

Part B Annual Performance Report for 2008-2009

Overview

The attached document is the Virginia Department of Education (VDOE) *Part B Annual Performance Report for 2008-2009* (APR). The APR provides information specific to measuring the state's progress on indicators defined by the United States Department of Education Office of Special Education Programs.

VDOE has developed its *Part B Annual Performance Report for 2008-2009* 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 2008-2009 APR include the following:

- State Performance Plan: Indicator 7
- Indicator 20 Scoring Rubric

Information specific to measuring progress or slippage against state targets is included for Indicators 1, 2, 3, 4A, 5, 8, 9, 10, 11, 12, 15, 16, 17, 18, 19, and 20.

Baseline data, targets, and improvement activities as needed are 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, 2010*.

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

Virginia's *2005-2010 State Performance Plan, Revised February 1, 2010* and the *Part B Annual Performance Report for 2008-2009* will be disseminated to the public. The reports are available on the Virginia Department of Education website, http://www.doe.virginia.gov/special_ed/reports_plans_stats/index.shtml 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 for information related to the 2008-2009 *Annual Performance Report* or the *2005-2010 State Performance Plan, Revised April 12, 2010*.

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

Monitoring Priority: FAPE in the LRE	
Indicator 1: Percent of youth with IEPs graduating from high school with a regular diploma. (20 U.S.C. 1416 (a)(3)(A))	
Measurement: States must report the graduation rate calculation and timeline established by the Department under the ESEA.	
FFY	Measurable and Rigorous Target
2007-2008	45 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. The data source and measurement are aligned with the Elementary and Secondary Education Act (ESEA). Data reported for this indicator lags one year.

Actual Target Data for 2007-2008:

Virginia did not meet the target that 45 percent of youth with IEPs graduating from high school will receive an Advanced Studies or Standard Diploma. For 2007-2008, 44 percent of youth with IEPs graduated from high school with an Advanced Studies or Standard Diploma.

Students with Disabilities who Received Standard and Advanced Study Diplomas:

Year	N	Total	Percent
2006-2007	4,931	11,565	43
2007-2008	5,315	12,173	44

For purposes of determining a graduation rate for students with disabilities, VDOE uses the the same calculation used for all youth under Title I of the Elementary and Secondary Education Act (ESEA). The ESEA calculation takes the number of graduates in a given year divided by the number of graduates in that year, plus other completers that year, plus the number of 12th grade dropouts that year, the number of 11th grade dropouts a year earlier, the number of 10th grade dropouts 2 years earlier, and the number of 9th grade dropouts 3 years earlier. The numerator includes only Standard and Advanced Studies

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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 who may take longer to graduate.

The graduation rate for students with disabilities was calculated according to 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 rates.

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 the inclusion of students who earn these additional diplomas into the graduation rate would provide a more accurate picture of the graduation status for students with disabilities in the state.

The US Department of Education recognizes alternate calculations of graduation rate. One such alternate is the “on-time graduation rate.” The Virginia On-Time Graduation Rate is based on four years of longitudinal student-level data in the commonwealth’s Educational Information Management System. Unlike estimates used in the past, the Virginia On-Time Graduation Rate takes into consideration student mobility, changes in student enrollment, policy, and instructional practices such as 9th-grade retention. This formula also recognizes that some students with disabilities and limited English proficient (LEP) students are allowed more than the standard four years to earn a diploma and are still counted as “on-time” graduates. Simply put, the graduation rate, as defined by the Board of Education equals [on-time graduates in year x] divided by [(first-time entering 9th graders in year x minus 4) plus (transfers in) minus (transfers out)]

OR, for 2007-2008,

On-time Graduates in Year 2008

$$\frac{\text{On-time Graduates in Year 2008}}{[(\# \text{ of } 1^{\text{st}} \text{ time entering } 9^{\text{th}} \text{ graders in year 2004}) + (\text{Transfers In}) - (\text{Transfers out \& deceased})]}$$

Graduates are defined as students who earn one of the following Board approved diplomas:

- Advanced Studies Diploma
- Standard Diploma
- Modified Standard Diploma
- Special Diploma
- General Achievement Diploma

On-time graduates are graduates who earn diplomas within four years of the first time they entered the 9th grade. Special education students and limited English proficient students who have plans in place that allow them more time to graduate will be counted as graduates or non-graduates when they earn a diploma or otherwise exit high school. Deceased students will be counted as transfers out and incarcerated students will be counted as transfers as they leave and re-enter the system.

For students with disabilities, the On-time Graduation Rate for 2007-2008 was 81%.

Information on Virginia’s Standards of Accreditation and requirements for diploma types can be found at: http://www.doe.virginia.gov/statistics_reports/school_report_card/index.shtml.

Additional information can be found in Virginia’s *Consolidated State Application and Accountability Workbook*. The *Accountability Workbook* can be found at http://www.doe.virginia.gov/federal_programs/esea/applications/consolidated/consolidated_app_account_wkbk/accountability_workbook.pdf.

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Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for 2007-2008:

Progress/slippage

Virginia demonstrated progress toward the target in the rate of students with disabilities graduating with an Advanced Studies or Standard diploma, increasing the rate from 43 percent in 2006-2007 to 44 percent in 2007-2008.

Discussion of activities

During 2008-2009, activities listed for Indicator 1 in Virginia's State Performance Plan were implemented.

The Transition Outcomes Project has been expanded from a separate project into a state-wide model for services. VDOE will continue to support implementation of this model.

The emphasis placed on helping school divisions in developing and implementing transition plans aimed at reducing the number of 9th and 10th grade students retained in grade has centered on the development of transition IEPs. VDOE has developed a transition IEP template to guide practice.

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

VDOE 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 9th and 10th grade students retained in grade.

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

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.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for 2008-2009

N/A

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

Monitoring Priority: FAPE in the LRE	
Indicator 2: Percent of youth with IEPs dropping out of high school. (20 U.S.C. 1416 (a)(3)(A))	
Measurement: States must report using the dropout data used in the ESEA graduation rate calculation and follow the timeline established by the Department under the ESEA.	
FFY	Measurable and Rigorous Target
2007-2008	The drop out rate for students with disabilities will decrease to 1.89 percent.

In accordance with instructions for the 2008-2009 Annual Performance Report, VDOE is reporting 2007-2008 data for Indicator 2.

Data Source:

Data for Indicator 2 are taken from VDOE's end of year school division report. The data source and measurement are aligned with the Elementary and Secondary Education Act (ESEA). Data reported for this indicator lags one year.

Actual Target Data for 2007-2008:

Virginia did not meet the target for 2007-2008 to decrease the dropout rate for students with disabilities to 1.89 percent. For 2007-2008 the drop out rate for students with disabilities was 2.4 percent.

Drop out rate for students with disabilities:

Year	Dropouts	Membership	Percent
2006-2007	1,808	77,492	2.3
2007-2008	1,844	76,593	2.4

VDOE defines a dropout as an individual in grades 7-12 who was enrolled in school at some time during the previous school year and was not enrolled on October 1 of the current school year, or was not enrolled on October 1 of the previous school year although expected to be in the membership, has not graduated from high school or completed a state or district approved educational program and does not meet any of the exclusionary conditions: transfer to another public school district, private school or state

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or district approved education program, temporary school-recognized absence due to suspension, illness or death. The drop-out rate calculation for students with disabilities is the same as for all students.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for 2007-2008

Progress/slippage

Virginia demonstrated slippage from the target in the drop out rate for students with disabilities for the 2007-2008 school year with a rate of 2.4 percent compared to a rate of 2.3 percent for the 2006-2007 school year.

Discussion of activities

During 2008-2009, 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.

The Transition Outcomes Project has been expanded from a separate project into a state-wide model for services. VDOE will continue to support implementation of this model.

VDOE will continue to 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.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for 2008-2009

N/A

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

Monitoring Priority: FAPE in the LRE	
Indicator 3: Participation and performance of children with disabilities on statewide assessments: A. Percent of districts that have a disability subgroup that meets the State's minimum "n" size that meet the State's AYP targets for progress for disability subgroup. B. Participation rate for children with IEPs. C. Proficiency rate for children with IEPs against grade level, modified and alternate achievement standards. (20 U.S.C. 1416 (a)(3)(A))	
Measurement: A. AYP percent = [(# of districts with a disability subgroup that meets the State's minimum "n" size that meet the State's AYP targets for the disability subgroup) divided by the (total # of districts that have a disability subgroup that meets the State's minimum "n" size)] times 100. B. Participation rate percent = [(# of children with IEPs participating in the assessment) divided by the (total # of children with IEPs enrolled during the testing window, calculated separately for reading and math)]. The participation rate is based on all children with IEPs, including both children with IEPs enrolled for a full academic year and those not enrolled for a full academic year. C. Proficiency rate percent = [(# of children with IEPs enrolled for a full academic year scoring at or above proficient) divided by the (total # of children with IEPs enrolled for a full academic year, calculated separately for reading and math)].	
FFY	Measurable and Rigorous Target
2008-2009	A. At least 67 percent of Virginia's school divisions will meet AYP objectives for students with disabilities subgroup. B. At least 95 percent of students with disabilities will participate in state assessments. C. At least 81 percent of students with disabilities will pass state English/Reading assessments. At least 79 percent of students with disabilities will pass state mathematics assessments.

Part B Annual Performance Report for 2008-2009**Data Source:**

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

Actual Target Data for 2008-2009

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 *Elementary and Secondary Education 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/federal_programs/esea/applications/consolidated/consolidated_app_account_wbk/accountability_workbook.pdf.

Virginia's performance relative to targets for the 2008-2009 school year for the three components of Indicator 3 is as follows:

Indicator 3A

Virginia met the target for the 2008-2009 school year that at least 67 percent of school divisions will meet AYP objectives for the students with disabilities subgroup. For 2008-2009, 71.9 percent of Virginia's school divisions met AYP objectives for students with disabilities subgroup.

School divisions meeting AYP for students with disabilities:

Year	N	Total	Percent
2007-2008	79	132	59.8
2008-2009	95	132	71.9

Indicator 3B

Virginia met the target for the 2008-2009 school year that at least 95 percent of students with disabilities will participate in state assessments. For 2008-2009, 99 percent of students with IEPs participated in the state assessments.

Students with IEPs participating in English/Reading assessments:

Year	N	Total	Percent
2007-2008	85,554	86,207	99
2008-2009	83,925	84,489	99

Students with IEPs participating in Math assessments:

Year	N	Total	Percent
2007-2008	96,526	97,397	99
2008-2009	94,779	95,717	99

Indicator 3C

Virginia did not meet the target for the 2008-2009 school year that at least 81 percent of students with disabilities will pass state English/Reading assessments. For 2008-2009, 73 percent of students with disabilities passed state English/Reading assessments.

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Year	N	Total	Percent
2007-2008	57,236	84,891	67
2008-2009	61,764	84,489	73

Virginia did not meet the target for the 2008-2009 school year that at least 79 percent of students with disabilities will pass state mathematics assessments. For 2008-2009, 71 percent of students with disabilities passed Math assessments.

Students with disabilities passing state Math assessments:

Year	N	Total	Percent
2007-2008	61,853	95,713	65
2008-2009	67,499	95,717	71

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.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for 2008-2009Progress/slippage

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

Indicator 3A

Virginia demonstrated progress in the percent of school divisions meeting AYP objectives for students with disabilities with a percentage of 71.9 for 2008-2009 compared to a percentage of 59.8 for 2007-2008.

Indicator 3B

There was no change in Virginia's performance relative to the target in the percentage of participation of students with disabilities in English/Reading assessments with a participation rate of 99 percent in both 2007-2008 and 2008-2009.

There was no change in Virginia's performance relative to the target in the percentage of participation of students with disabilities in math assessments with a participate rate of 99 percent in both 2007-2008 and 2008-2009.

Indicator 3C

Virginia demonstrated progress toward the target in the percent of students with disabilities who passed the English/Reading assessments, with 67 percent passing in 2007-2008 and 73 percent passing in 2008-2009.

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Virginia demonstrated progress toward the target in the percent of students with disabilities who passed the Math assessments, with 65 percent passing in 2007-2008 and 71 percent passing in 2008-2009.

Discussion of activities

During 2008-2009, 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 on-line 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.

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.

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 2008-2009

Virginia will implement the following activity for the duration of the SPP through 2010:

VDOE will provide training and technical assistance related to reading and math in partnership with Response to Intervention (RtI) training initiatives and school improvement processes with a focus on instructional practices for special education teachers.

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

Monitoring Priority: FAPE in the LRE	
Indicator 4: Rates of suspension and expulsion: 4. Rates of suspension and expulsion: A. Percent of districts that have a significant discrepancy in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs; and B. Percent of districts that have: (a) a significant discrepancy, by race or ethnicity, in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs; and (b) policies, procedures or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards. (20 U.S.C. 1416(a)(3)(A); 1412(a)(22))	
Measurement: A. Percent = [(# of districts that have a significant discrepancy in the rates of suspensions and expulsions for greater than 10 days in a school year of children with IEPs) divided by the (# of districts in the State)] times 100. B. Percent = [(# of districts that have: (a) a significant discrepancy, by race or ethnicity, in the rates of suspensions and expulsions of greater than 10 days in a school year of children with IEPs; and (b) policies, procedures or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards) divided by the (# of districts in the State)] times 100. Include State's definition of "significant discrepancy."	
FFY	Measurable and Rigorous Target
2007-2008	Reduce the percentage of school divisions with significant discrepancy for long-term suspensions to 12 percent and for expulsions to 8 percent.

Data Source

Data for Indicator 4A are taken from VDOE's annual discipline/crime and violence report. Data for this indicator lags one year.

Part B Annual Performance Report for 2008-2009**Actual Target Data for 2007-2008**

Virginia did not meet the target for 2007-2008 to reduce the percentage of school divisions with significant discrepancy for long-term suspensions of students with disabilities to 12 percent. For 2007-2008, 24 school divisions out of 132 school divisions in the state were determined to have significant discrepancy in the rate of long-term suspension of children with disabilities, for a percentage of 18.2 percent.

Divisions with Significant Discrepancy in Rates for Long-Term Suspension

Year	Number	Total	Percent
2006-2007	21	132	15.9
2007-2008	24	132	18.2

Virginia met the target to reduce the percent of school divisions with significant discrepancy for expulsions of students with disabilities to 8 percent. For 2007-2008, 10 school divisions out of 132 school divisions in the state were determined to have significant discrepancy in the rate of expulsion of children with disabilities, for a percentage of 7.6 percent.

Divisions with Significant Discrepancy in Rates of Expulsion

Year	Number	Total	Percent
2006-2007	16	132	12.1
2007-2008	10	132	7.6

VDOE's definition of significant discrepancy is a rate of long-term suspension or expulsion of students with disabilities which exceeds the rate for students without disabilities and is greater than the state average.

VDOE identifies school divisions with significant discrepancy as those divisions whose rate of long-term suspension or expulsion of students with disabilities exceeds the rate for students without disabilities and is greater than the state average. Divisions must have an "n" size greater than three for the number of long-term suspensions or expulsions to be included in the analysis.

For the 2007-2008 school year, there were 24 divisions determined to have significant discrepancy in the rate of long-term suspension of children with disabilities. VDOE required these 24 school divisions to complete a checklist to ensure review, and, if appropriate, revision, of policies, procedures, and practices related to development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.

There were no findings of non-compliance with regard to policies, procedures, and practices related to development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards for the 24 school divisions determined to have significant discrepancy in the rate of suspension of students with disabilities in 2007-2008.

For the 2007-2008 school year, there were 10 school divisions determined to have significant discrepancy in the rate of expulsion of children with disabilities. VDOE required these 10 school divisions to complete a checklist to ensure review, and, if appropriate, revision, of policies, procedures, and practices related to development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.

There were no findings of non-compliance with regard to policies, procedures, and practices related to development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards for the 10 school divisions determined to have significant discrepancy in the rate of expulsion of students with disabilities in 2007-2008.

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Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for 2007-2008

Progress/slippage

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

Virginia demonstrated slippage from the target for long-term suspensions; the percentage of school divisions determined to have a significant discrepancy comparing the rate of long term suspension for all students to those for students with disabilities increased from 15.9 in 2006-2007 to 18.2 percent in 2007-2008.

Virginia demonstrated progress relative to the target for expulsions, actually exceeding the target for 2007-2008; the percentage of school divisions determined to have a significant discrepancy comparing the rate of expulsion for all students to those for students with disabilities decreased from 12.1 percent in 2006-2007 to 7.6 percent in 2007-2008.

Discussion of activities

During 2008-2009, 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 2008-2009

N/A

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

Monitoring Priority: FAPE in the LRE	
<p>Indicator 5:</p> <p>Percent of children with IEPs aged 6 through 21 served:</p> <p>A. Inside the regular class 80% or more of the day;</p> <p>B. Inside the regular class less than 40% 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>Measurement:</p> <p>A. Percent = [(# of children with IEPs served inside the regular class 80% or more of the day) divided by the (total # of students aged 6 through 21 with IEPs)] times 100.</p> <p>B. Percent = [(# of children with IEPs served inside the regular class less than 40% of the day) divided by the (total # of students aged 6 through 21 with IEPs)] times 100.</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>	
FFY	Measurable and Rigorous Target
2008-2009	<p>Increase the percentage of students, ages 6-21, spending at least 80 percent of their day in the regular class to 64 percent.</p> <p>Decrease the percentage of students, ages 6-21, spending at least 40 percent of their day in the regular class to 10 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 less than 1 percent.</p>

Data Source

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

Part B Annual Performance Report for 2008-2009**Actual Target Data for 2008-2009**Indicator 5A

Virginia did not meet the target for the 2008-2009 school year that 64 percent of students with disabilities ages 6-21 would spend at least 80 percent of the day in the regular class. For 2008-2009, 56 percent of students ages 6-21 spent at least 80 percent of their day in the regular classroom.

Children inside the regular class 80% or more

Year	Number	Total	Percent
2007-2008	85,866	150,688	57
2008-2009	83,935	149,569	56

Indicator 5B

Virginia did not meet the target for 2008-2009 that 10 percent of students with disabilities ages 6-21 would spend less than 40% of the day in the regular classroom. For 2008-2009, 16 percent of students ages 6-21 spent less than 40 percent of their day in the regular classroom.

Children inside the regular class less than 40%

Year	Number	Total	Percent
2007-2008	24,224	150,688	16
2008-2009	24,038	149,569	16

Indicator 5C

Virginia did not meet the target for 2008-2009 that less than 1 percent of students with disabilities ages 6-21 would receive their special education services in separate public or private schools, residential placements or homebound or hospital placements. For 2008-2009, 3.6 percent of students ages 6-21 received their special education services in separate public or private schools, residential placements, or homebound or hospital placements.

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

Year	Number	Total	Percent
2007-2008	5,302	150,688	3.5
2008-2009	5,434	149,569	3.6

The number of children in private day schools and residential facilities reflects all children who receive their education in these settings. The number includes not only children placed into these settings by school divisions based upon the IEP, but also children placed into these settings for non-educational reasons by Virginia human service agencies other than the schools; these departments include the Department of Social Services, the Department of Mental Health/Mental Retardation and Substance Abuse Services, and the Department of Juvenile Justice. The placements by non-educational agencies increases the number, and adversely affect the percentage, of children in separate schools, residential facilities, or homebound/hospital placements.

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Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for 2008-2009

Progress/slippage

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

Indicator 5A

Virginia demonstrated slippage from the target in the percentage of students with disabilities ages 6-21 who were served in the regular classroom for 80% or more of the day with 56% in 2008-2009 compared to 57% in 2007-2008.

Indicator 5B

Virginia maintained performance relative to the target in the percentage of students with disabilities ages 6-21 who were served in the regular classroom for less than 40% of the day with 16% in both 2007-2008 and 2008-2009.

Indicator 5C

Virginia demonstrated slippage from the target in the percentage of students with disabilities ages 6-21 who received their special education in separate public or private schools, residential placements, or homebound or hospital placements with 3.6% in 2008-2009 compared to 3.5% in 2007-2008.

Discussion of activities

During 2008-2009, 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.ttaconline.org.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for 2008-2009

N/A

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Indicator 6 has been revised to align with the proposed section 618 State-reported data collection.

Reporting will begin with the FFY 2010 SPP/APR due February 1, 2012.

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See *Virginia's State Performance Plan, Revised February 1, 2010* for baseline data, targets and improvement activities for Indicator 7

The *State Performance Plan* is available at the following address:

http://www.doe.virginia.gov/special_ed/reports_plans_stats/index.shtml

Part B Annual Performance Report for 2008-2009

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

Monitoring Priority: FAPE in the LRE	
Indicator 8: Percent of parents with a child receiving special education services who report that schools facilitated parent involvement as a means of improving services and results for children with disabilities. (20 U.S.C. 1416(a)(3)(A))	
Measurement: Percent = [(# of respondent parents who report schools facilitated parent involvement as a means of improving services and results for children with disabilities) divided by the (total # of respondent parents of children with disabilities)] times 100.	
FFY	Measurable and Rigorous Target
2008-2009	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.

Data Source

In collecting data for Indicator 8 for the 2008-2009 APR, VDOE used the same survey instrument used for the 2007-2008 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 instrument was developed in consultation with the National Center for Special Education Accountability Monitoring (NCSEAM) and the evaluation staff at the Partnership for People with Disabilities at Virginia Commonwealth University (VCU).

For the 2008-2009 data collection, the survey was converted into an on-line form and school divisions provided the web-site address to the parents of students with disabilities. Hard copies were distributed to parents upon request. 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 PTI) where Spanish speakers were available to communicate with parents wishing to receive a Spanish version of the survey.

Information announcing the distribution of the survey 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. Despite these efforts, the new collection process resulted in a smaller number of returned surveys than was anticipated. The data do not fully represent the demographics of the state.

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Actual Target Data for 2008-2009

Virginia did not meet the target for the 2008-2009 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. For 2008-2009, 63.5 percent of parents reported 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

Year	N	Total	Percent
2007-2008	22,999	33,633	68.4
2008-2009	2,485	3,914	63.5

Data for this indicator reflect responses to the survey question “The school explains what options parents have if they disagree with a decision of the school.” Virginia’s 2008-2009 percentage of 63.5 represents the proportion of the “Agree, Strongly Agree, or Very Strongly Agree” responses to this survey question.

The total number of surveys returned was 7,356. The threshold question (indicated above) received 3,914 responses, 2,485 of which were affirmative.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for 2008-2009

Progress/slippage

Virginia demonstrated slippage from the target in the percentage of parents who reported that that schools facilitated parent involvement as a means of improving services and results for children with disabilities from 68.4% in 2007-2008 to 63.5% in 2008-2009.

Discussion of activities

During 2008-2009, 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 T/TACs.

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 inform the development of future improvement activities.

Part B Annual Performance Report for 2008-2009

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for 2008-2009

N/A

Part B Annual Performance Report for 2008-2009

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

Monitoring Priority: Disproportionality	
Indicator 9: Percent of districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification. (20 U.S.C. 1416(a)(3)(C))	
Measurement: Percent = [(# of districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification) divided by the (# of districts in the State)] times 100. Include State’s definition of “disproportionate representation.” Based on its review of the 618 data for FFY 2008, describe how the State made its annual determination that the disproportionate representation it identified (consider both over and underrepresentation) of racial and ethnic groups in special education and related services was the result of inappropriate identification as required by §§300.600(d)(3) and 300.602(a), e.g., using monitoring data; reviewing policies, practices and procedures, etc. In determining disproportionate representation, analyze data, for each district, for all racial and ethnic groups in the district, or all racial and ethnic groups in the district that meet a minimum 'n' size set by the State. Report on the percent of districts in which disproportionate representation of racial and ethnic groups in special education and related services is the result of inappropriate identification, even if the determination of inappropriate identification was made after the end of the FFY 2008 reporting period, i.e., after June 30, 2009. If inappropriate identification is identified, report on corrective actions taken.	
FFY	Measurable and Rigorous Target
2008-2009	0 percent of the school divisions in the State will have disproportionate representation identified.

Data Source:

Annual fall membership report, VDOE December 1 Special Education Child Count, school division summary of individual student record reviews.

Actual Target Data for 2008-2009

Virginia met the target for the 2008-2009 school year that 0 percent of the school divisions in the State will have disproportionate representation that is the result of inappropriate identification. Following the two-step analysis described below, for 2008-2009 there were no school divisions with disproportionate

Part B Annual Performance Report for 2008-2009

representation of racial and ethnic groups in special education and related services that was the result of inappropriate identification, for a percentage of 0.

Year	# Divisions Identified	Total # Divisions	Percent
2007-2008	0	132	0
2008-2009	0	132	0

VDOE’s definition of “disproportionate representation” 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” includes both over-representation and under-representation.

VDOE determined disproportionate representation of racial and ethnic groups in special education and related services that was the result of inappropriate identification through a two-level process.

Level One: Data Analysis

VDOE used a comparison model as the basis for the level one data analysis. Racial/ethnic groups with an “n” size of fifty or fewer students in the students with disabilities population were excluded from the level one data analysis. The percentage of students of each racial/ethnic group in the students with disabilities population was compared to the percentage of students in the same racial/ethnic group in the general population. The analysis generated an expected number of students identified as students with disabilities in each racial/ethnic group.

Continuing the analysis, a five percent adjustment was made to the expected number of students with disabilities in each racial/ethnic group. If the number of students with disabilities in any racial/ethnic group was higher (for over-representation) or lower (for under-representation) than the adjusted number, the division was included in the level two analysis.

Level Two: Review of Policy, Procedure and Practice

Annually, each school division is required to provide to VDOE a written assurance, certified by signature of the Superintendent/Designee of the school division, that policies and procedures are in effect which are designed to prevent disproportionate representation by race and ethnicity of children as children with disabilities, including children with disabilities with a particular impairment.

If a school division was identified in the level one analysis for over-representation, the division was required to review individual student records for the racial/ethnic groups identified in the level one analysis. This record review required use of a checklist that allowed the school division to identify any violations of procedural or regulatory requirements related to the identification of students as a student with a disability.

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/ethnic groups in special education and related services that was the result of inappropriate identification. For 2008-2009, 94 school divisions were identified in the level one analysis and subjected to this level two analysis.

If a school division was identified in the level one analysis for under-representation, VDOE reviewed compliance findings from general supervision processes to identify procedural violations related to the

Part B Annual Performance Report for 2008-2009

referral and evaluation of students and to make a determination of disproportionate representation that was the result of inappropriate identification. For 2008-2009, there were 132 school divisions identified in the level one analysis and subjected to this level two analysis. These steps specific to under-representation were made subsequent to OSEP's October 2009 verification visit.

Corrected noncompliance from 2007-2008

There were no school divisions in 2007-2008 identified as having disproportionate representation of racial and ethnic groups in special education and related services that was the result of inappropriate identification; there were no noncompliance findings to be corrected.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for 2008-2009

Progress/slippage

There was no change in Virginia's performance relative to the target with 0 school divisions identified as having disproportionate representation of racial and ethnic groups in special education and related services that was the result of inappropriate identification for both 2007-2008 and 2008-2009.

Discussion of activities

During 2008-2009, activities listed for Indicator 9 in Virginia's State Performance Plan were implemented.

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

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

Virginia 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), the Equity Alliance (formerly the National Center for Culturally Responsive Educational Systems) and the Mid-South Regional Resource Center (MSRRC).

Virginia will continue to assist local school divisions in examining and reviewing the policies, practices, and procedures that could impact possible disproportionate representation.

VDOE will continue to work with school divisions to develop action plans, as needed, to allow school divisions to outline improvement strategies in areas related to disproportionate representation that is the result of inappropriate identification, including review and revision, if needed, of policies, practices and/or procedures.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for 2008-2009

N/A

Part B Annual Performance Report for 2008-2009

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

Monitoring Priority: Disproportionality	
<p>Indicator 10:</p> <p>Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.</p> <p>(20 U.S.C. 1416(a)(3)(C))</p>	
<p>Measurement:</p> <p>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.</p> <p>Include State’s definition of “disproportionate representation.”</p> <p>Based on its review of the 618 data for FFY 2008, describe how the State made its annual determination that the disproportionate representation it identified (consider both over and under representation) of racial and ethnic groups in specific disability categories was the result of inappropriate identification as required by §§300.600(d)(3) and 300.602(a), e.g., using monitoring data; reviewing policies, practices and procedures, etc. In determining disproportionate representation, analyze data, for each district, for all racial and ethnic groups in the district, or all racial and ethnic groups in the district that meet a minimum 'n' size set by the State. Report on the percent of districts in which disproportionate representation of racial and ethnic groups in specific disability categories is the result of inappropriate identification, even if the determination of inappropriate identification was made after the end of the FFY 2008, i.e., after June 30, 2009. If inappropriate identification is identified, report on corrective actions taken.</p>	
FFY	Measurable and Rigorous Target
2008-2009	0 percent of the school divisions in the State will have disproportionate representation identified.

Data Source

Annual fall membership report, VDOE December 1 Special Education Child Count, school division summary of individual student record reviews.

Actual Target Data for 2008-2009

Virginia met the target for the 2008-2009 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. Following the two-step analysis described below, for 2008-2009

Part B Annual Performance Report for 2008-2009

there were no school divisions with disproportionate representation of racial and ethnic groups in specific disability categories that was the result of inappropriate identification.

Districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification:

Year	# Divisions Identified	Total # Divisions	Percent
2007-2008	0	132	0
2008-2009	0	132	0

VDOE’s definition of “disproportionate representation” for Indicator 10 is as follows: Disproportionate representation of racial and ethnic groups in specific disability categories 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” includes both over-representation and under-representation.

VDOE determined disproportionate representation of racial and ethnic groups in specific disability categories that was the result of inappropriate identification through a two-level process.

Level One: Data Analysis

VDOE used a comparison model as the basis for the level one data analysis for the following disability categories: mental retardation, specific learning disabilities, emotional disturbance, other health impairment, autism, and speech/language impairment. Racial/ethnic groups with an “n” size of fifty or fewer students in the students with disabilities population were excluded from the level one analysis. The percentage of students of each racial/ethnic group in each of the six disability categories was compared to the percentage of students in the same racial/ethnic group in the general population. The analysis generated an expected number of students in that racial/ethnic group for each of the six designated disability categories.

Continuing the analysis, a five percent adjustment was made to the expected number of students in each of the six designated disability categories for each racial/ethnic group. If the number of students in any of the six designated disability categories for any racial/ethnic group was higher (for over-representation) or lower (for under-representation) than the adjusted number, the school division was included in the level two analysis.

Level Two: Review of Policy, Procedure and Practice

Annually, each school division is required to provide to VDOE a written assurance, certified by signature of the Superintendent/Designee of the school division, that policies and procedures are in effect which are designed to prevent disproportionate representation by race and ethnicity of children as children with disabilities, including children with disabilities with a particular impairment.

If a school division was identified in the level one analysis for over-representation, the division was required to review individual student records for the racial/ethnic group(s) identified in the level one analysis. This record review required use of a checklist that allowed the school division to identify violations of procedural or regulatory requirements related to the identification of students for any of the six designated disability categories.

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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 the result of inappropriate identification. For 2008-2009, there were 110 school divisions subjected to this level two analysis.

If a school division was identified in the level one analysis for under-representation, VDOE reviewed compliance findings from general supervision processes to identify procedural violations related to the referral and evaluation of students and to make a determination of disproportionate representation due to inappropriate identification. For 2008-2009, there were 129 school divisions subjected to this level two analysis. These steps specific to under-representation were made subsequent to OSEP's October 2009 verification visit.

Corrected noncompliance from 2007-2008

There were no school divisions in 2007-2008 identified as having disproportionate representation of racial and ethnic groups in specific disability categories that was the result of inappropriate identification; there were no noncompliance findings to be corrected.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for 2008-2009

Progress/slippage

There was no change in Virginia's performance relative to the target from 2007-2008 to 2008-2009 with 0 school divisions determined to have disproportionate representation that was the result of inappropriate identification of racial and ethnic groups in specific disability categories for both years.

Discussion of activities

During 2008-2009, activities listed for Indicator 10 in Virginia's State Performance Plan were implemented.

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

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

Virginia 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), the Equity Alliance (formerly the National Center for Culturally Responsive Educational Systems) and the Mid-South Regional Resource Center (MSRRC).

Virginia will continue to assist local school divisions in examining and reviewing the policies, practices and procedures that could impact possible disproportionate representation.

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VDOE will continue to work with school divisions to develop action plans, as needed, to allow school divisions to outline improvement strategies in areas related to disproportionate representation that is the result of inappropriate identification, including review and revision, if needed, of policies, practices and/or procedures.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for 2008-2009

N/A

Part B Annual Performance Report for 2008-2009

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

Monitoring Priority: Effective General Supervision Part B/Child Find	
<p>Indicator 11:</p> <p>Percent of children who were evaluated within 60 days of receiving parental consent for initial evaluation or, if the State establishes a timeframe within which the evaluation must be conducted, within that timeframe.</p> <p>(20 U.S.C. 1416(a)(3)(B))</p>	
<p>Measurement:</p> <p>a. # of children for whom parental consent to evaluate was received.</p> <p>b. # of children whose evaluations were completed within 60 days (or State established timeline).</p> <p>Account for children included in a but not included in b. Indicate the range of days beyond the timeline when the evaluation was completed and any reasons for the delays.</p> <p>Percent = [(b) divided by (a)] times 100.</p>	
FFY	Measurable and Rigorous Target
2008-2009	100 percent of children with parental consent to evaluate, will be evaluated and have eligibility determined within 65 business days.

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 the State. 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 2008-2009

Virginia did not meet the target for 2008-2009 that 100 percent of children with parental consent to evaluate will be evaluated and have eligibility determined within 65 business days. For the 2008-2009 school year, school divisions reported 27,840 children were evaluated and had eligibility determined within 65 business days out of 28,521 children for whom consent was received for evaluation, for a percentage of 97.5 percent.

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Children evaluated and had eligibility determined within 65 business days:

Year	evaluations completed within timeline	Children for whom parental consent to evaluate was received	Percent
2007-2008	29,714	30,704	96.8
2008-2009	27,955	28,667	97.5

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

Range of business days beyond 65-day timeline	Number of children
1-5	307
6-15	205
16-25	82
26-35	38
36-45	22
46 and beyond	58
Total	712

Reported reasons for exceeding the 65-day timeline included: staffing issues, parent request to reschedule meetings, inclement weather, and paperwork errors.

Corrected noncompliance from 2007-2008

Twenty-one school divisions were issued letters of noncompliance findings for Indicator 11 for the 2007-2008 school year. Each of these divisions demonstrated a compliance level of 96% or below. Of these twenty-one school divisions, VDOE verified timely correction of noncompliance (no more than one year following the notification of noncompliance) for fourteen of the school divisions. Verification of timely correction of noncompliance was based upon evidence that the individual student records were corrected as well as evidence through examination of new records that the LEAs were correctly implementing requirements for meeting the 65 day timeline for determining eligibility. Verification processes included staff interviews, review of school divisions' evaluation/eligibility tracking systems, reviews of individual student records, and review of school division procedures/practices. On-site visits were made to small, medium, and large school divisions in each area of the state.

To facilitate timely corrections, school divisions with noncompliance findings were required to submit corrective action plans (CAPs). The notification of noncompliance to school divisions regarding noncompliance findings for Indicator 11 required divisions to specify in their CAPs the specific reasons for not meeting the required timeline. School divisions were requested to consider several factors in developing their CAPs, including change to policy/procedures to allow for a shorter evaluation timeline for emergency situations; examination of routine evaluation procedures to determine if barriers exist; implementation of a computerized tracking system; designation of staff with responsibility for tracking timelines; arranging to hold eligibility meetings at times convenient for parents; and provision of staff training. School divisions were also given a self-assessment tool to help them identify barriers to meeting the required 65-day timely for evaluation and eligibility determination and were instructed to review their data concerning the number of days that exceeded required timelines and the reasons the timelines were exceeded. Where appropriate, VDOE required school divisions to issue instructional memoranda to staff and/or to conduct formal training sessions to prevent future procedural violations.

For Indicator 11, VDOE was able to verify that school divisions that received notification of noncompliance were now ensuring compliance with evaluations and eligibility determination within 65 business days by (1) obtaining the division superintendent's signature of assurance that CAPs would be

Part B Annual Performance Report for 2008-2009

promptly implemented; (2) by reviewing each school division's tracking system and IEPs for newly referred children with consent to evaluation during on-site monitoring activities and follow up with local directors via telephone, conference calls and e-mails.

Seven of the school divisions did not fully implement their Corrective Action Plans to address an effective tracking system, staffing, and scheduling issues though correction of individual student records was completed. These school divisions continue to address policies, procedures and practices through implementation of their Corrective Action Plans. VDOE continues to monitor the progress of these divisions and to provide training and technical assistance to them.

An additional thirty-nine school divisions were identified as having a compliance level between 97% and 99% with Indicator 11. While VDOE did not issue letters of finding to these school divisions, the divisions were contacted and instructed to make timely corrections. VDOE verified correction of non-compliance for all thirty-nine school divisions. Evidence of correction of noncompliance included evidence of correction of individual student records and evidence through examination of new records that the LEAs were correctly implementing requirements for meeting the 65 day timeline for determining eligibility. Verification processes included staff interviews, review of school divisions' evaluation/eligibility tracking systems, reviews of individual student records, and review of school division procedures/practices.

Prior to OSEP's October 2009 verification visit, VDOE's monitoring process included verifying correction of noncompliance findings for all school divisions that received a scheduled on-site compliance review and all school divisions in the follow-up phase of the on-site monitoring process. VDOE verified that school divisions (a) had corrected each individual case of noncompliance, unless the child was no longer within the jurisdiction of the LEA; and (b) is correctly implementing the specific regulatory requirements. Verification of compliance was consistent with guidance in OSEP Memo 09-02, October 2008. Prior to OSEP's October 2009 verification visit all LEAs that reported noncompliance for APR indicators submitted corrective action plans to VDOE. VDOE verified the timely correction of noncompliance findings for most but not all LEAs that reported noncompliance and that did not have an on-site monitoring visit.

Following OSEP's verification visit in October 2009, VDOE took prompt action to follow up with school divisions reporting noncompliance with Indicator 11 for 2007-2008, including the school divisions that had not been issued letters of findings due to their performance rating between 96 and 99% (threshold has been discontinued). VDOE's monitoring process now includes follow-up activities which verify that all school divisions (a) had corrected each individual case of noncompliance, unless the child was no longer within the jurisdiction of the LEA; and (b) are correctly implementing the specific regulatory requirements for all noncompliance findings. Follow-up activities include on-site visits, review of school divisions' evaluation/eligibility tracking logs, eligibility minutes, IEPs, staff interviews, and other supporting documentation made available by the school division.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for 2008-2009

Progress/slippage

Virginia demonstrated progress toward the target in the percent of children with parental consent to evaluate who were evaluated and had eligibility determined within 65 business days, increasing compliance from 96.8 percent in 2007-2008 to 97.5 percent in 2008-2009.

Discussion of activities

During 2008-2009, activities listed for Indicator 11 in Virginia's State Performance Plan were implemented.

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

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

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for 2008-2009

N/A

Part B Annual Performance Report for 2008-2009

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

Monitoring Priority: Effective General Supervision Part B/Effective Transition	
<p>Indicator 12:</p> <p>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.</p> <p>(20 U.S.C. 1416(a)(3)(B))</p>	
<p>Measurement:</p> <ul style="list-style-type: none"> a. # of children who have been served in Part C and referred to Part B for eligibility determination. b. # of those referred determined to be NOT eligible and whose eligibilities were determined prior to their third birthdays. c. # of those found eligible who have an IEP developed and implemented by their third birthdays. d. # of children for whom parent refusal to provide consent caused delays in evaluation or initial services. e. # of children who were referred to Part C less than 90 days before their third birthdays. <p>Account for children included in a but not included in b, c, d or e. Indicate the range of days beyond the third birthday when eligibility was determined and the IEP developed and the reasons for the delays.</p> <p>Percent = [(c) divided by (a - b - d - e)] times 100.</p> <p>For the FFY 2008 APR submission, States are not required to include measure (e) in the calculation.</p>	
FFY	Measurable and Rigorous Target
2008-2009	100 percent of children referred by Part C prior to age 3, who are found eligible for Part B, will 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.

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 the State. All required components to be measured for Indicator 12 were included in the spreadsheet.

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Actual Target Data for 2008-2009

Virginia did not meet the target for 2008-2009 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. For the 2008-2009 school year, 99 percent 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.

Year	# children found eligible who have an IEP developed and implemented by their third birthdays (c)	# children served in Part C referred to Part B (a) minus those not eligible and eligibility determined before 3 rd birthday (b) minus those for whom parent refused consent (d) minus those referred before less than 90 days before 3 rd birthday (e)	Percent
2007-2008	1735	1788	97
2008-2009	1821	1843	99

School divisions reported the number of business days beyond timeline requirements:

Range of business days beyond required timeline	Number of children
1-5	2
6-15	6
16-25	4
26-35	2
36-45	4
46 and beyond	4
Total	22

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

Corrected noncompliance from 2008-2009

For 2007-2008 eleven school divisions were issued letters of finding of noncompliance with Indicator 12. VDOE verified timely correction of noncompliance for nine of the eleven school divisions. Evidence of correction included evidence of correction of individual student records as well as evidence through examination of new records that the school divisions were correctly implementing all requirements for meeting IEP timelines for development and implementation.

To facilitate timely corrections, school divisions with noncompliance findings were required to submit corrective action plans (CAPs). The notification of noncompliance to school divisions regarding noncompliance findings for Indicator 12 required divisions to specify in their CAPs the specific reasons for not meeting the required timeline. School divisions were requested to consider several factors in developing their CAPs, including change to policy/procedures to allow for a shorter evaluation timeline for emergency situations; examination of routine evaluation procedures to determine if barriers exist; implementation of a computerized tracking system; designation of staff with responsibility for tracking timelines; improved communication and collaboration with Part C staff; and provision of staff training.

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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.

For Indicator 12, VDOE was able to verify that school divisions were now ensuring the timely development and implementation of IEPs for children transitioning from Part C by (1) obtaining division superintendent's signature of assurance that CAPs would be promptly implemented; (2) by reviewing school division's tracking systems and IEPs for newly referred Part C children who were found eligible for Part B during on-site monitoring activities and follow up with local directors via telephone, conference calls and e-mails. School divisions that failed to meet at least 97% compliance received more intense follow-up. In addition, VDOE will meet with school divisions that continue to show non-compliance and VDOE will require these divisions to develop new CAPs that contain activities directed by VDOE, specific to the individual division.

Two school divisions did not have timely correction of noncompliance. VDOE continues to work with these school divisions to fully implement their Corrective Action Plans to ensure parent participation and development and implementation of IEP timeline requirements. VDOE continues to provide training and technical assistance to facilitate correction of noncompliance issues.

An additional four school divisions were identified as having a compliance level between 97% and 99% with Indicator 12. While VDOE did not issue letters of finding to these school divisions, the divisions were contacted and instructed to correct noncompliance issues. VDOE verified correction of non-compliance for all four school divisions. Verification of correction of noncompliance was based upon evidence of the correction of individual student records as well as evidence through examination of new records that the LEAs were correctly implementing requirements for meeting the required timelines for IEP development and implementation.

Prior to OSEP's October 2009 verification visit, VDOE's monitoring process included verifying correction of noncompliance findings for all school divisions that received a scheduled on-site compliance review and all school divisions in the follow-up phase of the on-site monitoring process. VDOE verified that school divisions (a) had corrected each individual case of noncompliance, unless the child was no longer within the jurisdiction of the LEA; and (b) is correctly implementing the specific regulatory requirements. Verification of compliance was consistent with guidance in OSEP Memo 09-02, October 2008. Prior to OSEP's October 2009 verification visit all LEAs that reported noncompliance for APR indicators submitted corrective action plans to VDOE. VDOE verified the timely correction of noncompliance findings for most but not all LEAs that reported noncompliance and that did not have an on-site monitoring visit.

Following OSEP's verification visit in October 2009, VDOE took prompt action to follow up with school divisions reporting noncompliance with Indicator 12 for 2007-2008, including the school divisions that had not been issued letters of findings due to their performance rating between 96 and 99% (threshold has been discontinued). VDOE's monitoring process now includes follow-up activities which verify that all school divisions (a) had corrected each individual case of noncompliance, unless the child was no longer within the jurisdiction of the LEA; and (b) are correctly implementing the specific regulatory requirements for all noncompliance findings. Follow-up activities include on-site visits, review of school divisions' evaluation/eligibility tracking logs, eligibility minutes, IEPs, staff interviews, and other supporting documentation made available by the school division.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for 2008-2009:

Progress/slippage

Virginia demonstrated progress toward the target from 2007-2008 to 2008-2009, with 99% compliance in 2008-2009 compared with 97% compliance in 2007-2008 in the percent of children referred by Part C

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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.

Discussion of activities

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

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

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

VDOE will continue to conduct training sessions to provide Part C to Part B transition information to all school divisions. In addition to the meetings referenced above, VDOE will disseminate information and guidance on the importance of transitioning Part C students to Part B programs at VDOE's local special education directors' Council meetings.

VDOE will continue to provide guidance documents/flow charts to all school divisions, concerning transition from Part C. Documents will be shared with the state Part C office for them to share with their local system managers.

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

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

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for 2008-2009

N/A

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Indicator 13 has been revised to align with the IDEA secondary transition requirements.

Reporting will begin in the FFY 2009 APR due February 1, 2011.

Prior to OSEP's October 2009 verification visit, VDOE's monitoring process included verifying correction of noncompliance findings for all school divisions that received a scheduled on-site compliance review and all school divisions in the follow-up phase of the on-site monitoring process. VDOE verified that school divisions (a) had corrected each individual case of noncompliance, unless the child was no longer within the jurisdiction of the LEA; and (b) is correctly implementing the specific regulatory requirements. Verification of compliance was consistent with guidance in OSEP Memo 09-02, October 2008. Prior to OSEP's October 2009 verification visit all LEAs that reported noncompliance for APR indicators submitted corrective action plans to VDOE. VDOE verified the timely correction of noncompliance findings for most but not all LEAs that reported noncompliance and that did not have an on-site monitoring visit.

Following OSEP's verification visit in October 2009, VDOE took prompt action to follow up with school divisions reporting noncompliance with Indicator 13 for 2007-2008, including the school divisions that had not been issued letters of findings due to their performance rating between 96 and 99% (threshold has been discontinued). VDOE's monitoring process now includes follow-up activities which verify that all school divisions (a) had corrected each individual case of noncompliance, unless the child was no longer within the jurisdiction of the LEA; and (b) are correctly implementing the specific regulatory requirements for all noncompliance findings. Follow-up activities include on-site visits, review of IEPs, staff interviews, and other supporting documentation made available by the school division.

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Indicator 14 has been revised to collect more consistent data on the percent of students with IEPs who are no longer in secondary school and are in higher education, competitively employed or in other postsecondary education or employment.

Reporting will begin with the FFY 2009 SPP/APR due February 1, 2011.

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

Monitoring Priority: Effective General Supervision Part B/General Supervision	
<p>Indicator 15:</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>Measurement:</p> <p>Percent of noncompliance corrected within one year of identification:</p> <ul style="list-style-type: none"> a. # of findings of noncompliance b. # of corrections completed as soon as possible but in no case later than one year from identification. <p>Percent = [(b) divided by (a)] times 100.</p> <p>States are required to use the "Indicator 15 Worksheet" to report data for this indicator (see Attachment A).</p>	
FFY	Measurable and Rigorous Target
2008-2009	100 percent of the findings identified through general supervision (including monitoring, complaints, hearings, etc.) will be corrected as soon as possible but in no case later than one year from identification.

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 2008-2009

Virginia did not meet the target for 2008-2009 that 100 percent of the non-compliance findings identified in 2007-2008 through general supervision (including monitoring, complaints, hearings, data collection) will be corrected as soon as possible but in no case later than one year from identification. For 2008-2009, 89.5% percent of noncompliance findings identified in 2007-2008 through general supervision were corrected as soon as possible but in no case later than one year from identification.

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Data Specific to Non-compliance Findings from 2007-2008 and Number Corrected Within One Year of Identification:

Indicator/Indicator Clusters	General Supervision System Components	# of LEAs Issued Findings in FFY 2007 (7/1/07 to 6/30/08)	(a) # of Findings of noncompliance identified in FFY 2007 (7/1/07 to 6/30/08)	(b) # of Findings of noncompliance from (a) for which correction was verified no later than one year from identification
1. Percent of youth with IEPs graduating from high school with a regular diploma. 2. Percent of youth with IEPs dropping out of high school. 14. Percent of youth who had IEPs, are no longer in secondary school and who have been competitively employed, enrolled in some type of postsecondary school, or both, within one year of leaving high school.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	0	0	0
	Dispute Resolution: Complaints, Hearings	0	0	0
3. Participation and performance of children with disabilities on statewide assessments. 7. Percent of preschool children with IEPs who demonstrated improved outcomes.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	0	0	0
	Dispute Resolution: Complaints, Hearings	0	0	0
4A. Percent of districts identified as having a significant discrepancy in the rates of suspensions and expulsions of children with disabilities for greater than 10 days in a school year.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	0	0	0
	Dispute Resolution: Complaints, Hearings	0	0	0
5. Percent of children with IEPs aged 6 through 21 -educational placements. 6. Percent of preschool children aged 3 through 5 – early childhood placement.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	0	0	0
	Dispute Resolution: Complaints, Hearings	0	0	0
8. Percent of parents with a child receiving special education services who report that schools facilitated parent involvement as a means of improving services and results for children with	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	0	0	0

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Indicator/Indicator Clusters	General Supervision System Components	# of LEAs Issued Findings in FFY 2007 (7/1/07 to 6/30/08)	(a) # of Findings of noncompliance identified in FFY 2007 (7/1/07 to 6/30/08)	(b) # of Findings of noncompliance from (a) for which correction was verified no later than one year from identification
disabilities.	Dispute Resolution: Complaints, Hearings	0	0	0
9. Percent of districts with disproportionate representation of racial and ethnic groups in special education that is the result of inappropriate identification.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	0	0	0
10. Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.	Dispute Resolution: Complaints, Hearings	0	0	0
11. Percent of children who were evaluated within 60 days of receiving parental consent for initial evaluation or, if the State establishes a timeframe within which the evaluation must be conducted, within that timeframe.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	21	21	14
	Dispute Resolution: Complaints, Hearings	1	1	1
12. Percent of children referred by Part C prior to age 3, who are found eligible for Part B, and who have an IEP developed and implemented by their third birthdays.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	11	11	9
	Dispute Resolution: Complaints, Hearings	0	0	0
13. Percent of youth aged 16 and above with IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable student to meet the post-secondary goals.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	72	72	54
	Dispute Resolution: Complaints, Hearings	0	0	0
Other areas of noncompliance: Discipline	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	1	1	1
	Dispute Resolution: Complaints, Hearings	6	11	11

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Indicator/Indicator Clusters	General Supervision System Components	# of LEAs Issued Findings in FFY 2007 (7/1/07 to 6/30/08)	(a) # of Findings of noncompliance identified in FFY 2007 (7/1/07 to 6/30/08)	(b) # of Findings of noncompliance from (a) for which correction was verified no later than one year from identification
Other areas of noncompliance: Eligibility Procedures	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	0	0	0
	Dispute Resolution: Complaints, Hearings	1	1	1
Other areas of noncompliance: Evaluation Procedures	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	4	4	4
	Dispute Resolution: Complaints, Hearings	2	3	3
Other areas of noncompliance: FAPE	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	2	3	3
	Dispute Resolution:	1	1	1
Other areas of noncompliance: IEP Development, Content, Review, Team Composition & Implementation	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	28	40	40
	Dispute Resolution:	18	62	62
Other areas of noncompliance: Procedural Safeguards	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	0	0	0
	Dispute Resolution:	6	8	8

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Indicator/Indicator Clusters	General Supervision System Components	# of LEAs Issued Findings in FFY 2007 (7/1/07 to 6/30/08)	(a) # of Findings of noncompliance identified in FFY 2007 (7/1/07 to 6/30/08)	(b) # of Findings of noncompliance from (a) for which correction was verified no later than one year from identification
Other areas of noncompliance: Least Restrictive Environment	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	3	7	7
	Dispute Resolution:	0	0	0
Other areas of noncompliance: Staffing	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	1	1	1
	Dispute Resolution:	0	0	0
Other areas of noncompliance: Annual Plan	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	1	1	1
	Dispute Resolution:	0	0	0
Other areas of noncompliance: Child Find - Screenings	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	3	3	3
	Dispute Resolution:	0	0	0
Other areas of noncompliance: Records	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	0	0	0
	Dispute Resolution:	4	5	5
Sum the numbers down Column a and Column b			256	229
Percent of noncompliance corrected within one year of identification = (column (b) sum divided by column (a) sum) times 100.			(b) / (a) X 100 =	89.5%

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Documentation of corrected noncompliance

VDOE's selection of school divisions for on-site monitoring was determined by a review and analysis of APR data for each school division. School divisions were also randomly selected for on-site monitoring. The selection process included school divisions from all regions of the state.

Monitoring in 2008-2009 involved extensive follow-up with school divisions with findings of noncompliance in 2007-2008. VDOE's follow-up also involved revisiting school divisions that had previous findings of noncompliance.

To facilitate timely corrections, school divisions that received a letter of noncompliance findings were required to submit corrective action plans (CAPs). 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.

For Indicator 9, there were no school divisions in 2007-2008 identified as having disproportionate representation of racial and ethnic groups in special education and related services that was the result of inappropriate identification; there were no noncompliance findings to be corrected.

For Indicator 10, there were no school divisions in 2007-2008 identified as having disproportionate representation of racial and ethnic groups in specific disability categories that was the result of inappropriate identification; there were no noncompliance findings to be corrected.

For Indicator 11, there were twenty-one findings of noncompliance issued in 2007-2008. Correction no later than one year from identification was verified for fourteen of the twenty-one findings. VDOE continues to work with the remaining fourteen school divisions on the implementation of their Corrective Action Plans. In addition, thirty-nine school divisions were identified with compliance below 100% but greater than 96%. Though VDOE did not issue letters of finding to these school divisions, correction of noncompliance was verified for all thirty-nine divisions.

For Indicator 12, there were eleven findings of noncompliance issued in 2007-2008. Correction no later than one year from identification was verified for nine of the eleven findings. VDOE continues to work with the remaining two school divisions on the implementation of their Corrective Action Plans. In addition, four school divisions were identified with compliance below 100% but greater than 96%. Though VDOE did not issue letters of finding to these school divisions, timely correction of noncompliance was verified for all four of these divisions.

For Indicators 11 and 12 school divisions reviewed data concerning the number of days that exceeded required timelines and the reasons the timelines were exceeded. Verification of timely correction of noncompliance was based upon evidence of the correction of individual student records as well as evidence through review of new records that each school division was correctly implementing requirements for eligibility, evaluation, and IEP timelines as specified in each indicator.

For Indicator 13, there were seventy-two findings of noncompliance issued in 2007-2008. Correction no later than one year from identification was verified for fifty-four of the seventy-two findings. The remaining eighteen continue to work with VDOE to fully implement their Corrective Action Plans. In addition, nine school divisions were identified with compliance below 100% but greater than 95%. Though VDOE did not issue letters of finding to these school divisions, timely correction of noncompliance was verified for all nine of these school divisions.

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For Indicators 11, 12, and 13, VDOE erred in not sending written notification of noncompliance for 2007-2008 to those school divisions with compliance levels between 97% and 99%. These school divisions were contacted, however, by the Office of Federal Program Monitoring and were instructed to correct all issues of noncompliance. VDOE subsequently verified correction of noncompliance for all school divisions with noncompliance in the 97% to 99% range for Indicators 11, 12, and 13.

Prior to OSEP's October 2009 verification visit, VDOE's monitoring process included verifying correction of noncompliance findings for all school divisions that received a scheduled on-site compliance review and all school divisions in the follow-up phase of the on-site monitoring process. VDOE verified that school divisions (a) had corrected each individual case of noncompliance, unless the child was no longer within the jurisdiction of the LEA; and (b) is correctly implementing the specific regulatory requirements. Verification of compliance was consistent with guidance in OSEP Memo 09-02, October 2008. Prior to OSEP's October 2009 verification visit all LEAs that reported noncompliance for APR indicators submitted corrective action plans to VDOE. VDOE verified the timely correction of noncompliance findings for most but not all LEAs that reported noncompliance and that did not have an on-site monitoring visit.

Following OSEP's verification visit in October 2009, VDOE took prompt action to follow up with school divisions reporting noncompliance with Indicator 11, 12 and 13 for 2007-2008, including the school divisions that had not been issued letters of findings due to their performance rating between 96 and 99% (threshold has been discontinued). VDOE's monitoring process now includes follow-up activities which verify that all school divisions (a) had corrected each individual case of noncompliance, unless the child was no longer within the jurisdiction of the LEA; and (b) are correctly implementing the specific regulatory requirements for all noncompliance findings. Follow-up activities include on-site visits, review of school divisions' evaluation/eligibility tracking logs, eligibility minutes, IEPs, staff interviews, and other supporting documentation made available by the school division.

In addition, as noted during the visit, timely correction of dispute resolution non-compliance findings have always included not only the individual correction on non-compliance but also documentation the school division is currently in compliance with regard to specific regulatory requirements.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for 2008-2009

Progress/slippage

Virginia demonstrated slippage from the target with 89.5% of the findings identified through general supervision (including monitoring, complaints, hearings, etc.) corrected as soon as possible but in no case later than one year in 2008-2008 compared to 100% in 2007-2008.

Discussion of activities

All activities listed for Indicator 15 in the State Performance Plan were implemented during 2008-2009.

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.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for 2008-2009

Part B Annual Performance Report for 2008-2009

VDOE will initiate and continue through the duration of this SPP the following activity:

VDOE will issue a letter of finding of noncompliance to every school division with less than 100% compliance with any compliance indicator. The letter of finding will notify the division of the requirement to make timely correction, i.e. no later than one year from the date of the letter, and to develop and implement a Corrective Action Plan.

VDOE will make determinations of systemic noncompliance. School divisions will be provided notification from the Superintendent of Public Instruction if they are determined to have systemic noncompliance with any compliance indicator. Notification will include the requirement for participation in technical assistance activities as well as development and implementation of a Corrective Action Plan to address systemic issues.

Part B Annual Performance Report for 2008-2009

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

Monitoring Priority: Effective General Supervision Part B/General Supervision	
Indicator 16: Percent of signed written complaints with reports issued that were resolved within 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint, or because the parent (or individual or organization) and the public agency agree to extend the time to engage in mediation or other alternative means of dispute resolution, if available in the State. (20 U.S.C. 1416(a)(3)(B))	
Measurement: Percent = [(1.1(b) + 1.1(c)) divided by 1.1] times 100.	
FFY	Measurable and Rigorous Target
2008-2009	Virginia will resolve 100 percent of all signed written complaints within the 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint, or because the parent (or individual or organization) and the public agency agree to extend the time to engage in mediation or other alternative means of dispute resolution, if available in the State.

Data Source

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

Actual Target Data for 2008-2009:

Virginia met the target for the 2008-2009 school year to resolve 100 percent of all signed written complaints within the 60-day timeline or a timeline extended for exceptional circumstances. For 2008-2009 100 percent of written complaints were resolved within the 60-day timeline or a timeline extended for exceptional circumstances.

Resolution of signed written complaints:

Year	# Reports Issued within 60-day timeline	# Reports Issued with Extended Timeline	# of Reports Issued	Percent
2007-2008	84	19	103	100
2008-2009	60	20	80	100

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Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for 2008-2009

Progress/slippage

Virginia has maintained 100 percent compliance with this indicator for four years.

Discussion of activities

During 2008-2009, activities listed for Indicator 16 in Virginia's State Performance Plan were implemented.

ODR/AS mentored 12 cohort members of Virginia's Special Education Leadership Academy in December 2008, including reviewing a case file and outlining potential findings, and mini-training on the complaint resolution procedures.

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 2008-2009

N/A

Part B Annual Performance Report for 2008-2009

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

Monitoring Priority: Effective General Supervision Part B/General Supervision	
Indicator 17: Percent of adjudicated due process hearing requests that were adjudicated within the 45-day timeline or a timeline that is properly extended by the hearing officer at the request of either party or in the case of an expedited hearing, within the required timelines. (20 U.S.C. 1416(a)(3)(B))	
Measurement: Percent = [(3.2(a) + 3.2(b)) divided by 3.2] times 100.	
FFY	Measurable and Rigorous Target
2008-2009	Hearing officers will issue 100 percent of 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 or in the case of an expedited hearing, within the required timelines.

Data Source

Data on due process hearings are maintained by VDOE’s Office of Dispute Resolution and Administrative Services.

Actual Target Data for 2008-2009

Virginia did not meet the target for the 2008-2009 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. For 2008-2009 one hearing officer issued a decision one day after the mandated timeline without an exception resulting in 93% compliance with this indicator.

Resolution of Fully Adjudicated Due Process Hearing Requests:

Year	# Reports Issued within 45-day Timeline	# Reports Issued within Properly Extended Timeline	# Reports Issued by Hearing Officers	Percent
2007-2008	14	2	16	100
2008-2009	11	2	14	93

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Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for 2008-2009

Progress/slippage

Virginia demonstrated slippage from the target of having due process hearing decisions issued within the required timeline with 100 percent compliance in 2007-2008 and 93 percent compliance in 2008-2009..

Discussion of activities

During 2008-2009, activities listed for Indicator 17 in Virginia's State Performance Plan were implemented.

ODR/AS mentored 12 cohort members of Virginia's Special Education Leadership Academy in December 2008, including an observation of a hearing, mini-training sessions on special education due process, and analyzing a hearing officer's decision.

ODR/AS initiated a Performance Plan for the hearing officer who exceeded the timelines. The Plan included additional training opportunities and review of applicable regulations.

ODR/AS will continue to provide parent trainings on dispute resolution options, including information on the due process hearing system.

ODR/AS will continue to maintain its tracking log to monitor the mandated timelines.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for 2008-2009

N/A

Part B Annual Performance Report for 2008-2009

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

Monitoring Priority: Effective General Supervision Part B/General Supervision	
Indicator 18: Percent of hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements. (20 U.S.C. 1416(a)(3)(B))	
Measurement: Percent = (3.1(a) divided by 3.1) times 100.	
FFY	Measurable and Rigorous Target
2008-2009	Maintain a 35 percent range rate of resolution agreements.

Data Source

Data on resolution sessions are maintained by VDOE’s Office of Dispute Resolution & Administrative Services.

Actual Target Data for 2008-2009

Virginia met the target for the 2008-2009 school year to maintain a 35 percent range rate of resolution agreements. For 2008-2009, 39 percent of hearing requests that went to resolutions sessions were resolved through settlement agreements.

Year	# Resolutions Sessions Resolved Through Settlement Agreements	# Resolution Sessions	Percent
2007-2008	16	53	30
2008-2009	17	44	39

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for 2008-2009

Progress/slippage

Virginia demonstrated progress relative to the target, actually exceeding the target, with a 39 percent rate of resolution agreements for 2008-2009 compared to a 30 percent rate for 2007-2008.

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Discussion of activities

During 2008-2009, activities listed for Indicator 18 in Virginia's State Performance Plan were implemented.

ODR/AS will continue to maintain it's 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. ODR/AS completed its technical assistance guidance on Resolution Sessions, expecting final printing and distribution in 2009-2010.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for 2008-2009

N/A

Part B Annual Performance Report for 2008-2009

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

Monitoring Priority: Effective General Supervision Part B/General Supervision	
Indicator 19: Percent of mediations held that resulted in mediation agreements. (20 U.S.C. 1416(a)(3)(B))	
Measurement: Percent = [(2.1(a) (i) + 2.1(b) (i) divided by 2.1] times 100.	
FFY	Measurable and Rigorous Target
2008-2009	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 & Administrative Services.

Actual Target Data for 2008-2009

Virginia met the target for the 2008-2009 school year to maintain 76-80+ percent range rate of mediations that result in mediation agreements and 100 percent of mediations that did not delay or deny the parent's right to a due process hearing. For 2008-2009, 84 percent of mediations held resulted in mediation agreements and 100% 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:

Year	# Mediations Resulting in Mediation Agreements	# Mediations	Percent
2007-2008	89	111	80
2008-2009	74	88	84

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Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for 2008-2009

Progress/slippage

Virginia demonstrated progress relative to the target, actually exceeding the target, with 84% of mediations that result in mediation agreements for 2008-2009 compared with 80% in 2007-2008.

Discussion of activities

During 2008-2009, activities listed for Indicator 19 in Virginia's State Performance Plan were implemented.

ODR/AS hired and trained one new mediator to fill a vacancy.

ODR/AS revised its state operational procedures for the mediation system.

ODR/AS mentored 12 cohort members of Virginia's Special Education Leadership Academy in December 2008, including an observation of a mediation and mini-training sessions on special education mediation.

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 2008-2009

N/A

Part B Annual Performance Report for 2008-2009

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

Monitoring Priority: Effective General Supervision Part B/General Supervision	
Indicator 20: State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate. (20 U.S.C. 1416(a)(3)(B))	
Measurement: State reported data, including 618 data and annual performance reports, are: a. Submitted on or before due dates (February 1 for child count, including race and ethnicity; placement; November 1 for exiting, discipline personnel and dispute resolution; and February 1 for Annual Performance Reports and assessment); and b. Accurate, including covering the correct year and following the correct measurement.	
FFY	Measurable and Rigorous Target
2008-2009	All State reported data (618 and State Performance Plan and Annual Performance Report) will be timely and accurate.

Data Source

Data for Indicator 20 were determined through use of the Part B Indicator 20 Data Rubric.

Actual Target Data for 2008-2009

Virginia met the target for the 2008-2009 school year that all State reported data will be timely and accurate. Based on the use of the Part B Indicator 20 Data Rubric, VDOE earned 39 points for valid and reliable data and correct calculations on SPP/APR data and 39 points for timely and complete data, passed edit check, and responded to data note requests on 618 data resulting in 100 percent for this indicator.

Part B Indicator 20 Rubric	Points	Total	Percent
2007-2008			90.1
2008-2009	78	78	100

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Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for 2008-2009

Progress/Slippage

Virginia demonstrated progress toward the target in reporting all required data in a timely and accurate manner by increasing from an OSEP determined rate of 90.1 percent in 2007-2008 compared with 100% in 2008-2009.

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 verification, 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 and 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 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 collected on suspension and expulsion for students with disabilities (Indicator 4) 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 staff 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 will also attend as appropriate. Technical assistance will be provided as needed, either at the request of school divisions or when issues related to data reporting are identified by VDOE staff.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for 2008-2009

N/A