

## Part B Annual Performance Report for 2006-2007

### Overview

The attached document is the Virginia Department of Education (VDOE) *2006-2007 Annual Performance Report* (APR). The APR provides information specific to measuring the state's progress on indicators defined by the Office of Special Education Programs of the United States Department of Education.

VDOE has developed its *2006-2007 Annual Performance Report* (APR) with input from stakeholders. Stakeholders included representatives of the State Special Education Advisory Committee (SSEAC), parents, school division administrators, other state agencies, Training/Technical Assistance Centers (T/TAC), early childhood specialists, transition specialists, and VDOE staff. Individual indicator stakeholder workgroup meetings included review of data, discussion of progress/slippage relative to targets, and improvement activities.

Documents included with the submission of the 2006-2007 APR include the following:

- Table 6, *Report of the Participation and Performance of Students with Disabilities on State Assessments* (Indicator 3)
- Parent Survey (Indicator 8)
- Table 7, *Report of Dispute Resolution Under Part B of the Individuals with Disabilities Education Act* (Indicators 16-19)
- Indicator 7, State Performance Plan template
- Indicator 14, State Performance Plan template

Information specific to measuring progress or slippage against state targets is included for Indicators 1, 2, 3, 4A, 5, 8, 9, 10, 11, 12, 13, 15, 16, 17, 18, 19 and 20. States are not required to submit information on Indicators 4B and 6 in this year's report.

Information specific to required progress data and improvement activities is being submitted for Indicator 7 through submission of the "SPP Template." This information has also been incorporated into Virginia's *State Performance Plan 2005-2010, Revised February 1, 2008*.

Information specific to initial baseline data, state targets and improvement activities is being submitted for Indicator 14 through submission of the "SPP Template." This information has also been incorporated into Virginia's *State Performance Plan 2005-2010, Revised February 1, 2008*.

*Virginia's State Performance Plan 2005-2010, Revised February 1, 2008*, reflects all revisions to the original SPP submitted December 2, 2005. This document is available at <http://www.doe.virginia.gov/VDOE/sess>.

As part of the submission of Virginia's 2006–2007 APR, VDOE is required to address the issues raised in the U.S. Department of Education's Office of Special Education Programs June 15, 2007 letter to Virginia, written as follow-up to the 2005–2006 APR, including *Virginia's Part B FFY 2005 SPP/APR Response Table*. Each issue is addressed under the appropriate indicator.

Virginia's *2005-2010 State Performance Plan, Revised February 1, 2008* and the *2006-2007 Annual Performance Report* will be disseminated to the public. The reports are available on the Virginia Department of Education website, <http://www.doe.virginia.gov/VDOE/sess>, 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). Reports will also be made 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](mailto:paul.raskopf@doe.virginia.gov) for information related to the *2006-2007 Annual Performance Report* or the *2005-2010 State Performance Plan, Revised February 1, 2008*.

**Part B Annual Performance Report for 2006-2007**

**Overview of the Annual Performance Report Development:** See description in Overview.

<b>Monitoring Priority:</b> FAPE in the LRE	
<b>Indicator 1:</b> Percent of youth with IEPs graduating from high school with a regular diploma. (20 U.S.C. 1416 (a)(3)(A))	
<b>Measurement:</b> The measurement for youth with IEPs graduating from high school should be the same measurement used for all youth. Explain calculation.	
<b>FFY</b>	<b>Measurable and Rigorous Target</b>
<b>2006-2007</b>	43 percent of youth with IEPs graduating from high school will receive an Advanced Studies or Standard Diploma.

**Data Source**

Data for Indicator 1 are taken from the VDOE end-of-year school division report.

**Response Table Issue from OSEP’s June 15, 2007 Determination Letter to VDOE**

*“The State revised the targets for this indicator in its APR, and OSEP accepts those revisions. The State did not indicate stakeholder involvement in the revision of targets to be less rigorous. The State did not reflect the revised targets in its revised SPP, and must update the SPP to include the revised targets.”*

VDOE Response

The involvement of stakeholders in the revision of targets was inadvertently omitted from the 2005-2006 APR. The updated SPP, *2005-2010 State Performance Plan, Revised February 1, 2008*, reflects revised targets and is available at <http://www.doe.virginia.gov/VDOE/sess>.

**Actual Target Data for 2006-2007**

Virginia met the target that 43 percent of youth with IEPs graduating from high school will receive an Advanced Studies or Standard Diploma.

**Part B Annual Performance Report for 2006-2007****Students with Disabilities who Received Standard and Advanced Studies Diplomas:**

	<b>N</b>	<b>Total</b>	<b>Percent</b>
2005-2006	4,631	10,948	42
2006-2007	4,931	11,565	43

For purposes of determining a graduation rate for students with disabilities, VDOE uses the *No Child Left Behind* (NCLB) 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 12<sup>th</sup> grade dropouts that year, the number of 11<sup>th</sup> grade dropouts a year earlier, the number of 10<sup>th</sup> grade dropouts 2 years earlier, and the number of 9<sup>th</sup> grade dropouts 3 years earlier. The numerator includes only Standard 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.

The graduation rate for students with disabilities is calculated consistent with VDOE’s *No Child Left Behind Accountability Workbook* assurances. The targets are consistent with Virginia’s State Board of Education initiatives and Annual Measurable Objectives (AMO) related to graduation rate.

Using the NCLB graduation calculation for the 2006-2007 school year, the rate of students with disabilities who graduated with an Advanced Studies or Standard Diploma was 43 percent.

The term “regular diploma” as used in this indicator includes Virginia’s Advanced Studies Diploma and Standard Diploma. Virginia offers several additional graduation options to students with disabilities. These include the Modified Standard Diploma, the Special Diploma and the Certificate of Completion. Standards which must be met to receive the Modified Standard Diploma and the Special Diploma are more rigorous than those which must be met for the Certificate of Completion. Virginia believes that inclusion of students who earn these additional diplomas in the graduation rate would provide a more accurate picture of the graduation status for students with disabilities in Virginia.

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. The *Accountability Workbook* can be found at

<http://www.doe.virginia.gov/VDOE/nclb/#csa>.

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for 2006-2007**Progress/slippage

Virginia demonstrated progress in the rate of students with disabilities graduating with an Advanced Studies or Standard Diploma, increasing the rate from 42 percent in 2005-2006 to 43 percent in 2006-2007.

Discussion of activities

During 2006-2007, activities listed for Indicator 1 in Virginia’s State Performance Plan were implemented.

## **Part B Annual Performance Report for 2006-2007**

VDOE, through the Redesign the American High School initiative, will continue to expand school divisions' Algebra Readiness programs and will continue to help school divisions in developing and implementing transition plans aimed at reducing the number of 9<sup>th</sup> and 10<sup>th</sup> grade students retained in grade.

VDOE will continue to provide online tools and tutorials designed to assist students and teachers with preparing for and taking SOL assessments needed for graduation.

VDOE will continue to support local graduation academies to prepare students in need of verified units of credit.

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

Stakeholders reviewed Virginia's performance related to Indicator 1 and provided input regarding data, targets, and activities.

In addition to existing activities, VDOE will provide technical assistance on the use of substitute tests available as End of Course tests to allow students to earn verified credits toward graduation.

Also, VDOE will support implementation of the Transition Outcomes Project.

These additional activities are justified by the positive impact they will have on the number of students who will earn a Standard or Advanced Studies Diploma. This activity is included in Indicator 3, Assessment, as well.

The activities will be implemented for the duration of the SPP through 2010.

**Part B Annual Performance Report for 2006-2007**

**Overview of the Annual Performance Report Development:** See description in Overview.

<b>Monitoring Priority:</b> FAPE in the LRE	
<b>Indicator 2:</b> Percent of youth with IEPs dropping out of high school. (20 U.S.C. 1416 (a)(3)(A))	
<b>Measurement:</b>  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:  <ul style="list-style-type: none"> <li>(i) the number of dropouts for a given school year; divided by</li> <li>(ii) the September 30<sup>th</sup> membership of that school year.</li> </ul>	
<b>FFY</b>	<b>Measurable and Rigorous Target</b>
<b>2006-2007</b>	The drop out rate for students with disabilities will decrease to 1.91 percent.

**Data Source**

Data for Indicator 2 are taken from VDOE's end-of-year school division report.

**Response Table Issue from OSEP's June 15, 2007 Determination Letter to VDOE**

*"The State revised the improvement activities for this indicator in its APR, and OSEP accepts those revisions. The State did not reflect the revised improvement activities in its revised SPP, and must update the SPP to include the revised activities."*

VDOE Response

VDOE updated the SPP to reflect revised improvement activities. See *2005-2010 State Performance Plan, Revised February 1, 2008*, at <http://www.doe.virginia.gov/VDOE/sess>.

**Actual Target Data for 2006-2007**

Virginia did not meet the target for 2006-2007 of 1.91 percent of youth with IEPs dropping out of high school.

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

**Part B Annual Performance Report for 2006-2007**

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.

**Drop out rate for students with disabilities**

<b>Year</b>	<b>Dropouts</b>	<b>Membership</b>	<b>Percent</b>
2005-2006	1,739	78,958	2.2
2006-2007	1,808	77,492	2.3

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for 2006-2007**

Progress/slippage

The dropout rate for students with disabilities for the 2006-2007 school year was 2.3 compared to a rate of 2.2 for the 2005-2006 school year. Therefore, there was slippage during 2006-2007 from the previous year.

Discussion of activities

During 2006-2007, activities listed for Indicator 2 in Virginia’s State Performance Plan were implemented.

VDOE will continue to participate 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.

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

Stakeholders reviewed Virginia’s performance related to Indicator 2 and provided input regarding data, targets, and activities.

In addition to the existing activities, VDOE will support implementation of the Transition Outcomes Project.

Also, VDOE will work with the National Dropout Prevention Center-Students with Disabilities to provide technical assistance on research based successful strategies for keeping students from leaving school without diplomas.

Justification for adding the new activities is the increased assistance to VDOE in assuring implementation of strategies designed to prevent students from leaving school without a diploma and helping students who have left school to re-enter.

These new activities will be implemented for the duration of the SPP through 2010.

**Part B Annual Performance Report for 2006-2007**

**Overview of the Annual Performance Report Development:** See description in Overview.

<p><b>Monitoring Priority:</b> FAPE in the LRE</p>
<p><b>Indicator 3:</b></p> <p>Participation and performance of children with disabilities on statewide assessments:</p> <p>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.</p> <p>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.</p> <p>C. Proficiency rate for children with IEPs against grade level standards and alternate achievement standards.</p> <p>(20 U.S.C. 1416 (a)(3)(A))</p>
<p><b>Measurement:</b></p> <p>A. Percent = <math>[(\# \text{ of districts meeting the State's AYP objectives for progress for the disability subgroup (children with IEPs)}) \div (\text{total } \# \text{ of districts that have a disability subgroup that meets the State's minimum "n" size in the State})] \times 100.</math></p> <p>B. Participation rate =</p> <ul style="list-style-type: none"><li>a. # of children with IEPs in assessed grades;</li><li>b. # of children with IEPs in regular assessment with no accommodations (percent = <math>[(b) \div (a)] \times 100</math>);</li><li>c. # of children with IEPs in regular assessment with accommodations (percent = <math>[(c) \div (a)] \times 100</math>);</li><li>d. # of children with IEPs in alternate assessment against grade level achievement standards (percent = <math>[(d) \div (a)] \times 100</math>); and</li><li>e. # of children with IEPs in alternate assessment against alternate achievement standards (percent = <math>[(e) \div (a)] \times 100</math>)</li></ul> <p>Account for any children included in a but not included in b, c, d, or e above.</p> <p>Overall Percent = <math>[(b + c + d + e) \div (a)].</math></p> <p>C. Proficiency rate =</p> <ul style="list-style-type: none"><li>a. # of children with IEPs in assessed grades;</li><li>b. # of children with IEPs in assessed grades who are proficient or above as measured by the regular assessment with no accommodations (percent = <math>[(b) \div (a)] \times 100</math>);</li><li>c. # of children with IEPs in assessed grades who are proficient or above as measured by the</li></ul>

**Part B Annual Performance Report for 2006-2007**

<p>regular assessment with accommodations (percent = [(c) divided by (a)] times 100);</p> <p>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) divided by (a)] times 100);</p> <p>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)</p> <p>Account for any children included in a but not included in b, c, d, or e above.</p> <p>Overall Percent = [(b + c + d + e) divided by (a)].</p>	
FFY	Measurable and Rigorous Target
<b>2006-2007</b>	<p>A. At least 65 percent of Virginia’s school divisions will meet AYP objectives for the students with disabilities subgroup.</p> <p>B. At least 95 percent of students with disabilities will participate in state assessments.</p> <p>C. At least 73 percent of students with disabilities will pass state English/Reading assessments. At least 71 percent of students with disabilities will pass state mathematics assessments.</p>

**Response Table Issue from OSEP’s June 15, 2007 Determination Letter to VDOE**

*“The data that the State reported in the APR were not consistent with the data in Table 6. In the FFY 2006 APR, due February 1, 2008, the State must report data that are consistent with Table 6.”*

VDOE Response

Data reported for this indicator were based on VDOE’s NCLB workbook for reporting participation and proficiency rates for AYP. It appears OSEP’s calculation of a participation rate using data reported in Table 6 is different from the NCLB calculation.

In the Table 6 section for addressing discrepancies, VDOE clearly addressed the data reported in column 1 and column 11 for math and for reading data. The following explanation was provided in Table 6 submitted by VDOE in its 2005-2006 APR:

- *“The data in Sec. A, Page 1, Col. 1 reflect the number of students with IEPs reported on Virginia’s March 31, 2006 membership. The data in Sec. C, Page 9, Col. 11, reflect the number of test documents received by the Virginia Department of Education at the conclusion of the testing window. For the 2006-2007 assessment cycle, Virginia expects to refine the collection of assessment data using unique student identifiers and will be able to report the number of students in each assessment program.”*
- *“The data in Sec. D, Page 10, Col. 1 reflect the number of students with IEPs reported on Virginia’s March 31, 2006 membership. The data in Sec. F, Page 18, Col. 11, reflect the*

**Part B Annual Performance Report for 2006-2007**

*number of test documents received by the Virginia Department of Education at the conclusion of the testing window. For the 2006-2007 assessment cycle, Virginia expects to refine the collection of assessment data using unique student identifiers and will be able to report the number of students in each assessment program.”*

In trying to respond to the issues specified in OSEP’s response table, VDOE tried to reconstruct how OSEP made their calculations. Since states were not informed prior to the February 1, 2007 APR submission date or prior to the release of states’ determination letters that OSEP would be using their own calculation using Table 6 data, this was difficult to do. It appears OSEP took the total reported in column 11 for the math and reading sections of Table 6, subtracted the total reported in column 10 for the math and reading sections and divided by the total in column 1. If this calculation had been specified in the SPP/APR instructions or in the SPP/APR measurement table that states are directed to use, VDOE would have pointed out to OSEP that because of the way AYP is calculated, using NCLB rules, you cannot have the same denominator for participation and proficiency. For example, under NCLB AYP calculation rules, totals reported for non-standard accommodations count in participation but not in performance.

In addition, VDOE believes that given the explanation for the discrepancy between column 1 and column 11 in Table 6 reported in it’s 2005-2006 APR, OSEP should have realized that using the OSEP calculation, different participation rates and proficiency for math and reading would be obtained than the ones reported by VDOE.

VDOE believes that more communication with states would have prevented an issue being raised with VDOE that could have been avoided.

**Data Source**

Data for Indicator 3 are taken from VDOE state assessment data.

**Actual Target Data for 2006-2007**

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*. 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>.

Virginia’s performance relative to targets for the 2006-2007 school year for the three components of Indicator 3 is as follows:

Indicator 3A

Virginia met the target for the 2006-2007 school year that at least 65 percent of school divisions will meet AYP objectives for the students with disabilities subgroup.

**School divisions meeting AYP for students with disabilities:**

	<b>N</b>	<b>Total</b>	<b>Percent</b>
2005-2006	101	132	77
2006-2007	87	132	66

**Part B Annual Performance Report for 2006-2007**

Indicator 3B

Virginia met the target for the 2006-2007 school year that at least 95 percent of students with disabilities will participate in state assessments.

**Students with IEPs participating in English/Reading assessments:**

	<b>N</b>	<b>Total</b>	<b>Percent</b>
2005-2006	187,884	189,615*	99
2006-2007	87,665	88,696	99

\* represents number of test booklets/tests taken

**Students with IEPs participating in Math assessments:**

	<b>N</b>	<b>Total</b>	<b>Percent</b>
2005-2006	219,298	221,493*	99
2006-2007	98,810	99,869	99

\* represents number of test booklets/tests taken

Indicator 3C

Virginia did not meet the target for the 2006-2007 school year that at least 73 percent of students with disabilities will pass state English/Reading assessments.

**Students with disabilities passing state English/Reading assessments:**

	<b>N</b>	<b>Total</b>	<b>Percent</b>
2005-2006	57,170	89,729	64
2006-2007	53,835	86,947	62

Virginia did not meet the target for the 2006-2007 school year that at least 71 percent of students with disabilities will pass state mathematics assessments.

**Students with disabilities passing state Math assessments:**

	<b>N</b>	<b>Total</b>	<b>Percent</b>
2005-2006	52,847	100,251	53
2006-2007	56,839	97,984	58

Additional information not addressed in Indicators 3A, 3B and 3C is 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*. This additional information includes the number of students with disabilities who participated in the state assessment program with accommodations and the number of students exempted from the state assessment program.

Table 6 is attached.

## Part B Annual Performance Report for 2006-2007

### Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for 2006-2007

#### Progress/slippage

Progress/slippage for each of the components of this indicator is discussed below:

#### Indicator 3A

For the 2006-2007 school year, data indicate there was slippage in the percent of school divisions meeting AYP objectives for students with disabilities with a percentage of 66 for 2006-2007 compared to a percentage of 77 for 2005-2006.

#### Indicator 3B

There was no change from 2005-2006 to 2006-2007 in the percentage of participation of students with disabilities in English/Reading assessments. The participation rate remained at 99 percent across the two years.

There was no change from 2005-2006 to 2006-2007 in the percentage of participation of students with disabilities in math assessments. The participation rate remained at 99 percent across the two years.

#### Indicator 3C

For the 2006-2007 school year, there was slippage in the percent of students with disabilities who passed the English/Reading assessments, with 64 percent passing in 2005-2006 and 62 percent passing in 2006-2007.

For the 2006-2007 school year, there was progress in the percent of students with disabilities who passed the Math assessments, with 53 percent passing in 2005-2006 and 58 percent passing in 2006-2007.

#### Discussion of activities

During 2006-2007, activities listed for Indicator 3 in Virginia's State Performance Plan were implemented.

VDOE will continue to provide training and technical assistance related to reading skills, with a focus on needs of special education teachers, through Virginia's Reading First project.

VDOE will continue to provide training on 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 will continue to provide 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 these available at [www.ttaonline.org](http://www.ttaonline.org).

VDOE will continue to provide training and technical assistance on the need for and use of assistive technology 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 resources available at [www.ttaonline.org](http://www.ttaonline.org).

## **Part B Annual Performance Report for 2006-2007**

VDOE will continue to provide support for pilot demonstration schools to implement the University of Kansas Strategic Instruction Model - Content Literacy Continuum (SIM-CLC).

VDOE will continue to participate with the National Center for Educational Outcomes "Community of Practice."

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

Stakeholders reviewed Virginia's performance related to Indicator 3 and provided input regarding data, targets, and activities.

In addition to existing activities, VDOE will provide technical assistance on the use of substitute tests available as End of Course tests to allow students to earn verified credits toward graduation.

This additional activity is justified by the positive impact it will have on the number of students who will earn a Standard or Advanced Studies Diploma through appropriate assessments. This activity is included in Indicator 1 as well.

This new activity will be implemented for the duration of the SPP through 2010.

**Part B Annual Performance Report for 2006-2007**

**Overview of the Annual Performance Report Development:** See description in Overview.

<b>Monitoring Priority:</b> FAPE in the LRE	
<b>Indicator 4:</b> Rates of suspension and expulsion:  A. Percent of districts identified by the State as having a significant discrepancy in the rates of suspension and expulsion of children with disabilities for greater than 10 days in a school year.  (20 U.S.C. 1416(a)(3)(A)); 1412(a)(22))	
<b>Measurement:</b>  A. Percent = [(# of districts identified by the State as having significant discrepancies in the rates of suspension and expulsion 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."	
<b>FFY</b>	<b>Measurable and Rigorous Target</b>
<b>2006-2007</b>	Reduce the percentage of school divisions with significant discrepancy for long-term suspensions to 12 percent and for expulsions to 8 percent.

**Response Table Issue from OSEP's June 15, 2007 Determination Letter to VDOE**

*"In its FFY 2006 APR, the State must describe the review, and if appropriate revision, of policies, procedures, and practices relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards to ensure compliance with the IDEA for: (1) the LEAs identified as having significant discrepancies in the FFY 2005 APR; and (2) the LEAs identified as having significant discrepancies in the FFY 2006 APR."*

VDOE Response

For all school divisions identified as having a significant discrepancy in the rates of suspension and expulsion of children with disabilities in the FFY 2005 APR, VDOE, through its monitoring process, determined that the divisions in question had appropriate policies, procedures, and practices related to development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.

Of the 26 school divisions determined to have significant discrepancy in the rate of long-term suspensions of children with disabilities in 2005-2006, there were no findings of noncompliance with regard to policies, procedures, and practices related to the development and implementation of IEPs, the use of positive behavioral interventions and supports, or procedural safeguards.

**Part B Annual Performance Report for 2006-2007**

Of the 18 school divisions determined to have significant discrepancy in the rate of expulsion of children with disabilities in 2005-2006, there were no findings of noncompliance with regard to policies, procedures, and practices related to the development and implementation of IEPs, the use of positive behavioral interventions and supports, or procedural safeguards.

For all school divisions identified as having a significant discrepancy in the rates of suspension and expulsion of children with disabilities in the FFY 2006 APR, VDOE, through its monitoring process, determined that the divisions in question had appropriate policies, procedures, and practices related to development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.

Of the 21 school divisions determined to have significant discrepancy in the rate of long-term suspension of children with disabilities in 2006-2007, there were no findings of noncompliance with regard to policies, procedures, and practices relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, or procedural safeguards.

Of the 16 school divisions determined to have significant discrepancy in the rate of expulsion of children with disabilities in 2006-2007, there were no findings of noncompliance with regard to policies, procedures, and practices relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, or procedural safeguards.

**Data Source**

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

**Actual Target Data for 2006-2007**

VDOE identified school divisions with significant discrepancy as those divisions whose rate of long-term suspension of children with disabilities exceeded the rate for students without disabilities, is greater than the state average, and has a number of long-term suspensions greater than three. The same criteria were utilized to determine significant discrepancy for expulsion of children with disabilities.

Virginia did not meet the target for 2006-2007 to reduce the percentage of school divisions with significant discrepancy for long-term suspensions of children with disabilities to 12 percent and for expulsions to 8 percent.

**Districts with Significant Discrepancy in Rates for Long-Term Suspension**

	<b>Number</b>	<b>Total</b>	<b>Percent</b>
2005-2006	26	132	20
2006-2007	21	132	16

**Districts with Significant Discrepancy in Rates of Expulsion**

	<b>Number</b>	<b>Total</b>	<b>Percent</b>
2005-2006	18	132	14
2006-2007	16	132	12

21 school divisions out of 132 school divisions in the state were determined to have significant discrepancy in the number of long-term suspension of children with disabilities, for a percentage of 16 percent.

## **Part B Annual Performance Report for 2006-2007**

16 school divisions out of 132 school divisions in the state were determined to have significant discrepancy in the number of expulsions of children with disabilities, for a percentage of 12 percent.

### **Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for 2006-2007**

#### Progress/slippage

The percentage 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 decreased from 20 percent in 2005-2006 to 16 percent in 2006-2007. Thus, there was progress.

The percentage of school divisions determined to have a significant discrepancy comparing the rate of expulsions for all students to those for students with disabilities decreased from 14 percent in 2005-2006 to 12 percent in 2006-2007. Thus, there was progress.

#### Discussion of activities

During 2006-2007, activities listed for Indicator 4A in Virginia's State Performance Plan were implemented.

VDOE will continue to provide training and technical assistance related to conducting functional behavior assessments and developing behavior intervention plans.

VDOE will continue to provide technical assistance to the schools who are implementing the effective school wide discipline initiative.

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

N/A

**Part B Annual Performance Report for 2006-2007**

**Overview of the Annual Performance Report Development:** See description in Overview.

<b>Monitoring Priority:</b> FAPE in the LRE	
<p><b>Indicator 5:</b></p> <p>Percent of children with IEPs aged 6 through 21 served:</p> <p>A. Inside the regular class 80 percent or more of the day;</p> <p>B. Inside the regular class less than 40 percent of the day; and</p> <p>C. In separate schools, residential facilities, or homebound/hospital placements.</p> <p>(20 U.S.C. 1416(a)(3)(A))</p>	
<p><b>Measurement:</b></p> <p>A. Percent = [(# of children with IEPs served inside the regular class 80 percent or more of the day) divided by the (total # of students aged 6 through 21 with IEPs)] times 100.</p> <p>B. Percent = [(# of children with IEPs served inside the regular class less than 40 percent of the day) divided by the (total # of students aged 6 through 21 with IEPs)] times 100.</p> <p>C. Percent = [(# of children with IEPs served in separate schools, residential facilities, or homebound/hospital placements) divided by the (total # of students aged 6 through 21 with IEPs)] times 100.</p>	
<b>FFY</b>	<b>Measurable and Rigorous Target</b>
<b>2006-2007</b>	<p>Increase the percentage of students, ages 6-21, spending at least 80 percent of their day in the regular class to 60 percent.</p> <p>Decrease the percentage of students, ages 6-21, spending at least 40 percent of their day in the regular class to 12 percent.</p> <p>Decrease the percentage of students, ages 6-21, receiving their special education services in public or private schools, residential placements or homebound or hospital placements to 2 percent.</p>

**NOTE:** The U.S. Department of Education’s Office of Special Education Programs (OSEP) did not change the language for Indicator 5 for the 2006-2007 APR, even though the data reporting requirements under Section 618 for reporting educational environment data did change for the 2006-2007 school year. Because of this change in the reporting requirements, VDOE has changed the language for the indicator, measurement, and targets to be consistent with the data reporting requirements.

**Part B Annual Performance Report for 2006-2007**

**Data Source**

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

**Actual Target Data for 2006-2007**

Based on changes in reporting requirements effective 2006-2007, data are reported for Indicators 5A and 5B or the current year only.

Indicator 5A

Virginia did not meet the target for the 2006-2007 school year that 60 percent of students with disabilities ages 6-21 would spend at least 80 percent of the day in the regular class.

	<b>Number</b>	<b>Total</b>	<b>Percent</b>
2006-2007 (inside the regular class 80% +)	82,973	152,562	54

For 2006-2007, 54 percent of students ages 6-21 spent at least 80 percent of their day in the regular classroom.

Indicator 5B

Virginia did not meet the target for the 2006-2007 school year that 12 percent of students with disabilities ages 6-21 would spend less than 40 percent of the day in the regular class.

	<b>Number</b>	<b>Total</b>	<b>Percent</b>
2006-2007 (inside the reg class 40-79%)	27,297	152,562	18

For 2006-2007, 18 percent of students ages 6-21 spent less than 40 percent of their day in the regular classroom.

Indicator 5C

Virginia did not meet the target for the 2006-2007 school year that 2 percent of students with disabilities ages 6-21 would receive their special education services in public or private schools, residential placements or homebound or hospital placements.

**Children in separate schools, residential facilities, or homebound/hospital placements:**

	<b>Number</b>	<b>Total</b>	<b>Percent</b>
2005-2006	5,716	157,160	3.6
2006-2007	5,452	152,562	3.6

For 2006-2007, 3.6 percent of students ages 6-21 received their special education in public or private schools, residential placements, or homebound or hospital placements.

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for 2006-2007**

Progress/slippage

Based on changes to the reporting requirements for this indicator effective 2006-2007, data for Indicator 5A and 5B cannot be compared between 2005-2006 and 2006-2007.

## Part B Annual Performance Report for 2006-2007

For Indicator 5C, performance remained the same from 2005-2006 to 2006-2007. 3.6 percent of students with disabilities received their special education services in public separate facilities, private day facilities, private residential facilities, homebound programs, and hospitals for both years.

### Discussion of activities

During 2006-2007, activities listed for Indicator 5 in Virginia's State Performance Plan were implemented.

VDOE and its Training/Technical Assistance Centers (T/TAC) will continue to disseminate information and implement professional development on effective inclusive practices, including differentiating instruction and collaboration.

VDOE will continue to provide training and technical assistance on the need for and use of assistive technology 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 resources available at [www.ttaonline.org](http://www.ttaonline.org).

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

N/A

**Part B Annual Performance Report for 2006-2007**

States are not required to report any information related to Indicator 6.

**Part B Annual Performance Report for 2006-2007**

Indicator 7 is an attachment to this document and is included in *Virginia's State Performance Plan 2005-2010, Revised February 1, 2008*.

This document can be found at: <http://www.doe.virginia.gov/VDOE/sess>.

**Part B Annual Performance Report for 2006-2007**

**Overview of the Annual Performance Report Development:** See description in Overview.

<b>Monitoring Priority:</b> FAPE in the LRE	
<b>Indicator 8:</b>  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))	
<b>Measurement:</b>  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.	
<b>FFY</b>	<b>Measurable and Rigorous Target</b>
<b>2006-2007</b>	65 percent of parents with a child receiving special education services will report that schools facilitated parent involvement as a means of improving services and results for children with disabilities.

**Response Table Issue from OSEP’s June 15, 2007 Determination Letter to VDOE**

*“The State provided baseline data, targets and improvement activities and OSEP accepts the SPP for this indicator.”*

*“The State did not provide an explanation of how the response rate was representative of the population in race, ethnicity, and disability, or how the State will have adequate data to report on LEA performance with low response rate. The State must provide the required explanations in the FFY 2006 APR, due February 1, 2008.”*

VDOE Response

Because VDOE used a census methodology for conducting its parent survey, VDOE is still concerned about how OSEP has applied sampling plan response rate requirements to the census conducted by VDOE. Nonetheless, VDOE has analyzed the data collected from the 2005-2006 school year survey and has determined the response rate was representative of the population in race, ethnicity, and disability.

**Data Source**

In collecting data for Indicator 8 for the 2006-2007 APR, VDOE used the same survey instrument used for the 2005-2006 APR to allow parents to report on whether schools facilitated parent involvement as a means of improving services and results for children with disabilities. This

**Part B Annual Performance Report for 2006-2007**

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.

The survey was distributed through a statewide mailing to parents of all preschool and all school-age students with IEPs, across all school divisions, all levels (high school, middle school, elementary, and preschool) and all disability categories. A postage-free return envelope was included with the survey and a toll-free number was provided for questions about the survey process. Directions in Spanish were prominently displayed on the survey instrument directing parents to a toll-free telephone number at the Parent Educational Advocacy and Training Center (PEATC), Virginia’s Parent Training and Information Center. PEATC provided Spanish versions of the survey to those who requested them. Follow-up postcards were mailed to all recipients of the survey as reminders to complete and return the survey.

The survey instrument and the process for distributing and collecting the survey and analyzing the results were developed through a collaborative effort between the VDOE, The Partnership for People with Disabilities at Virginia Commonwealth University and a group of stakeholders from across the state. Information announcing the distribution of the survey was posted on the VDOE Web page. Additional information was sent to special education administrators, members of the State Special Education Advisory Committee and others in positions to encourage parents to complete and return the survey.

**Actual Target Data for 2006-2007**

Virginia met the target for the 2006-2007 school year that 65 percent of parents with a child receiving special education services will report that schools facilitated parent involvement as a means of improving services and results for children with disabilities.

**Parents reporting that schools facilitated parent involvement as a means of improving services and results for children with disabilities**

<b>Year</b>	<b>N</b>	<b>Total</b>	<b>Percent</b>
2005-2006	16,223	25,211	64
2006-2007	22,484	33,806	67

The total number of surveys distributed was 170,137. The total number of surveys completed and returned was 37,354, for a return rate of 22 percent.

Demographic information collected from returned surveys has been analyzed by race, ethnicity and disability. VDOE has determined that all school divisions in Virginia are represented in the survey data.

The NCSEAM survey threshold item was, “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 2006-2007 percentage of 67 represents the proportion of the “Agree” or “Strongly Agree” responses to the threshold item.

## Part B Annual Performance Report for 2006-2007

### Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for 2006-2007

#### Progress/slippage

There was progress from 2005-2006 to 2006-2007 in the percentage of parents who reported that schools facilitated parent involvement as a means of improving services and results for children with disabilities, with a percentage of 64 in 2005-2006 and a percentage of 67 in 2006-2007.

#### Discussion of activities

During 2006-2007, activities listed for Indicator 8 in Virginia's State Performance Plan were implemented.

VDOE will continue to offer "Creating Collaborative IEPs," a training curriculum produced by the Partnership for People with Disabilities, in collaboration with VDOE and the Training/Technical Assistance Centers (T/TAC).

VDOE will continue to offer "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. VDOE and the Partnership will continue to offer technical assistance and information.

VDOE will continue expansion and improvement of the VDOE Web page promoting parent involvement.

VDOE will continue to provide ongoing training for existing Parent Resource Centers as well as to support development of new parent centers.

VDOE will continue to include parent-specific activities in the State Improvement Grant (SIG).

VDOE will continue to utilize the parent specialist and parent ombudsman to address parent concerns.

VDOE and the Partnership for People with Disabilities will continue to review the parent surveys, using the information to facilitate the development of future improvement activities.

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

N/A

**Part B Annual Performance Report for 2006-2007**

**Overview of the Annual Performance Report Development:** See description in Overview.

<b>Monitoring Priority:</b> Disproportionality	
<b>Indicator 9:</b>  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))	
<b>Measurement:</b>  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.	
<b>FFY</b>	<b>Measurable and Rigorous Target</b>
<b>2006-2007</b>	0 percent of the school divisions in the State will have disproportionate representation identified.

**Response Table Issue from OSEP’s June 15, 2007 Determination Letter to VDOE**

*“The State reported the percent of districts with significant disproportionality of racial and ethnic groups in special education and related services that was the result of inappropriate identification. Indicator 9 requires that States report on the percent of districts with disproportionate representation of racial and ethnic groups in special education and related services that was the result of inappropriate identification.”*

*“The State limited its review of data to overrepresentation of Black students, and did not also, as required, review data for all racial and ethnic groups, and address both overrepresentation **and** underrepresentation.”*

*“...we conclude that the State is not complying with 34 CFR §300.600(d)(3). To correct this noncompliance, in its FFY 2006 APR, due February 1, 2008, the State must provide information demonstrating that it has examined for FFY 2005 and FFY 2006, both overrepresentation and under-representation of all racial and ethnic groups in special education and related services. The State, in its FFY 2006 APR, must also describe and report on, its review of data and information for all race ethnicity categories in the State to determine if there is disproportionate representation that is the result of inappropriate identification for both FFY 2005 and FFY 2006.*

## **Part B Annual Performance Report for 2006-2007**

### VDOE Response

The term “significant disproportionality” rather than “disproportionate representation” was inadvertently used in discussion of this indicator in the 2005-2006 APR. Any reference to significant disproportionality was intended to refer to disproportionate representation of racial and ethnic groups in special education and related services that was the result of inappropriate identification.

Data were analyzed for all racial groups for FFY 2005 for the 2005-2006 APR and for FFY 2006 for the 2006-2007 APR. For FFY 2005, this analysis resulted in school divisions only having to address possible disproportionate representation for black students, but data for all races were analyzed.

VDOE was not aware of any requirement to address the issue of under-representation in the SPP or in the APR. Absent any specific direction from OSEP, VDOE attempted to address this issue through reviewing data for the 2005-2006 school year and for the 2006-2007 school year. This review did not show any preliminary findings of under-representation. In addition, there were no findings from VDOE’s monitoring efforts that identified any procedural or regulatory violations which may have contributed to under-representation.

VDOE is very hesitant to move forward too quickly in this area given the Constitutional issues raised by OSEP relative to Indicator 4B. VDOE shares these Constitutional concerns because of the possibility that a quota might be established. VDOE expects to conform with any direction that OSEP disseminates to all states on this issue.

### **Data Source**

VDOE’s annual fall membership report, annual special education December 1<sup>st</sup> child count, and school division summaries of individual student record reviews.

### **Actual Target Data for 2006-2007**

VDOE’s definition of “disproportionate representation that is the result of inappropriate identification” for Indicator 9 is as follows: Disproportionate representation of racial and ethnic groups in special education and related services occurs when the percent of a particular racial/ethnic group identified in the special education population is disproportionate to the percent of that racial/ethnic group in the general school population and violations of regulatory or procedural requirements related to the identification of students as students with disabilities in that racial/ethnic group have been documented.

Disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification was determined through a two-level process. The first step involved analysis of data at the state level. The second level involved school division review of individual student records to determine possible violations of regulatory or procedural requirements related to documentation of the identification of students as a student with a disability. This second level also involved VDOE review of school division documentation of possible violations before a final determination was made of disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification.

If the state level analysis indicated possible disproportionate representation, a school division was required to review individual student records for the race(s) identified in the preliminary analysis.

**Part B Annual Performance Report for 2006-2007**

This record review required use of a checklist that allowed the school division to identify any possible violations of procedural and regulatory requirements related to the identification of students as a student with a disability. School divisions sent the results of their individual student record review to VDOE. VDOE reviewed the results of the individual student record review to make a final determination of disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification.

VDOE used a comparison model for the state level data analysis. Divisions in which a single race category has an “n” size of fifty or fewer students in the students with disabilities population were not included in the state level analysis of that race category. The percentage of students of each race category in the special education population was compared to the percentage of students in that race category in the general population. The analysis then generated an expected number of students identified as students with disabilities in that race category.

Continuing the analysis, a five percent adjustment was made to the expected number of students with disabilities in each race category. If the number of students with disabilities in any race category was still higher than the expected number, a preliminary determination indicating a need for review of individual student records was made.

School divisions identified through the above analysis completed an individual student record review to document that initial eligibility decisions were made in compliance with procedural and regulatory requirements.

School divisions submitted a written summary of their student record review to VDOE and a final determination was made as to which divisions had disproportionate representation of racial and ethnic groups in special education and related services that was a result of inappropriate identification.

Virginia met the target for the 2006-2007 school year that 0 percent of the school divisions in the State will have disproportionate representation identified.

**Schools divisions determined to have disproportionate representation per Indicator 9:**

<b>Year</b>	<b>Divisions Identified</b>	<b>Total Divisions</b>	<b>Percent</b>
2005-2006	9	132	6
2006-2007	0	132	0

For 2006-2007, there were no school divisions determined to have disproportionate representation of racial and ethnic groups in special education and related services due to inappropriate identification.

Corrected noncompliance from 2005-2006

100 percent of the findings identified in 2005-2006 were corrected within one year of identification.

VDOE required school divisions found to have disproportionate representation of racial and ethnic groups in special education and related services due to inappropriate identification to develop an action plan to address disproportionate representation. Each plan included a review of local policies, practices and procedures to determine whether any revisions were needed to ensure compliance with procedural requirements for determining eligibility. In addition, each action plan specified activities designed to improve school division implementation of procedural requirements related to eligibility determinations.

## Part B Annual Performance Report for 2006-2007

Action plans were reviewed by VDOE and school divisions that developed action plans were monitored to assure correction of noncompliance findings.

VDOE provided additional technical assistance to all school divisions, regardless of whether a determination of disproportionate representation that was the result of inappropriate identification had been made for a division. This technical assistance was related to cultural competency, early intervention strategies/local use of problem-solving processes, and local procedures for recording documentation of early intervention strategies.

### **Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for 2006-2007**

#### Progress/slippage

There was progress from 2005-2006 to 2006-2007 with 6 percent of school divisions in 2005-2006 identified as having disproportionate representation of racial and ethnic groups in special education and related services that is a result of inappropriate identification and 0 percent of school divisions identified in 2006-2007.

#### Discussion of activities

During 2006-2007, activities listed for Indicator 9 in Virginia's State Performance Plan were implemented.

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 focus on school division policies, procedures and practices.

VDOE will continue follow-up monitoring of student record reviews to ensure procedural and regulatory violations are being correctly reported.

VDOE's focused monitoring efforts will also continue to address changes and revisions to local school division policies, practices and procedures specific to this indicator.

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

VDOE will continue to utilize 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 disproportionate representation.

VDOE will continue to provide technical assistance on regulatory requirements and data reporting specific to this indicator.

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

N/A

**Part B Annual Performance Report for 2006-2007**

**Overview of the Annual Performance Report Development:** See description in Overview.

<b>Monitoring Priority:</b> Disproportionality	
<b>Indicator 10:</b>  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))	
<b>Measurement:</b>  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.	
<b>FFY</b>	<b>Measurable and Rigorous Target</b>
<b>2006-2007</b>	0 percent of the school divisions in the State will have disproportionate representation identified.

**Response Table Issue from OSEP’s June 15, 2007 Determination Letter to VDOE**

*“The State reported the percent of districts with significant disproportionality of racial and ethnic groups in specific disability categories that was the result of inappropriate identification. Indicator 10 requires that States report on the percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that was the result of inappropriate identification.”*

*“The State limited its review of data to overrepresentation of Black students, and did not also, as required, review data for all racial and ethnic groups, and address both overrepresentation **and** underrepresentation.”*

*“...we conclude that the State is not complying with 34 CFR §300.600(d)(3). To correct this noncompliance, in its FFY 2006 APR, due February 1, 2008, the State must provide information demonstrating that it has examined for FFY 2005 and FFY 2006, both overrepresentation and under-representation of all racial and ethnic groups. The State, in its FFY 2006 APR, must also describe and report on, its review of data and information for all race ethnicity categories in the State to determine if there is disproportionate representation that is the result of inappropriate identification for both FFY 2005 and FFY 2006.”*

## Part B Annual Performance Report for 2006-2007

### VDOE Response

The term “significant disproportionality” rather than “disproportionate representation” was inadvertently used in discussion of this indicator in the 2005-2006 APR. Any reference to significant disproportionality was intended to refer to disproportionate representation of racial and ethnic groups in specific disability categories that was the result of inappropriate identification.

Data were analyzed for all racial groups for FFY 2005 for the 2005-2006 APR and for FFY 2006 for the 2006-2007 APR. For FFY 2005, this analysis resulted in school divisions only having to address possible disproportionate representation for black students, but data for all races were analyzed.

VDOE was not aware of any requirement to address the issue of under-representation in the SPP or in the APR. Absent any specific direction from OSEP, VDOE attempted to address this issue through reviewing data for the 2005-2006 school year and for the 2006-2007 school year. This review did not show any preliminary findings of under-representation. In addition, there were no findings from VDOE’s monitoring efforts that identified any procedural or regulatory violations which may have contributed to under-representation.

VDOE is very hesitant to move forward too quickly in this area given the Constitutional issues raised by OSEP relative to Indicator 4B. VDOE shares these Constitutional concerns because of the possibility that a quota might be established. VDOE expects to conform with any direction that OSEP disseminates to all states on this issue.

### **Data Source**

Annual fall membership report, annual special education December 1<sup>st</sup> child count, school division summary of individual student record reviews.

### **Actual Target Data for 2006-2007**

VDOE’s definition of “disproportionate representation that is the result of inappropriate identification” for Indicator 10 is as follows: Disproportionate representation of racial and ethnic groups in specific disability groups occurs when the percent of a particular racial/ethnic group in the disability categories of mental retardation, specific learning disabilities, emotional disturbance, other health impairment, autism, or speech/language impairment, is disproportionate to the percent of that racial/ethnic group in the general school population and violations of regulatory requirements related to the identification of students in the disability categories of mental retardation, specific learning disabilities, emotional disturbance, other health impairment, autism, or speech/language impairment, have been documented.

Disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification was determined through a two-level process. The first step involved analysis of data at the state level for the following disability categories: mental retardation, specific learning disabilities, emotional disturbance, other health impairment, autism, and speech/language impairment. The second level involved school division review of individual student records to determine possible violations of regulatory or procedural requirements related to documentation of the identification of students for any of the six designated disability categories. This second level also involved VDOE review of school division documentation of possible violations before a final determination was made of disproportionate representation of

**Part B Annual Performance Report for 2006-2007**

racial and ethnic groups in the specific disability categories that is the result of inappropriate identification.

If the state level analysis indicated possible disproportionate representation, a school division was required to review individual student records for the race(s) identified in the preliminary analysis. This record review required use of a checklist that allowed the school division to identify any possible violations of procedural and regulatory requirements related to the identification of students for any of the six designated disability categories. School divisions sent the results of their individual student record review to VDOE. VDOE reviewed the results of the individual student record review to make a final determination of disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification.

VDOE used a comparison model for the state level data analysis. Divisions in which a single race category has an “n” size of fifty or fewer students in the students with disabilities population were not included in the state level analysis of that race category. The percentage of students of each race category in the special education population was compared to the percentage of students in that race category in the general population. The analysis then generated an expected number of students identified as students with disabilities in that race category for each of the six designated disability categories.

Continuing the analysis, a five percent adjustment was made to the expected number of students with disabilities in each race category in each of the six designated disability categories. If the number of students with disabilities in any race category was still higher than the expected number in any of the six designated disability categories, a preliminary determination indicating a need for review of individual student records was made.

School divisions identified through the above analyses completed the individual student record review to document that initial eligibility decisions for the designated disability categories were made in compliance with procedural and regulatory requirements.

School divisions submitted a written summary of their student record review to VDOE and a final determination was made as to which divisions had disproportionate representation of racial and ethnic groups in specific disability categories that was a result of inappropriate identification.

Virginia met the target for the 2006-2007 school year that 0 percent of the school divisions in the State will have disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.

**Divisions determined to have disproportionate representation per Indicator 10:**

<b>Year</b>	<b>Divisions Identified</b>	<b>Total Divisions</b>	<b>Percent</b>
2005-2006	12	132	9
2006-2007	0	132	0

For 2006-2007, there were no school divisions determined to have disproportionate representation of racial and ethnic groups in specific disability categories due to inappropriate identification.

Corrected noncompliance from 2005-2006

100 percent of the findings identified in 2005-2006 were corrected within one year of identification.

## Part B Annual Performance Report for 2006-2007

VDOE required school divisions found to have disproportionate representation that is the result of inappropriate identification of racial and ethnic groups in specific disability categories to develop an action plan to address disproportionate representation. Each plan included a review of local policies, practices and procedures to ensure compliance with procedural requirements for determining eligibility for each of the six designated disability categories. In addition, each action plan specified activities designed to improve school division implementation of procedural requirements related to specific disability eligibility determinations.

Action plans were reviewed by VDOE and school divisions that developed action plans were monitored to assure correction of noncompliance findings.

VDOE provided additional technical assistance to all school divisions, regardless of whether a determination of disproportionate representation that was the result of inappropriate identification had been made for a division. This technical assistance was related to cultural competency, early intervention strategies/local use of problem-solving processes, and local procedures for recording documentation of early intervention strategies.

### **Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for 2006-2007**

#### Progress/slippage

There was progress from 2005-2006 to 2006-2007 with 9 percent of school divisions in 2005-2006 identified as having disproportionate representation that was the result of inappropriate identification of racial and ethnic groups in specific disability categories and 0 percent identified in 2006-2007.

#### Discussion of activities

During 2006-2007, activities listed for Indicator 10 in Virginia's State Performance Plan were implemented.

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 focus on school division policies, procedures and practices.

VDOE will continue follow-up monitoring of student record reviews to ensure procedural and regulatory violations are being correctly reported.

VDOE's focused monitoring efforts will also continue to address changes and revisions to local school division policies, practices and procedures specific to this indicator.

VDOE will continue to participate in conferences and meetings where issues related to disproportionate representation that is the result of inappropriate identification 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 utilize 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 disproportionate representation.

**Part B Annual Performance Report for 2006-2007**

VDOE will continue to provide technical assistance on regulatory requirements and data reporting specific to this indicator.

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

N/A

**Part B Annual Performance Report for 2006-2007**

**Overview of the Annual Performance Report Development:** See description in Overview.

<b>Monitoring Priority:</b> Effective General Supervision Part B/Child Find	
<b>Indicator 11:</b>  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))	
<b>Measurement:</b>  A. # of children for whom parental consent to evaluate was received.  B. # determined not eligible whose evaluations were completed within 65 days (or State established timeline).  C. # determined eligible whose evaluations were completed within 65 days (or State established timeline).  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.	
<b>FFY</b>	<b>Measurable and Rigorous Target</b>
<b>2006-2007</b>	100 percent of children with parental consent to evaluate, will be evaluated and have eligibility determined within 65 business days.

**Response Table Issue from OSEP’s June 15, 2007 Determination Letter to VDOE**

*“OSEP looks forward to reviewing data in the FFY 2006 APR, due February 1, 2008, that demonstrate compliance with the requirements of 34 CFR §300.301(c)(2), including data demonstrating correction of noncompliance identified in FFY 2005.”*

VDOE Response

VDOE has provided in this APR data that demonstrate compliance with the requirements of 34 CFR §300.301(c)(2), including data demonstrating correction of noncompliance identified in FFY 2005. Data are reported both under Indicator 11 and Indicator 15.

**Part B Annual Performance Report for 2006-2007****Data Source**

Data were submitted by school divisions 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.

**Actual Target Data for 2006-2007**

Virginia did not meet the target for 2006-2007 that 100 percent of children with parental consent to evaluate will be evaluated and have eligibility determined within 65 business days, however, there was progress in the level of compliance.

**Children evaluated and had eligibility determined within 65 business days**

Year	N	Children	Percent
2005-2006	32,508	35,048	93
2006-2007	29,721	30,890	96

For the 2006-2007 school year, 100% of the school divisions reported data. School divisions reported 29,721 children were evaluated and had eligibility determined within 65 business days out of 30,890 children for whom consent was received for evaluation, for a percentage of 96 percent.

**Children with eligibility determined beyond 65 business days**

Range of business days beyond 65 day timeline	Number of children
1-5	413
6-15	402
16-25	99
26-35	28
36-45	95
46 +	132
<b>Total</b>	<b>1169</b>

Reported reasons for exceeding the 65-day timeline included: staffing issues, parent request to reschedule meetings, and paperwork errors. Parent request to reschedule meetings was most frequently reported.

Corrected noncompliance from 2005-2006

Of the 96 school divisions that reported noncompliance findings where parental consent to evaluate was given and evaluations and eligibility determined within 65 business days, all noncompliance findings were corrected within one year of identification.

To facilitate timely corrections, school divisions were required to submit corrective action plans. Follow-up activities included on-site visits, review of records, interviews with staff, telephone conference calls, and other communications. School divisions were required to submit monthly progress reports to VDOE. VDOE used tracking charts in the Office of Federal Program Monitoring and the Office of Dispute Resolution and Administrative Services to document follow-up corrective action for school divisions as a means to ensure corrections in one year. VDOE provided technical assistance and follow-up to ensure implementation of activities and to receive documentation of corrections.

**Part B Annual Performance Report for 2006-2007**

Where appropriate, VDOE required school divisions to issue instructional memoranda to staff and/or to conduct formal training sessions to prevent future procedural violations.

In addition to the above activities, school divisions reviewed data concerning the number of days that exceeded required timelines and the reasons the timelines were exceeded.

## Part B Annual Performance Report for 2006-2007

### Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for 2006-2007

#### Progress/slippage

Virginia demonstrated progress during 2006-2007 in the percent of children with parental consent to evaluate who were evaluated and had eligibility determined within 65 business days, increasing compliance from 93 percent in 2005-2006 to 96 percent in 2006-2007.

#### Discussion of activities

During 2006-2007, activities listed for Indicator 11 in Virginia's State Performance Plan were implemented.

VDOE will continue to provide technical assistance on regulatory requirements and data reporting specific to this indicator.

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

N/A

**Part B Annual Performance Report for 2006-2007**

**Overview of the Annual Performance Report Development:** See description in Overview.

<b>Monitoring Priority:</b> Effective General Supervision Part B/Effective Transition	
<b>Indicator 12:</b>  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))	
<b>Measurement:</b>  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 who 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.	
<b>FFY</b>	<b>Measurable and Rigorous Target</b>
<b>2006-2007</b>	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 September 30 or by their third birthday.

**Response Table Issue from OSEP’s June 15, 2007 Determination Letter to VDOE**

*“The State must review its improvement activities and revise them, if appropriate, to ensure they will enable the State to include data in the FFY 2006 APR, due February 1, 2008, that demonstrate compliance with the requirements of 34 CFR §300.124, including data on the correction of outstanding noncompliance identified in FFY 2005.”*

**Part B Annual Performance Report for 2006-2007**

VDOE Response

VDOE has provided in this APR data that demonstrate compliance with the requirements of 34 CFR §300.124, including data demonstrating correction of noncompliance identified in FFY 2005. Data are reported both under Indicator 12 and Indicator 15.

All noncompliance issues identified in FFY 2005 were corrected within one year of identification.

**Data Source**

Data were submitted by school divisions using a spreadsheet developed by VDOE. The 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.

**Actual Target Data for 2006-2007**

Virginia did not meet the target for 2006-2007 that 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 September 30 or by their third birthday. Although Virginia did not meet the target, there was improvement compared to 2005-2006.

**Children with an IEP developed and implemented per Indicator 12:**

Year	N	Total	Percent
2005-2006	1,575	1,763	89
2006-2007	1,650	1,699	97

For 2006-2006, 100 percent of school divisions reported data. Analysis of data submitted by school divisions showed 97 of the 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.

**Children with eligibility determined beyond their 3<sup>rd</sup> birthday:**

Range of business days beyond 3 <sup>rd</sup> birthday	Number of children
1-5	4
6-15	8
16-25	6
26-35	7
36-45	5
46 +	19
<b>Total</b>	<b>49</b>

Reported reasons for failure to determine eligibility prior to a child's 3<sup>rd</sup> birthday included the following: late receipt of parental permission to evaluate, staffing issues, parent request to reschedule meetings, inclement weather, and paperwork errors.

Corrected noncompliance from 2005-2006

Of the 30 school divisions that reported noncompliance findings for children referred by Part C prior to age 3, were found eligible for Part B, and had an IEP developed and implemented by the

## Part B Annual Performance Report for 2006-2007

beginning of the school year in which they turned age 2 by September 30 or by their third birthday, 100% of noncompliance findings were corrected within one year of identification.

To facilitate timely corrections, school divisions were required to submit corrective action plans. Follow-up activities included on-site visits, review of records, interviews with staff, telephone conference calls, and other communications. School divisions were required to submit monthly progress reports to VDOE. VDOE used tracking charts in the Office of Federal Program Monitoring and the Office of Dispute Resolution and Administrative Services to document follow-up corrective action for school divisions as a means to ensure corrections in one year. VDOE provided technical assistance and follow-up to ensure implementation of activities and to receive documentation of corrections.

Where appropriate, VDOE required school divisions to issue instructional memoranda to staff and/or to conduct formal training sessions to prevent future procedural violations.

In addition to the above activities, school divisions reviewed data concerning the number of days that exceeded required timelines and the reasons the timelines were exceeded.

### **Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for 2006-2007**

#### Progress/slippage

Virginia demonstrated improvement from the 2005-2006 school year, increasing compliance with this requirement from 89 percent in 2005-2006 to 97 percent in 2006-2007.

#### Discussion of activities

All activities listed for Indicator 12 in Virginia's State Performance Plan were implemented.

In cooperation with Part C personnel, VDOE will continue to conduct training to discuss the transition process from Part C to Part B. The focus of the training will be to emphasize the importance of ensuring the smooth transition to Part B services for children previously served under Part C.

VDOE will continue to provide guidance documents to all school divisions concerning transition from Part C to Part B. Guidance documents will be shared with the state Part C office.

VDOE will continue to provide technical assistance on regulatory requirements and data reporting specific to this indicator.

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

N/A

**Part B Annual Performance Report for 2006-2007**

**Overview of the Annual Performance Report Development:** See description in Overview.

<b>Monitoring Priority:</b> Effective General Supervision Part B/Effective Transition	
<b>Indicator 13:</b>  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))	
<b>Measurement:</b>  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) divided by the (# of youth with an IEP age 16 and above)] times 100.	
<b>FFY</b>	<b>Measurable and Rigorous Target</b>
<b>2006-2007</b>	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.

**Response Table Issue from OSEP’s June 15, 2007 Determination Letter to VDOE**

*“OSEP looks forward to reviewing data in the FFY 2006 APR, due February 1, 2008, that demonstrate compliance with the requirements of 34 CFR §300.320(b), including data demonstrating correction of noncompliance identified in FFY 2005.”*

VDOE Response

VDOE has provided in this APR data that demonstrate compliance with the requirements of 34 CFR §300.320(b), including data demonstrating correction of noncompliance identified in FFY 2005. Data are reported both under Indicator 13 and Indicator 15.

All noncompliance issues identified in FFY 2005 were corrected within one year of identification.

**Data Source**

Data were submitted by school divisions 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 13 were included in the spreadsheet.

**Part B Annual Performance Report for 2006-2007**

**Actual Target Data for 2006-2007**

Virginia did not meet the target for the 2006-2007 school year that 100% 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.

**IEPs with coordinated, measurable, annual goals and transition services:**

<b>Year</b>	<b>N</b>	<b>Total</b>	<b>Percent</b>
2005-2006	713	928	77
2006-2007	4,629	6,646	70

For the 2006-2007 school year, 100 percent of the school divisions reported data. Of 6,646 IEPs reviewed, 4,629 had coordinated, measurable, annual goals and transition services that will reasonably enable the student to meet the post-secondary goals.

Corrected noncompliance from 2005-2006

In 2005-2006 there were 22 school divisions with noncompliance findings in which youth aged 16 and above did not have an IEP that included coordinated, measurable, annual IEP goals and transition services that would reasonably enable the student to meet post-secondary goals. All noncompliance findings were corrected within one year.

To ensure timely correction of noncompliance findings, VDOE worked with school divisions to develop plans for correction of noncompliance issues. VDOE provided technical assistance and follow-up to ensure implementation of activities and to receive documentation of corrections.

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for 2006-2007**

Progress/slippage

Data indicate that there was slippage with regard to this indicator, with 70 percent of IEPs in compliance with the requirements in 2006-2007 compared with 77 percent in 2005-2006.

Discussion of activities

All activities identified in Virginia’s 2005-2006 State Performance Plan were implemented.

VDOE will continue to participate 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 will continue to provide technical assistance and materials for students, parents and teachers with regard to transition requirements.

VDOE will continue to provide training and technical assistance to school divisions who are participating in the Virginia Transition Outcomes Project.

VDOE will continue to participate in and sponsor local, regional, state, and national Transition Communities of Practice.

## Part B Annual Performance Report for 2006-2007

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

VDOE will continue to sponsor events for adolescents that take place on college campuses and focus on post-secondary education and transition services related to post-secondary goals.

VDOE will continue to provide technical assistance on regulatory requirements and data reporting specific to this indicator.

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

Stakeholders reviewed Virginia's performance related to Indicator 13 and provided input regarding data, targets, and activities.

VDOE will implement the following additional improvement activities which will promote parent and student participation in the transition planning process and facilitate the development of IEPs that meet the requirements of this indicator.

VDOE will support the Woodrow Wilson Rehabilitation Center and the Training/Technical Assistance Centers (T/TAC) in providing training to local divisions, parents, and students on the transition planning process to include assessment, coordinated services, and setting post-secondary goals.

VDOE will support the Department of Rehabilitative Services in maintaining and updating WorkWorld software which assists in employment planning for parents and students.

VDOE will support the Virginia Board for People with Disabilities "Youth Leadership Forum" and "Youth Summit" to encourage youth participation in transition planning.

VDOE will continue to provide assistance to localities on building their capacity around transition services as part of the grant received from the U.S. Department of Education's Office of Special Education and Rehabilitative Services (OSERS).

These additional activities are justified by the positive impact they will have on increasing the number of students' IEPs that comply with transition planning requirements.

All activities will be implemented for the duration of the SPP, through 2010.

**Part B Annual Performance Report for 2006-2007**

Indicator 14 is an attachment to this document and is included in *Virginia's State Performance Plan 2005-2010, Revised February 1, 2008*.

This document can be found at: <http://www.doe.virginia.gov/VDOE/sess>.

**Part B Annual Performance Report for 2006-2007**

**Overview of the Annual Performance Report Development:** See description in Overview.

<b>Monitoring Priority:</b> Effective General Supervision Part B/General Supervision	
<p><b>Indicator 15:</b></p> <p>General supervision system (including monitoring, complaints, hearing, etc.) identifies and corrects noncompliance as soon as possible but in no case later than one year from identification.</p> <p>(20 U.S.C. 1416(a)(3)(B))</p>	
<p><b>Measurement:</b></p> <p>Percent of noncompliance corrected within one year of identification:</p> <ul style="list-style-type: none"> <li>a. # of findings of noncompliance</li> <li>b. # of corrections completed as soon as possible but in no case later than one year from identification.</li> </ul> <p>Percent = [(b) divided by (a)] times 100.</p> <p>For any noncompliance not corrected within one year of identification, describe what actions, including technical assistance and enforcement actions that the State has taken.</p>	
<b>FFY</b>	<b>Measurable and Rigorous Target</b>
<b>2006-2007</b>	100 percent 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.

**Response Table Issue from OSEP’s June 15, 2007 Determination Letter to VDOE**

*“In its response to Indicator 15 in the FFY 2006 APR, due February 1, 2008, the State must disaggregate by APR indicator the status of timely correction of the noncompliance findings identified by the State during FFY 2005. In addition, the State must, in responding to Indicators 4A, 9, 10, 11, 12, and 13, specifically identify and address the noncompliance identified in this table under those indicators.”*

VDOE Response

VDOE has disaggregated by APR indicator and topical area the status of timely correction of noncompliance findings as directed. Discussion of data and the status of timely correction of noncompliance findings for Indicators 4A, 9, 10, 11, 12, 13 is included both within Indicator 15 and within each individual indicator.

**Part B Annual Performance Report for 2006-2007****Data Source**

Data reported for Indicator 15 are obtained through the components of VDOE's general supervision system including on-site monitoring activities, complaints, due process hearings, and other data collected.

**Actual Target Data for 2006-2007**

Virginia did not meet the target for 2006-2007 that 100 percent of the findings identified through general supervision (including monitoring, complaints, hearings, data collection) are corrected as soon as possible but in no case later than one year from identification.

**Noncompliance Findings and Number Corrected Within One Year of Identification Disaggregated by APR Indicator and Topical Areas:**

<b>Topical Area/ Indicator</b>	<b>Noncompliance Findings</b>	<b># corrected within 1 yr</b>
Child Find	5	5
Discipline	4	4
Eligibility Procedures	4	4
Evaluation Procedures	4	4
FAPE	3	3
IEP Development & Content	55	54
Least Restrictive Environment	1	1
Parent Participation	3	1
Procedural Safeguards	7	7
Records	5	5
Resolution Timeliness	1	1
Services Plan	1	1
Staffing	2	1
Transfer Students	3	3
Transition	9	7
Indicator 1	0	-
Indicator 2	0	-
Indicator 3	0	-
Indicator 4A	0	-
Indicator 5	0	-
Indicator 7	0	-
Indicator 8	0	-
Indicator 9	0	-
Indicator 10	0	-
Indicator 11	43	43
Indicator 12	30	30
Indicator 13	22	22
Indicator 14	0	-
<b>TOTAL</b>	<b>202</b>	<b>196</b>

196 out of 202 noncompliance findings identified in 2005-2006 were corrected within one year for a percentage of 97 percent.

## Part B Annual Performance Report for 2006-2007

### Documentation of corrected noncompliance

Monitoring in 2006-2007 involved extensive follow-up with school divisions with findings of noncompliance in 2005-2006. VDOE's follow-up also involved revisiting school divisions that had previous findings of noncompliance. School divisions were monitored based on a six-year cycle that included self-assessment, on-site review, and follow-up. Each phase of the review process involved small, medium, and large school divisions from each region of the state.

To ensure correction of noncompliance findings from the 2005-2006 school year that were not corrected within one year of identification, VDOE made on-site visits in 2006-2007 to those school divisions. All noncompliance findings not corrected within one year of identification for those divisions were corrected within 60 days after the one year timeline.

To facilitate timely corrections, school divisions were required to submit corrective action plans. Follow-up activities included on-site visits, review of records, interviews with staff, telephone conference calls, and other communications. School divisions were required to submit monthly progress reports to VDOE. VDOE used tracking charts in the Office of Federal Program Monitoring and the Office of Dispute Resolution and Administrative Services to document follow-up corrective action for school divisions as a means to ensure corrections in one year. VDOE provided technical assistance and follow-up to ensure implementation of activities and to receive documentation of corrections.

Where appropriate, VDOE required school divisions to issue instructional memoranda to staff and/or to conduct formal training sessions to prevent future procedural violations.

In addition to the above activities, for noncompliance findings regarding disproportionate representation (Indicators 9 and 10), school divisions were required to submit and implement action plans.

In addition to the above activities, for noncompliance findings related to Indicators 11 and 12, school divisions reviewed data concerning the number of days that exceeded required timelines and the reasons the timelines were exceeded.

### **Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for 2006-2007**

#### Progress/slippage

Virginia demonstrated progress during the 2006-2007 school year increasing compliance from 96 percent in 2005-2006 to 97 percent in 2006-2007.

#### Discussion of activities

All activities listed for Indicator 15 in the State Performance Plan were implemented during 2006-2007.

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

VDOE will continue to monitor tracking logs and case files monthly.

**Part B Annual Performance Report for 2006-2007**

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

N/A

**Part B Annual Performance Report for 2006-2007**

**Overview of the Annual Performance Report Development:** See description in Overview.

<b>Monitoring Priority:</b> Effective General Supervision Part B/General Supervision	
<b>Indicator 16:</b>  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))	
<b>Measurement:</b>  Percent = [(1.1(b) + 1.1(c)) divided by 1.1] times 100.	
<b>FFY</b>	<b>Measurable and Rigorous Target</b>
<b>2006-2007</b>	Virginia will resolve 100 percent of all signed written complaints within the 60-day timeline or a timeline extended for exceptional circumstances.

**Data Source**

Data on complaints are maintained by VDOE's Office of Dispute Resolution.

**Actual Target Data for 2006-2007:**

Virginia met the target for the 2006-2007 school year to resolve 100 percent of all signed written complaints within the 60-day timeline or a timeline extended for exceptional circumstances.

**Resolution of signed written complaints:**

<b>Year</b>	<b># Reports Issued within 60-day timeline</b>	<b># Reports Issued with Extended Timeline</b>	<b># of Reports Issued</b>	<b>Percent</b>
2005-2006	55	20	75	100
2006-2007	59	25	84	100

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for 2006-2007**

Progress/slippage

VDOE maintained its performance of resolving 100 percent of complaints within the required timeline.

**Part B Annual Performance Report for 2006-2007**

Discussion of activities

During 2006-2007, activities listed for Indicator 16 in Virginia's State Performance Plan were implemented.

ODR/AS will continue to provide training to parent groups on dispute resolution options, including information on the complaint resolution system.

ODR/AS will continue to utilize its tracking logs to include identifying/tracking dates associated with extending the 60-day timeline when it is at the request of the parties in accordance with 34 CFR §300.152 (b)(1)(ii).

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

N/A

**Part B Annual Performance Report for 2006-2007**

**Overview of the Annual Performance Report Development:** See description in Overview.

<b>Monitoring Priority:</b> Effective General Supervision Part B/General Supervision	
<p><b>Indicator 17:</b></p> <p>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.</p> <p>(20 U.S.C. 1416(a)(3)(B))</p>	
<p><b>Measurement:</b></p> <p>Percent = [(3.2(a) + 3.2(b)) divided by 3.2] times 100.</p>	
<b>FFY</b>	<b>Measurable and Rigorous Target</b>
<b>2006-2007</b>	Hearing officers will issue 100 percent 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 on due process hearings are maintained by VDOE's Office of Dispute Resolution.

**Actual Target Data for 2006-2007**

Virginia met the target for the 2006-2007 school year that hearing officers will issue 100 percent 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.

**Resolution of Fully Adjudicated Due Process Hearing Requests:**

<b>Year</b>	<b># Reports Issued within 45-day Timeline</b>	<b># Reports Issued within Properly Extended Timeline</b>	<b># Reports Issued by Hearing Officers</b>	<b>Percent</b>
2005-2006	3	12	15	100
2006-2007	8	0	8	100

**Part B Annual Performance Report for 2006-2007**

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for 2006-2007**

Progress/slippage

VDOE maintained its performance of having 100 percent of due process hearing decisions issued within the required timeline.

Discussion of activities

During 2006-2007, activities listed for Indicator 17 in Virginia's State Performance Plan were implemented.

ODR/AS will continue to provide 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**

N/A

**Part B Annual Performance Report for 2006-2007**

**Overview of the Annual Performance Report Development:** See description in Overview.

<b>Monitoring Priority:</b> Effective General Supervision Part B/General Supervision	
<b>Indicator 18:</b> 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))	
<b>Measurement:</b>  Percent = (3.1(a) divided by 3.1) times 100.	
<b>FFY</b>	<b>Measurable and Rigorous Target</b>
<b>2006-2007</b>	Maintain a 30 percent range rate of resolution agreements.

**Data Source**

Data on resolution sessions are maintained by VDOE's Office of Dispute Resolution.

**Actual Target Data for 2006-2007**

Virginia met the target for the 2006-2007 school year to maintain a 30 percent range rate of resolution agreements.

<b>Year</b>	<b># Resolutions Sessions Resolved Through Settlement Agreements</b>	<b># Resolution Sessions</b>	<b>Percent</b>
2005-2006	16	59	27
2006-2007	17	39	44

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for 2006-2007**

Progress/slippage

VDOE made progress from 2005-2006 to 2006-2007 with a 44 percent resolution rate for 2006-2007 compared to a 27 percent resolution rate for 2005-2006.

**Part B Annual Performance Report for 2006-2007**

Discussion of activities

During 2006-2007, activities listed for Indicator 18 in Virginia's State Performance Plan were implemented.

ODR/AS will continue maintain its tracking logs to identify use of the Resolution Session for resolving due process issues.

ODR/AS will continue to provide technical assistance activities in the form of resource documents and trainings to hearing officers, school personnel, and parents on Resolution Session requirements.

ODR/AS will continue to contact every school division and hearing officer upon receipt of the request for due process to ensure that both the LEA and hearing officer correctly manage the timelines and process for the Resolution Sessions.

ODR/AS will continue to provide guidance to school divisions and parents on the benefits of the Resolution Session, and how to conduct such sessions.

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

N/A

**Part B Annual Performance Report for 2006-2007**

**Overview of the Annual Performance Report Development:** See description in Overview.

<b>Monitoring Priority:</b> Effective General Supervision Part B/General Supervision	
<b>Indicator 19:</b> Percent of mediations held that resulted in mediation agreements. (20 U.S.C. 1416(a)(3)(B))	
<b>Measurement:</b> Percent = [(2.1(a)(i) + 2.1(b)(i) divided by 2.1] times 100.	
<b>FFY</b>	<b>Measurable and Rigorous Target</b>
<b>2006-2007</b>	Maintain a 76-80+ percent range rate of mediations that result in mediation agreements, acknowledging that the goal is to provide quality in the mediation services by on-going training, observation of and debriefing with the mediators, as well as continuing to encourage and support mediations. 100 percent of mediations will not delay or deny the parent's right to a due process hearing.

**Data Source**

Data on mediations are maintained by VDOE's Office of Dispute Resolution.

**Actual Target Data for 2006-2007**

Virginia met the target for the 2006-2007 school year to maintain 76-80+ percent range rate of mediations that result in mediation agreements and 100 percent of mediations did not delay or deny the parent's right to a due process hearing.

**Percent of mediations held that resulted in mediation agreements:**

<b>Year</b>	<b># Mediations Resulting in Mediation Agreements</b>	<b># Mediations</b>	<b>Percent</b>
2005-2006	75	100	75
2006-2007	83	101	82

## Part B Annual Performance Report for 2006-2007

### Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for 2006-2007

#### Progress/slippage

VDOE made progress from 2005-2006 to 2006-2007 with a 82 percent rate of mediations that result in mediation agreements for 2006-2007 compared to a 75 percent rate for 2005-2006.

#### Discussion of activities

During 2006-2007, activities listed for Indicator 19 in Virginia's State Performance Plan were implemented.

Virginia's Office of Dispute Resolution and Administrative Services (ODR/AS) will continue to maintain its tracking logs and continuous communications with mediators, school division administrators and parents to ensure expeditious mediation activities and reports to Virginia.

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

N/A

**Part B Annual Performance Report for 2006-2007**

**Overview of the Annual Performance Report Development:** See description in Overview.

<b>Monitoring Priority:</b> Effective General Supervision Part B/General Supervision	
<b>Indicator 20:</b>  State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate.  (20 U.S.C. 1416(a)(3)(B))	
<b>Measurement:</b>  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).	
<b>FFY</b>	<b>Measurable and Rigorous Target</b>
<b>2006-2007</b>	All State reported data (618 and State Performance Plan and Annual Performance Report) will be timely and accurate.

**Actual Target Data for 2006-2007**

Virginia met the target for the 2006-2007 school year that all State reported data will be timely and accurate.

All data submitted to meet 618 reporting requirements and the Annual Performance Report were accurate and submitted in a timely manner. The shift to data submission through the EDEN process has presented certain challenges, but VDOE will continue to work with OSEP staff and with EDEN staff to ensure timely and accurate submission of data.

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for 2006-2007**

Progress/Slippage

For 2006-2007, all data submitted by was timely and accurate. There was neither progress nor slippage from 2005-2006.

## Part B Annual Performance Report for 2006-2007

### Discussion of activities

All improvement activities listed in Virginia's State Performance Plan were implemented.

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) will receive extensive editing, including edit checks in school divisions prior to submitting data; edit checks at the State level at the data upload stage; electronic editing at the State level to identify/correct duplicate records reported and additional edits conducted by VDOE staff. All child count data, including educational environment data, will be verified through local superintendents' signature.
- Data collected through VDOE's annual end-of-year reports (Indicators 1 and 2) will be edited by State staff and verified by local division superintendents.
- Data collected for Virginia's state assessment programs (Indicator 3) will meet all NCLB reporting requirements.
- Data collected on dispute resolution activities (Indicators 16, 17, 18 and 19) will be maintained and verified by VDOE Office of Special Education and Students Services Dispute Resolution staff.
- Data on suspension and expulsion for students with disabilities (Indicator 4) will be collected through VDOE annual discipline/crime and violence report. Data will be edited by VDOE staff and have local division superintendent verification.

VDOE will ensure there are edit checks for accuracy for data collections implemented for indicators 7, 8, 11, 12 and 13.

VDOE will conduct on-site visits to school divisions to verify data submitted for Indicators 4A, 9, 10, 11, 12 and 13.

VDOE will continue to work with the contractors that coordinate the collection of data and analysis of data for Indicators 8 and 14.

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

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

N/A

**Part B Annual Performance Report for 2006-2007**

**Overview of the State Performance Plan Development:** See description in Overview section.

<p><b>Monitoring Priority:</b> FAPE in the LRE</p>
<p><b>Indicator 7:</b></p> <p>Percent of preschool children with IEPs who demonstrate improved:</p> <ul style="list-style-type: none"><li>A. Positive social-emotional skills (including social relationships);</li><li>B. Acquisition and use of knowledge and skills (including early language/communication and early literacy); and</li><li>C. Use of appropriate behaviors to meet their needs.</li></ul> <p>(20 U.S.C. 1416(a)(3)(A))</p>
<p><b>Measurement:</b></p> <ul style="list-style-type: none"><li>A. Positive social-emotional skills (including social relationships):<ul style="list-style-type: none"><li>a. Percent of preschool children who did not improve functioning = [(# of preschool children who did not improve functioning) divided by the (# of preschool children with IEPs assessed)] times 100.</li><li>b. Percent of preschool children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers = [(# of preschool children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers) divided by the (# of preschool children with IEPs assessed)] times 100.</li><li>c. Percent of preschool children who improved functioning to a level nearer to same-aged peers but did not reach it = [(# of preschool children who improved functioning to a level nearer to same-aged peers but did not reach it) divided by the (# of preschool children with IEPs assessed)] times 100.</li><li>d. Percent of preschool children who improved functioning to reach a level comparable to same-aged peers = [(# of preschool children who improved functioning to reach a level comparable to same-aged peers) divided by the (# of preschool children with IEPs assessed)] times 100.</li><li>e. Percent of preschool children who maintained functioning at a level comparable to same-aged peers = [(# of preschool children who maintained functioning at a level comparable to same-aged peers) divided by the (# of preschool children with IEPs assessed)] times 100.</li></ul></li><li>B. Acquisition and use of knowledge and skills (including early language/communication and early literacy):<ul style="list-style-type: none"><li>a. Percent of preschool children who did not improve functioning = [(# of preschool children who did not improve functioning) divided by the (# of preschool children with IEPs assessed)] times 100.</li><li>b. Percent of preschool children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers = [(# of preschool children who improved</li></ul></li></ul>

**Part B Annual Performance Report for 2006-2007**

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

**Overview of Issue/Description of System or Process:**

VDOE provided training to school divisions for this indicator in 2005-2006 and 2006-2007. Training sessions provided information on appropriate assessment instruments, maintaining data on students, and reporting data.

VDOE used the Early Childhood Outcomes Center (ECO) Child Outcomes Summary Form to define "comparable to same-aged peers." Instruments and procedures used to gather information for this indicator, in addition to the ECO Child Outcomes Summary Form, included the following:

Battelle Developmental Inventory  
Learning Accomplishment Profile 3  
HELP for Preschoolers  
PALS – PK  
TOLD – P:3  
Vineland  
Work Sampling System

**Part B Annual Performance Report for 2006-2007**

Developmental Assessment of Young Children

**Baseline Data for FFY 2006 (2006-2007)**

Baseline data are not required to be reported.

**Discussion of Baseline Data**

Baseline data are not required to be reported.

FFY	Measurable and Rigorous Target
<b>2008</b> (2008-2009)	N/A
<b>2009</b> (2009-2010)	N/A
<b>2010</b> (2010-2011)	N/A

**Interim Progress Data from 2006-2007**

	N	Total Number	Percent
<b>A. Positive social-emotional skills (including social relationships):</b>			
a. Percent of preschool children who did not improve functioning	88	3,054	3
b. Percent of preschool children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers	440	3,054	14
c. Percent of preschool children who improved functioning to a level nearer to same-aged peers but did not reach it	875	3,054	29
d. Percent of preschool children who improved functioning to reach a level comparable to same-aged peers	679	3,054	22
e. Percent of preschool children who maintained functioning at a level comparable to same-aged peers	972	3,054	32
<b>Total # for A = (a + b + c + d + e)</b>	<b>3,054</b>	<b>3,054</b>	<b>100</b>
<b>B. Acquisition and use of knowledge and skills (including early language/communication and early literacy):</b>			
a. Percent of preschool children who did not improve functioning	90	3,054	3
b. Percent of preschool children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers	554	3,054	18
c. Percent of preschool children who improved functioning to a level nearer to same-aged peers but did not reach it	1,354	3,054	44

**Part B Annual Performance Report for 2006-2007**

d. Percent of preschool children who improved functioning to reach a level comparable to same-aged peers	720	3,054	24
e. Percent of preschool children who maintained functioning at a level comparable to same-aged peers	336	3,054	11
<b>Total # B = (a + b + c + d + e)</b>	<b>3,054</b>	<b>3,054</b>	<b>100</b>
<b>C. Use of appropriate behaviors to meet their needs.</b>			
a. Percent of preschool children who did not improve functioning	79	3,054	3
b. Percent of preschool children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers	402	3,054	13
c. Percent of preschool children who improved functioning to a level nearer to same-aged peers but did not reach it	668	3,054	22
d. Percent of preschool children who improved functioning to reach a level comparable to same-aged peers	709	3,054	23
e. Percent of preschool children who maintained functioning at a level comparable to same-aged peers	1,196	3,054	39
<b>Total # for C = (a + b + c + d + e)</b>	<b>3,054</b>	<b>3,054</b>	<b>100</b>

**Improvement Activities/Timelines/Resources:**

VDOE will conduct training and provide technical assistance on appropriate assessment instruments, maintaining data on students, and reporting data.

VDOE will conduct training and provide technical assistance on functional IEP goal development.

VDOE will conduct training and provide technical assistance on Social/Emotional Competency Curriculum for preschool.

VDOE will continue to work with the National Early Childhood Technical Assistance Center and Early Childhood Outcomes Center on issues related to this indicator.

Resources to support these activities include the following:

- Center for Social and Emotional Foundations for Early Learning: *Promoting the Social Emotional Competence of Youth Children* curriculum
- Early Childhood Special Education stakeholders group
- VDOE Early Childhood Project group
- Early Childhood outcomes Center materials, website, and training materials.
- Training/Technical Assistance Centers (T/TAC)

Activities will be ongoing for the duration of the SPP, through 2010.

**Part B Annual Performance Report for 2006-2007**

**Overview of the State Performance Plan Development:** See description in Overview section.

<b>Monitoring Priority:</b> Effective General Supervision Part B/Effective Transition
<b>Indicator 14:</b>  Percent of youth who had IEPs, are no longer in secondary school and who have been competitively employed, enrolled in some type of post-secondary school, or both, within one year of leaving high school.  (20 U.S.C. 1416(a)(3)(B))
<b>Measurement:</b>  Percent = [(# of youth who had IEPs, are no longer in secondary school and who have been competitively employed, enrolled in some type of post-secondary 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.

**Overview of Issue/Description of System or Process**

A survey was developed by the VDOE, with stakeholder input, for the purpose of collecting post-secondary outcome (PSO) data, i.e., youth who had IEPs, are no longer in secondary school and who have been competitively employed, enrolled in some type of post-secondary school, or both, within one year of leaving high school. VDOE chose to conduct a census of all school leavers to obtain outcome data. All youth who had IEPs and were no longer in secondary school were included in the census. Interviews were conducted by school division staff through telephone contact from April through September of 2007.

Training specific to Indicator 14 was provided to all school divisions during 2006 and 2007 through regional sessions across the state. Training was also provided at the Virginia Transition Forums in 2006 and 2007. Two question and answer Web cast sessions were held and materials, including a CD of a Web cast session, were sent to all school divisions. Trainings included information on the protocol for conducting the interview including a script for interviewers, key definitions, and a Tip Sheet.

Technical assistance was provided to school divisions throughout 2006 and 2007 to support their data collection and reporting.

Definitions

**Competitive Employment:** For the purposes of this survey, the Rehabilitation Act's definition of competitive employment was 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

**Part B Annual Performance Report for 2006-2007**

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.”

**Post-secondary school:** any education, schooling and or training that takes place after leaving secondary education. Examples of post-secondary 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.

**School Leaver:** VDOE has defined, for the purposes of this data collection, a school leaver to mean a student who has left high school with an Advanced Studies Diploma, Standard Diploma, Modified Standard Diploma, Special Diploma, completed a General Education Diploma (GED) certificate, received a Certificate of Program Completion, exceeded the age of eligibility, or dropped out.

**Dropout:** 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.

**Baseline Data for FFY 2006-2007**

**Youth who had IEPs, are no longer in secondary school, and who have been:**

	<b>N</b>	<b># Students Contacted</b>	<b>Percent</b>
Competitively employed within one year of leaving high school	2,278	5,782	39
In post-secondary education within one year of leaving high school	493	5,782	8.5
Both competitively employed and in post-secondary education within one year of leaving high school	2,087	5,782	36
<b>Total</b>	<b>4,858</b>	<b>5,782</b>	<b>84</b>

**Discussion of Baseline Data**

The calculations for the above totals were obtained by dividing the survey responses obtained for the number of students who were competitively employed, enrolled in some type of post-secondary school, or both, divided by the number of students contacted. Number of students contacted is defined the number of students contacted by the school division who either completed the interview or declined to be interviewed.

The percentage of respondents who were competitively employed within one year of leaving high school was 39 percent. The percentage of respondents who were enrolled in post-secondary education was 8.5 percent. The percentage of respondents who were both competitively employed and in post-secondary education within one year of leaving high school was 36 percent. The percentage of youth who had IEPs, were no longer in secondary school and who had been competitively employed, enrolled in some type of post-secondary school, or both within one year of leaving high school was 4,858 out of 5,782 or 84 percent.

**Part B Annual Performance Report for 2006-2007**

Nine percent of survey respondents reported being engaged in their communities in activities that did not meet the federal definitions of this indicator for competitive employment, enrolled in some type of post-secondary school, or both. These activities, including engagement in sheltered employment, working below minimum wage, or working as homemakers, are activities which VDOE contends are positive and appropriate post school outcomes for some youth. Including the above provides a more accurate picture of post school status for students with disabilities in the state.

Readers should exercise caution in interpreting data presented for this indicator because of the following concerns. Baseline data and targets established for Indicator 14 reflect the measurement requirements specified by the U.S. Department of Education’s Office of Special Education Programs (OSEP). VDOE is concerned that setting targets based on a state average has several problems. There are many variables, such as local economy/local employment rates, proximity to or availability of institutions of higher education, and public transportation that have an impact on employment and participation in post-secondary education. In addition, these variables vary in impact among regions across the state. These concerns were also shared by the stakeholders who worked with VDOE in developing the 2006-2007 APR.

VDOE is committed to increasing the number of students with disabilities who participate in interviews. VDOE believes increased participation will ensure collection of post-secondary employment and education data that are meaningful and useful to school divisions and the state. VDOE recognizes the possibility that the percent of youth who had IEPs, are no longer in secondary school and who have been competitively employed, enrolled in some type of post-secondary school, or both may decrease as the response rate increases. Targets for FFY 2007, 2008, and 2009 reflect this potential decrease.

<b>FFY</b>	<b>Measurable and Rigorous Target</b>
<b>2007 (2007-2008)</b>	The percent of youth who had IEPs, are no longer in secondary school and who have been competitively employed, enrolled in some type of post-secondary school, or both, within one year of leaving high school will be 60 percent.
<b>2008 (2008-2009)</b>	The percent of youth who had IEPs, are no longer in secondary school and who have been competitively employed, enrolled in some type of post-secondary school, or both, within one year of leaving high school will be 65 percent.
<b>2009 (2009-2010)</b>	The percent of youth who had IEPs, are no longer in secondary school and who have been competitively employed, enrolled in some type of post-secondary school, or both, within one year of leaving high school will be 70 percent.
<b>2010 (2010-2011)</b>	The percent of youth who had IEPs, are no longer in secondary school and who have been competitively employed, enrolled in some type of post-secondary school, or both, within one year of leaving high school will be 85 percent.

**Improvement Activities/Timelines/Resources**

VDOE will work with National Post-secondary Outcomes Center through the U.S. Department of Education’s Office of Special Education and Rehabilitative Services (OSERS) Capacity Building Grant Award.

**Part B Annual Performance Report for 2006-2007**

VDOE and its Training/Technical Assistance Centers (T/TAC) will provide technical assistance to school divisions for the purpose of increasing the percent of youth who are contacted and agree to complete surveys.

Resources to support accomplishment of the activities will include VDOE staff, T/TAC staff, and Research Rehabilitation and Training Center at Virginia Commonwealth University staff.

Activities will be implemented for the duration of the SPP through 2010.