits.

VDOE expects to place continued emphasis on providing instructional resources that will assist elementary, middle, and high school teachers in the delivery of SOL content to students using differentiated instructional techniques and technology and will continue to make available at www.ttaonline.org

VDOE expects to place continued emphasis on providing coordinated training and technical assistance on the need for and use of assistive technology (AT) with a focus on access to the general curriculum and support for including students with disabilities in general classrooms and community settings and will continue to make available at www.ttaonline.org

VDOE expects to place continued statewide training to improve literacy for students with disabilities that will enable them to be successful in learning the SOL content. Target middle and high school teachers in high need schools to be trained in the University of Kansas Strategic Instruction Model (SIM) and provide state support for pilot demonstration schools to implement the Strategic Instruction Model - Content Literacy Continuum (SIM-CLC)

It is difficult to determine the impact of these activities on the 2005 - 2006 assessment targets for students with disabilities. One factor that makes measuring the impact of improvement activities difficult is that many of the activities do not impact all assessments or all grades tested.

With one year's data to compare to the target established in the 2004 - 2005 State Performance Plan, it is difficult to attribute which activities may or may not have contributed to progress or slippage. Once VDOE's activities have been in place for several years, it is expected that the impact of those activities on assessment targets can be better assessed. Also, once several years' data have been collected, VDOE will have trend data which will be more likely to help attribute reasons for progress or slippage.

VDOE will reassess which improvement activities can best provide information which can be used to measure progress or slippage.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for 2006 - 2007:

For the 2006 state test administration, students were tested at grade level during each year of middle school rather than once on a cumulative test at the end of middle school. The VDOE has convened an advisory committee of division superintendents, principals, mathematics specialists and teachers, division directors of testing, and key instructional leaders to discuss the results of these new tests. The committee members have studied the data from the 2005 - 2006 grade-6 and grade-7 mathematics assessments and identified specific areas in which students have had difficulty. This analysis will assist with the design of instructional strategies to help students meet the standards and prepare them for success in Algebra I. The Division of Assessment and Reporting has released tests for grades 6 and 7 to assist in determining what interventions are needed to enable students to experience greater success. Additionally, the VDOE plans to provide sixth- and seventh-grade "ePat" practice tests.

In addition to improvement activities previously reported, VDOE provided online practice assessments and tutorials designed to help students prepare for SOL assessments, provided tutorials for students who need additional preparation for retakes of the SOL tests needed for high school verified course credits and provided a Web-based application that assesses mathematics competencies from fourth to ninth grades to assist with local remediation programs. VDOE expects to continue these activities during the 2006 – 2007 school year.

Resources include VDOE staff, TTAC staff and others listed in the activity description.

Part B State Annual Performance Report (APR) for 2005 - 2006

Overview of the Annual Performance Report Development:

See overview description in introduction section.

Monitoring Priority: FAPE in the LRE

Indicator 4:

Rates of suspension and expulsion:

- A. Percent of districts identified by the State as having a significant discrepancy in the rates of suspensions and expulsions of children with disabilities for greater than 10 days in a school year;

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

Measurement:

- A. Percent = [(# of districts identified by the State as having significant discrepancies in the rates of suspensions and expulsions of children with disabilities for greater than 10 days in a school year) divided by the (# of districts in the State)] times 100.

Include State’s definition of “significant discrepancy.”

FFY	Measurable and Rigorous Target
2005 - 2006	Reduce the percentage of school divisions with significant discrepancy for long-term suspensions to 12 percent and for expulsions to 8 percent.

Note: This statement is included to address the issue cited in OSEP’s March 14, 2006 letter to Virginia specific to language submitted in Indicator 4 in Virginia’s 2004 – 2005 State Performance Plan and in previous year’s Annual Performance Report (APR).

VDOE’s efforts in working with school divisions where a significant discrepancy was identified is to provide technical assistance and to focus on providing information on functional behavior assessments and developing behavior intervention plans, consistent with the Effective School-wide Discipline project. On-going assessments are an essential part of the ESD model, including review of policies, procedures or practices, as appropriate. This training also addresses issues related to functional behavior assessments and developing behavior intervention plans where IEP development and procedural safeguards may be impacted.

Technical assistance relative to disciplinary procedures for students with disabilities was made available to all divisions in the state. Issues related to disciplinary practices are also addressed in VDOE’s monitoring activities and in school divisions’ local self-assessments.

Data Source: Data for Indicator 4.A. are taken from VDOE’s annual discipline/crime and violence report.

Actual Target Data for 2005 - 2006:

Virginia identified school divisions with significant discrepancy as those divisions whose rate of long-term suspensions exceeds the rate for students without disabilities, is greater than the state average and has a number of long-term suspensions greater than three. 26 school divisions out of 132 school divisions in the state met these criteria, for a percentage of 20 percent.

The same analysis is conducted for identifying significant discrepancy for expulsions. 18 school divisions out of 132 school divisions in the state met these criteria, for a percentage of 14 percent.

Based on these data, Virginia did not meet the target of 12 percent of school divisions having significant discrepancy for long-term suspensions, and did not meet the target of 8 percent of school divisions having significant discrepancy for expulsions.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for 2005 - 2006:

VDOE expects to place continued emphasis on training and technical assistance related to conducting functional behavior assessments and developing behavior intervention plans. Sixty-two schools in 27 school divisions received training, support, and facilitation as part of the Effective School-wide Discipline project.

The percent of school divisions determined to have a significant discrepancy comparing the rate of long-term suspensions for all students to those for students with disabilities for the 2004 – 2005 school year was 13.6 percent.

The percent of school divisions determined to have a significant discrepancy comparing the rate of expulsions for all students to those for students with disabilities for the 2004 – 2005 school year was 9 percent.

The percent of school divisions determined to have a significant discrepancy comparing the rate of long-term suspensions for all students to those for students with disabilities for the 2005 – 2006 school year was 20 percent.

The percent of school divisions determined to have a significant discrepancy comparing the rate of expulsions for all students to those for students with disabilities for the 2005 – 2006 school year was 14 percent.

This represents slippage in both areas comparing data from the 2004 – 2005 school year to the 2005 – 2006 school year.

It is difficult to determine the impact of these activities on the 2005 - 2006 suspension and expulsion rates for all students and for students with disabilities.

With one year's data to compare to the target established in the 2004 - 2005 State Performance Plan, it is difficult to attribute which activities may or may not have contributed to progress or slippage. Once VDOE's activities have been in place for several years, it is expected that the impact of those activities on suspension and expulsion rates can be better assessed. Also, once several years' data have been collected, VDOE will have trend data which will be more likely to help attribute reasons for progress or slippage.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for 2006 – 2007:

Part B State Performance Plan (SPP) for 2005 - 2010

Overview of the State Performance Plan Development:

See overview description in introduction section.

Monitoring Priority: FAPE in the LRE

Indicator 4:

Rates of suspension and expulsion:

- B. Percent of districts identified by the State as having a significant discrepancy in the rates of suspensions and expulsions of greater than 10 days in a school year of children with disabilities by race and ethnicity.

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

Measurement:

- B. Percent = $[(\# \text{ of districts identified by the State as having significant discrepancies in the rates of suspensions and expulsions for greater than 10 days in a school year of children with disabilities by race ethnicity}) \div (\# \text{ of districts in the State})] \times 100$.

Include State's definition of "significant discrepancy."

Data Source: Data for Indicator 4.B. are taken from VDOE's annual discipline/crime and violence report.

Overview of Issue/Description of System or Process:

In order to identify significant discrepancies in the rates of long-term suspensions by race, the total number of suspensions of black students with disabilities was divided by the total number of suspensions for all students with disabilities to derive a percentage for each school division. That percentage was compared to the percentage that black students comprise of the total school population for each school division. If the difference between the two numbers exceeded five percent for a school division, that division was designated as having a significant discrepancy in rates of long-term suspensions for black students with disabilities.

For example, if a school division had a total of 65 total suspensions for students with disabilities and 45 of those were for black students with disabilities, then 69 percent of all suspensions for students with disabilities would have been for black students. In comparison, for this example, the percentage of black students in this school division represents 37 percent of the general population. In this case, the difference between the two percentages is greater than five percent, and a significant discrepancy exists.

The same process of analysis was applied to the expulsions for all school divisions. The expulsion rate was significantly less than the suspension rate. Therefore, school divisions that exceeded a twenty percent difference between the expulsion rate of black special education students and blacks in the total school population were identified as having significant discrepancy.

The above process was followed using suspension and expulsion data submitted to the Virginia Department of Education from school divisions through the 2005 - 2006 collection of data for the annual *Discipline, Crime, and Violence* report.

Baseline Data for FFY 2005 - 2006:

Data analysis identified 23 school divisions, out of the 132 school divisions in the state, with a difference of over five percent in the percentage of suspensions of black students with disabilities compared with the black students' percentage of the total student population.

Data analysis indicated that 11 school divisions, out of the 132 school divisions in the state, had a twenty percent difference in the percentage of expulsions of black students with disabilities compared with the total percentage of black students in the general population.

Discussion of Baseline Data:

The twenty-three (23) school divisions identified with possible significant discrepancies in rates of long-term suspension by race represent seventeen (17) percent of all school divisions.

The eleven (11) school divisions identified with possible significant discrepancies in rates for expulsion by race represent eight (8) percent of the state's school divisions.

FFY	Measurable and Rigorous Target
2006 – 2007	<p>16 percent of school divisions will have a significant discrepancy in the rates of suspensions for children with disabilities by race and ethnicity.</p> <p>7 percent of school divisions will have a significant discrepancy in the rate of expulsions for children with disabilities by race and ethnicity.</p>
2007 - 2008	<p>16 percent of school divisions will have a significant discrepancy in the rates of suspensions for children with disabilities by race and ethnicity.</p> <p>7 percent of school divisions will have a significant discrepancy in the rate of expulsions for children with disabilities by race and ethnicity.</p>
2008 - 2009	<p>15 percent of school divisions will have a significant discrepancy in the rates of suspensions for children with disabilities by race and ethnicity.</p> <p>6 percent of school divisions will have a significant discrepancy in the rate of expulsions for children with disabilities by race and ethnicity.</p>
2009 - 2010	<p>15 percent of school divisions will have a significant discrepancy in the rates of suspensions for children with disabilities by race and ethnicity.</p> <p>6 percent of school divisions will have a significant discrepancy in the rate of</p>

	expulsions for children with disabilities by race and ethnicity.
2010 - 2011	<p>14 percent of school divisions will have a significant discrepancy in the rates of suspensions for children with disabilities by race and ethnicity.</p> <p>5 percent of school divisions will have a significant discrepancy in the rate of expulsions for children with disabilities by race and ethnicity.</p>

Improvement Activities/Timelines/Resources:

VDOE provided training and support to school divisions as part of the Effective School-wide Discipline project. The project activities emphasize local data collection and analysis to measure the progress made in student achievement and behavior outcomes. VDOE will continue to provide for training and technical assistance on the use of Effective School-wide Discipline based on positive behavior support research. VDOE will continue to offer training and technical assistance on conducting functional behavior assessments and developing behavior intervention plans.

VDOE developed and disseminated *Guidelines for the Development of Policies and Procedures for Managing Student Behaviors in Emergency Situations, Focusing on Physical Restraint and Seclusion*.

VDOE will continue to provide training to reduce disproportionate representation with an emphasis on cultural competency training and culturally responsive practices.

VDOE will collaborate with general education and special education staff to develop a checklist to examine the criteria used for discipline referrals, suspensions and expulsion within school divisions across the state.

VDOE will provide ongoing training to school divisions on the analysis of violence, crime and discipline data through the “Prevention through Information” project.

VDOE will provide information and assistance related to student discipline to parent resource centers and parent groups.

Resources include VDOE staff, TTAC staff and other research based information.

Part B State Annual Performance Report (APR) for 2005 - 2006

Overview of the Annual Performance Report Development:

See overview description in introduction section.

Monitoring Priority: FAPE in the LRE

Indicator 5:

Percent of children with IEPs aged 6 through 21:

- A. Removed from regular class less than 21% of the day;¹
- B. Removed from regular class greater than 60% of the day; or
- C. Served in public or private separate schools, residential placements, or homebound or hospital placements.

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

Measurement:

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

FFY	Measurable and Rigorous Target
2005 - 2006	Increase the percentage of students, ages 6-21, receiving less than 21 percent of their special education services outside the regular class to 58%. Decrease the percentage of students, ages 6-21, receiving more than 60 percent of their special education services outside the regular class to 14% Decrease the percentage of students, ages 6-21, receiving their special education services in public or private separate schools, residential placements or homebound or hospital placements to 3 percent.

Data Source: Data for Indicator 5 are taken from VDOE's December 1 Special Education Child Count.

¹ At the time of the release of this package, revised forms for collection of 618 State reported data had not yet been approved. Indicators will be revised as needed to align with language in the 2005-2006 State reported data collections.

Actual Target Data for 2005 - 2006:

Placements for Students with Disabilities, Ages 6-21				
Placement Settings	2004 - 2005		2005 - 2006	
Amount Spec Ed Outside Reg Class 0-20 %	88,120	56 %	88,252	56 %
Amount Spec Ed Outside Reg Class 21-60 %	40,654	26 %	40,384	26 %
Amount Spec Ed Outside Reg Class 61-100 %	22,761	15 %	22,583	14 %
Public Separate Facility	2,230	1 %	2,375	2 %
Private Day Program	1,734	1 %	1,539	1 %
Public Residential	249	< 1 %	225	< 1 %
Private Residential	714	< 1 %	710	< 1 %
Home-Based	946	< 1 %	1065	< 1 %
Hospital	13	< 1 %	27	< 1 %
TOTAL	157,421		157,160	

Data in the first three rows in the table above reflect the amount of special education received outside the regular class (the amount of special education received in a special education class).

As indicated in the chart above, data reported in the December 1, 2005 child count show 56 percent of students with disabilities received less than 21 percent of their special education outside the regular classroom; 14 percent received between 61 and 100 percent of their special education outside the regular classroom; and 3 percent received their special education services in public separate facilities, private residential facilities, private residential facilities, homebound programs and hospitals .

Virginia did not meet the state target that 58 percent of students with disabilities, ages 6 – 21, would receive less than 21 percent of their special education outside the regular classroom.

Virginia met the state target that 14 percent of students with disabilities, ages 6 – 21, would receive between 61 and 100 percent of their special education services outside the regular classroom.

Virginia met the state target that 3 percent of students with disabilities, ages 6 – 21, received their special education services in public separate facilities, private residential facilities, private residential facilities, homebound programs and hospitals

It is expected that the U.S. Department of Education’s (USED) Office of Special Education Programs will rewrite Indicator 5 to reflect the IDEA educational environment reporting requirements. It is possible this could result in changes to information submitted by Virginia for Indicator 5 in the 2004 - 2005 State Performance Plan and the 2005 - 2006 State Performance Plan/Annual Performance Report.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for 2005 - 2006

All activities listed for Indicator 5 in Virginia’s 2004 - 2005 State Performance Plan were completed.

For the 2004 – 2005 school year, 56 percent of students with disabilities received less than 21 percent of their special education outside the regular classroom.

For the 2004 – 2005 school year, 15 percent of students with disabilities received between 61 and 100 percent of their special education outside the regular classroom.

For the 2004 – 2005 school year, 3 percent of students with disabilities received their special education services in public separate facilities, private residential facilities, private residential facilities, homebound programs and hospitals.

For the 2005 – 2006 school year, 56 percent of students with disabilities received less than 21 percent of their special education outside the regular classroom.

For the 2005 – 2006 school year, 14 percent of students with disabilities received between 61 and 100 percent of their special education outside the regular classroom.

For the 2005 – 2006 school year, 3 percent of students with disabilities received their special education services in public separate facilities, private residential facilities, private residential facilities, homebound programs and hospitals.

There was no progress or slippage for Indicator 5.A. since the percent of students with disabilities who received less than 21 percent of their special education outside the regular classroom stayed the same.

There was progress for Indicator 5.B. since the percent of students with disabilities who received between 61 and 100 percent of their special education outside the regular classroom decreased from 15 percent to 14 percent.

There was no progress or slippage for Indicator 5.C. since the percent of students with disabilities who received their special education services in public separate facilities, private residential facilities, private residential facilities, homebound programs and hospitals stayed the same.

VDOE expects to place continued emphasis on identifying consultants with special education expertise to participate in academic reviews in school divisions targeted for improvement related to participation and/or performance of students with disabilities, through the School Improvement Office.

VDOE will also continue to emphasize the dissemination of and encourage the use of searchable differentiated lesson plans in the content areas to assist general and special education teachers in instruction of all students, especially students with disabilities (Enhanced Scope and Sequence Plus).

It is difficult to determine the impact of activities conducted on the 2005 - 2006 target for amount of time receiving services outside the regular class.

With one year's data to compare to the target established in the 2004 - 2005 State Performance Plan, it is difficult to attribute which activities may or may not have contributed to progress or slippage. Once VDOE's activities have been in place for several years, it is expected that the impact of those activities on placement data can be better assessed. Also, once several years' data have been collected, VDOE will have trend data which will be more likely to help determine reasons for progress or slippage.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for 2006 - 2007

VDOE is providing workshops for middle and high school administrators, in partnership with the Virginia Association of Secondary School Principals that explains the concepts for improving access to the general education curriculum for students with disabilities and provides techniques for school administrators to monitor and support effective collaboration.

VDOE has developed a web site that provides searchable differentiated lesson plans in the content areas of English, Mathematics, Science and History to assist general and special education teachers in instruction of all students, especially students with disabilities. VDOE records indicate that during 2005 and 2006 the English lesson plans were accessed 15,064 times and the mathematics lesson plans were accessed 26,674 times. VDOE will continue to disseminate information about this resource and track the usage of the Web site.

VDOE established coordinated, statewide training to improve literacy for students with disabilities that will enable them to be successful in learning the SOL content. Target middle and high school teachers in high needs schools to be trained in the University of Kansas Strategic Instruction Model (SIM). A regional partnership with Virginia's Training and Technical Assistance Centers has provided SIM professional development to general education teachers and special education teachers. In conjunction with the universities, professional development in SIM has been provided for teachers in the core content areas for grades 3-12 in the form of a summer academy. Academies including courses for secondary and special education teachers were held in the areas of reading and writing. The SIM professional development was provided by the SIM professional developers at the Virginia Department of Education's Training and Technical Assistance Centers and in partnership with the University of Kansas Center for Research on Learning Virginia SIM Network. VDOE will continue to support the SIM professional developers' network and track the use of SIM professional development.

The timeline for the above activities is 2006 – 2007.

Resources include VDOE staff, TTAC staff and others listed in the activity description.

Part B State Annual Performance Report (APR) for 2005 - 2006

Overview of the Annual Performance Report Development:

See overview description in introduction section.

Monitoring Priority: FAPE in the LRE

Indicator 6:

Percent of preschool children with IEPs who received special education and related services in settings with typically developing peers (i.e., early childhood settings, home, and part-time early childhood/part-time early childhood special education settings).

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

Measurement:

Percent = [(# of preschool children with IEPs who received special education services in settings with typically developing peers) divided by the (total # of preschool children with IEPs)] times 100.

FFY	Measurable and Rigorous Target
2005 - 2006	Increase the percentage of students ages 2-5 served in early childhood, non-special education settings by 1% a year.

Data Source: Data for Indicator 6 are taken from VDOE’s December 1 Special Education Child Count.

Actual Target Data for 2005 - 2006:

Virginia met the state target established in the 2004 - 2005 State Performance Plan.

Preschool students receiving special education and related services in settings with typically developing peers are those students receiving special education and related services in Early Childhood (Not Special Education Settings), Home, Part-Time Early Childhood (Not Special Education Settings)/Early Childhood Special Education Settings and Reverse Mainstream Settings.

The percentage for students receiving special education and related services in the settings listed above for the 2005 - 2006 school year was 30%, compared to 27% for the 2004 – 2005 school year, so the target of 1 percent increase was met.

It is expected that the U.S. Department of Education’s Office of Special Education Programs will rewrite Indicator 6 to reflect the new IDEA preschool educational environment reporting requirements. VDOE expects to report new baseline data, develop new targets and report new improvement activities in it’s 2006 – 2007 State Performance Plan/Annual Performance Report based on these new reporting requirements.

Placement Settings	2004 - 2005		2005 – 2006	
Early Childhood Setting (Not Special Education)	2757	15%	2755	15%
Early Childhood Setting (Special Education)	8461	47%	8398	46%
Home	1070	5%	1042	6%
Part Early Childhood Setting (Not Special Education) and Part Early Childhood Setting (Special Education)	1069	6%	1815	10%
Residential Facility (Public or Private)	19	<1%	14	<1%
Separate School (Public or Private)	135	<1%	137	<1%
Itinerant Service	4532	25%	4268	23%
Reverse Mainstream	29	<1%	28	<1%
TOTAL	18072		18,457	

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for 2005 - 2006:

All activities listed for Indicator 6 in Virginia’s 2004 - 2005 State Performance Plan were completed.

The percentage of students receiving special education and related services in Early Childhood (Not Special Education Settings), Home, Part-Time Early Childhood (Not Special Education Settings)/Early Childhood Special Education Settings and Reverse Mainstream Settings for the 2004 - 2005 school year was 27%.

The percentage of students receiving special education and related services in Early Childhood (Not Special Education Settings), Home, Part-Time Early Childhood (Not Special Education Settings)/Early Childhood Special Education Settings and Reverse Mainstream Settings for the 2005 - 2006 school year was 30%, so there was progress from the 2005 – 2006 school year compared to the 2004 – 2005 school year.

VDOE expects to place continued emphasis on the Integrated Placement Options for Preschoolers (IPOP) state initiative. Support for local systems change to develop inclusive settings will continue.

It is difficult to determine the impact of these activities on the 2005 - 2006 target for percent of students receiving special education and related services in settings with typically developing peers.

With one year’s data to compare to the target established in the 2004 - 2005 State Performance Plan, it is difficult to determine which activities may or may not have contributed to progress or slippage. Once VDOE’s activities have been in place for several years, it is expected that the impact of those activities on the percent of students receiving special education and related services in settings with typically developing peers can be better assessed. Also, once several years’ data have been collected, VDOE will have trend data which will be more likely to help attribute reasons for progress or slippage.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for 2006 - 2007

Part B State Performance Plan (SPP) for 2005 - 2010

Overview of the State Performance Plan Development:

See overview description in introduction section.

Monitoring Priority: FAPE in the LRE

Indicator 7:

Percent of preschool children with IEPs who demonstrate improved:

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

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

Measurement:

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

- a. **Percent of preschool children who reach or maintain functioning at a level comparable to same-aged peers = # of preschool children who reach or maintain functioning at a level comparable to same-aged peers divided by # of preschool children with IEPs assessed times 100.**
- b. **Percent of preschool children who improve functioning = # of preschool children who improved functioning divided by # of preschool children with IEPs assessed times 100.**
- c. Percent of preschool children who did not improve functioning = # of preschool children who did not improve functioning divided by # of preschool children with IEPs assessed times 100.

If children meet the criteria for a, report them in a. Do not include children reported in a in b or c. If a + b + c 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 reach or maintain functioning at a level comparable to same-aged peers = # of preschool children who reach or maintain functioning at a level comparable to same-aged peers divided by # of preschool children with IEPs assessed times 100.**
- b. **Percent of preschool children who improved functioning = # of preschool children who improved functioning divided by # of preschool children with IEPs assessed times 100.**
- c. Percent of preschool children who did not improve functioning = # of preschool children who did not improve functioning divided by # of preschool children with IEPs assessed times 100.

If children meet the criteria for a, report them in a. Do not include children reported in a in b or c. If a + b + c does not sum to 100%, explain the difference.

C. Use of appropriate behaviors to meet their needs:

- a. **Percent of preschool children who reach or maintain functioning at a level comparable to same-aged peers = # of preschool children who reach or maintain**

functioning at a level comparable to same-aged peers divided by # of preschool children with IEPs assessed times 100.

b. Percent of preschool children who improved functioning = # of preschool children who improved functioning divided by # of preschool children with IEPs assessed times 100.

c. Percent of preschool children who did not improve functioning = # of preschool children who did not improve functioning divided by # of preschool children with IEPs assessed times 100.

If children meet the criteria for a, report them in a. Do not include children reported in a in b or c. If a + b + c does not sum to 100%, explain the difference.

Data Source: Data reported for Indicator 7 are described below.

Overview of Issue/Description of System or Process:

All school divisions reviewed records of students under age six referred for an initial evaluation during the 2005 - 2006 school year to determine whether these students were at or above, or below, same aged peers in demonstrating positive social-emotional skills (including social relationships); acquisition and use of knowledge and skills (including early language/ communication and early literacy); and use of appropriate behaviors to meet their needs. Totals and percents for entry level data collected are provided below.

VDOE used the Early Childhood Outcomes Center (ECO) Child Outcomes Summary Form (COSF) to define “comparable to same-aged peers”.

VDOE conducted statewide training sessions to provide information to school divisions about which data to collect and the submission process for reporting the data. Information on which assessment instruments to use was provided at these training sessions. Some examples of instruments used by school divisions to measure entry level data are:

Battelle Developmental Inventory
 Learning Accomplishment Profile 3
 HELP for Preschoolers
 PALS – PK
 TOLD – P:3
 Vineland
 Work Sampling System
 Developmental Assessment of Young Children
 And others

Entry status data for 2005 - 2006:

A. Positive social emotional skills:

At or above age level: 2,760 for 44%

Below age level: 3,498 for 56%

B. Acquisition and use of knowledge and skills:

At or above age level: 719 for 12%

Below age level: 5,531 for 88%

C. Use of appropriate behaviors to meet their needs:

At or above age level: 2,984 for 48%

Below age level: 3,263 for 52%

Baseline Data for FFY:

Discussion of Baseline Data:

FFY	Measurable and Rigorous Target
2007 - 2008	To be determined
2008 - 2009	To be determined
2009 - 2010	To be determined
2010 - 2011	To be determined

Improvement Activities/Timelines/Resource:

Part B State Performance Plan (SPP) for 2005 - 2010

Overview of the State Performance Plan Development:

See overview description in introduction section.

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.

Data Source: Data reported for Indicator 8 are described below.

Overview of Issue/Description of System or Process:

The Virginia Department of Education (VDOE) developed a survey instrument to allow parents to report on whether schools facilitated parent involvement as a means of improving services and results for children with disabilities. This instrument was developed in consultation with the National Center for Special Education Accountability Monitoring (NCSEAM) and the evaluation staff at the Partnership for People with Disabilities at Virginia Commonwealth University (VCU). The questions were selected from the bank of standardized survey questions established and field tested by NCSEAM. The survey is considered to be a reliable instrument from which to collect data.

Virginia elected to use a census approach to conducting this survey. The survey was mailed directly to parents of all preschool and school-age students with IEPs, across all levels (high school, middle school, elementary and preschool) and all disability categories. A postage-free return envelope was provided. The total number of surveys sent out was 150,891. The total number of surveys completed and returned was 27,971, a return rate of 18.54%. A toll-free number was provided for questions about the survey process. The survey instrument provided a message in Spanish and a toll-free number to the Parent Educational Advocacy Training Center (PEATC), Virginia's federally funded Parent Training Information Center, so that Spanish-speaking parents could request a Spanish version of the survey.

The response data have been analyzed and reviewed by our partners at the Avatar Institute of Measurement and Virginia Commonwealth University. Avatar is the company that has been integrally involved in the development and analysis of parent surveys during the research and piloting of the NCSEAM survey instrument. This company used Rasch measurement technology and related data analysis methods to give us the most stable assessments of the data we collected through the survey.

Baseline Data for FFY 2005 - 2006:

The NCSEAM survey threshold item is “The school explains what options parents have if they disagree with a decision of the school”, which comes from the *Efforts Schools Make to Partner with Parents* scale. Virginia’s baseline data, based on the raw percentage of responses of Agree, Strongly Agree, or Very Strongly Agree on this NCSEAM survey threshold item is 64.3%.

Discussion of Baseline Data:

Virginia’s percentage of 64.3% on Indicator 8 represents the proportion of the “agree, strongly agree, very strongly agree” responses to the threshold item. This percentage was based on 16,223 out of the 25,211 valid responses to this item.

VDOE will continue to work with Avatar and NCSEAM to ensure valid and reliable comparisons across years and across respondent pools.

FFY	Measurable and Rigorous Target
2006 - 2007	65 % 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.
2007 - 2008	65 % 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.
2008 - 2009	65 % 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.
2009 - 2010	66 % 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.
2010 - 2011	67 % 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.

Improvement Activities/Timelines/Resources:

Improvement activities will be based on the survey items that had calibration scores that fell between Virginia's mean of 530 and the calibration for the threshold item (600). Those items are:

- 600 The school explains what options parents have if they disagree with a decision of the school.
- 591 I have been asked for my opinion about how well special education services are meeting my child's needs.
- 581 The school gives parents the help they may need to play an active role in their child's education.
- 581 The school gives me information with regard to services that address my child's needs.
- 573 Written justification was given for not receiving services in the regular classroom.
- 564 We discussed how my child would participate in statewide assessments.
- 561 The school offers parents ways to communicate with teachers.
- 550 The school gives me information regularly about my child's progress on IEP goals.
- 544 Teachers and administrators seek out parent input.
- 533 Teachers and administrators show sensitivity to the needs of students with disabilities and their families.

Specific activities to address the survey items will be developed by a subgroup of Virginia's stakeholder group. This group, the Parent Involvement Priority Project, has served as the stakeholder group for this indicator and represents parents from the State Special Education Advisory Committee (SSEAC), local parent resource centers, local special education advisory committees, local special education administrators, university-based training and technical assistance centers (T/TACs), the Partnership for People with Disabilities at Virginia Commonwealth University at VCU (Virginia's university center for excellence), and staff from VDOE.

The products and projects available from this group are:

- **“Creating Collaborative IEPs”**, a training curriculum being revised and produced by the Partnership for People with Disabilities, in collaboration with VDOE and the T/TACs. This will be piloted in several school divisions and disseminated at a future date.
- **“Effectiveness Training for Local Special Education Advisory Committees (SEACs)”**, a collaborative project with the Partnership funded by VDOE and the Virginia Board for People with Disabilities. Guidelines were developed and disseminated in a comprehensive training package at 8 regional trainings offered statewide to all SEAC members, special education administrators and local school board members. VDOE and the Partnership continue to offer technical assistance and information. A companion guidance document has been completed to address leadership development and will be disseminated statewide during this school year.
- Expansion and improvement of VDOE Web page for parent involvement.
- Ongoing training for existing Parent Resource Centers; continued development and support of new parent centers.
- Continued inclusion of parent-specific activities in the State Improvement Grant (SIG).

The Division of Special Education and Student Services at VDOE will continue to utilize the parent specialist and parent ombudsman to address parent concerns. The staff of VDOE and the Partnership for People with Disabilities will continue to review the results of the survey in more detail, using the information to inform the development of future improvement activities.

Part B State Performance Plan (SPP) for 2005 - 2010

Overview of the State Performance Plan Development:

See overview description in introduction section.

Monitoring Priority: Disproportionality

Indicator 9:

Percent of districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification.

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

Measurement:

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

Include State's definition of "disproportionate representation."

Describe how the State determined that disproportionate representation of racial and ethnic groups in special education and related services was the result of inappropriate identification, e.g., monitoring data, review of policies, practices and procedures under 618(d), etc.

Note: This statement is included to address the issue cited in OSEP's March 14, 2006 letter to Virginia specific to language submitted in Indicator 9 in Virginia's 2004 – 2005 State Performance Plan and in previous years Annual Performance Report (APR).

VDOE reviewed policies, practices and procedures for all school divisions where significant disproportionality was identified. Technical assistance was made available to these school divisions, as well as to all divisions in the state. VDOE's review of policies, practices and procedures included review of school division action plans to address disproportionality and VDOE has determined that the policies, practices and procedures for the school divisions identified are appropriate.

Data Source: Data reported for Indicator 9 are described below.

Overview of Issue/Description of System or Process:

VDOE has been involved with school divisions for several years in efforts to address any disproportionate representation of minority students (with a particular emphasis on black students) identified as students with disabilities and by individual disability categories.

VDOE's definition for disproportionate representation refers to the overrepresentation of minorities in special education programs. Disproportionate representation in special education occurs when the number of students in a particular racial/ethnic group identified for special education is disproportionate to the number of that group in the school population. This definition now also includes whether the disproportionate representation is the result of inappropriate identification.

In order to establish baseline data to meet the requirement to report on the percent of districts with disproportionate representation of race in specific disability categories that is the result of inappropriate identification, VDOE utilized the following process.

An analysis of school division data was conducted at the state level. Data collected on the annual fall membership submission was used for totals for the general student population. Data collected in the annual special education December 1st child count was used for the totals for students with disabilities. Divisions with black students comprising fewer than five percent of the general student population were not included in the state level analysis. VDOE used a comparison model for the state level data analysis. The percentage of black students in the special education population is compared to the percentage of black students in the general population and an expected number of black students identified as students with disabilities are determined.

Consistent with previous years' analysis and submission of data, a twenty percent adjustment is made to the expected number of black students identified as students with disabilities. If the number of expected black students is still higher than the expected number of black students identified as students with disabilities, a preliminary determination of possible disproportionality is made.

School divisions received written notification of this preliminary determination of possible disproportionate representation relative to the identification of black students as students with disabilities. These school divisions were further notified that they were required to review the records of all black students aged 6-21 referred for an initial eligibility meeting during the 2005 - 2006 school year.

VDOE developed a record review checklist using the criteria below to allow school divisions to document that eligibility decisions were appropriately made. VDOE established a process for local school divisions to conduct a review of individual student records. Information was also provided to school divisions to assist with the examination of policies, practices and procedures related to providing assistance, support and appropriate instructional intervention to all students experiencing academic/behavioral learning difficulties.

In reviewing individual student records, school divisions were required to determine whether each of the following criteria had been addressed in making eligibility decisions:

1. The pre-referral/child study team reviewed the student's records, achievement scores and other performance evidence.
2. Information in the student's records, achievement scores and/or group standardized data indicated academic or behavior problems that interfered with the student's performance.
3. A review of the student's records indicated a concern.
4. The student's current grades indicated below average performance for grade and instructional level.
5. Teacher concerns were consistent with problem(s) identified in the student's records and/or reports.
6. Information about the student's environmental, cultural, ESL skills, and economic backgrounds were considered as factors in the learning difficulties.
7. Intervention strategies were identified and implemented that matched the student's instructional/behavioral problems.
8. The intervention strategies were monitored, modified (as appropriate), and attempted over a specific period of time (i.e. 4-6 weeks).
9. Accommodations/modifications were made in the general curriculum to facilitate the student's participation.

10. The student’s academic/behavioral problem, as documented, was consistent and resulted in a lack of progress and responsiveness to instruction that supported the decision for special education evaluation.

These criteria will be reviewed and revised as needed.

School divisions were required to submit the written summary of their record review process to VDOE. VDOE analyzed the individual school divisions’ data and made a determination as to which divisions had significant disproportionality that was a result of inappropriate identification. Those school divisions that are found to be disproportionately represented due to inappropriate identification will be expected to develop an action plan to address/reduce disproportionality. This plan will include a review of local policies, practices and procedures to determine whether any revisions need to be made to address any issue related to possible significant disproportionality.

Baseline Data for FFY 2005 - 2006:

Based on the preliminary state level analysis, twenty-seven school divisions met the criteria for possible disproportionate representation relative to race and were required to conduct a record review of the records of all black students aged 6-21 referred for an initial eligibility meeting during the 2005 - 2006 school year.

Based on the state level review of school division’s individual student record review, nine school divisions of all school divisions (132) or six percent, were identified as having significant disproportionality that was the result of inappropriate identification.

Discussion of Baseline Data:

VDOE recognizes this was the first year school divisions were required to use the process described above. VDOE recognizes the identification of certain school divisions having significant disproportionality that is the result of inappropriate identification could be based on their inability to document appropriate activities that the school division engages in rather than having eligibility decisions that truly were the result of inappropriate identification. This lack of documentation should not be construed as a determination that the policies, procedures and practices of these divisions are in need of revision.

Since this is the first year VDOE has worked with school divisions to use the above described process to determine whether there is significant disproportionality that is the result of inappropriate identification, it is not possible to compare data across previous years.

FFY	Measurable and Rigorous Target
2006 - 2007	0 percent of the school divisions in the state will have disproportionate representation identified.
2007 - 2008	0 percent of the school divisions in the state will have disproportionate representation identified.
2008 - 2009	0 percent of the school divisions in the state will have disproportionate

	representation identified.
2009 - 2010	0 percent of the school divisions in the state will have disproportionate representation identified.
2010 - 2011	0 percent of the school divisions in the state will have disproportionate representation identified.

Improvement Activities/Timelines/Resources:

VDOE will continue to provide technical assistance related to disproportionate representation that is the result of inappropriate identification to all school divisions in Virginia, regardless of whether a determination of disproportionate representation has been made for a division. This technical assistance will include a focus on state level and school division level policies, procedures and practices related to pre-referral instructional interventions, appropriateness of eligibility decisions and IEP development.

VDOE will engage in follow-up monitoring of student record reviews, changes and revisions to local school division policies, practices and procedures specific to this indicator will be an ongoing component of VDOE’s focused monitoring.

VDOE will continue to participate in conferences and meetings where issues related to disproportionality are addressed, especially with the U.S. Department of Education’s Office Special Education Programs (OSEP), National Center for Culturally Responsive Educational Systems (NCCRESt) and the Mid-South Regional Resource Center (MSRRC).

VDOE will continue to work with the state level Disproportionality Assessment Task Force to assist local school divisions in examining and reviewing the policies, practices and procedures that could impact possible significant disproportionate representation.

VDOE will continue to work with school divisions to develop Disproportionality Action Plans which will provide the framework for school divisions with disproportionality to outline their improvement strategies, detail the tasks and/or action steps, identify the responsible staff involved, note the area of emphasis in policies, practices and/or procedures and give the timeline for completion of the tasks.

Part B State Performance Plan (SPP) for 2005 - 2010**Overview of the State Performance Plan Development:**

See overview description in introduction section.

Monitoring Priority: Disproportionality**Indicator 10:**

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

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

Measurement:

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

Include State's definition of "disproportionate representation."

Describe how the State determined that disproportionate representation of racial and ethnic groups in specific disability categories was the result of inappropriate identification, e.g., monitoring data, review of policies, practices and procedures under 618(d), etc.

Data Source: Data reported for Indicator 10 are described below.

Overview of Issue/Description of System or Process:

VDOE has been involved with school divisions for several years in efforts to address any disproportionate representation of minority students (with a particular emphasis on black students) identified as students with disabilities and by individual disability categories.

VDOE's definition for disproportionate representation refers to the overrepresentation of minorities in special education programs. Disproportionate representation in special education occurs when the number of students in a particular racial/ethnic group identified for special education is disproportionate to the number of that group in the school population. This definition now also includes whether the disproportionate representation is the result of inappropriate identification. The determination of inappropriate identification is addressed in the following.

In meeting the requirements to report on the percent of districts with disproportionate representation of race in specific disability categories that is the result of inappropriate identification, VDOE utilized the following process.

An analysis of school division data was conducted at the state level. Data collected on the annual fall membership submission was used for totals for the general student population. Data collected in the annual special education December 1st child count was used for the totals for students with disabilities. Divisions

with black students comprising fewer than five percent of the general student population were not included in the state level analysis. VDOE used a comparison model for the state level data analysis. The percentage of black students in the special education population is compared to the percentage of black students in the general population and an expected number of black students with disabilities is determined for each of the six designated disability categories: mental retardation, specific learning disabilities, emotional disturbance, other health impairments, autism and speech/language impairments.

Consistent with previous years' analysis and submission of data, a twenty percent adjustment is made to the expected number of black students in each of the six designated disability categories. If the number of expected black students is still higher than the expected number in any of the six designated disability categories, a preliminary determination of possible disproportionality is made.

School divisions received written notification of this preliminary determination of possible disproportionate representation relative to one or more of the six designated disability categories. These school divisions were further notified that they were required to review the records of all black students aged 6-21 referred for an initial eligibility meeting during the 2005 - 2006 school year.

VDOE developed a record review checklist using the following criteria for the six designated disability categories to allow school divisions to document that eligibility decisions were appropriately made.

School divisions were required to determine whether each of the following criteria had been addressed in making eligibility decisions for the six designated disability categories:

1. The eligibility decision was based upon information from a variety of sources.
2. The determinate factors in the eligibility decision were:
 - Significant academic deficits
 - Significant behavioral difficulties
 - Persistent performance difficulties in multiple areas and/or
 - Significant lack of progress and/or unresponsiveness to intervention
3. Did the documented evidence support appropriate instruction in reading?
4. Did the documented evidence support appropriate instruction in math?
5. The final criterion was for school divisions to document the eligibility decision was consistent with the definition in state regulations for the six designated disability categories (disability category definitions in Virginia's Regulations Governing Special Education Programs for Children With Disabilities in Virginia are consistent with federal definitions).

School divisions were required to submit the written summary of their record review process to VDOE. VDOE analyzed the individual school divisions' data and made a determination as to which divisions had significant disproportionality that was a result of inappropriate identification for one or more of the designated disability categories. Those school divisions that are found to have disproportionate representation due to inappropriate identification in any of the designated disability categories will be expected to develop an action plan to address/reduce disproportionality. This plan will include a review of local policies, practices and procedures to determine whether any revisions need to be made to address any issue related to possible significant disproportionality.

Baseline Data for FFY 2005 - 2006:

VDOE's review of information submitted by school divisions' based on local review of eligibility decisions showed twelve (12) out of 132 school divisions in the state, or nine (9) percent in Virginia indicated some level of inappropriate identification relative to at least one of the six designated disability categories.

Discussion of Baseline Data:

VDOE recognizes this was the first year school divisions were required to use the process described above. VDOE recognizes the identification of certain school divisions having significant disproportionality that is the result of inappropriate identification could be based on their inability to document appropriate activities that the school division engages in rather than having eligibility decisions that truly were the result of inappropriate identification. This lack of documentation should not be construed as a determination that the policies, procedures and practices of these divisions are in need of revision.

Since this is the first year VDOE has worked with school divisions to use the above described criteria to determine whether there is significant disproportionality that is the result of inappropriate identification, specific to the six designated disability categories of mental retardation, specific learning disabilities, emotional disturbance, other health impairments, autism and speech/language impairments, it is not possible to compare data across previous years.

FFY	Measurable and Rigorous Target
2006 - 2007	0 percent of the school divisions in the state will have disproportionate representation identified.
2007 - 2008	0 percent of the school divisions in the state will have disproportionate representation identified.
2008 - 2009	0 percent of the school divisions in the state will have disproportionate representation identified.
2009 - 2010	0 percent of the school divisions in the state will have disproportionate representation identified.
2010 - 2011	0 percent of the school divisions in the state will have disproportionate representation identified.

Improvement Activities/Timelines/Resources:

VDOE will continue to provide technical assistance related to disproportionate representation that is the result of inappropriate identification to all school divisions in Virginia, regardless of whether a determination of disproportionate representation has been made for a division. This technical assistance will include a focus on state level and school division level policies, procedures and practices related to pre-referral instructional interventions, appropriateness of eligibility decisions and IEP development.

Follow-up monitoring of student record reviews, changes and revisions to local school division policies, practices and procedures specific to this indicator will be an ongoing component of VDOE's focused monitoring.

VDOE will continue to participate in conferences and meetings where issues related to disproportionality are addressed, especially with U.S. Department of Education's Office Special Education Programs (OSEP), National Center for Culturally Responsive Educational Systems (NCCRESt) and the Mid-South Regional Resource Center (MSRRC).

VDOE will continue to work with the state level Disproportionality Assessment Task Force to assist local school divisions in examining and reviewing the policies, practices and procedures that could impact possible significant disproportionate representation.

VDOE will continue to provide information related to possible significant disproportionate representation on the VDOE website.

VDOE will continue to work with school divisions to develop Disproportionality Action Plans which will provide the framework for school divisions with disproportionality to outline their improvement strategies, detail the tasks and/or action steps, identify the responsible staff involved, note the area of emphasis in policies, practices and/or procedures and give the timeline for completion of the tasks. The Disproportionality Action Plan also provides for Continuous Improvement plans for review and updates as appropriate.

Part B State Performance Plan (SPP) for 2005 - 2010

Overview of the State Performance Plan Development:

See overview description in introduction section.

Monitoring Priority: Effective General Supervision Part B / Child Find

Indicator 11:

Percent of children with parental consent to evaluate, who were evaluated within 60 days (or State established timeline).

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

Measurement:

- a. # of children for whom parental consent to evaluate was received
- b. # determined not eligible whose evaluations were completed within 65 business days
- c. # determined eligible whose evaluations were completed within 65 business days

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

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

Data Source: Data reported for Indicator 11 are described below.

Overview of Issue/Description of System or Process:

The *Regulations Governing Special Education Programs for Children with Disabilities in Virginia* establish the timeline for completing evaluations and determining eligibility for special education services for children with parental consent to evaluate. By Virginia regulation, evaluations shall be completed and eligibility determined within 65 business days of the receipt of the referral by the special education administrator or designee. For purposes of meeting the reporting requirements for Indicator 11, Virginia defines evaluation as including the eligibility meeting. Including the eligibility meeting in the timeline holds the state and school divisions to a more stringent requirement, which provides a greater protection to students. Meeting this requirement should also help ensure the timely delivery of services to students. Evaluation and eligibility determination within 65 business days have been a long-standing timeline requirement in Virginia.

Data were submitted by school divisions to VDOE using a spreadsheet developed by VDOE. This spreadsheet allowed divisions to maintain data on individual students and to submit division totals to VDOE. All required components to be measured for Indicator 11 were included in the spreadsheet, including edit checks to ensure consistency and accuracy in reporting.

VDOE staff provided information related to data required for Indicator 11 and on procedures for submitting data to VDOE through statewide training sessions.

Data submitted by school divisions were reviewed for accuracy, and school divisions were notified when there appeared to be inaccurate reporting. Reliability was further verified by comparing previous monitoring reports with the 2005 - 2006 data collection. In addition, several on-site visits were made to provide additional technical assistance, particularly with newly hired administrators, and to review school divisions' evaluation/eligibility tracking logs to ensure accurate reporting.

Baseline Data for FFY 2005 – 2006:

School divisions reported 32,508 children were evaluated and had eligibility determined within 65 business days out of 35,048 children for whom consent was received for evaluation, for a percentage of 92.7%.

Discussion of Baseline Data:

Because these data were collected for the first time in 2005 – 2006, comparisons cannot be made to previous years.

School divisions reported the number of business days beyond the 65-day timeline as follows:

Range of business days beyond 65-day timeline	Number of children for each range grouping
1-5	834
6-15	673
16-25	347
26-35	193
36-45	140
46 and beyond	353
Total	2540

Reported reasons for exceeding the 65-day timeline were: staffing issues; parent request to reschedule meetings; inclement weather; paperwork errors; inconclusive testing; and child refused testing.

FFY	Measurable and Rigorous Target
2006 - 2007	100 percent of children with parental consent to evaluate, will be evaluated and have eligibility determined within 65 business days.
2007 - 2008	100 percent of children with parental consent to evaluate, will be evaluated and have eligibility determined within 65 business days.

<p>2008 - 2009</p>	<p>100 percent of children with parental consent to evaluate, will be evaluated and have eligibility determined within 65 business days.</p>
<p>2009 - 2010</p>	<p>100 percent of children with parental consent to evaluate, will be evaluated and have eligibility determined within 65 business days.</p>
<p>2010 - 2011</p>	<p>100 percent of children with parental consent to evaluate, will be evaluated and have eligibility determined within 65 business days.</p>

Improvement Activities/Timelines/Resources:

VDOE will continue with established technical assistance efforts and monitoring activities to ensure that all directors of special education are well informed of the timeline reporting requirements.

VDOE will work with school divisions through it's focused monitoring system to ensure compliance with this indicator.

Timeline: 2006 – 2007 school year

Part B State Performance Plan (SPP) for 2005 - 2010

Overview of the State Performance Plan Development:

See overview description in introduction section.

Monitoring Priority: FAPE in the LRE

Indicator 12:

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

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

Measurement:

- a. # of children who have been served in Part C and referred to Part B for eligibility determination.
- b. # of those referred determined to be NOT eligible and whose eligibilities were determined prior to their third birthdays.
- c. # of those found eligible who have an IEP developed and implemented by their third birthdays.
- d. # of children for whom parent refusal to provide consent caused delays in evaluation or initial services.

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

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

NOTE: This statement is included to address the issue cited in OSEP's March 14, 2006 letter to Virginia specific to language submitted for Indicator 12 in Virginia's 2004 – 2005 State Performance Plan and in previous years Annual Performance Report (APR).

For the issue raised in the FFY 2003 Annual Performance Report (APR), VDOE intended to report that data on these students were not available, not that the children in question were not receiving services under Part B.

For the issue raised related to Indicator 12 in Virginia's 2004 – 2005 State Performance Plan, data were not available prior to the submission of that document in December 2005. Required data have been collected and baseline data, state target and improvement activities are being submitted in the 2005 – 2006 State Performance Plan format.

Data Source: Data reported for Indicator 12 are described below.

Overview of Issue/Description of System or Process:

School divisions collected data on children served in Part C and referred to Part B for eligibility determination. All divisions reviewed individual student records for those children whose initial eligibility meetings were held during the 2004 – 2005 school year.

Data were submitted by school divisions to VDOE using a spreadsheet developed by VDOE. This spreadsheet allowed divisions to maintain data on individual students and to submit division totals to VDOE. All required components to be measured for Indicator 12 were included in the spreadsheet.

Baseline Data for FFY 2004 - 2005:

Analysis of data submitted by school divisions for the 2004 – 2005 school year showed 1356 number of children out of 1486 children referred by Part C prior to age 3, were found eligible for Part B, and had an IEP developed and implemented by the beginning of the school year in which they turned age 2 by Sept. 30 or by their third birthday, for a percentage of 91.2 percent.

Discussion of Baseline Data:

Because data on children referred by Part C to Part B were collected for the first time for the 2004 – 2005 school year, there are no previous years' data to compare to. Comparisons with subsequent years' data can begin with the 2005 – 2006 school year.

In addition, the following data were reported by school divisions for students who were not evaluated and had an IEP developed within the required timeline:

2004 – 2005 school year

Range of business days beyond the 3 rd birthday, or beginning of school year if child turns two by Sept. 30 when eligibility determined	Number of children for each range grouping
1-5	14
6-15	17
16-25	14
26-35	15
36-45	10
46 and beyond	60
Total	130 children evaluated and eligibility determined beyond the 3rd birthday or beginning of the school year.

Reported reasons for exceeding the required timeline were: late receipt of parental permission to evaluate; staffing issues; parent request to reschedule meetings; inclement weather; paperwork errors; inconclusive testing.

FFY	Measurable and Rigorous Target
2005 - 2006	100 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 the beginning of that school year if they turn age 2 by Sept. 30 or by their third birthday.
2006 - 2007	100 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 the beginning of that school year if they turn age 2 by Sept. 30 or by their third birthday.
2007 - 2008	100 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 the beginning of that school year if they turn age 2 by Sept. 30 or by their third birthday.
2008 - 2009	100 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 the beginning of that school year if they turn age 2 by Sept. 30 or by their third birthday.
2009 - 2010	100 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 the beginning of that school year if they turn age 2 by Sept. 30 or by their third birthday.
2010 - 2011	100 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 the beginning of that school year if they turn age 2 by Sept. 30 or by their third birthday.

Improvement Activities/Timelines/Resources:

VDOE staff and the ECSE stakeholder group will continue to conduct training sessions for all school divisions at which information on the State Performance Plan/Annual Performance Report will be presented.

In cooperation with Part C personnel, VDOE will conduct meetings in all Superintendents' Planning Districts to discuss the transition process from Part C to Part B/619. The focus of these meetings will be to emphasize the importance of ensuring the smooth transition to Part B services for students formally served under Part C.

VDOE conducted training sessions during the 2004 – 2005 and 2005 – 2006 school years to provide Part C to Part B transition information to all school divisions. This information was also presented at the state Early Intervention Conference

In addition to the meetings referenced above, VDOE will disseminate information and guidance on the importance of transitioning Part C students to Part B programs at VDOE's local special education directors' Council meetings.

VDOE provided guidance documents/flow charts to all school divisions, concerning transition from Part C. Documents were shared with the state Part C office for them to share with their local system managers. Numerous e-mails and phone conversations have been held with special education directors, preschool coordinators, and Part C state staff and local system managers about the transition process – timelines, differences and requirements of Part B and C, suggestions for dialogues the localities could have to help make the process smoother and seamless.

VDOE will continue to cooperate with Part C personnel, in updating and disseminating the *Early Childhood Transition from Part C Early Intervention to Part B Special Education and Other Services for Young Children with Disabilities* document to reflect changes created by the 2004 amendments to the Individuals with Disabilities Education Act.

VDOE will work with school divisions through its focused monitoring system to ensure compliance with this indicator.

Resources include VDOE staff, TTAC staff, Part C staff, and others listed in the activity description.

Part B State Annual Performance Report (APR) for 2005 - 2006

Overview of the Annual Performance Report Development:

See overview description in introduction section.

Monitoring Priority: Effective General Supervision Part B / Effective Transition

Indicator 12:

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

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

Measurement:

- a. # of children who have been served in Part C and referred to Part B for eligibility determination.
- e. # of those referred determined to be NOT eligible and whose eligibilities were determined prior to their third birthdays.
- f. # of those found eligible who have an IEP developed and implemented by their third birthdays.
- g. # of children for whom parent refusal to provide consent caused delays in evaluation or initial services.

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

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

FFY	Measurable and Rigorous Target
2005 - 2006	100 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 the beginning of that school year if they turn age 2 by Sept. 30 or by their third birthday.

NOTE: This statement is included to address the issue cited in OSEP’s March 14, 2006 letter to Virginia specific to language submitted for Indicator 12 in Virginia’s 2004 – 2005 State Performance Plan and in previous years’ Annual Performance Report (APR).

For the issue raised in the FFY 2003 Annual Performance Report (APR), VDOE intended to report that data on the 236 students referenced were not available, not that the children in question were not receiving services under Part B.

For the issue raised related to Indicator 12 in Virginia’s 2004 – 2005 State Performance Plan, data were not available prior to the submission of that document in December 2005. Required data for the 2004 – 2005 school year have been collected and baseline data, state target and improvement activities are being submitted in the 2005 – 2006 State Performance Plan format.

Data Source: Data reported for Indicator 12 are described below.

Actual Target Data for 2005 - 2006:

Virginia did not meet the state target of 100 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 the beginning of that school year if they turn age 2 by Sept. 30 or by their third birthday. Analysis of data submitted by school divisions showed 1575 number of children out of 1763 children referred by Part C prior to age 3, were found eligible for Part B, and had an IEP developed and implemented by the beginning of the school year in which they turned age 2 by Sept. 30 or by their third birthday, for a percentage of 89.3 percent.

In addition, the following data were reported by school divisions for students who were not evaluated and had an IEP developed within the required timeline:

2005 - 2006 school year

Range of business days beyond the 3 rd birthday, or beginning of school year if child turns two by Sept. 30 when eligibility determined	Number of children for each range grouping
1-5	21
6-15	23
16-25	19
26-35	22
36-45	10
46 and beyond	93
Total	188 children evaluated and eligibility determined beyond the 3 rd birthday or beginning of the school year.

Reported reasons for exceeding the required timeline were: late receipt of parental permission to evaluate; staffing issues; parent request to reschedule meetings; inclement weather; paperwork errors; inconclusive testing.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for 2005 - 2006:

All activities listed for Indicator 12 in Virginia's 2004 - 2005 State Performance Plan were completed.

Data reported for the 2004 – 2005 school year showed 91.2 percent of children referred by Part C prior to age 3, were found eligible for Part B, and had an IEP developed and implemented by the beginning of the school year in which they turned age 2 by Sept. 30 or by their third birthday.

Data reported for the 2005 – 2006 school year showed 89.3 percent of children referred by Part C prior to age 3, were found eligible for Part B, and had an IEP developed and implemented by the beginning of the school year in which they turned age 2 by Sept. 30 or by their third birthday.

Therefore, there was slippage from 2004 – 2005 to 2005 – 2006.

It is difficult to determine the impact of these activities on the 2005 - 2006 percentages of timely evaluations and development of IEPs for Part C referrals to Part B.

With one year's data to compare to the target established in the 2004 - 2005 State Performance Plan, it is difficult to attribute which activities may or may not have contributed to progress or slippage. Once VDOE's activities have been in place for several years, it is expected that the impact of those activities on a improving the percentage of timely evaluations and development of IEPs for Part C referrals to Part B. can be better assessed. Also, once several year's data have been collected, VDOE will have trend data which will be more likely to help attribute reasons for progress or slippage.

NOTE: Improvement activities are listed for Indicator 12 in this APR format, in addition to being listed in the Indicator 12 SPP format, since these activities are being reported for the first time.

VDOE staff and the ECSE stakeholder group will continue to conduct training sessions for all school divisions at which information on the State Performance Plan/Annual Performance Report will be presented.

In cooperation with Part C personnel, VDOE will conduct meetings in all Superintendents' Planning Districts to discuss the transition process from Part C to Part B/619. The focus of these meetings will be to emphasize the importance of ensuring the smooth transition to Part B services for students formally served under Part C.

VDOE conducted training sessions during the 2004 – 2005 and 2005 – 2006 school years to provide Part C to Part B transition information to all school divisions. This information was also presented at the state Early Intervention Conference.

In addition to the meetings referenced above, VDOE will disseminate information and guidance on the importance of transitioning Part C students to Part B programs at VDOE's local special education directors' Council meetings.

VDOE provided guidance documents/flow charts to all school divisions, concerning transition from Part C. Documents were shared with the state Part C office for them to share with their local system managers. Numerous e-mails and phone conversations have been held with special ed directors, preschool coordinators, and Part C state staff and local system managers about the transition process – timelines, differences and requirements of Part B and C, suggestions for dialogues the localities could have to help make the process smoother and seamless.

VDOE will continue to cooperate with Part C personnel, in updating and disseminating the *Early Childhood Transition from Part C Early Intervention to Part B Special Education and Other Services for Young Children with Disabilities* document to reflect changes created by the 2004 amendments to the Individuals with Disabilities Education Act.

VDOE will work with school divisions through its focused monitoring system to ensure compliance with this indicator.

Resources include VDOE staff, TTAC staff, Part C staff, and others listed in the activity description.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for 2006 - 2007

Part B State Performance Plan (SPP) for 2005 - 2010

Overview of the State Performance Plan Development:

See overview description in introduction section.

Monitoring Priority: Effective General Supervision Part B / Effective Transition

Indicator 13:

Percent of youth aged 16 and above with an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals.

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

Measurement:

Percent = [(# of youth with disabilities aged 16 and above with an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals) divided by the (# of youth with an IEP age 16 and above)] times 100.

Data Source: Data reported for Indicator 13 are described below.

Overview of Issue/Description of System or Process:

In establishing baseline data, VDOE collected data from school divisions participating in the Virginia Transition Outcomes Project (VTOP). School divisions included in the base line completed two file reviews on students' transition IEPs. Data results from the second file review are used to meet the reporting requirements for the State Performance Plan/Annual Performance Report and Indicator 13.

Training sessions were held to provide information to school divisions concerning the completion of the online checklist for their IEP transition reviews.

Information specific to developing a checklist for Indicator 13 has been provided to states through The National Secondary Transition Technical Assistance Center (NSTTAC). The checklist was approved by OSEP for the primary questions and sources of information that states could use when collecting data for Indicator #13. The questions from the national checklist were cross referenced with the questions on the VTOP checklist. A primary determination of what questions could potentially be used from the VTOP checklist was based on the information provided by NSTTAC.

After the review and comparison of the NSTTAC questions with the VTOP checklist, final questions and the source of evidence for those questions, were developed with input from various stakeholder groups.

Baseline Data for FFY 2005 - 2006:

Data collected in response to the following three statements were used to obtain baseline data to determine the percent of youth aged 16 and above with an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals.

1. **Measurable postsecondary goals** were identified for employment, education, or training, and as needed, independent living.

Sources of Evidence:

- IEP describes strengths and needs of the student in the context of the student’s desired post-school outcomes.
- Evidence of consideration of the student’s strengths preferences and needs relative to postsecondary education, vocational training, employment, independent living, continuing adult education, adult services, or community participation.

2. **Annual IEP goals** were developed to **reasonably enable the child to meet postsecondary goals**.

Sources of Evidence:

- Goals and objectives are listed in the plan.

3. The IEP included a **coordinated set of transition services**.

Sources of Evidence:

- IEP includes activities that reflect coordination of all activities between school, the student, the family, other agencies and post school programs and supports.
- Activities are based on the individual student’s needs, preferences, and interests and lead toward the student’s desired post-school goals.

Data collected from school divisions participating in VTOP using the checklist provide Yes, No or Not Applicable responses. For purposes of calculating these percents required for this indicator, Yes and Not Applicable responses were combined. The category for "N/A" did not seem to provide meaningful information as a separate category for this analysis. But, if the response to the question is "it does not apply," it can hardly be considered the same as "no." It was determined that it was more appropriate to include this response with the “yes” responses.

Data were collected from 22 school divisions, all VTOP sites. School divisions from all Superintendents’ Planning Districts submitted baseline data.

713 of 928 individual file reviewed indicate the percent of youth aged 16 and above with an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals.

Discussion of Baseline Data:

VDOE’s review of the data collected indicate the percent of youth aged 16 and above with an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals is 76.83%.

FFY	Measurable and Rigorous Target
2005 - 2006	100 % percent of youth aged 16 and above will have an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals

2006 - 2007	100 % percent of youth aged 16 and above will have an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals
2007 - 2008	100 % percent of youth aged 16 and above will have an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals
2008 - 2009	100 % percent of youth aged 16 and above will have an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals
2009 - 2010	100 % percent of youth aged 16 and above will have an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals
2010 - 2011	100 % percent of youth aged 16 and above will have an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals

Improvement Activities/Timelines/Resources:

VDOE participates in the Virginia Team for Youth which is a collaborative effort among VDOE, Virginia Department of Social Services, Virginia Department of Correctional Education, Virginia Department of Juvenile Justice, Virginia Department of Rehabilitative Services, Job Corps, and Workforce Investment-Youth Coordinators. The team initiates and facilitates networking at a local level for the purpose of providing transition services to all at risk youth.

VDOE offers all school divisions an opportunity to participate in the Virginia Transition Outcomes Projects.

The VDOE provides a variety of resources, accessible on the web, that assist in effective transition planning.

VDOE participates in local, regional, state, and national Transition Communities of Practice.

VDOE sponsors a state Transition Conference for the purpose of staff development, training across agencies, and disseminating information to practitioners, parents, and youth.

VDOE sponsors events for adolescents that take place on college campuses and focus on life after secondary education. These events help youth, family, and teachers understand transition issues. In 2005 there were 7 events.

There are 16 Transition Specialists who provide regional support to activities.

VDOE will work with school divisions through its focused monitoring system to ensure compliance with this indicator.

The time line for the above activities is 2006 – 2007.

Resources include VDOE staff, T/TAC staff, and others listed in the activity description.

Part B State Performance Plan (SPP) for 2005 - 2010**Overview of the State Performance Plan Development:**

See overview description in introduction section.

Monitoring Priority: Effective General Supervision Part B / Effective Transition**Indicator 14:**

Percent of youth who had IEPs, are no longer in secondary school and who have been competitively employed, enrolled in some type of postsecondary school, or both, within one year of leaving high school.

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

Measurement:

Percent = [(# of youth who had IEPs, are no longer in secondary school and who have been competitively employed, enrolled in some type of postsecondary school, or both, within one year of leaving high school) divided by the (# of youth assessed who had IEPs and are no longer in secondary school)] times 100.

Data Source: Data reported for Indicator 14 are described below.

Overview of Issue/Description of System or Process:

The following statement serves as the Virginia Department of Education's response to the issue raised in OSEP's letter to Virginia Department of Education dated February 1, 2006, re: State Performance Plan Sampling Plans:

The language submitted by the Virginia Department of Education in its State Performance Plan submitted December 1, 2005 for Indicator 14 was not intended to suggest that VDOE was proposing to use a sampling methodology for collecting data on postsecondary outcomes. VDOE intends to include all school leavers in the survey to be conducted to collect baseline data to meet the reporting requirements for Indicator 14. If VDOE proposes to change the collection methodology at some point in the future, VDOE will address any such change in subsequent submissions of the State Performance Plan/Annual Performance Report, after consultation with OSEP staff and with input from stakeholders.

A survey was developed by the Virginia Department of Education for the purpose of collecting post school outcome (PSO) data on high school leavers.

The survey was developed with input from stakeholders, including secondary technical assistants, a parent, higher education and other service providing agencies.

Training sessions were held during the 2006 – 2007 school year for all school divisions at which information on the Start Performance Plan was presented, including information on Indicator 14 and the development of and use of a postsecondary outcomes survey. VDOE will continue to conduct training sessions during the 2006 – 2007 school year to provide school divisions with information on the conduct of the survey and the submission of data collected through the survey.

VDOE has defined, for the purposes of this study, a school leaver to mean a student who has exited their high school education with an advanced studies diploma, standard diploma, modified standard diploma, special diploma, completed a GED, received a certificate of program completion, exceeded the age of eligibility, or dropped out. Consistent with state definition, a dropout is an individual who: was enrolled in school at some time during the previous school year and was not enrolled on October 1 of the current school year, or was not enrolled on October 1 of the previous school year although expected to be in membership; and has not graduated from high school or completed a state- or district-approved educational program; and does not meet any of the following exclusionary conditions: transfer to another public school district, private school, or state- or district-approved education program; temporary school-recognized absence due to suspension or illness or death.

Postsecondary outcomes data will be collected on ALL (census) youth who had IEPs and have left or exited secondary education. These youth are called “leavers” and/or “exiters”. Divisions will attempt to contact all leavers and use the Post School Outcomes Survey.

All school leavers will be contacted between April and August for an interview. Training will be provided to all school division personnel who will be conducting the survey interviews. The interviews will collect data on former students’ participation in post secondary education and/or employment one year after exiting high school.

For the purposes of this survey the Rehabilitation Act’s definition of competitive employment will be used. It is, work in the
“(i) competitive labor market that is performed on a full-time (35 hours or more per week) or part-time (less than 35 hours per week) basis in an integrated setting; and (ii) For which an individual is compensated at or above minimum wage, but not less than the customary wage and level of benefits paid by the employer for the same or similar work performed by individuals who are not disabled.”

Postsecondary school is any education, schooling and or training that takes place after leaving secondary education. Examples of postsecondary schooling/training include adult and continuing education, employer sponsored training, short-term education or employment training (WIA, Job Corps), vocational technical school, community or technical college, 4-year college or university, and day support/pre vocational programs. The list is not all inclusive. Full-time enrollment means a student is enrolled in 12 or more credit hours in a semester. Part time enrollment is anything less than 12 credit hours in a semester. The web based survey will contain a dictionary of terms so that interviewers will be able to refresh their memories regarding terms and respond to participant questions.

Initial training regarding an overview of all indicators took place in the late summer of 2006. It was conducted in the eight Superintendent’s Regions. Training specific to Indicator 14 was completed in fall 2006. It was conducted in each of the eight Superintendent’s Regions.

Two web casts on telephone survey techniques and protocol will be available to all divisions in February 2007. Additionally, CDs of the web cast will be distributed to all school divisions.

Baseline Data for FFY (NA):**Discussion of Baseline Data:**

FFY	Measurable and Rigorous Target
2007 - 2008	To Be Determined
2008 - 2009	To Be Determined
2009 - 2010	To Be Determined
2010 - 2011	To Be Determined

Improvement Activities/Timelines/Resources

Part B State Annual Performance Report (APR) for 2005 - 2006

Overview of the State Performance Plan Development:

See overview description in introduction section.

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.

For any noncompliance not corrected within one year of identification, describe what actions, including technical assistance and enforcement actions that the State has taken.

FFY	Measurable and Rigorous Target
2005 - 2006	100% of the findings identified through general supervision (including monitoring, complaints, hearings, etc.) are corrected as soon as possible but in no case later than one year from identification.

Note: This statement is included to address the issue cited in OSEP’s March 14, 2006 letter to Virginia specific to language submitted in Indicator 15 in Virginia’s 2004 – 2005 State Performance Plan.

For the issue raised related to Indicator 12 in Virginia’s 2004 – 2005 State Performance Plan, all non-compliance findings, including those that had not been corrected within one year of identification, have been corrected. VDOE made on-site visits to school divisions that failed to make corrections in one year; met with directors of special education and division superintendents to address the findings; required monthly progress reports from school divisions and provided technical assistance specific to the noncompliance findings. Documentation was obtained to verify compliance with identified noncompliant findings.

Data Source: Data reported for Indicator 15 are described below.

Actual Target Data for 2005 - 2006:

During the 2005 - 2006 school year, VDOE continued to monitor school divisions based on a six-year cycle that involved 22 school divisions in each phase of the monitoring process -- self-assessment; on-site review; and follow-up and continuous improvement. Each phase of the process involves small, medium, and large divisions from each region of the state.

Self-assessment reports on 136 compliance items and corrective action/improvement plans were received from 22 school divisions in May/June 2005. VDOE verified compliance within one year by requiring submission of documentation and conducted follow-up on implementation of action plans from self-assessments during its on-site monitoring visits during the 2005 - 2006 school year. VDOE also followed up on on-site monitoring visits that were conducted in the 2004 - 2005 school year.

VDOE did not meet the state target of ensuring 100% of the findings identified through the monitoring activities are corrected as soon as possible but in no case later than one year from identification.

Monitoring

VDOE identified a total of 36 noncompliance findings through its monitoring activities. The number corrected within one year of identification was 34, for a percentage of 94.4%

Noncompliance Findings Topical Areas

IEP Procedures and content	16 *
Least Restrictive Environment	1
Discipline	3
Procedural Safeguards	1
Evaluation and Eligibility	8 *
Child Find	4
Staffing	2
Surrogate Parents	1

* indicates the 2 issues that were not corrected within the required 1 year.

In addressing noncompliance findings that were not corrected within one year of identification, VDOE made on-site visits to school divisions that failed to make corrections in one year; met with directors of special education and division superintendents to address the findings; required monthly progress reports from school divisions and provided technical assistance specific to the noncompliance findings. Documentation was obtained to verify compliance with identified noncompliant findings.

Complaints

VDOE identified 111 noncompliance findings in complaints cases processed. 107 of those noncompliance findings were corrected within one year of identification for 96.39%. The 4 noncompliance findings not corrected within one year of identification were in two complaint cases that were challenging in detail and issues and required amending the corrective action plans several times. Both complaint cases have now been closed with all 4 of the noncompliance findings corrected, with the school divisions in full compliance.

Noncompliance Findings Topical Areas

IEP procedures and content:	27
LRE:	1
Discipline:	4
Procedural safeguards:	6 *1
Eval. & Eligibility:	7
Child Find:	1
IEP implementation:	46 *1
IEP parental participation:	9
ISP implementation:	1
Qualified personnel:	2
Due process procedures:	5 *2
Consent to terminate services:	1
FAPE residency:	1

* indicates the 4 issues that were not corrected within the required 1 year.

Due Process Hearings

VDOE identified 3 noncompliance findings in due process hearings. All 3 of those noncompliance findings were corrected within one year of identification for 100%.

Noncompliance Findings Topical Areas

All three noncompliance findings that were corrected within one year of identification were related to due process hearings were specific to parental request for reimbursement for parentally placed child vs. LEA appropriate educational placement.

The total noncompliance findings from VDOE's monitoring activities, complaint findings and due process hearings are added together for a total of 144 out of 150 findings that were corrected as soon as possible but in no case later than one year from identification, for a percentage of 96 percent.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for 2005 - 2006:

VDOE completed all activities listed for Indicator 15 in Virginia's 2004 - 2005 State Performance Plan. VDOE will continue with identified improvement activities throughout 2006 - 2007.

It is difficult to report progress or slippage for Indicator 15 because states were given different measurement and reporting instructions from the 2004 – 2005 SPP.

In general, the 94.4% on noncompliance findings related to monitoring corrected within one year of identification was lower than the 100% compliance reported in the 2004 – 2005 State Performance Plan. This represents slippage from last year. As noted, these noncompliance findings have all been corrected as of November 2006.

The 96.39% of noncompliance findings related to complaint cases corrected within one year of identification was higher than the 2004 – 2005 school year's performance of 91.4%. Progress was made in this area.

The 100% of noncompliance findings related to due process hearings was the same as last year's 100%.

VDOE will work with school divisions through its focused monitoring system to ensure compliance with all requirements under Part B and to ensure all non-compliance findings are corrected as soon as possible but in no case later than one year from identification.

Staff in the Office of Dispute Resolution & Administrative Services will continue to monitor tracking logs and case files monthly.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for 2006 - 2007

Part B State Annual Performance Report (APR) for 2005 - 2006

Overview of the Annual Performance Report Development:

See overview description in introduction section.

Monitoring Priority: Effective General Supervision Part B / General Supervision

Indicator 16:

Percent of signed written complaints with reports issued that were resolved within 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint.

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

Measurement:

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

FFY	Measurable and Rigorous Target
2005 - 2006	VDOE will resolve 100% of all signed written complaints within the 60-day timeline or a timeline extended for exceptional circumstances.

Data Source: Data reported for Indicator 16 are described below.

Actual Target Data for 2005 – 2006:

VDOE met the state target. 75 total reports were issued by VDOE. 55 reports were issued within the 60-day timeline. 20 reports were issued within an extended timeline.

VDOE resolved 100% of all signed written complaints within the 60-day timeline or a timeline extended for exceptional circumstances.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for 2005 - 2006:

VDOE's Office of Dispute Resolution & Administrative Services continues to work on all of its identified SPP activities. Completion of the Administrative Dispute Resolution Guide was extended to July 2007. VDOE is revising the work plan to address noncompliance issues related to IEP implementation by broadening it to include stakeholders' input. VDOE's ODR/AS received and responded to an increase in training requests from parent groups on dispute resolution options, including information on the complaint resolution system.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for 2006 - 2007

Part B State Annual Performance Report (APR) for 2006 - 2007

Overview of the Annual Performance Report Development:

See overview description in introduction section.

Monitoring Priority: Effective General Supervision Part B / General Supervision

Indicator 17:

Percent of fully adjudicated due process hearing requests that were fully adjudicated within the 45-day timeline or a timeline that is properly extended by the hearing officer at the request of either party.

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

Measurement:

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

FFY	Measurable and Rigorous Target
2005 - 2006	Hearing officers will issue 100% of fully adjudicated due process hearing decisions within the 45-day timeline or a timeline that is properly extended by the hearing officer at the request of either party.

Data Source: Data reported for Indicator 17 are described below.

Actual Target Data for 2005 - 2006:

VDOE met the state target. Hearing officers issued 100% of fully adjudicated due process hearing decisions within the 45-day timeline or within properly extended timelines. 15 reports were issued by hearing officers. 3 decisions were issued within the required 45-day timeline and 12 decisions were issued within properly extended timelines.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for 2005 - 2006:

VDOE’s Office of Dispute Resolution & Administrative Services continues with its SPP activities. Completion of the guidance document and the Alternative Dispute Resolution Guide has been extended to July 2007. VDOE ODR/AS received and responded to an increase in the number of requests for parent trainings on dispute resolution options, including information on the due process hearing system.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for 2006 - 2007:

Part B State Performance Plan (SPP) for 2005 - 2010

Overview of the State Performance Plan Development:

See overview description in introduction section.

Monitoring Priority: Effective General Supervision Part B / General Supervision
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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.
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Data Source: Data reported for Indicator 18 are described below.

Overview of Issue/Description of System or Process:

The Virginia Department of Education's (VDOE) Office of Dispute Resolution and Administrative Services is responsible for managing the due process system. ODR/AS has developed additional sections in its tracking logs to identify the use of the Resolution Session for resolving due process issues. ODR/AS already initiated technical assistance activities, which includes providing guidance on the early resolution process to hearing officers, school divisions, and parents.

VDOE's Office of Dispute Resolution & Administrative Services developed additional sections in its tracking logs to identify use of the Resolution Session for resolving due process issues. ODR/AS also initiated technical assistance activities in the form of resource documents and trainings to hearing officers, school personnel, and parents on Resolution Session requirements. ODR/AS also contacted every school division and hearing officer upon receipt of the request for due process to ensure that both the LEA and hearing officer correctly managed the timelines and process for the Resolution Sessions.

Baseline Data for FFY 2005 - 2006:

59 of the 98 hearing requests involved Resolution Sessions. 16 of the 59 Resolution Sessions resulted in settlement agreements.

27% of the Resolution Sessions resulted in settlement agreements.

Discussion of Baseline Data:

VDOE does not consider 27% a deficient rate. It takes time for school divisions and parents to understand the new requirements and the benefits of the resolution sessions. However, and most importantly, VDOE cannot control the outcome of these sessions. The more valued indicator should be how many of the hearing requests involved resolution sessions. Like mediation, resolution sessions

cannot be based on setting unreasonable agreement rates like 100%. Even 75% is unrealistic. If required to have an unrealistic target rate, the use of resolution sessions could be jeopardized.

FFY	Measurable and Rigorous Target
2006 - 2007	Maintain a 30% range rate of resolution agreements.
2007 - 2008	Maintain a 30% range rate of resolution agreements.
2008 - 2009	Maintain a 35% range rate of resolution agreements.
2009 - 2010	Maintain a 35% range rate of resolution agreements.
2010 - 2011	Maintain a 40% range rate of resolution agreements.

Improvement Activities/Timelines/Resources:

Maintain and monitor tracking logs. Identify trends in Office of Dispute Resolution & Administrative Services' Annual Report.

Utilize Work Group established in November 2006 to review data, analyze trends, and develop guidance, technical assistance, and trainings for LEAs and parents on the resolution process.

The timeline for the above activities is for the 2006 - 2007 school year.

Resources include ODR/AS and MSRRC

Part B State Annual Performance Report (APR) for 2005 - 2006

Overview of the Annual Performance Report Development:

See overview description in introduction section.

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
2005 - 2006	Maintain a 76-80% range rate of mediations that result in mediation agreements, acknowledging that the goal is to provide quality in the mediation services by ongoing training, observation of and debriefing with the mediators, as well as continuing to encourage and support mediations. 100% of mediations will not delay or deny the parent’s right to a due process hearing.

Data Source: Data reported for Indicator 19 are described below.

Actual Target Data for 2005 - 2006:

VDOE did not meet the state target. There were a total of 100 mediations. 14 mediation agreements related to due process and 61 mediation agreements not related to due process were reached for a total of 75 agreements.

75% of mediations resulted in mediation agreements.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for 2005 - 2006:

As emphasized in last year’s SPP footnote to the Measurable and Rigorous Target, the fundamental principles of mediation are that participation is voluntary and the outcome is self-directed by the participants. The objective and target should be supporting and developing the use of mediation in schools, not force-fitting agreements.

VDOE's Office of Dispute Resolution and Administrative Services followed all of its improvement activities. Completion of the Administrative Dispute Resolution Guide was extended to July 2007.

The 75% resolution rate was the same as the baseline percentage reported in Virginia's 2004 – 2005 State Performance Plan, so there was no progress or slippage when comparing the 2005 – 2006 percentage to the 2004 – 2005 percentage.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for 2006 - 2007

Part B State Annual Performance Report (APR) for 2005 - 2006

Overview of the Annual Performance Report Development:

See overview description in introduction section.

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 and annual performance reports, are:

- a. Submitted on or before due dates (February 1 for child count, including race and ethnicity; placement; November 1 for exiting, discipline, personnel; and February 1 for Annual Performance Reports); and
- b. Accurate (describe mechanisms for ensuring error free, consistent, valid and reliable data and evidence that these standards are met).

FFY	Measurable and Rigorous Target
2005 - 2006	All State reported data (618 and State Performance Plan and Annual Performance Report) will be timely and accurate.

Note: This statement is included to address the issue cited in OSEP’s March 14, 2006 letter to Virginia specific to language submitted in Indicator 20 in Virginia’s 2004 – 2005 State Performance Plan.

The following language was submitted to address the baseline data requirement for Indicator 20 in Virginia’s 2004 – 2005 State Performance Plan:

“All required reports were submitted in accordance with reporting requirements and within required timelines.”

This statement should have included additional language stating that “...all data submitted were accurate...” .

The following serves as VDOE’s revision of the original 2004 – 2005 baseline language for Indicator 20:

“All data submitted to meet 618 and State Performance Plan/Annual Performance Plan requirements were accurate and submitted in a timely manner.”

Actual Target Data for 2005 - 2006:

All data submitted to meet 618 reporting requirements and State Performance Plan/Annual Performance Plan requirements were accurate and submitted in a timely manner.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for 2005 – 2006:

All improvement activities listed in VDOE's 2004 – 2005 State Performance Plan were completed.

VDOE will continue to engage in the following activities to ensure required reporting timelines are met and that data reported are accurate:

Data collected through the December 1 child count (indicators 5, 6, 9 and 10) receive extensive editing, including edit checks in school divisions prior to submitting data; edit checks at VDOE at the data upload stage; electronic editing at VDOE to identify and correct duplicate records reported and additional edits conducted by VDOE staff. All child count data, including educational environment data, are verified through local superintendents' signature.

Data collected through VDOE's annual end of year reports (Indicators 1 and 2) are edited by VDOE staff and verified by local division superintendents.

Data collected for Virginia's state assessment programs (Indicator 3) meet all NCLB reporting requirements.

Data collected on dispute resolution activities (Indicators 16, 17, 18 and 19) are maintained and verified by VDOE's Office of Special Education and Students Services Dispute Resolution staff.

Data on suspension and expulsion for students with disabilities (Indicator 4) are collected through VDOE's annual discipline/crime and violence report. Data are edited by VDOE staff and have local division superintendent verification.

VDOE made sure there were edit checks for accuracy for data collections implemented during 2005 – 2006 for indicators 7, 8, 11, 12 and 13.

VDOE staff provides extensive technical assistance to all school divisions on all required data. This assistance is provided at regularly scheduled meetings with local special education directors and data entry staff. Other school division staff, such as technology staff, also attend, as appropriate. Technical assistance is also provided as needed, either at the request of school divisions or when issues related to data reporting are identified by VDOE staff.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for 2006 - 2007