

## Part B Annual Performance Report for 2009-2010

### Overview

The attached document is the Virginia Department of Education (VDOE) *Part B Annual Performance Report for 2009-2010* (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 2009-2010* 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 2009-2010 APR include the following:

- Indicator 20 Scoring Rubric

Information specific to measuring progress or slippage against indicator targets is included for Indicators 2, 3, 5, 7, 8, 9, 10, 11, 12, 15, 16, 17, 18, 19, and 20.

New baseline data, revised targets, and improvement activities, as needed, for 2010 (2010-2011) are being submitted for Indicators 1, 4B, 13 and 14 through submission of Virginia's *State Performance Plan 2005-2012, Revised February 1, 2011*.

Targets for 2011(2011-2012) and 2012 (2012-2013) for all indicators are included in Virginia's *State Performance Plan 2005-2012, Revised February 1, 2011*.

Virginia's *2005-2012 State Performance Plan, Revised February 1, 2011* and the *Part B Annual Performance Report for 2009-2010* will be disseminated to the public, 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.

Current and previous years' reports are available on the Virginia Department of Education's website, [http://www.doe.virginia.gov/special\\_ed/reports\\_plans\\_stats/index.shtml](http://www.doe.virginia.gov/special_ed/reports_plans_stats/index.shtml)

Please contact Mr. Paul J. Raskopf at 804-225-2080 or at [paul.raskopf@doe.virginia.gov](mailto:paul.raskopf@doe.virginia.gov) for information related to the 2009-2010 *Annual Performance Report* or the *2005-2012 State Performance Plan, Revised February 1, 2011*.

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Information for Indicator 1 can be found in VDOE’s State Performance Plan, Revised February 1, 2011 at the following link on VDOE’s website:

[http://www.doe.virginia.gov/special\\_ed/reports\\_plans\\_stats/index.shtml](http://www.doe.virginia.gov/special_ed/reports_plans_stats/index.shtml)

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

<b>Monitoring Priority:</b> FAPE in the LRE	
<b>Indicator 1:</b>  Percent of youth with IEPs graduating from high school with a regular diploma.  (20 U.S.C. 1416 (a)(3)(A))	
<b>Measurement:</b> The state must report the graduation rate calculation and timeline established by the Department under the ESEA.	
<b>FFY</b>	<b>Measurable and Rigorous Target</b>
<b>2009-2010</b>	States were not required to report data for Indicator 1 in the 2008-2009 APR. New targets for Indicator 1 are included in VDOE’s State Performance Plan (SPP).

**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).

**Actual Target Data for 2009-2010:**

Even though states were not required to report data in the FFY 2009 APR, VDOE is reporting, consistent with data reported in its 2009-2010 Consolidated State Progress Report (CSPR) that for 2008-2009, 47.5 percent of youth with IEPs graduated from high school with an Advanced Studies, a Standard Diploma or the International Baccalaureate diploma.

**Students with Disabilities who Received Standard and Advanced Study Diplomas:**

Year	N	Total	Percent
2008-2009	6,031	12,707	47.5

For purposes of determining a graduation rate for students with disabilities, VDOE uses 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 12<sup>th</sup> grade dropouts that year, the number of 11<sup>th</sup> grade dropouts a year earlier, the number of 10<sup>th</sup> grade dropouts 2 years earlier, and the number of 9<sup>th</sup> grade dropouts 3 years earlier. The numerator includes only Standard and Advanced Studies diplomas. The calculation does not account for transfers in or out of a school division. It does not measure “on-time” graduation. It accounts for students who may take longer to graduate.

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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

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$$\frac{(\# \text{ of 1st time entering 9th graders in year 2004}) + (\text{Transfers In}) - (\text{Transfers out \& deceased})}{\text{Total 9th graders in year 2004}}$$

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.

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

<http://www.doe.virginia.gov/boe/accreditation/index.shtml>

Additional information can be found in Virginia's *Consolidated State Application and Accountability Workbook*, (Revised: Based on VBOE Actions through January 10, 2008, and USED Responses through June 24, 2008). The *Accountability Workbook* can be found at:

[http://www.doe.virginia.gov/federal\\_programs/esea/applications/consolidated/consolidated\\_app\\_account\\_wbk/accountability\\_workbook.pdf](http://www.doe.virginia.gov/federal_programs/esea/applications/consolidated/consolidated_app_account_wbk/accountability_workbook.pdf)

## Part B Annual Performance Report for 2009-2010

### Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for 2009-2010:

#### Progress/slippage

Information on progress or slippage can't be reported because of changes to the Indicator 1 from previous years.

#### Discussion of activities

During 2009-2010, even though states were not required to report information for Indicator 1 in the 2008-2009 APR, 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 continued to support implementation of this model.

VDOE continued to support implementation of a comprehensive secondary transition self-assessment and use of the data for improvement in services aimed at graduation. VDOE has developed a transition IEP template to guide practice.

VDOE continued to provide technical assistance and support for the use of substitute tests available as End of Course tests to allow students to earn verified credits toward graduation.

VDOE continued to support Reading and Algebra tutorial programs and continued to help school divisions in developing and implementing transition plans aimed at increasing academic performance and graduation.

VDOE continued to support local project graduation academies to prepare students in need of verified units of credit.

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

VDOE developed an Academic and Career Planning online tool.

VDOE provided training to divisions, students, and families on the Academic and Career Plan, to be developed prior to high school entry.

VDOE has developed materials that support self determination skill development related to: goal setting, problem solving, choice making, self awareness, advocacy, leadership,

VDOE supported Virginia College Access Network activities.

VDOE supported the Virginia Education Wizard.

### **Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for 2009-2010**

N/A

**Part B Annual Performance Report for 2009-2010**

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

<b>Monitoring Priority:</b> FAPE in the LRE	
<b>Indicator 2:</b>  Percent of youth with IEPs dropping out of high school.  (20 U.S.C. 1416 (a)(3)(A))	
<b>Measurement:</b>  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.	
<b>FFY</b>	<b>Measurable and Rigorous Target</b>
<b>2009-2010</b>	The dropout rate for students with disabilities will decrease to 1.85 percent.

**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).

**Actual Target Data for 2009-2010:**

Virginia did not meet the target for 2009-2010 to decrease the dropout rate for students with disabilities to 1.85 percent. For 2008-2009, the dropout rate for students with disabilities was 2.51 percent.

Even though states were not required to report data for Indicator 2 in the FFY 2009 APR, VDOE is comparing two years' data.

**Dropout rate for students with disabilities:**

<b>Year</b>	<b>Dropouts</b>	<b>Membership</b>	<b>Percent</b>
2007-2008	1,844	76,593	2.4
2008-2009	1,877	74,658	2.51

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 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.

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### Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for 2009-2010

#### Progress/slippage

Virginia demonstrated slippage from the target in the dropout rate for students with disabilities for the 2007-2008 school year with a rate of 2.4 percent compared to a rate of 2.51 percent for the 2008-2009 school year.

#### Discussion of activities

During 2009-2010, activities listed for Indicator 2 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 continued to support implementation of this model.

VDOE continued to support implementation of a comprehensive secondary transition self-assessment and use of the data for improvement in services aimed at graduation. VDOE has developed a transition IEP template to guide practice.

VDOE continued to support implementation of a comprehensive secondary transition self-assessment and use of the data for improvement in services aimed at graduation.

VDOE continued 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.

VDOE supported local and regional dropout prevention forums and institutes

VDOE developed an Academic and Career Planning online tool.

VDOE provided training to divisions, students, and families on the Academic and Career Plan, to be developed prior to high school entry.

VDOE has developed materials that support self determination skill development related to: goal setting, problem solving, choice making, self awareness, advocacy, leadership,

### **Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for 2009-2010**

NA

**Part B Annual Performance Report for 2009-2010**

**Additional information for Indicator 3 can be found in VDOE’s State Performance Plan, Revised February 1, 2011 at the following link on VDOE’s website:**

[http://www.doe.virginia.gov/special\\_ed/reports\\_plans\\_stats/index.shtml](http://www.doe.virginia.gov/special_ed/reports_plans_stats/index.shtml)

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

<b>Monitoring Priority:</b> FAPE in the LRE	
<b>Indicator 3:</b> Participation and performance of children with disabilities on statewide assessments:  A. Percent of districts that have a disability subgroup that meets the State’s minimum “n” size meeting the State’s AYP objectives for progress for disability subgroup. B. Participation rate for children with IEPs. C. Proficiency rate for children with IEPs against grade level standards and alternate achievement standards.  (20 U.S.C. 1416 (a)(3)(A))	
<b>Measurement:</b>  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)].	
<b>FFY</b>	<b>Measurable and Rigorous Target</b>
<b>2009-2010</b>	A. At least 68 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 85 percent of students with disabilities will pass state English/Reading assessments. At least 83 percent of students with disabilities will pass state mathematics assessments.

**Part B Annual Performance Report for 2009-2010****Data Source:**

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

**Actual Target Data for 2009-2010**

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](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 2009-2010 school year for the three components of Indicator 3 is as follows:

Indicator 3A

Virginia did not meet the target for the 2009-2010 school year that at least 68 percent of school divisions will meet AYP objectives for the students with disabilities subgroup. For 2009-2010, 18.2 percent of Virginia's school divisions met AYP objectives for students with disabilities subgroup. This change was due to the way AYP was calculated for 2009-2010, which was significantly different from previous years' calculations.

Because the change to the AYP calculation was made after February 1, 2010, VDOE was not able to change the target for Indicator 3A in its State Performance Plan (SPP). The targets for Indicator 3A have been changed in the SPP revised February 1, 2011.

Due to the change in the calculation in AYP for students with disabilities only the current year of data is displayed in indicator 3A.

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

Year	N	Total	Percent
2009-2010	24	132	18.2

Indicator 3B

Virginia met the target for the 2009-2010 school year that at least 95 percent of students with disabilities will participate in state assessments. For 2009-2010, 99 percent of students with IEPs participated in the state assessments.

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

Year	N	Total	Percent
2008-2009	83,925	84,489	99
2009-2010	83,715	84,240	99

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

Year	N	Total	Percent
2008-2009	94,799	95,717	99
2009-2010	95,669	96,423	99



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Indicator 3C

Virginia did not meet the target for the 2009-2010 school year that at least 81 percent of students with disabilities will pass state English/Reading assessments. For 2009-2010, 73 percent of students with disabilities passed state English/Reading assessments.

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

Year	N	Total	Percent
2008-2009	61,764	84,489	73
2009-2010	60,277	83,099	73

Virginia did not meet the target for the 2009-2010 school year that at least 79 percent of students with disabilities will pass state mathematics assessments. For 2009-2010, 73 percent of students with disabilities passed Math assessments.

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

Year	N	Total	Percent
2008-2009	67,499	95,717	71
2009-2010	69,056	94,903	73

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for 2009-2010**

Progress/slippage

Indicator 3A

Because of the change in the way in the calculation for determining AYP for students with disabilities, the 2009-2010 data cannot be compared with previous years.

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 2008-2009 and 2009-2010.

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 participation rate of 99 percent in both 2008-2009 and 2009-2010.

Indicator 3C

Virginia did not have progress or slippage toward the target in the percent of students with disabilities who passed the English/Reading assessments, with 73 percent passing in 2008-2009 and 73 percent passing in 2009-2010.

Virginia demonstrated progress toward the target in the percent of students with disabilities who passed the Math assessments, with 71 percent passing in 2008-2009 and 73 percent passing in 2009-2010.

Discussion of activities

During 2009-2010, activities listed for Indicator 3 in Virginia’s State Performance Plan were implemented.

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VDOE continued to provide training and technical assistance related to reading skills, with a focus on professional development needs of special education teachers.

VDOE continued to provide 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 continued 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.

VDOE continued 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.

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

VDOE continued to provide technical assistance and support for the use of substitute tests available as End of Course tests to allow students to earn verified credits toward graduation.

VDOE continued to support Reading and Algebra tutorial programs and continued to help school divisions in developing and implementing transition plans aimed at increasing academic performance and graduation.

VDOE continued to support local project graduation academies to prepare students in need of verified units of credit.

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

VDOE continue to provide instructional resources and online tools for the development of self-determination in youth.

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

### **Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for 2009-2010.**

NA

**Part B Annual Performance Report for 2009-2010**

Information for Indicator 4B can be found in VDOE’s State Performance Plan, Revised February 1, 2011 at the following link on VDOE’s website:

[http://www.doe.virginia.gov/special\\_ed/reports\\_plans\\_stats/index.shtml](http://www.doe.virginia.gov/special_ed/reports_plans_stats/index.shtml)

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

<b>Monitoring Priority:</b> FAPE in the LRE	
<b>Indicator 4:</b>  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))	
<b>Measurement:</b>  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.”	
<b>FFY</b>	<b>Measurable and Rigorous Target</b>
<b>2009-2010</b>	Reduce the percentage of LEAs with significant discrepancy for long-term suspensions to 12 percent and for expulsions to 8 percent.

**Data Source**

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

**Actual Target Data for 2009-2010**

Even though states were not required to report data for Indicator 4A in the FFY 2008 APR, VDOE is comparing data for two years.

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Virginia did not meet the target for 2009-2010 to reduce the percentage of school divisions with significant discrepancy for long-term suspensions of students with disabilities to 12 percent. In accordance with the direction in the measurement table for Indicator 4A, using 2008-2009 data, 22 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 16.7 percent.

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

Year	Number	Total	Percent
2007-2008	24	132	18.2
2008-2009	22	132	16.7

Virginia did not meet the target for 2009-2010 to reduce the percent of school divisions with significant discrepancy for expulsions of students with disabilities to 8 percent. In accordance with the direction in the measurement table for Indicator 4A, using 2008-2009 data, 15 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 11.4 percent.

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

Year	Number	Total	Percent
2007-2008	10	132	7.6
2008-2009	15	132	11.4

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 2008-2009 school year, there were 22 divisions determined to have significant discrepancy in the rate of long-term suspension of children with disabilities.

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 18 of the 22 school divisions determined to have significant discrepancy in the rate of suspension of students with disabilities in 2008-2009. VDOE has verified that all four divisions that did have at least one noncompliance finding related to disciplinary actions for students with disabilities had corrected the noncompliance promptly and within one year of identification.

For the 2008-2009 school year, there were 15 school divisions determined to have significant discrepancy in the rate of expulsion of children with disabilities.

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 11 of the 15 school divisions determined to have significant discrepancy in the rate of expulsion of students with disabilities in 2008-2009. VDOE has verified that all four divisions that did have at least one noncompliance finding related to disciplinary actions for students with disabilities had corrected the noncompliance promptly and within one year of identification.

## Part B Annual Performance Report for 2009-2010

### Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for 2009 - 2010

#### Progress/slippage

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

Virginia demonstrated progress for 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 18.2 percent in 2007-2008 to 16.7 on 2008-2009.

Virginia demonstrated slippage relative to the target for expulsions, 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 increased from 7.6 percent in 2007-2008 to 11.4 in 2008-2009.

#### Discussion of activities

During 2009-2010, activities listed for Indicator 4A in Virginia's State Performance Plan were implemented.

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

VDOE continued 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 2009-2010**

N/A

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

<b>Monitoring Priority:</b> FAPE in the LRE	
<p><b>Indicator 5:</b></p> <p>Percent of children with IEPs aged 6 through 21 served:</p> <p>A. Inside the regular class 80 percent or more of the day;</p> <p>B. Inside the regular class less than 40 percent of the day; and</p> <p>C. In separate schools, residential facilities, or homebound/hospital placements.</p> <p>(20 U.S.C. 1416(a)(3)(A))</p>	
<p><b>Measurement:</b></p> <p>A. Percent = [(# of children with IEPs served inside the regular class 80% 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>	
<b>FFY</b>	<b>Measurable and Rigorous Target</b>
<b>2009-2010</b>	<p>Increase the percentage of students, ages 6-21, spending at least 80 percent of their day in the regular class to 66 percent.</p> <p>Decrease the percentage of students, ages 6-21, spending at least 40 percent of their day in the regular class to 9 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.

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**Actual Target Data for 2009-2010**

Indicator 5A

Virginia did not meet the target for the 2009-2010 school year that 66 percent of students with disabilities ages 6-21 would spend at least 80 percent of the day in the regular class. For 2009-2010, 59 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
2008-2009	83,935	149,569	56
2009-2010	87,245	147,769	59

Indicator 5B

Virginia did not meet the target for 2009-2010 that 9 percent of students with disabilities ages 6-21 would spend less than 40% of the day in the regular classroom. For 2009-2010, 11percent 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
2008-2009	24,038	149569	16
2009-2010	16,381	147769	11

Indicator 5C

Virginia did not meet the target for 2009-2010 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 2009-2010, 3 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
2008-2009	5,434	149569	3.6
2009-2010	4,687	147,769	3

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.

## Part B Annual Performance Report for 2009-2010

### Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for 2009-2010

#### Progress/slippage

##### Indicator 5A

Although Virginia did not meet the target for Indicator 5A, there was progress demonstrated for the percentage of students with disabilities ages 6-21 who were served in the regular classroom for 80% or more of the day with 59% in 2009-2010 compared to 56% in 2008-2009.

##### Indicator 5B

Although Virginia did not meet the target for Indicator 5B, there was progress demonstrated for the percentage of students with disabilities ages 6-21 who were served in the regular classroom for less than 40% of the day with 11% in 2009-2010 compared to 16% in 2008-2009.

##### Indicator 5C

Although Virginia did not meet the target for Indicator 5C, there was progress demonstrated 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% in 2009-2010 compared to 3.6% in 2008-2009.

#### Discussion of activities

During 2009-2010, activities listed for Indicator 5 in Virginia's State Performance Plan were implemented.

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

VDOE continued 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 continued to make resources available at.

### **Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for 2009-2010**

N/A



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Indicator 6 data are not being reported with the 2005-2012 State Performance Plan (SPP), revised February 1, 2011 or with the 2009-2010 Annual Performance Report, submitted February 1, 2011, consistent with the reporting directions issued by the U.S. Department of Education's Office of Special Education Programs (OSEP)

**Part B Annual Performance Report for 2009-2010**

**Monitoring Priority:** FAPE in the LRE

**Indicator 7:**

Percent of preschool children aged 3 through 5 with IEPs who demonstrate improved:

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

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

**Measurement:**

Outcomes:

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

Progress categories for A, B and C:

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

**Part B Annual Performance Report for 2009-2010**

**Summary Statements for Each of the Three Outcomes (use for FFY 2008-2009 reporting):**

**Summary Statement 1:** Of those preschool children who entered the preschool program below age expectations in each Outcome, the percent who substantially increased their rate of growth by the time they turned 6 years of age or exited the program.

**Measurement for Summary Statement 1:** Percent = # of preschool children reported in progress category (c) plus # of preschool children reported in category (d) divided by [# of preschool children reported in progress category (a) plus # of preschool children reported in progress category (b) plus # of preschool children reported in progress category (c) plus # of preschool children reported in progress category (d)] times 100.

**Summary Statement 2:** The percent of preschool children who were functioning within age expectations in each Outcome by the time they turned 6 years of age or exited the program.

**Measurement for Summary Statement 2:** Percent = # of preschool children reported in progress category (d) plus # of preschool children reported in progress category (e) divided by [the total # of preschool children reported in progress categories (a) + (b) + (c) + (d) + (e)] times 100.

FFY	Measurable and Rigorous Target
2009-2010	<p>A. Increase the percent of preschool children aged 3-5 with IEPs who demonstrate improved positive social-emotional skills</p> <ul style="list-style-type: none"> <li>• Of those who entered the preschool program below age expectations, the percent who substantially increase their rate of growth by the time they turned 6 years of age or exited the program will be 83%.</li> <li>• The percent of those who were functioning within age expectations by the time they turned 6 years of age or exited the program will be 56%.</li> </ul> <p>B. Increase the percent of preschool children aged 3-5 with IEPs who demonstrate improved acquisition and use of knowledge and skills</p> <ul style="list-style-type: none"> <li>• Of those who entered the</li> <li>• preschool program below age expectations, the percent who substantially increase their rate of growth by the time they turned 6 years of age of exited the program will be 84%.</li> <li>• The percent of those who were functioning within age expectations by the time they turned 6 years of age or exited the program will be 39%.</li> </ul> <p>C. Increase the percent of preschool children aged 3-5 with IEPs who demonstrate improved use of appropriate behavior to meet their needs</p> <ul style="list-style-type: none"> <li>• Of those who entered the preschool program below age expectations, the percent who substantially increase their rate of growth by the time they turned 6 years of age of exited the program will be 83%.</li> <li>• The percent of those who were functioning within age expectations by the time they turned 6 years of age or exited the program will be 62%.</li> </ul>

**Data Source**

VDOE is using the COSF form and the Indicator 7 Progress Calculator spreadsheet developed by the Early Childhood Outcomes Center to collect data from school divisions.

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

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

**Actual Target Data for 2009-2010**

Using the COSF form and the Indicator 7 Progress Calculator spreadsheet developed by the Early Childhood Outcomes Center, the following data were collected for Indicator 7:

<b>Indicator 7A</b>	<b>N</b>	<b>Total</b>	<b>Percent</b>
<b>A. Positive social-emotional skills (including social relationships):</b>			
a. Percent of preschool children who did not improve functioning	101	5128	2.0
b. Percent of preschool children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers	443	5128	9.0
c. Percent of preschool children who improved functioning to a level nearer to same-aged peers but did not reach it	1585	5128	31.0
d. Percent of preschool children who improved functioning to reach a level comparable to same-aged peers	1698	5128	33.0
e. Percent of preschool children who maintained functioning at a level comparable to same-aged peers	1301	5128	25.0
<b>Total # for A = (a + b + c + d + e)</b>	<b>5128</b>	<b>5128</b>	<b>100</b>

<b>Indicator 7B</b>	<b>N</b>	<b>Total</b>	<b>Percent</b>
<b>B. Acquisition and use of knowledge and skills (including early language/communication and early literacy):</b>			
a. Percent of preschool children who did not improve functioning	57	5128	1.0
b. Percent of preschool children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers	415	5128	8.0
c. Percent of preschool children who improved functioning to a level nearer to same-aged peers but did not reach it	2352	5128	46.0

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d. Percent of preschool children who improved functioning to reach a level comparable to same-aged peers	2018	5128	39.0
e. Percent of preschool children who maintained functioning at a level comparable to same-aged peers	286	5128	6.0
<b>Total # B = (a + b + c + d + e)</b>	<b>5128</b>	<b>5128</b>	<b>100</b>

<b>Indicator 7C</b>	<b>N</b>	<b>Total</b>	<b>Percent</b>
<b>C. Use of appropriate behaviors to meet their needs.</b>			
a. Percent of preschool children who did not improve functioning	79	5128	2.0
b. Percent of preschool children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers	391	5128	8.0
c. Percent of preschool children who improved functioning to a level nearer to same-aged peers but did not reach it	1369	5128	27.0
d. Percent of preschool children who improved functioning to reach a level comparable to same-aged peers	1740	5128	34.0
e. Percent of preschool children who maintained functioning at a level comparable to same-aged peers	1549	5128	30.0
<b>Total # for C = (a + b + c + d + e)</b>	<b>5128</b>	<b>5128</b>	<b>100</b>

The following measurements were used to convert the data above for comparison to the Indicator 7 targets:

**Summary Statement 1:**

Of those preschool children who entered the preschool program below age expectations in each Outcome, the percent who substantially increased their rate of growth by the time they turned 6 years of age or exited the program.

**Measurement for Summary Statement 1:**

Percent = # of preschool children reported in progress category (c) plus # of preschool children reported in category (d) divided by [# of preschool children reported in progress category (a) plus # of preschool children reported in progress category (b) plus # of preschool children reported in progress category (c) plus # of preschool children reported in progress category (d)] times 100.

**Summary Statement 2:**

The percent of preschool children who were functioning within age expectations in each Outcome by the time they turned 6 years of age or exited the program.

**Measurement for Summary Statement 2:**

Percent = # of preschool children reported in progress category (d) plus # of preschool children reported in progress category (e) divided by [the total # of preschool children reported in progress categories (a) + (b) + (c) + (d) + (e)] times 100.

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

Virginia did meet the target for the 2009-2010 school year that 83 percent of preschool children who entered the preschool program below age expectations, would substantially increase their rate of growth by the time they turned 6 years of age or exited the program, with 85.8 percent reported.

Virginia did meet the target for the 2009-2010 school year that 56 percent of preschool children were functioning within age expectations by the time they turned 6 years of age or exited the program, with 58.5 percent reported.

Percent of preschool children aged 3 through 5 with IEPs who demonstrate improved positive social-emotional skills (including social relationships)	2009-2010 Data
Of those preschool children who entered the preschool program below age expectations, the percent who substantially increased their rate of growth by the time they turned 6 years of age or exited the program	85.8
The percent of preschool children who were functioning within age expectations by the time they turned 6 years of age or exited the program	58.5

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

Virginia did meet the target for the 2009-2010 school year that 84 percent of preschool children who entered the preschool program below age expectations, would substantially increase their rate of growth by the time they turned 6 years of age or exited the program, with 90.3 percent reported.

Virginia did meet the target for the 2009-2010 school year that 39 percent of preschool children were functioning within age expectations by the time they turned 6 years of age or exited the program, with 44.9 percent reported.

Percent of preschool children aged 3 through 5 with IEPs who demonstrate improved acquisition and use of knowledge and skills (including early language/ communication and early literacy)	2009-2010 Data
Of those preschool children who entered the preschool program below age expectations, the percent who substantially increased their rate of growth by the time they turned 6 years of age or exited the program	90.3
The percent of preschool children who were functioning within age expectations by the time they turned 6 years of age or exited the program	44.9

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

Virginia did meet the target for the 2009-2010 school year that 83 percent of preschool children who entered the preschool program below age expectations, would substantially increase their rate of growth by the time they turned 6 years of age or exited the program, with 86.9 percent reported.

Virginia did meet the target for the 2009-2010 school year that 62 percent of preschool children were functioning within age expectations by the time they turned 6 years of age or exited the program, with 64.1 percent reported.

Percent of preschool children aged 3 through 5 with IEPs who demonstrate improved use of appropriate behaviors to meet their needs.	2009-2010 Data
Of those preschool children who entered the preschool program below age expectations, the percent who substantially increased their rate of growth	86.9

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by the time they turned 6 years of age or exited the program	
The percent of preschool children who were functioning within age expectations by the time they turned 6 years of age or exited the program	64.1

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for 2009-2010**

Progress/slippage

Virginia not only met all six (6) targets for Indicator 7 but exceeded the targets for all six (6) also.

Discussion of activities

During 2009-2010, activities listed for Indicator 7 in Virginia’s State Performance Plan were implemented.

VDOE conducted training and provided technical assistance on conducting progress reviews, appropriate assessment instruments, maintaining data on students, and reporting data.

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

VDOE conducted training and provide technical assistance on Social/Emotional Competency Curriculum for children age 5 and under.

VDOE continues to work with the National Early Childhood Technical Assistance Center (NECTAC) and Early Childhood Outcomes Center (ECO) on issues related to this indicator.

Resources to support these activities include the following:

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

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for 2009-2010:**

N/A

**Part B Annual Performance Report for 2009-2010**

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

<b>Monitoring Priority:</b> FAPE in the LRE	
<b>Indicator 8:</b>  Percent of parents with a child receiving special education services who report that schools facilitated parent involvement as a means of improving services and results for children with disabilities.  (20 U.S.C. 1416(a)(3)(A))	
<b>Measurement:</b> Percent = [(# of respondent parents who report schools facilitated parent involvement as a means of improving services and results for children with disabilities) divided by the (total # of respondent parents of children with disabilities)] times 100.	
<b>FFY</b>	<b>Measurable and Rigorous Target</b>
<b>2009-2010</b>	66 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.

**Information for Indicator 8 can be found in VDOE’s State Performance Plan, Revised February 1, 2011 at the following link on VDOE’s website:**

**Data Source**

In collecting data for Indicator 8 for the 2009-2010 school year, VDOE revised the survey instrument used by 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 by a task force of stakeholders with the goal to collect data to meet the APR reporting requirement and to improve the usefulness of data collected. The “threshold” question used for previous APR reporting was maintained in the new survey to allow for longitudinal comparison of data.

For the 2009-2010 data collection, the survey was made available to parents in both an on-line format and hard copy format. Both English and Spanish versions of the survey were available. Information announcing the distribution of the survey was sent to local special education administrators, members of the State Special Education Advisory Committee and others in positions to encourage parents to complete and return the survey. The data returned represented all LEAs, all disability groups, and all race/ethnic groups. The data do not fully correspond to the demographics of the state.



**Part B Annual Performance Report for 2009-2010****Actual Target Data for 2009-2010**

Although VDOE changed the calculation used to determine whether parents with a child receiving special education services reported that schools facilitated parent involvement as a means of improving services and results for children with disabilities, the threshold question used in previous years was maintained for one more year so data could be compared to the previous year.

Virginia met the target of 66 percent of parents with a child receiving special education services reporting that schools facilitated parent involvement as a means of improving services and results for children with disabilities. Using the threshold question from previous years' surveys, 79 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**

<b>Year</b>	<b>N</b>	<b>Total</b>	<b>Percent</b>
2008-2009	2,485	3,914	63.5
2009-2010	6,631	8,417	79

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for 2009-2010**Progress/slippage

Virginia demonstrated improvement from the target in the percentage of parents who reported that schools facilitated parent involvement as a means of improving services and results for children with disabilities with 79% agree responses compared to 63.5% in 2008-2009.

Discussion of activities

During 2009-2010, activities listed for Indicator 8 in Virginia's State Performance Plan were implemented.

VDOE continued 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 continued 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 continued to offer technical assistance and information.

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

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

VDOE continued to utilize the parent specialist and parent ombudsman to address parent concerns.

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

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for 2009-2010**

N/A

**Part B Annual Performance Report for 2009-2010**

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

<b>Monitoring Priority:</b> Disproportionality	
<b>Indicator 9:</b>  Percent of districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification.  (20 U.S.C. 1416(a)(3)(C))	
<b>Measurement:</b>  Percent = [(# of districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification) divided by the (# of districts in the State)] times 100.  Include State’s definition of “disproportionate representation.”  Based on its review of the 618 data for FFY 2009, 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 2009 reporting period, i.e., after June 30, 2010. If inappropriate identification is identified, report on corrective actions taken.	
<b>FFY</b>	<b>Measurable and Rigorous Target</b>
<b>2009-2010</b>	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 2009-2010**

Virginia met the target for the 2009-2010 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 2009-2010 there were no school divisions with disproportionate

**Part B Annual Performance Report for 2009-2010**

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

<b>Year</b>	<b>N</b>	<b>Total</b>	<b>Percent</b>
2008-2009	0	132	0
2009-2010	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 2009-2010, 103 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 referral and evaluation of students and to make a determination of disproportionate representation that

## Part B Annual Performance Report for 2009-2010

was the result of inappropriate identification. For 2009-2010, there were 132 school divisions identified in the level one analysis and subjected to this level two analysis.

### Corrected noncompliance from 2008-2009

There were no school divisions in 2008-2009 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 2009-2010**

#### 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 2008-2009 and 2009-2010.

#### Discussion of activities

During 2009-2010, activities listed for Indicator 9 in Virginia's State Performance Plan were implemented.

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

VDOE continued 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 2009-2010**

N/A

**Part B Annual Performance Report for 2009-2010**

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

<b>Monitoring Priority:</b> Disproportionality	
<b>Indicator 10:</b>  Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.  (20 U.S.C. 1416(a)(3)(C))	
<b>Measurement:</b>  Percent = [(# of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification) divided by the (# of districts in the State)] times 100.  Include State’s definition of “disproportionate representation.”  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.	
<b>FFY</b>	<b>Measurable and Rigorous Target</b>
<b>2009-2010</b>	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 2009-2010**

Virginia met the target for the 2009-2010 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

## Part B Annual Performance Report for 2009-2010

the result of inappropriate identification. Following the two-step analysis described below, for 2009-2010 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
2008-2009	0	132	0
2009-2010	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.

## Part B Annual Performance Report for 2009-2010

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 2009-2010, there were 102 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 2009-2010, there were 132 school divisions subjected to this level two analysis.

### Corrected noncompliance from 2008-2009

There were no school divisions in 2008-2009 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 2009-2010:**

#### Progress/slippage

There was no change in Virginia's performance relative to the target from 2008-2010 to 2009-2010 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 2009-2010, activities listed for Indicator 10 in Virginia's State Performance Plan were implemented.

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

VDOE continued 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.

**Part B Annual Performance Report for 2009-2010**

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for 2009-2010**

N/A



**Part B Annual Performance Report for 2009-2010**

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

<b>Monitoring Priority:</b> Effective General Supervision Part B/Child Find	
<b>Indicator 11:</b> Percent of children with parental consent to evaluate, who were evaluated within 60 days (or State established timeline).  (20 U.S.C. 1416(a)(3)(B))	
<b>Measurement:</b> a. # of children for whom parental consent to evaluate was received. b. # of children whose evaluations were completed within 60 days (or State established timeline).  Account for children included in a but not included in b. Indicate the range of days beyond the timeline when the evaluation was completed and any reasons for the delays.  Percent = [(b) divided by (a)] times 100.	
<b>FFY</b>	<b>Measurable and Rigorous Target</b>
<b>2009-2010</b>	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 2009-2010**

Virginia did not meet the target for 2009-2010 that 100 percent of children with parental consent to evaluate will be evaluated and have eligibility determined within 65 business days. For the 2009-2010 school year, school divisions reported 28,296 children were evaluated and had eligibility determined within 65 business days out of 28,992 children for whom consent was received for evaluation, for a percentage of 97.6 percent.

**Part B Annual Performance Report for 2009-2010****Children evaluated and had eligibility determined within 65 business days:**

<b>Year</b>	<b>Numerator</b>	<b>Denominator</b>	<b>Percent</b>
2008-2009	27,955	28,667	97.5
2009-2010	28,296	28,992	97.6

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

<b>Range of business days beyond 65-day timeline</b>	<b>Number of children</b>
1-5	263
6-15	250
16-25	71
26-35	39
36-45	25
46 and beyond	48
<b>Total</b>	<b>696</b>

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

**Issue from Virginia's FFY 2008 SPP/APR Response Table:**

In accordance with the requirement from Virginia's FFY 2008 SPP/APR Response Table, VDOE has verified the correction of noncompliance reflected in the data reported in the FFY 2008 APR, specifically the seven noncompliance findings reported as uncorrected. This verification was completed within 45 days following the submission of the FY 2008 APR and included documentation that (1) the individual cases of noncompliance were corrected, unless the child was no longer within the jurisdiction of the school division; and (2) each school division with those noncompliance findings demonstrated it was correctly implementing the specific regulatory requirements of the Indicator, consistent with OSEP Memorandum 09-02.

Compliance was determined by reviewing evaluation tracking logs and eligibility minutes for each individual student and then reviewing tracking logs of new referrals and eligibility minutes of these students.

**Corrected noncompliance from 2008-2009**

The VDOE issued letters of noncompliance on Indicator 11 to forty-five (45) school divisions for the 2008-2009 school year and verified that each school division with noncompliance had made all corrections in a timely manner, not to exceed one year of written notification of noncompliance. VDOE's verification of correction of noncompliance demonstrated that (1) each school division corrected the individual cases of noncompliance, unless the child was no longer within the jurisdiction of the school division; and (2) each school division demonstrated it was correctly implementing the specific regulatory requirements of the indicator, consistent with OSEP Memorandum 09-02.

Specific actions to verify timely corrections included: (1) a review of school division's evaluation/eligibility tracking logs and eligibility minutes or reports to determine whether each individual case of noncompliance had been corrected, and (2) a review of each school divisions' tracking logs of new referrals with consent to evaluate and a review of eligibility minutes or IEPs for those students. The review of new and updated records revealed 100 percent compliance. Interviews with school division staff and a review of tracking logs revealed accuracy in counting 65-business days and their performance reports to VDOE.

## Part B Annual Performance Report for 2009-2010

To facilitate timely corrections, each school division that was notified of noncompliance was required to submit a corrective action plan (CAP) to the VDOE within 30 days of written notification. School divisions were provided a template for developing their CAPs that required a self-assessment of several critical areas, including staffing assignments, valid/reliable data collection/reporting, policies/procedures, staff development, tracking/monitoring procedures, supervision over the indicator, and determination of which schools in noncompliance. School divisions were required to identify strategies that would address the reasons for noncompliance and any other identified barrier. VDOE staff worked with school divisions throughout the year in providing assistance with CAP development. These efforts included using OSEP's investigative questions, using OSEP memo 09-02, conducting mandatory training/required meetings and requiring updates on CAP implementation. The CAPs were reviewed by VDOE's monitoring staff and were referred back to the local director of special education for amendment if determined implementation of the CAP would not likely bring the school division into compliance.

### **Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for 2009-2010**

#### 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 97.5 percent in 2008-2009 to 97.6 percent in 2009-2010.

#### Discussion of activities

During 2009-2010, activities listed for Indicator 11 in Virginia's State Performance Plan were implemented.

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

VDOE will provide professional development activities to all school divisions with noncompliance findings.

### **Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for 2009-2010**

N/A

**Part B Annual Performance Report for 2009-2010**

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

<b>Monitoring Priority:</b> Effective General Supervision Part B/Effective Transition	
<p><b>Indicator 12:</b></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><b>Measurement:</b></p> <ul style="list-style-type: none"> <li>a. # of children who have been served in Part C and referred to Part B for eligibility determination.</li> <li>b. # of those referred determined to be NOT eligible and whose eligibilities were determined prior to their third birthdays.</li> <li>c. # of those found eligible who have an IEP developed and implemented by their third birthdays.</li> <li>d. # of children for who parent refusal to provide consent caused delays in evaluation or initial services.</li> <li>e. # of children who were referred to Part C less than 90 days before their third birthdays.</li> </ul> <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>	
<b>FFY</b>	<b>Measurable and Rigorous Target</b>
<b>2009-2010</b>	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.

**Part B Annual Performance Report for 2009-2010****Actual Target Data for 2009-2010**

Virginia did not meet the target for 2009-2010 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 2009-2010 school year, 98.4 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 <sup>rd</sup> birthday (b) minus those for whom parent refused consent (d) minus those referred before less than 90 days before 3 <sup>rd</sup> birthday (e)	Percent
2008-2009	1821	1843	99.0
2009-2010	1861	1891	98.4

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

Range of business days beyond required timeline	Number of children
1-5	6
6-15	6
16-25	12
26-35	1
36-45	1
46 and beyond	4
<b>Total</b>	<b>30</b>

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

**Issue from Virginia's FFY 2008 SPP/APR Response Table:**

In accordance with the requirement from Virginia's FFY 2008 SPP/APR Response Table, VDOE has verified the correction of noncompliance reflected in the data reported in the FFY 2008 APR, specifically the two noncompliance findings reported as uncorrected. This verification was completed within 30 days following the submission of the FY 2008 APR and included documentation that (1) the individual cases of noncompliance were corrected, unless the child was no longer within the jurisdiction of the school division; and (2) each school division with those noncompliance findings demonstrated it was correctly implementing the specific regulatory requirements of the Indicator {34 CFR §300.124(b)}, and consistent with OSEP Memorandum 09-02.

Specific actions to verify corrections were: a review of IEPs for each of the individual cases of noncompliance and a review of updated or new IEPs of children referred by Part C and found eligible for Part B services, which revealed 100% compliance. Interviews were also held with local staff to ensure their understanding of the requirements.

**Corrected noncompliance from 2008-2009**

The VDOE issued letters of noncompliance on Indicator 12 to eight (8) school divisions for the 2008-2009 school year and verified that each school division with noncompliance had made all corrections in a timely manner, not to exceed one year of written notification of noncompliance. VDOE's verification of

## Part B Annual Performance Report for 2009-2010

correction of noncompliance demonstrated that (1) each school division corrected the individual cases of noncompliance, unless the child was no longer within the jurisdiction of the school division; and (2) each school division demonstrated it was correctly implementing the specific regulatory requirements of the Indicator {34 CFR §300.124(b)}, and consistent with OSEP Memorandum 09-02.

Specific actions to verify corrections were: a review of IEPs for each of the individual cases of noncompliance and a review of updated or new IEPs of children referred by Part C and found eligible for Part B services, which revealed 100% compliance. Interviews were also held with local staff to ensure their understanding of the requirements.

To facilitate timely corrections, each school division that was notified of noncompliance was required to submit a corrective action plan (CAP) to the VDOE within 30 days of written notification. School divisions were provided a template for developing their CAPs that required a self-assessment of several critical areas, including staffing assignments, valid/reliable data collection/reporting, policies/procedures, staff development, tracking/monitoring procedures, supervision over the indicator, and determination of which schools in noncompliance. School divisions were required to identify strategies that would address the reasons for noncompliance and any other identified barrier. VDOE staff worked with school divisions throughout the year in providing assistance with CAP development. These efforts included using OSEP's investigative questions, using OSEP memo 09-02, conducting mandatory training/required meetings and requiring updates on CAP implementation. The CAPs were reviewed by VDOE's monitoring staff and were referred back to the local director of special education for amendment if determined implementation of the CAP would not likely bring the school division into compliance.

### **Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for 2009-2010:**

#### Progress/slippage

Virginia showed a slight decline toward the target from 2008-2009 to 2009-2010, with 98.4% compliance in 2009-2010 compared with 99% compliance in 2008-2009 in the 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.

#### Discussion of activities

During 2009-2010, activities listed for Indicator 12 in Virginia's State Performance Plan were implemented.

VDOE staff and the ECSE stakeholder group continued 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 continued to conduct meetings, provide guidance and disseminate information on issues related to the transition process from Part C to Part B/619.

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

VDOE continued 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.

**Part B Annual Performance Report for 2009-2010**

VDOE continued 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 2009-2010**

N/A

**Part B Annual Performance Report for 2009-2010**

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

**Information for Indicator 13 can be found in VDOE’s State Performance Plan, Revised February 1, 2011 at the following link on VDOE’s website:**

[http://www.doe.virginia.gov/special\\_ed/reports\\_plans\\_stats/index.shtml](http://www.doe.virginia.gov/special_ed/reports_plans_stats/index.shtml)

<b>Monitoring Priority:</b> Effective General Supervision Part B/Effective Transition	
<b>Indicator 13:</b> Percent of youth with IEPs aged 16 and above with an IEP that includes appropriate measurable postsecondary goals that are annually updated and based upon an age appropriate transition assessment, transition services, including courses of study, that will reasonably enable the student to meet those postsecondary goals, and annual IEP goals related to the student’s transition services needs. There also must be evidence that the student was invited to the IEP Team meeting where transition services are to be discussed and evidence that, if appropriate, a representative of any participating agency was invited to the IEP Team meeting with the prior consent of the parent or student who has reached the age of majority.	
<b>Measurement:</b> Percent = [(# of youth with IEPs aged 16 and above with an IEP that includes appropriate measurable postsecondary goals that are annually updated and based upon an age appropriate transition assessment, transition services, including courses of study, that will reasonably enable the student to meet those postsecondary goals, and annual IEP goals related to the student’s transition services needs. There also must be evidence that the student was invited to the IEP Team meeting where transition services are to be discussed and evidence that, if appropriate, a representative of any participating agency was invited to the IEP Team meeting with the prior consent of the parent or student who has reached the age of majority) divided by the (# of youth with an IEP age 16 and above)] times 100.	
<b>FFY</b>	<b>Measurable and Rigorous Target</b>
<b>2009-2010</b>	100 percent of youth with IEPs aged 16 and above will have an IEP that includes appropriate measurable postsecondary goals that are annually updated and based upon an age appropriate transition assessment, transition services, including courses of study, that will reasonably enable the student to meet those postsecondary goals, and annual IEP goals related to the student’s transition services needs. There also must be evidence that the student was invited to the IEP Team meeting where transition services are to be discussed and evidence that, if appropriate, a representative of any participating agency was invited to the IEP Team meeting with the prior consent of the parent or student who has reached the age of majority.

**Data Source**

School divisions submitted data for Indicator 13 using a web based application developed by VDOE. All components of Indicator 13 are included in the application and data entered reflect information included in IEPs developed during the 2009-2010 school year (July 1, 2009 – June 30, 2010).

**Actual Target Data for 2009-2010**



**Part B Annual Performance Report for 2009-2010**

Virginia did not meet the target for the 2009-2010 school year that 100 percent of youth with IEPs aged 16 and above will have an IEP that includes appropriate measurable postsecondary goals that are annually updated and based upon an age appropriate transition assessment, transition services, including courses of study, that will reasonably enable the student to meet those postsecondary goals, and annual IEP goals related to the student’s transition services needs. There also must be evidence that the student was invited to the IEP Team meeting where transition services are to be discussed and evidence that, if appropriate, a representative of any participating agency was invited to the IEP Team meeting with the prior consent of the parent or student who has reached the age of majority.

Year	# of youth with IEPs aged 16 and above	# of youth with IEPs that contain each of the required components for secondary transition	Percent
2009-2010	8,508	8,674	98.09

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for 2009-2010**

Progress/slippage

Data collected for Indicator 13 reflect the revised indicator language required for 2009-2010. Therefore, data cannot be compared to previous years, so no progress or slippage can be reported.

Discussion of activities

During 2009-2010, activities listed for Indicator 13 in Virginia’s State Performance Plan were implemented.

VDOE sponsored a youth and parent summit that focuses on secondary transition.

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

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

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

VDOE continued to sponsor events for adolescents that take place on college campuses and focus on life after secondary education.

VDOE continued 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 2009-2010**

N/A

**Part B Annual Performance Report for 2009-2010**

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

**Information for Indicator 14 can be found in VDOE’s State Performance Plan, Revised February 1, 2011 at the following link on VDOE’s website:**

[http://www.doe.virginia.gov/special\\_ed/reports\\_plans\\_stats/index.shtml](http://www.doe.virginia.gov/special_ed/reports_plans_stats/index.shtml)

<b>Monitoring Priority:</b> Effective General Supervision Part B/Effective Transition	
<p><b>Indicator 14:</b></p> <p>Percent of youth who are no longer in secondary school, had IEPs in effect at the time they left school, and were:</p> <ul style="list-style-type: none"> <li>A. Enrolled in higher education within one year of leaving high school.</li> <li>B. Enrolled in higher education or competitively employed within one year of leaving high school.</li> <li>C. Enrolled in higher education or in some other postsecondary education or training program; or competitively employed or in some other employment within one year of leaving high school.</li> </ul> <p>(20 U.S.C. 1416(a)(3)(B))</p>	
<p><b>Measurement:</b></p> <p>A. Percent enrolled in higher education = [(# of youth who are no longer in secondary school, had IEPs in effect at the time they left school and were enrolled in higher education within one year of leaving high school) divided by the (# of respondent youth who are no longer in secondary school and had IEPs in effect at the time they left school)] times 100.</p> <p>B. Percent enrolled in higher education or competitively employed within one year of leaving high school = [(# of youth who are no longer in secondary school, had IEPs in effect at the time they left school and were enrolled in higher education or competitively employed within one year of leaving high school) divided by the (# of respondent youth who are no longer in secondary school and had IEPs in effect at the time they left school)] times 100.</p> <p>C. Percent enrolled in higher education, or in some other postsecondary education or training program; or competitively employed or in some other employment = [(# of youth who are no longer in secondary school, had IEPs in effect at the time they left school and were enrolled in higher education, or in some other postsecondary education or training program; or competitively employed or in some other employment) divided by the (# of respondent youth who are no longer in secondary school and had IEPs in effect at the time they left school)] times 100.</p>	
<b>FFY</b>	<b>Measurable and Rigorous Target</b>
<b>2009-2010</b>	<p>Percent of youth who are no longer in secondary school, had IEPs in effect at the time they left school, and were:</p> <ul style="list-style-type: none"> <li>A. Enrolled in higher education within one year of leaving high school will be 32%.</li> <li>B. Enrolled in higher education or competitively employed within one year of</li> </ul>

**Part B Annual Performance Report for 2009-2010**

	leaving high school will be 55%.  C. Enrolled in higher education or in some other postsecondary education or training program; or competitively employed or in some other employment within one year of leaving high school will be 64%.
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**Data Source**

VDOE continues to use the survey developed, with stakeholder input, for the purpose of collecting post-secondary outcome (PSO) data, i.e., youth who are no longer in secondary school, had IEPs in effect at the time they left school, and were enrolled in higher education within one year of leaving high school, enrolled in higher education or competitively employed within one year of leaving high school, enrolled in higher education or in some other postsecondary education or training program; or competitively employed or in some other employment within one year of leaving high school. VDOE continues to conduct a census of all school leavers to obtain outcome data

**Actual Target Data for 2009-2010**

In accordance with federal reporting requirements, information specific to Indicator 14 is included in VDOE's State Performance Plan (SPP).

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for 2009-2010**

Progress/slippage

There is no progress or slippage to report because 2009-2010 data are reported in the SPP and can't be compared to the previous year.

Discussion of activities

During 2009-2010, activities listed for Indicator 14 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 continued to support implementation of this model.

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

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

VDOE continued to sponsor events for adolescents that take place on college campuses and focus on life after secondary education.

VDOE continued 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 2009-2010**

N/A

**Part B Annual Performance Report for 2009-2010**

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

<b>Monitoring Priority:</b> Effective General Supervision Part B/General Supervision	
<p><b>Indicator 15:</b></p> <p>General supervision system (including monitoring, complaints, hearing, etc.) identifies and corrects noncompliance as soon as possible but in no case later than one year from identification.</p> <p>(20 U.S.C. 1416(a)(3)(B))</p>	
<p><b>Measurement:</b></p> <p>Percent of noncompliance corrected within one year of identification:</p> <p>a. # of findings of noncompliance.</p> <p>b. # of corrections completed as soon as possible but in no case later than one year from identification.</p> <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 1).</p>	
<b>FFY</b>	<b>Measurable and Rigorous Target</b>
<b>2008-2009</b>	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 2009-2010**

Virginia did not meet the target for 2009-2010 that 100 percent of the noncompliance findings identified in 2008-2009 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, 241 out of 242 (99.58%) noncompliance findings identified in 2008-2009 through general supervision were corrected as soon as possible but in no case later than one year from identification.

**Part B Annual Performance Report for 2009-2010**

**Data Specific to Non-compliance Findings from 2008-2009 and Number Corrected Within One Year of Identification:**

Indicator/Indicator Clusters	General Supervision System Components	# of LEAs Issued Findings in FFY 2008 (7/1/08 to 6/30/09)	(a) # of Findings of noncompliance identified in FFY 2008 (7/1/08 to 6/30/09)	(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.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	0	0	0
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.	Dispute Resolution: Complaints, Hearings	0	0	0
3. Participation and performance of children with disabilities on statewide assessments.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	0	0	0
7. Percent of preschool children with IEPs who demonstrated improved outcomes.	Dispute Resolution: Complaints, Hearings	0	0	0
4A. 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	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	3	7	7

**Part B Annual Performance Report for 2009-2010**

<b>Indicator/Indicator Clusters</b>	<b>General Supervision System Components</b>	<b># of LEAs Issued Findings in FFY 2008 (7/1/08 to 6/30/09)</b>	<b>(a) # of Findings of noncompliance identified in FFY 2008 (7/1/08 to 6/30/09)</b>	<b>(b) # of Findings of noncompliance from (a) for which correction was verified no later than one year from identification</b>
with IEPs; and 4B. Percent of districts that have: (a) a significant discrepancy, by race or ethnicity, in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs; and (b) policies, procedures or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.	Dispute Resolution: Complaints, Hearings	3	10	10
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 disabilities.	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
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

## Part B Annual Performance Report for 2009-2010

Indicator/Indicator Clusters	General Supervision System Components	# of LEAs Issued Findings in FFY 2008 (7/1/08 to 6/30/09)	(a) # of Findings of noncompliance identified in FFY 2008 (7/1/08 to 6/30/09)	(b) # of Findings of noncompliance from (a) for which correction was verified no later than one year from identification
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	45	49	49
	Dispute Resolution: Complaints, Hearings	2	2	2
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	8	8	8
	Dispute Resolution: Complaints, Hearings	0	0	0
13. Percent of youth with IEPs aged 16 and above with an IEP that includes appropriate measurable postsecondary goals that are annually updated and based upon an age appropriate	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	39	57	56

## Part B Annual Performance Report for 2009-2010

Indicator/Indicator Clusters	General Supervision System Components	# of LEAs Issued Findings in FFY 2008 (7/1/08 to 6/30/09)	(a) # of Findings of noncompliance identified in FFY 2008 (7/1/08 to 6/30/09)	(b) # of Findings of noncompliance from (a) for which correction was verified no later than one year from identification
transition assessment, transition services, including courses of study, that will reasonably enable the student to meet those postsecondary goals, and annual IEP goals related to the student's transition services needs. There also must be evidence that the student was invited to the IEP Team meeting where transition services are to be discussed and evidence that, if appropriate, a representative of any participating agency was invited to the IEP Team meeting with the prior consent of the parent or student who has reached the age of majority.	Dispute Resolution: Complaints, Hearings	0	0	0
Other areas of noncompliance: Screening Procedures	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	1	1	1
	Dispute Resolution: Complaints, Hearings	0	0	0
Other areas of noncompliance: Extended School Year	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	2	2	2
	Dispute Resolution: Complaints, Hearings	0	0	0
Other areas of noncompliance: Placement/LRE	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	9	3	3



## Part B Annual Performance Report for 2009-2010

Indicator/Indicator Clusters	General Supervision System Components	# of LEAs Issued Findings in FFY 2008 (7/1/08 to 6/30/09)	(a) # of Findings of noncompliance identified in FFY 2008 (7/1/08 to 6/30/09)	(b) # of Findings of noncompliance from (a) for which correction was verified no later than one year from identification
	Dispute Resolution: Complaints, Hearings	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	18	24	24
	Dispute Resolution: Complaints, Hearings	17	43	43
Other areas of noncompliance: Children Who Transfer	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	4	2	2
	Dispute Resolution: Complaints, Hearings	0	0	0
Other areas of noncompliance: Meeting Notice	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	16	7	7
	Dispute Resolution: Complaints, Hearings	0	0	0
Other areas of noncompliance: Procedural Safeguards	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	1	2	2

## Part B Annual Performance Report for 2009-2010

Indicator/Indicator Clusters	General Supervision System Components	# of LEAs Issued Findings in FFY 2008 (7/1/08 to 6/30/09)	(a) # of Findings of noncompliance identified in FFY 2008 (7/1/08 to 6/30/09)	(b) # of Findings of noncompliance from (a) for which correction was verified no later than one year from identification
	Dispute Resolution: Complaints, Hearings	4	6	6
Other areas of noncompliance: Qualified Personnel	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	1	1	1
	Dispute Resolution: Complaints, Hearings	0	0	0
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	3	3	3
Other areas of noncompliance: Evaluation Procedures	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	0	0	0
	Dispute Resolution: Complaints, Hearings	5	8	8
Other areas of noncompliance: FAPE	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	0	0	0
	Dispute Resolution: Complaints, Hearings	2	3	3

**Part B Annual Performance Report for 2009-2010**

Indicator/Indicator Clusters	General Supervision System Components	# of LEAs Issued Findings in FFY 2008 (7/1/08 to 6/30/09)	(a) # of Findings of noncompliance identified in FFY 2008 (7/1/08 to 6/30/09)	(b) # of Findings of noncompliance from (a) for which correction was verified no later than one year from identification
Other areas of noncompliance: Records Management	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	2	2	2
	Dispute Resolution: Complaints, Hearings	1	1	1
<b>Sum the numbers down Column a and Column b</b>			242	241
<b>Percent of noncompliance corrected within one year of identification = (column (b) sum divided by column (a) sum) times 100.</b>			<b>(b) / (a) X 100 =</b>	99.58%

**Correction of Noncompliance Identified in 2007-2008**

The remaining 31 findings of noncompliance identified in 2007-2008 that were reported as not corrected in the 2008-2009 APR were corrected as revealed on VDOE’s tracking charts of monitoring activities and follow-up reports. On-site visits were made that verified each individual case of noncompliance had been corrected unless the child was no longer in the jurisdiction as determined by a review of a sampling of student records across disability categories and followed with a review of new or updated records that demonstrated 100% compliance. Interviews were held with local directors and other key staff. Additional follow-up visits were made in some cases to verify that school divisions continued to be in compliance. VDOE’s verification of corrections was consistent with the guidance in OSEP Memo 09-02.

**Verification of Noncompliance Identified in 2008-2009**

For 2008-2009, 241 out of 242 (99.58%) noncompliance findings identified in 2008-2009 through general supervision were corrected as soon as possible but in no case later than one year from identification.

The VDOE verified the correction of noncompliance identified in 2008-2009 through monitoring activities, i.e., local APR, desk reviews, and on-site visits, is correctly implementing the specific regulatory requirements as demonstrated by a review of updated or new student records, randomly selected representing the district’s disability categories. Correction of individual cases of noncompliance were verified, unless the child is no longer within the jurisdiction. VDOE’s procedure for determining corrections of noncompliance is consistent with OSEP Memo 09-02.

**Specific Actions Taken to Verify Corrections**

To facilitate timely corrections school divisions with systemic noncompliance were identified and VDOE’s Superintendent of Public Instruction provided written notification to the division superintendents. Those school divisions were required to attend a meeting with VDOE. VDOE provided training on the

## Part B Annual Performance Report for 2009-2010

compliance indicators, requirements for reporting on the indicators, development of an effective corrective action plan, and the state's procedure for verifying corrections.

School divisions were provided a template for developing their corrective action plans that required a self-assessment of several critical areas, including staffing assignments, valid/reliable data collection/reporting, policies/procedures, staff development, tracking/monitoring procedures, supervision over the indicator, and determination of which schools in noncompliance. School divisions were required to identify strategies that would address the reasons for noncompliance and any other identified barrier. VDOE staff worked with school divisions in developing their CAPs and required updates on implementation. The CAPs were reviewed by VDOE's monitoring staff and were referred back to the local director of special education for amendment if determined implementation of the CAP would not likely bring the school division into compliance. Staff made continuous contacts with local staff throughout the year via telephone conference calls and on-site visits. Each school division with systemic noncompliance was required to participate in professional development activities coordinated by VDOE staff.

Through on-site visits and internal review of data, VDOE verified that each school division with noncompliance is correctly implementing the specific regulatory requirements. A review of updated or new records, randomly selected across the disability categories, revealed that each school division had achieved 100% compliance. VDOE also verified that each individual case of noncompliance was corrected, unless the child is no longer within the jurisdiction. VDOE's procedure for determining corrections of noncompliance is consistent with OSEP Memo 09-02.

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

#### Progress/slippage

Virginia demonstrated progress from 89.5% in 2008-2009 to 99.58% compliance in 2009-2010 with the corrections of identified noncompliance as soon as possible but in no case later than one year from written notification.

#### Discussion of activities

All activities listed for Indicator 15 in the State Performance Plan were implemented during 2009-2010.

VDOE worked with school divisions through its general supervision systems to promptly identify noncompliance and ensured correction of noncompliance in accordance with OSEP's Memo 09-02.

Continued to target school divisions with systemic noncompliance.

Continued provide professional development and training with Virginia's T/TAC

Continued to monitor tracking logs and case files monthly.

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

NA

**Part B Annual Performance Report for 2009-2010**

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

<b>Monitoring Priority:</b> Effective General Supervision Part B/General Supervision	
<b>Indicator 16:</b>  Percent of signed written complaints with reports issued that were resolved within 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint, 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))	
<b>Measurement:</b>  Using data taken from Table 7: Report of Dispute Resolution Under Part B of the Individuals with Disabilities Education Act, Percent = [(1.1(b) + 1.1(c)) divided by 1.1] times 100.	
<b>FFY</b>	<b>Measurable and Rigorous Target</b>
<b>2009-2010</b>	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 2009-2010:**

Virginia met the target for the 2009-2010 school year to 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.

**Resolution of signed written complaints:**

Year	# Reports Issued within 60-day timeline	# Reports Issued with Extended Timeline	# of Reports Issued	Percent
2008-2009	60	20	80	100
2009-2010	91	8	99	100

## Part B Annual Performance Report for 2009-2010

### Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for 2009-2010

#### Progress/slippage

Virginia has maintained 100 percent compliance with this indicator.

#### Discussion of activities

During 2009-2010, activities listed for Indicator 16 in Virginia's State Performance Plan were implemented.

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

ODR/AS mentored 6 cohort members of Virginia's Special Education Leadership Academy in December 2009 and June 2010, including reviewing a case file and outlining potential findings, and mini-training on the complaint resolution procedures.

ODR/AS continued 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 2009-2010**

N/A

**Part B Annual Performance Report for 2009-2010**

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

<b>Monitoring Priority:</b> Effective General Supervision Part B/General Supervision	
<b>Indicator 17:</b>  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))	
<b>Measurement:</b>  Using data taken from Table 7: Report of Dispute Resolution Under Part B of the Individuals with Disabilities Education Act, Percent = [(3.2(a) + 3.2(b)) divided by 3.2] times 100.	
<b>FFY</b>	<b>Measurable and Rigorous Target</b>
<b>2009-2010</b>	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 2009-2010**

Virginia met the target for the 2009-2010 school year that hearing officers will issue 100 percent of fully adjudicated due process hearing decisions within the 45-day timeline or a timeline that is properly extended by the hearing officer at the request of either party.

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

<b>Year</b>	<b># Reports Issued within 45-day Timeline</b>	<b># Reports Issued within Properly Extended Timeline</b>	<b># Reports Issued by Hearing Officers</b>	<b>Percent</b>
2008-2009	11	2	14	93
2009-2010	11	1	12	100

## Part B Annual Performance Report for 2009-2010

### Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for 2009-2010

#### Progress/slippage

VDOE met its compliance standard of having 100 percent of due process hearing decisions issued within the required timeline.

#### Discussion of activities

During 2009-2010, activities listed for Indicator 17 in Virginia's State Performance Plan were implemented.

ODR/AS mentored 6 cohort members of Virginia's Special Education Leadership Academy in December 2009 and June 2010, including, mini-training session on special education due process, and analyzing a hearing officer's decision.

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

ODR/AS continued to maintain its tracking logs to monitor the mandated timelines.

#### **Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for 2009-2010**

N/A



**Part B Annual Performance Report for 2009-2010**

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

<b>Monitoring Priority:</b> Effective General Supervision Part B/General Supervision	
<b>Indicator 18:</b> Percent of hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements. (20 U.S.C. 1416(a)(3(B))	
<b>Measurement:</b> Using data taken from Table 7: Report of Dispute Resolution Under Part B of the Individuals with Disabilities Education Act, Percent = (3.1(a) divided by 3.1) times 100.	
<b>FFY</b>	<b>Measurable and Rigorous Target</b>
<b>2009-2010</b>	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 2009-2010**

Virginia met the target for the 2009-2010 school year to maintain a 35 percent range rate of resolution agreements.

<b>Year</b>	<b># Resolutions Sessions Resolved Through Settlement Agreements</b>	<b># Resolution Sessions</b>	<b>Percent</b>
2008-2009	17	44	39
2009-2010	19	50	38

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for 2009-2010**

**Progress/slippage**

Virginia exceeded the target, with a 38 percent rate of resolution agreements for 2009-2010, even though the rate was slightly lower compared to 2008-2009.

## Part B Annual Performance Report for 2009-2010

### Discussion of activities

During 2009-2010, activities listed for Indicator 18 in Virginia's State Performance Plan were implemented.

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

ODR/AS continued 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 continued 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 continued 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 draft technical assistance guidance on Resolution Sessions, expecting final printing and distribution in 2010-2011.

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

N/A

**Part B Annual Performance Report for 2009-2010**

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

<b>Monitoring Priority:</b> Effective General Supervision Part B/General Supervision	
<b>Indicator 19:</b> Percent of mediations held that resulted in mediation agreements. (20 U.S.C. 1416(a)(3)(B))	
<b>Measurement:</b> Using data taken from Table 7: Report of Dispute Resolution Under Part B of the Individuals with Disabilities Education Act, Percent = [(2.1(a) (i) + 2.1(b) (i) divided by 2.1] times 100.	
<b>FFY</b>	<b>Measurable and Rigorous Target</b>
<b>2009-2010</b>	Maintain a 76-80+ percent range rate of mediations that result in mediation agreements, acknowledging that the goal is to provide quality in the mediation services by on-going training, observation of and debriefing with the mediators, as well as continuing to encourage and support mediations. 100 percent of mediations will not delay or deny the parent's right to a due process hearing.

**Data Source**

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

**Actual Target Data for 2008-2009**

Virginia did not meet the target for the 2009-2010 school year to maintain 76-80+ percent range rate of mediations that result in mediation agreements and 100 percent of mediations did not delay or deny the parent's right to a due process hearing.

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

Year	# Mediations Resulting in Mediation Agreements	# Mediations	Percent
2008-2009	74	88	84
2009-2010	56	76	74

## **Part B Annual Performance Report for 2009-2010**

### **Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for 2009-2010**

#### **Progress/slippage**

No factors can be identified to explain the slippage for 2009-2010. Records show that the closings were final as of August 31, 2010 on the number of pending mediations. As of August 31, 2010, there were 95 mediations resulting in 72 mediation agreements which yielded a 76% range rate.

#### **Discussion of activities**

During 2009-2010, activities listed for Indicator 19 in Virginia's State Performance Plan were implemented.

ODR/AS mentored 6 cohort members of Virginia's Special Education Leadership Academy in December 2009 and June 2010, including a mini-training session on special education mediation.

ODR/AS continued to maintain its tracking logs and continuous communications with mediators, school division administrators and parents to ensure expeditious mediation activities and reports to Virginia.

ODR/AS plans at its December training conference for mediators to discuss what options may be available to mediators to more effectively manage the mediation sessions toward agreement.

#### **Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for 2009-2010**

N/A

**Part B Annual Performance Report for 2009-2010**

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

<b>Monitoring Priority:</b> Effective General Supervision Part B/General Supervision	
<b>Indicator 20:</b>  State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate. (20 U.S.C. 1416(a)(3)(B))	
<b>Measurement:</b> State reported data, including 618 data, State Performance Plan, 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. States are required to use the "Indicator 20 Scoring Rubric" for reporting data for this indicator (see Attachment 2).	
<b>FFY</b>	<b>Measurable and Rigorous Target</b>
<b>2009-2010</b>	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 2009-2010**

Virginia did not meet the target for the 2009-2010 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 45 points for valid and reliable data and correct calculations on SPP/APR data and 42.86 points for timely and complete data, passed edit check, and responded to data note requests on 618 data resulting in 97.62 percent for this indicator.

<b>Part B Indicator 20 Rubric</b>	<b>Points</b>	<b>Total</b>	<b>Percent</b>
2008-2009	78	78	100
2009-2010	87.86	87.86	97.62

## Part B Annual Performance Report for 2009-2010

### Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for 2009-2010

#### Progress/Slippage

Virginia demonstrated slippage toward the target in reporting all required data in a timely and accurate manner by decreasing from an OSEP determined rate of 100 percent in 2008-2009 compared with 97.62 percent in 2009-2010.

#### Discussion of activities

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

VDOE continued 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 continued 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 2009-2010**

N/A