

Part B Annual Performance Report for 2010-2011

Overview

The attached document is the Virginia Department of Education (VDOE) *Part B Annual Performance Report for 2010-2011* (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 2010-2011* 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 2010-2011 SPP/APR include the following:

- Indicator 20 Scoring Rubric
- Indicator 15 Worksheet

Information specific to measuring progress or slippage against indicator targets is included for all Indicators except Indicator 4.

New baseline data, revised targets, and improvement activities, as needed, are being submitted for Indicator 4a and 4B through submission of Virginia's State Performance Plan 2005-2012, Revised February 1, 2012.

Virginia's 2005-2012 State Performance Plan, Revised February 1, 2012 and the Part B Annual Performance Report for 2010-2011 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

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

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

Monitoring Priority: FAPE in the LRE

Indicator 1: Percent of youth with IEPs graduating from high school with a regular diploma.

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

Measurement: States must report using the graduation rate calculation and timeline established by the Department under the ESEA.

	Measurable and Rigorous Target
2010-2011	10 percent reduction in the percent of nongraduating students with disabilities from the previous year applied only to the adjusted four-year federal graduation rate. This will result in a target for a graduation rate of 52.75 percent.

Data Source:

Data for Indicator 1 are taken from the VDOE end of year school division report. The data source and measurement are aligned with the Elementary and Secondary Education Act (ESEA). Data reported for this Indicator are consistent with the data reported by VDOE in its Consolidated State Performance Report (CSPR).

The term “regular diploma” as used in this Indicator includes Virginia’s Standard or Advanced Studies or International Baccalaureate 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.

Actual Target Data for 2010-2011:

Virginia did not meet its 2010-2011 target of 52.75 percent. The graduation rate for 2009-2010 was 44.4 percent.

Data reported for this Indicator are consistent with the data reported by VDOE in its Consolidated State Performance Report (CSPR) and with the most recently approved version of the Virginia Board Of Education’s Consolidated State Application Amended Accountability Workbook.

Virginia will report and use for federal reporting and accountability a federal graduation Indicator using the prescribed calculation for the adjusted cohort rate, which does not permit cohorts to be adjusted to account for students’ English language learner or disability status, and only includes Virginia’s standard and advanced studies diplomas in the numerator. Virginia will calculate, report, and use for federal accountability the four-year, five-year, and six year federal graduation Indicator.

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Consistent with federal regulations, Virginia's federal graduation Indicator is an adjusted cohort graduation rate based on cohorts of students who enter ninth grade for the first time; it is adjusted for students who transfer in, transfer out, or are deceased. Virginia will report four-, five-, and six-year federal graduation Indicators by subgroup for the state, and division and schools. The four- and five-year graduation Indicators will be used for reporting and AYP determination in 2010- 2011. Six-year adjusted graduation Indicators will be available in the fall of 2010, and first applied to AYP determinations made for the 2011-2012 school year. Virginia will report the federal graduation Indicator beginning with the ninth-grade cohort of 2004-2005; four-year graduates from this cohort would have earned diplomas by the end of the 2008 school year. **(From APT accountability workbook)**

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 12th grade dropouts that year, the number of 11th grade dropouts a year earlier, the number of 10th grade dropouts 2 years earlier, and the number of 9th grade dropouts 3 years earlier. The numerator includes only Standard and Advanced Studies 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.

In order to comply with the Indicator 1 requirement to report targets that are the same as the annual graduation targets under Title 1 of the ESEA, VDOE, after consultation with the U.S. Department of Education's Office of Special Education Programs (OSEP), VDOE will report targets consistent with the Virginia Board Of Education's Consolidated State Application Amended Accountability Workbook. The language in the workbook specifies : " ...targets for continuous and substantial improvement: 10 percent reduction in the percent of nongraduating students from the previous year applied to the adjusted four-year federal graduation rate ...".

Using this 44.4 percent rate, the percent of nongraduating students would be 55.6 percent. A ten percent reduction to this rate would be 5.56 percent for a new nongraduating rate of 50.04. The target for 2011 for Indicator 1 then becomes 49.96 percent, as the intended result of a reduction to the percent of nongraduating students would be an improved graduation rate.

The total number of students receiving a Standard or Advanced Studies or International Baccalaureate diploma was 5,445. The cohort of graduates was 12,267, resulting in a graduation rate reported for children with disabilities in VDOE's CSPR of 44.39 percent.

Students with Disabilities who Received Standard and Advanced Study Diplomas:

Year	N	Total	Percent
2008-2009	6,031	12,707	47.46
2009-2010	5,445	12,267	44.39

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

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>

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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_wkbk/accountability_workbook.pdf

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for 2010-2011:

Progress/slippage

Virginia showed slippage with a reported graduation rate of 44.39% for the 2010-2011 APR (2009-2010 CSPR data) compared to a reported graduation rate of 47.46% for the 2009-2010 APR (2008-2009 CSPR data).

Discussion of activities

During 2010-2011, 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.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for 2010-2011:

NA

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

Monitoring Priority: FAPE in the LRE

Indicator 2: Percent of youth with IEPs dropping out of high school.

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

Measurement: States must report using the dropout data used in the ESEA graduation rate calculation and follow the timeline established by the Department under the ESEA.

	Measurable and Rigorous Target
2010-2011	The dropout rate for students with disabilities will decrease to 2.25 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 2010-2011:

Virginia did meet the target for 2010-2011 to decrease the dropout rate for students with disabilities to 2.25 percent. For 2010-2011, the dropout rate for students with disabilities was 1.53 percent.

Dropout rate for students with disabilities:

Year	Dropouts	Membership	Percent
2008-2009	1,877	74,658	2.51
2009-2010	1,135	74,192	1.53

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.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for 2010-2011:

Progress/slippage

Virginia demonstrated progress from the target in the dropout rate for students with disabilities for the 2009-2010 school year with a rate of 1.53 percent compared to a rate of 2.51 percent for the 2008-2009 school year.

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Discussion of activities

During 2010-2011, 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 2010-2011:

NA

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

Monitoring Priority: FAPE in the LRE

Indicator 3: Participation and performance of children with IEPs on statewide assessments:

- A. Percent of the districts with a disability subgroup that meets the State’s minimum “n” size that meet the State’s AYP targets for the disability subgroup.
- B. Participation rate for children with IEPs.
- C. Proficiency rate for children with IEPs against grade level, modified and alternate academic achievement standards.

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

Measurement:	
A.	AYP percent = [(# of districts with a disability subgroup that meets the State’s minimum “n” size that meet the State’s AYP targets for the disability subgroup) divided by the (total # of districts that have a disability subgroup that meets the State’s minimum “n” size)] times 100.
B.	Participation rate percent = [(# of children with IEPs participating in the assessment) divided by the (total # of children with IEPs enrolled during the testing window, calculated separately for reading and math)]. The participation rate is based on all children with IEPs, including both children with IEPs enrolled for a full academic year and those not enrolled for a full academic year.
C.	Proficiency rate percent = ((# of children with IEPs enrolled for a full academic year scoring at or above proficient) divided by the (total # of children with IEPs enrolled for a full academic year, calculated separately for reading and math)].

	Measurable and Rigorous Target
2010-2011	<ul style="list-style-type: none"> A. At least 18 percent of Virginia’s school divisions will meet AYP objectives for the students with disabilities subgroup. B. At least 95% of students with disabilities will participate in state assessments. C. At least 86% of students with disabilities will pass state English/Reading assessments. At least 85% of students with disabilities will pass state Mathematics assessments.

Data Source:

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

Measurement for youth with Individualized Education Programs (IEPs) on assessment performance is the same measurement as for all youth for determining Adequate Yearly Progress (AYP) for schools and school divisions under the *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

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Additional information on assessment results for students with disabilities can be found at:

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

Actual Target Data for 2010-2011:

Virginia's performance relative to targets for the 2010-2011 school year for the three components of Indicator 3 is as follows:

Indicator 3A

Virginia did not meet the target for the 2010-2011 school year that at least 18 percent of school divisions will meet AYP objectives for the students with disabilities subgroup. For 2010-2011, 4.5 percent of Virginia's school divisions met AYP objectives for students with disabilities subgroup.

School divisions meeting AYP for students with disabilities:

Year	N	Total	Percent
2009-2010	24	132	18.2
2010-2011	6	132	4.5

Indicator 3B

Virginia met the target for the 2010-2011 school year that at least 95 percent of students with disabilities will participate in state assessments. For 2010-2011, 99 percent of students with IEPs participated in the state assessments.

Students with IEPs participating in English/Reading assessments:

Year	N	Total	Percent
2009-2010	83,715	84,240	99
2010-2011	82,601	83,068	99

Students with IEPs participating in Math assessments:

Year	N	Total	Percent
2009-2010	94,699	95,423	99
2010-2011	95,753	96,596	99

One end-of-course reading assessment is given in high school, typically in the 11th grade.

There are three end-of-course math assessments given during the year in which a student completes the course.

Therefore the number of students taking a reading assessment in a given year is not the same as the number of students taking a math assessment in the same year.

Indicator 3C

Virginia did not meet the target for the 2010-2011 school year that at least 86 percent of students with disabilities will pass state English/Reading assessments. For 2010-2011, 62 percent of students with disabilities passed state English/Reading assessments.

Students with disabilities passing state English/Reading assessments:

Year	N	Total	Percent
2009-2010	60,277	83,099	73
2010-2011	50,814	82,601	62

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Virginia did not meet the target for the 2010-2011 school year that at least 85 percent of students with disabilities will pass state mathematics assessments. For 2010-2011, 49 percent of students with disabilities passed Math assessments.

Students with disabilities passing state Math assessments:

Year	N	Total	Percent
2009-2010	69,056	94,903	73
2010-2011	47,273	95,753	49

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for 2010-2011:Progress/slippage**Indicator 3A**

Virginia had slippage in the percentage of divisions meeting AYP for students with disabilities with 18.2 percent in 2009-2010 and 4.5 percent in 2010-2011. VDOE attributes this to the increased number of students with disabilities taking regular assessments due to changes to the participation criteria for the Virginia Grade Level Alternative (VGLA), and the planned elimination of this assessment.

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 2009-2010 and 2010-2011.

Indicator 3C

Virginia had slippage in the percentage of students with disabilities who passed the English/Reading assessments with 73 percent passing in 2009-2010 and 62 percent passing in 2010-2011. VDOE attributes this to the increased number of students with disabilities taking regular assessments due to changes to the participation criteria for the Virginia Grade Level Alternative (VGLA), and the planned elimination of this assessment.

Virginia had slippage away from the target in the percentage of students with disabilities who passed the mathematics assessments with 73 percent passing in 2009-2010 and 49 percent passing in 2010-2011. VDOE attributes this to the increased number of students with disabilities taking regular assessments due to changes to the participation criteria for the Virginia Grade Level Alternative (VGLA), and the planned elimination of this assessment.

Discussion of activities

During 2010-2011, activities listed for Indicator 3 in Virginia's State Performance Plan were implemented.

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.

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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 2010-2011:

NA

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

Monitoring Priority: FAPE in the LRE

Indicator 4: Rates of suspension and expulsion:

- A. Percent of districts that have a significant discrepancy in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs; and
- B. Percent of districts that have: (a) a significant discrepancy, by race or ethnicity, in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs; and (b) policies, procedures or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.

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

Measurement:

- A. Percent = [(# of districts that have a significant discrepancy in the rates of suspensions and expulsions for greater than 10 days in a school year of children with IEPs) divided by the (# of districts in the State)] times 100.
- B. Percent = [(# of districts that have: (a) a significant discrepancy, by race or ethnicity, in the rates of suspensions and expulsions of greater than 10 days in a school year of children with IEPs; and (b) policies, procedures or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards) divided by the (# of districts in the State)] times 100.

Include State's definition of "significant discrepancy."

FFY	Measurable and Rigorous Target
<i>(Insert FFY)</i>	<i>(Insert Measurable and Rigorous Target.)</i>

Information for Indicators 4a and 4b was originally submitted in Virginia's State Performance Plan, revised February 1, 2012

At OSEP's direction, information for Indicators 4a and 4b is also being reported in VDOE's Annual Performance Report (APR), revised April 16, 2012, as follows:

In its 2009-2010 Annual Performance Report, for Indicator 4a, VDOE reported that 22 school divisions were identified with a significant discrepancy in their rate of suspensions for students with disabilities and 15 school divisions were identified with a significant discrepancy in their rate of expulsions for students with disabilities. In its State Performance Plan for 2005-2012, for Indicator 4b, VDOE reported that 23 school divisions were identified with a significant discrepancy, by race or ethnicity, in their rate of suspensions and expulsions for students with disabilities. Some of these were the same divisions.

For both Indicator 4a and 4b, VDOE did not report that it reviewed the LEAs' policies, procedures, and practices relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards to ensure compliance with the IDEA, as required

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by 34 CFR §300.170(b) for the LEAs identified with significant discrepancies based on FFY 2008 data. The following information applies to both Indicator 4a and Indicator 4b.

In order to correct this noncompliance issue, VDOE has provided for the review of policies, procedures, and practices relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards to ensure compliance with the IDEA, as required by 34 CFR §300.170(b).

VDOE developed a comprehensive compliance document containing all requirements under 34 CFR §300.170(b). This document was submitted to OSEP for its review prior to dissemination to school divisions. VDOE also reviewed technical assistance information available on OSEP's website prior to disseminating the document. All divisions identified as having a significant discrepancy for Indicator 4a and Indicator 4b were required to use this document. The document was designed for school division use to review policies, procedures, and practices relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards to ensure compliance with the IDEA, as required by 34 CFR §300.170(b). In addition to this review, each division was required to also review their school board policy, student code of conduct and student handbook for consistency and compliance with 34 CFR §300.170(b). School divisions were also required to review and describe their positive behavioral interventions and supports and identify any needs for technical assistance or professional development. Each division conducted these activities with a review committee which consisted of general education and special education staff. VDOE staff worked with each division while the divisions conducted the self-assessment. After each division submitted their completed self-assessment document and after VDOE staff reviewed the completed documents, VDOE staff discussed each division's responses with division staff.

Overview of Issue/Description of System or Process:

VDOE is addressing both Indicators 4a and 4b in this section of the State Performance Plan. In accordance with the reporting requirements for Indicator 4a and 4b, VDOE analyzed data from the 2009-2010 school year to be used for our FFY 2010 data. Data are collected on disciplinary sanctions for students with disabilities through VDOE's annual Discipline/Crime and Violence data collection. For reporting in the State Performance Plan, VDOE has changed the methodology used in previous years for reporting data for Indicators 4a and 4b. VDOE will be using a comparison model recommended by OSEP and DAC staff and VDOE is using this model after consulting with OSEP and DAC staff. VDOE's data analysis uses the following definitions of significant discrepancy:

For Indicator 4a, a school division has a significant discrepancy when the division's suspension/expulsion rate for children with disabilities is more than 2 times the State's suspension/expulsion rate for children with disabilities.

For Indicator 4b, a school division has a significant discrepancy when the division's Suspension/expulsion rate for children with disabilities from a racial/ethnic group is more than 2 times the State's suspension/expulsion rate for all children with disabilities.

For Indicator 4a, a minimum "n" of 10 for the number of total number of out of school suspensions and expulsions of more than 10 days is required.

For Indicator 4b, a minimum "n" of 10 is required in each race category to be included in the calculation.

Baseline Data from FFY 2010:

As indicated on the previous page, in determining the number of divisions with significant discrepancy, VDOE used data from the 2009-2010 school year to be used for our FFY 2010 data.

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For Indicator 4a, using the calculation described above, there were 10 school divisions out of 132 with a significant discrepancy. This is 7.57%.

For Indicator 4b, using the calculation described above, there were 7 school divisions out of 132 with a significant discrepancy. This is 5.30%.

The number of divisions that did not meet the state-established minimum “n” size requirement of ten out of school suspensions and expulsions of more than 10 days was 19 for Indicator 4A and 17 for Indicator 4B.

Of the ten divisions identified with a significant discrepancy for Indicator 4A, one division was found to have one non-compliance finding after the review of policies, procedures, and practices relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards to ensure compliance with the IDEA, as required by 34 CFR §300.170(b). The other nine divisions did not have any non-compliance findings and did not need to revise any policies, procedures, and practices relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards to ensure compliance with the IDEA, as required by 34 CFR §300.170(b).

Of the seven divisions identified with a significant discrepancy for Indicator 4B, one division was found to have one non-compliance finding after the review of policies, procedures, and practices relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards to ensure compliance with the IDEA, as required by 34 CFR §300.170(b). The other six divisions did not have any non-compliance findings and did not need to revise any policies, procedures, and practices relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards to ensure compliance with the IDEA, as required by 34 CFR §300.170(b).

Because new baseline data has been established, VDOE has set new targets for Indicators 4a and 4b. Also, because new baseline data has been established using a new methodology, progress or slippage against prior year's data cannot be determined.

Discussion of Baseline Data:

For both Indicator 4a and 4b, VDOE provided for the divisions identified with a significant discrepancy to review the division's policies, procedures, and practices relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards to ensure compliance with the IDEA, as required by 34 CFR §300.170(b).

VDOE developed a comprehensive compliance document containing all requirements under 34 CFR §300.170(b). This document was submitted to OSEP for its review prior to dissemination to school divisions. VDOE also reviewed technical assistance information available on OSEP's website prior to disseminating the document. All divisions identified as having a significant discrepancy for Indicator 4a and Indicator 4b were required to use this document. The document was designed for school division use to review policies, procedures, and practices relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards to ensure compliance with the IDEA, as required by 34 CFR §300.170(b). In addition to this review, each division was required to also review their school board policy, student code of conduct and student handbook for consistency and compliance with 34 CFR §300.170(b). School divisions were also required to review and describe their positive behavioral interventions and supports and identify any needs for technical assistance or professional development. Each division conducted these activities with a review committee which consisted of general education and special education staff. VDOE staff worked with each division while the divisions conducted the self-assessment. After each division submitted their completed self-assessment document and after VDOE staff reviewed the completed documents, VDOE staff discussed each division's responses with division staff.

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Actual Target Data for 2010-2011:

See above.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for 2010-2011:

Because new baseline data has been established using a new methodology, progress or slippage against prior year's data cannot be determined.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for 2010-2011:

N/A

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

Monitoring Priority: FAPE in the LRE

Indicator 5: Percent of children with IEPs aged 6 through 21 served:

- A. Inside the regular class 80% or more of the day;
- B. Inside the regular class less than 40% of the day; and
- C. In separate schools, residential facilities, or homebound/hospital placements.

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

<p>Measurement:</p> <p>A. Percent = [(# of children with IEPs served inside the regular class 80% or more of the day) divided by the (total # of students aged 6 through 21 with IEPs)] times 100.</p> <p>B. Percent = [(# of children with IEPs served inside the regular class less than 40% of the day) divided by the (total # of students aged 6 through 21 with IEPs)] times 100.</p> <p>C. Percent = [(# of children with IEPs served in separate schools, residential facilities, or homebound/hospital placements) divided by the (total # of students aged 6 through 21 with IEPs)] times 100.</p>

	Measurable and Rigorous Target
2010-2011	<p>Increase the percentage of students, ages 6-21, spending at least 80 percent of their day in the regular class to 68 percent.</p> <p>Decrease the percentage of students, ages 6-21, spending at least 40 percent of their day in the regular class to 8%.</p> <p>Maintain the percentage of students, ages 6-21, receiving their special education services in public or private separate schools, residential placements or homebound or hospital placements to less than 1 percent.</p>

Data Source:

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

Actual Target Data for 2010-2011:

Indicator 5A

Virginia did not meet the target for the 2010-2011 school year that 68 percent of students with disabilities ages 6-21 would spend at least 80 percent of the day in the regular class. For 2010-2011, 55.3 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
2009-2010	87,245	147,769	59.0
2010-2011	80,476	145,267	55.3

Part B Annual Performance Report for 2010-2011Indicator 5B

Virginia did not meet the target for 2010-2011 that 8 percent of students with disabilities ages 6-21 would spend less than 40% of the day in the regular classroom. For 2010-2011, 18.5 percent of students ages 6-21 spent less than 40 percent of their day in the regular classroom.

Children inside the regular class less than 40%

Year	Number	Total	Percent
2009-2010	16,381	147,769	11.0
2010-2011	26,899	145,267	18.5

Indicator 5C

Virginia did not meet the target for 2010-2011 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 2010-2011, 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
2009-2010	4,687	147,769	3.2
2010-2011	5,174	145,267	3.5

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

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Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for 2010-2011:

Progress/slippage

Indicator 5A

Virginia demonstrated slippage 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 55.3% in 2010-2011.

Indicator 5B

Virginia demonstrated slippage 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 18.5% in 2010-2011.

Indicator 5C

Virginia demonstrated slippage for 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 3.2% in 2009-2010 compared to 3.5% in 2010-2011.

Discussion of activities

During 2010-2011, 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

Part B Annual Performance Report for 2010-2011

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

Monitoring Priority: FAPE in the LRE

Indicator 6: Percent of children aged 3 through 5 with IEPs attending a:

- A. Regular early childhood program and receiving the majority of special education and related services in the regular early childhood program; and
- B. Separate special education class, separate school or residential facility.

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

Measurement:

- A. Percent = [(# of children aged 3 through 5 with IEPs attending a regular early childhood program and receiving the majority of special education and related services in the regular early childhood program) divided by the (total # of children aged 3 through 5 with IEPs)] times 100.
- B. Percent = [(# of children aged 3 through 5 with IEPs attending a separate special education class, separate school or residential facility) divided by the (total # of children aged 3 through 5 with IEPs)] times 100.

FFY	Measurable and Rigorous Target
<i>(Insert FFY)</i>	<i>(Insert Measurable and Rigorous Target.)</i>

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

Actual Target Data for *(Insert FFY)*:

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for *(Insert FFY)*:

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for *(Insert FFY)*
[If applicable]

Part B Annual Performance Report for 2010-2011

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

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

Summary Statements for Each of the Three Outcomes:

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.

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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.

	Measurable and Rigorous Target
2010-2011	<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"> • 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 86%. • 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%. <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"> • 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 90%. • 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%. <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"> • 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 87%. • 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%.

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.

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
- AEPs

Part B Annual Performance Report for 2010-2011**Actual Target Data for 2010-2011:**

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:

Indicator 7A	N	Total	Percent
A. Positive social-emotional skills (including social relationships):			
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
Total # for A = (a + b + c + d + e)	5128	5128	100

Indicator 7B	N	Total	Percent
B. Acquisition and use of knowledge and skills (including early language/communication and early literacy):			
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
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
Total # B = (a + b + c + d + e)	5128	5128	100

Indicator 7C	N	Total	Percent
C. Use of appropriate behaviors to meet their needs.			
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

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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
Total # for C = (a + b + c + d + e)	5128	5128	100

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.

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

Virginia did meet the target for the 2010-2011 school year that 86 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 87.7 percent reported.

Virginia did meet the target for the 2010-2011 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 60.4 percent reported.

Percent of preschool children aged 3 through 5 with IEPs who demonstrate improved positive social-emotional skills (including social relationships)	2010-2011 Data
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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	87.7
The percent of preschool children who were functioning within age expectations by the time they turned 6 years of age or exited the program	60.4

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

Virginia did meet the target for the 2010-2011 school year that 90 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 92.0 percent reported.

Virginia did meet the target for the 2010-2011 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 46.4 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)	2010-2011 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	92.0
The percent of preschool children who were functioning within age expectations by the time they turned 6 years of age or exited the program	46.4

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

Virginia did meet the target for the 2010-2011 school year that 87 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 89.3 percent reported.

Virginia did meet the target for the 2010-2011 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 65.9 percent reported.

Percent of preschool children aged 3 through 5 with IEPs who demonstrate improved use of appropriate behaviors to meet their needs.	2010-2011 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	89.3
The percent of preschool children who were functioning within age expectations by the time they turned 6 years of age or exited the program	65.9

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for 2010-2011:

Progress/slippage

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

Discussion of activities

During 2010-2011, activities listed for Indicator 7 in Virginia's State Performance Plan were implemented.

Part B Annual Performance Report for 2010-2011

VDOE conducted training and provided technical assistance on conducting progress reviews, appropriate assessment instruments, maintaining data on students, and reporting data. All of these initiatives were conducted in collaboration with state Part C staff.

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

VDOE conducted training and provide technical assistance, in collaboration with state Part C staff and staff from the Partnership for People with Disabilities, on Social/Emotional Competency Curriculum for children age 5 and under.

VDOE will develop technical assistance material related to outcomes for preschool age students, to include webinars with Part C staff and FAQ documents specific to child assessment and progress reporting.

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 2010-2011:

N/A

Part B Annual Performance Report for 2010-2011

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

Monitoring Priority: FAPE in the LRE

Indicator 8: Percent of parents with a child receiving special education services who report that schools facilitated parent involvement as a means of improving services and results for children with disabilities.

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

Measurement: Percent = [(# of respondent parents who report schools facilitated parent involvement as a means of improving services and results for children with disabilities) divided by the (total # of respondent parents of children with disabilities)] times 100.

	Measurable and Rigorous Target
2010-2011	78 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.

Data Source:

In collecting data for Indicator 8 for the 2010-2011 school year, VDOE used the same survey instrument used the previous year. This instrument was developed by a task force of stakeholders with the goal to collect data to meet the SPP/APR reporting requirement and to improve the usefulness of data collected.

For the 2010-2011 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.

The percent of parents reporting that schools facilitated parent involvement is calculated by dividing the total number of “agree” responses to the survey questions by the total number of responses to those questions.

Actual Target Data for 2010-2011:

Virginia met the target of 78 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. 6,980 respondents provided 64,992 “agree” responses out of the total number of 73,103 responses for 88.9%.

Virginia met the target of 78 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. 5,938 out of 6,980 respondents reported that schools facilitated parent involvement as a means of improving services and results for children with disabilities for 85%.

Part B Annual Performance Report for 2010-2011

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

Year	N	Total	Percent
2009-2010	72,204	92,587	77.9
2010-2011	5,938	6,980	85.0

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for 2010-2011:

Progress/slippage

Virginia demonstrated improvement 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 88.9% agree responses in 2010-2011 compared to 77.9% agree responses in 2009-2010.

Discussion of activities

During 2010-2011, activities listed for Indicator 8 in Virginia’s State Performance Plan were implemented.

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 in partnership with the Center for Family Involvement (CFI) and the Parent Education Advocacy Training Center (PEATC), Virginia’s PTI, sponsors activities for parents of children with disabilities.

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

N/A

Part B Annual Performance Report for 2010-2011

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

Monitoring Priority: Disproportionality

Indicator 9: Percent of districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification.

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

Measurement:

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

Include State’s definition of “disproportionate representation.”

Based on its review of the 618 data for FFY 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 2010 reporting period, i.e., after June 30, 2011. If inappropriate identification is identified, report on corrective actions taken.

	Measurable and Rigorous Target
2010-2011	0 percent of the school divisions in the state will have disproportionate representation that is the result of inappropriate identification 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 2010-2011:

Virginia met the target for the 2010-2011 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 2010-2011 there were no school divisions with disproportionate representation of racial and ethnic groups in special education and related services that was the result of inappropriate identification, for a percentage of 0.

Year	N	Total	Percent
2009-2010	0	132	0
2010-2011	0	132	0

Part B Annual Performance Report for 2010-2011

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.

All 132 districts (school divisions) met the State-established minimum "n" size requirement of greater than 50 students in the students with disabilities population for at least one of the racial/ethnic groups.

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 2010-2011, 98 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 was the result of inappropriate identification. For 2010-2011, there were 132 school divisions identified in the level one analysis and subjected to this level two analysis.

After the first level data analysis, of the 132 school divisions in Virginia, all 132 had overrepresentation, underrepresentation or both. This is not attributable to inappropriate identification.

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Corrected noncompliance from 2010-2011

There were no school divisions in 2010-2011 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 2010-2011:

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 2009-2010 and 2010-2011.

Discussion of activities

During 2010-2011, activities listed for Indicator 9 in Virginia's State Performance Plan were implemented.

VDOE 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 includes a focus on state level data analysis, state and school division level policies, procedures and practices related to pre-referral instructional interventions and appropriateness of eligibility decisions.

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

VDOE 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), and the Mid-South Regional Resource Center (MSRRC).

VDOE continued to assist local school divisions in examining and reviewing the policies, practices, and procedures that could impact possible disproportionate representation. In addition, VDOE conducted a symposium on African American Males and School Success.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for 2010-2011:

N/A

Part B Annual Performance Report for 2010-2011

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

Monitoring Priority: Disproportionality

Indicator 10: Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.

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

Measurement:

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

Include State’s definition of “disproportionate representation.”

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 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 2010, i.e., after June 30, 2011. If inappropriate identification is identified, report on corrective actions taken.

	Measurable and Rigorous Target
2010-2011	0 percent of the school divisions in the state will have disproportionate representation that is the result of inappropriate identification 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 2010-2011:

Virginia met the target for the 2010-2011 school year that 0 percent of the school divisions in the State will have disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification. Following the two-step analysis described below, for 2010-2011 there were no school divisions with disproportionate representation of racial and ethnic groups in specific disability categories that was the result of inappropriate identification.

Part B Annual Performance Report for 2010-2011**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
2009-2010	0	132	0
2010-2011	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. All 132 divisions have at least one of the racial/ethnic groups with fifty or fewer students. 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.

All 132 districts (school divisions) met the State-established minimum "n" size requirement of greater than 50 students in the students with disabilities population for at least one of the racial/ethnic groups.

Level Two: Review of Policy, Procedure and Practice

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

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

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School divisions submitted a written summary of their student record review to VDOE and a final determination was made as to which divisions had disproportionate representation of racial and ethnic groups in specific disability categories that was the result of inappropriate identification. For 2010-2011, there were 108 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 2010-2011, there were 132 school divisions subjected to this level two analysis.

After the first level data analysis, of the 132 school divisions in Virginia, all 132 had overrepresentation, underrepresentation or both. This is not attributable to inappropriate identification.

Corrected noncompliance from 2010-2011

There were no school divisions in 2010-2011 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 2010-2011:

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 2009-2010 and 2010-2011.

Discussion of activities

During 2010-2011, activities listed for Indicator 10 in Virginia's State Performance Plan were implemented.

VDOE 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 includes a focus on state level data analysis, state and school division level policies, procedures and practices related to pre-referral instructional interventions and appropriateness of eligibility decisions.

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

VDOE 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), and the Mid-South Regional Resource Center (MSRRC).

VDOE continued to assist local school divisions in examining and reviewing the policies, practices, and procedures that could impact possible disproportionate representation. In addition, VDOE conducted a symposium on African American Males and School Success.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for 2010-2011:

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N/A

Part B Annual Performance Report for 2010-2011

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

Monitoring Priority: Effective General Supervision Part B / Child Find

Indicator 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.

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

<p>Measurement: 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.</p>
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	Measurable and Rigorous Target
2010-2011	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 2010-2011:

Virginia did not meet the target for 2010-2011 that 100 percent of children with parental consent to evaluate will be evaluated and have eligibility determined within 65 business days. For the 2010-2011 school year, school divisions reported 28,121 children were evaluated and had eligibility determined within 65 business days out of 28,599 children for whom consent was received for evaluation, for a percentage of 98.3 percent.

Children evaluated and had eligibility determined within 65 business days:

Year	Numerator	Denominator	Percent
2009-2010	28,296	28,992	97.6
2010-2011	28,121	28,599	98.3

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

Range of business days beyond 65-day timeline	Number of children
1-5	226
6-15	140
16-25	50
26-35	25
36-45	8
46 and beyond	29
Total	478

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

Because Virginia did not report 100% compliance for 2010-2011, VDOE reviewed its improvement activities. No revisions were necessary.

Correction of previously identified noncompliance:

VDOE has determined that all of the 696 noncompliance findings specific to Indicator 11, identified in 2009-2010 were corrected consistent with OSEP Memo 09-02. Each division with non-compliance findings (1) is correctly implementing the specific regulatory requirements (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring; and (2) has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the LEA.

VDOE has taken the following actions to verify the correction of previously identified non-compliance.

VDOE verified the correction of noncompliance identified in 2009-2010 through its monitoring activities, i.e. on-site visits, desk reviews and internal review of data. VDOE verified that each school division with previously identified noncompliance findings from 2009-2010 is correctly implementing the specific regulatory requirements. Correction of individual cases of noncompliance were verified and a review of updated or new records revealed that each school division had achieved 100% compliance. VDOE's procedure for determining corrections of noncompliance is consistent with OSEP Memo 09-02.

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.

Because Virginia did not report 100% compliance for 2010-2011, VDOE reviewed its improvement activities. No revisions were necessary.

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Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for 2010-2011:

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 97.6percent in 2009-2010 to 98.3 percent in 2010-2011.

Discussion of activities

During 2010-2011, 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 2010-2011

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

Monitoring Priority: Effective General Supervision Part B / Effective Transition

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

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

Measurement:

- a. # of children who have been served in Part C and referred to Part B for Part B eligibility determination.
- b. # of those referred determined to be NOT eligible and whose eligibility was determined prior to their third birthdays.
- c. # of those found eligible who have an IEP developed and implemented by their third birthdays.
- d. # of children for whom parent refusal to provide consent caused delays in evaluation or initial services or whom exceptions under 34 CFR §300.301(d) applied.
- e. # of children who were referred to Part C less than 90 days before their third birthdays.

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.

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

	Measurable and Rigorous Target
2010-2011	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

Actual Target Data for 2009-2010:

Virginia did 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 2010-2011 school year, 1,827 children of the 1,827 children served in Part C referred to Part B, were found eligible for Part B, and had an IEP developed and implemented by the beginning of the school year in which they turned age 2 by Sept. 30 or by their third birthday for a percentage of 100%.

When reporting Indicator 12 division level data, school divisions account for all children served in Part C referred to Part B. Included are:

- a. The number of children who have been served in Part C and referred to Part B for Part B eligibility determination: 2503

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- b. The number of those referred determined to be NOT eligible and whose eligibility was determined prior to their third birthdays: 384 (deducted from the starting number of 2503 Part C referrals)
- c. The number of those found eligible who have an IEP developed and implemented by their third birthdays: 1827
- d. The number of children for whom parent refusal to provide consent caused delays in evaluation or initial services or whom exceptions under 34 CFR §300.301(d) applied: 195 (deducted from the starting number of 2503 Part C referrals);
- e. The number of children who were referred to Part C less than 90 days before their third birthdays: 97 (deducted from the starting number of 2503 Part C referrals).

As indicated above, VDOE is deducting the number of children referred determined to be not eligible and whose eligibility was determined prior to their third birthdays (measurement b), the number of children for whom parental refusal to provide consent caused delays in evaluation or initial services or to whom exceptions under 34 CFR §300.301(d) applied (measurement d), and the number of children who were referred to Part C less than 90 days before their third birthdays (measurement e) from the number of children who have been served in Part C and referred to Part B for Part B eligibility determination (measurement a) when calculating the State’s level of compliance for FFY 2010 for this indicator.

The totals used in the calculation below were arrived at by deducting the 384 students referred but determined to be NOT eligible and whose eligibility was determined prior to their third birthdays, and deducting the 195 children for whom parent refusal to provide consent caused delays in evaluation or initial services or whom exceptions under 34 CFR §300.301(d) applied, and deducting the 97 children who were referred to Part C less than 90 days before their third birthdays from the 2503 total number of children who have been served in Part C and referred to Part B for Part B eligibility determination:

$(2503 - 384 - 195 - 97 = 1827).$

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)	Percent
2009-2010	1861	1891	98.41
2010-2011	1827	1827	100.00

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

Range of business days beyond required timeline	Number of children
1-5	0
6-15	0
16-25	2
26-35	0
36-45	0
46 and beyond	0
Total	0

Correction of non-compliance from 2009-2010

VDOE has determined that all of the 30 noncompliance findings specific to Indicator 12, identified in 2009-2010 were corrected consistent with OSEP Memo 09-02. Each division with non-compliance findings (1) is correctly implementing the specific regulatory requirements (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site

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monitoring; and (2) has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the LEA.

VDOE verified the correction of noncompliance identified in 2009-2010 through its monitoring activities, i.e. on-site visits, desk reviews and internal review of data. VDOE verified that each school division with previously identified noncompliance findings from 2009-2010 is correctly implementing the specific regulatory requirements. Correction of individual cases of noncompliance were verified and a review of updated or new records revealed that each school division had achieved 100% compliance. VDOE's procedure for determining corrections of noncompliance is consistent with OSEP Memo 09-02.

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.

Because Virginia did not report 100% compliance for 2010-2011, VDOE reviewed its improvement activities. No revisions were necessary.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for 2010-2011:

Progress/slippage

Virginia showed improvement toward the target of 100% compliance with 98.41% compliance in 2009-2010 compared with 99.67% compliance in 2010-2011, 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 2010-2011, 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.

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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 2010-2011

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

Monitoring Priority: Effective General Supervision Part B / Effective Transition

Indicator 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 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.

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

Measurement: 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.

	Measurable and Rigorous Target
2010-2011	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 2010-2011 school year (July 1, 2010 – June 30, 2011).

Actual Target Data for 2010-2011:

Virginia did not meet the target for the 2010-2011 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

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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. School divisions reported 8,785 out of 8,914 IEPs met the requirement, for a percentage of 98.55%

Percent of youth with IEPs aged 16 and above with IEPs that contain each of the required components:

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
2010-2011	8,785	8,914	98.55

Corrected noncompliance from 2008-2009

As previously reported, the one division with the uncorrected noncompliance finding from 2008-2009 has demonstrated compliance. The Corrective Action Plan submitted by this division was fully implemented and all of the steps taken to facilitate timely corrections listed below were taken with this division. VDOE has provided additional technical assistance from VDOE staff and TTAC staff and arranged for consulting services to be provided by other school division staff. VDOE also made several on-site visits, reviewed students records, in addition to the on-going technical assistance.

The division with this non-compliance finding corrected the non-compliance consistent with OSEP Memo 09-02. The division (1) is correctly implementing the specific regulatory requirements (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring; and (2) has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the LEA.

Correction of non-compliance from 2009-2010

VDOE has determined that all of the 166 noncompliance findings specific to Indicator 13, identified in 2009-2010 were corrected consistent with OSEP Memo 09-02. Each division with non-compliance findings (1) is correctly implementing the specific regulatory requirements (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring; and (2) has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the LEA.

VDOE verified the correction of noncompliance identified in 2009-2010 through its monitoring activities, i.e. on-site visits, desk reviews and internal review of data. VDOE verified that each school division with previously identified noncompliance findings from 2009-2010 is correctly implementing the specific regulatory requirements. Correction of individual cases of noncompliance were verified and a review of updated or new records revealed that each school division had achieved 100% compliance. VDOE’s procedure for determining corrections of noncompliance is consistent with OSEP Memo 09-02.

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

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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.

Because Virginia did not report 100% compliance for 2010-2011, VDOE reviewed its improvement activities. No revisions were necessary.

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

Progress/slippage

Virginia demonstrated progress with 98.55% compliance reported for 2010-2011 compared to 98.09% compliance reported for 2009-2010.

Discussion of activities

During 2010-2011, 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 communities of practice, and continue to participate in the 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.

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

VDOE will disseminate the Tristate Slide Guide and provide assistance to develop an online Transition Guide.

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

N/A

Part B Annual Performance Report for 2010-2011

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

Monitoring Priority: Effective General Supervision Part B / Effective Transition

Indicator 14: Percent of youth who are no longer in secondary school, had IEPs in effect at the time they left school, and were:

- A. Enrolled in higher education within one year of leaving high school.
- B. Enrolled in higher education or competitively employed within one year of leaving high school.
- C. Enrolled in higher education or in some other postsecondary education or training program; or competitively employed or in some other employment within one year of leaving high school.

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

Measurement:

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.

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.

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.

	Measurable and Rigorous Target
2010-2011	<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"> A. Enrolled in higher education within one year of leaving high school will be 32%. B. Enrolled in higher education or competitively employed within one year of 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 uses a survey developed by VDOE, with broad stakeholder input, to collect postsecondary outcome (PSO) data, for youth who had IEPs in effect at the time they left school, are no longer in secondary school, and within one year of leaving school, who: A. were enrolled in higher education, B. enrolled in higher education or competitively employed, C. enrolled in higher education or in some other postsecondary education or training program; or competitively employed or in some other employment.

VDOE continues to conduct a census of all school leavers, including students who dropped out, to obtain outcome data. Survey results are obtained through interviews with school leavers or family members conducted by school division staff through telephone contact. This process generated a response rate of 59.8% (dividing the number of completed surveys, 6,216, by the number of surveys attempted, 10,387).

Data reported for Indicator 14 for the 2010-2011 Annual Performance Report are representative of the population in race, ethnicity, and disability.

Definitions used for reporting data for Indicator 14 are as follows:

Enrolled in higher education as used in measures A, B and C means youth have been enrolled on a full- or part-time basis in a community college (two year program) or college/university (four or more year program) for at least one complete term, at anytime in the year since leaving high school.

Competitive employment as used in measures B and C means that youth have worked for pay at or above the minimum wage in a setting with others who are nondisabled for a period of 20 hours a week for at least 90 days at any time in the year since leaving high school. This includes military employment.

Enrolled in other postsecondary education or training as used in measure C, means youth have been enrolled on a full- or part-time basis for at least 1 complete term at any time in the year since leaving high school in an education or training program (e.g., Job Corps, adult education, workforce development program, vocational technical school which is less than a two year program).

Some other employment as used in measure C means youth have worked for pay or been self-employed for a period of at least 90 days at any time in the year since leaving high school. This includes working in a family business (e.g., farm, store, fishing, ranching, catering services, etc.).

Data are collected for “leavers” who are:

1. Enrolled in higher education within one year of leaving high school: 2232;
2. Competitively employed within one year of leaving high school (but not enrolled in higher education): 1636;
3. Enrolled in some other postsecondary education or training program within one year of leaving high school (but not enrolled in higher education or competitively employed): 293;
4. In some other employment within one year of leaving high school (but not enrolled in higher education, some other postsecondary education or training program, or competitively employed): 313.

“Leavers” are only counted in one of the above categories, and the categories are organized hierarchically. So, for example, “leavers” who are enrolled in full- or part-time higher education within one year of leaving high school are only reported in category 1, even if they also happen to be employed. Likewise, “leavers” who are not enrolled in either part- or full-time higher education, but who are competitively employed, are only reported under category 2, even if they happen to be enrolled in some other postsecondary education or training program.

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Actual Target Data for 2010-2011:

Virginia met the 2010-2011 target for percent 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 of 32% with a reported percent of 35.9%;

Virginia met the 2010-2011 target for percent 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 of 55% with a reported percent of 62.2%; and

Virginia met the 2010-2011 target for percent 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 within one year of leaving high school of 64% with a reported percent of 72%.

The number and percentage of leavers enrolled in higher education within one year of leaving high school were 2232 out of 6,216, for 35.9%.

The number and percentage of leavers competitively employed within one year of leaving high school (but not enrolled in higher education) were 3,868 out of 6,216, for 62.2%.

The number and percentage of leaves 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 were 4,474 out of 6,216; for 72%.

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

	N	# Students Contacted	Percent
A. Enrolled in higher education within one year of leaving high school	2,232	6,216	35.9
B. Enrolled in higher education or competitively employed within one year of leaving high school	3,868	6,216	62.2
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	4,474	6,216	72

Readers should exercise caution in interpreting data presented for this indicator because of the following concerns. Baseline data and targets established for Indicator 14 reflect the measurement requirements specified by the U.S. Department of Education’s Office of Special Education Programs (OSEP). VDOE is concerned that setting targets based on a state average has several problems. There are many variables, such as local economy/local employment rates, proximity to or availability of institutions of higher education, public transportation, variance in higher educations’ admission and documentation policies, yearly and often dramatic increases in tuition. All of these have a potential impact on employment and participation in postsecondary education. In addition, these variables vary in impact among regions across the state. Also, the duplication in the definitions of Enrolled in higher education as used in measures A, B and C; and Competitive employment as used in measures B and C; and Enrolled in other postsecondary education or training as used in measure C; and Some other employment as used in measure C can cause confusion for individuals reporting data. These concerns were also shared by the stakeholders who worked with VDOE in developing the 2010-2011 APR.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for 2010-2011:

Part B Annual Performance Report for 2010-2011

Progress/slippage

Virginia showed improvement on all three components of Indicator 14.

Discussion of activities

During 2010-2011, 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 will continue to support implementation of this model.

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

VDOE will continue to participate in National Transition Communities of Practice.

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

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

VDOE continues to receive technical assistance from the National Postsecondary Outcomes Center.

VDOE continues to provide local school divisions technical assistance in the collection and use of postsecondary data to improve local outcomes, for example, webcasts for local school divisions on collection of data, use of postsecondary data, for local program improvements.

VDOE participates in the National Exiting Community.

VDOE sponsors demonstration employment sites, supported education models, and a youth development project.

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

N/A

Part B Annual Performance Report for 2010-2011

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

Monitoring Priority: Effective General Supervision Part B / General Supervision

Indicator 15: General supervision system (including monitoring, complaints, hearings, etc.) identifies and corrects noncompliance as soon as possible but in no case later than one year from identification.

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

Measurement:

Percent of noncompliance corrected within one year of identification:

- a. # of findings of noncompliance.
- b. # of corrections completed as soon as possible but in no case later than one year from identification.

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

States are required to use the "Indicator 15 Worksheet" to report data for this indicator (see Attachment A).

	Measurable and Rigorous Target
2010-2011	100 percent of the findings identified through general supervision (including monitoring, complaints, hearings, etc.) will be corrected in a timely manner, not to exceed 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 met the target for 2010-2011 that 100 percent of the noncompliance findings identified in 2009-2010 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. 242 out of 242 noncompliance findings identified in 2009-2010 through general supervision were corrected as soon as possible but in no case later than one year from identification, for 100% correction.

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Data Specific to Non-compliance Findings from 2009-2010 and Number Corrected Within One Year of Identification:

Indicator/Indicator Clusters	General Supervision System Components	# of LEAs Issued Findings in FFY 2009 (7/1/09 to 6/30/10)	(a) # of Findings of noncompliance identified in FFY 2009 (7/1/09 to 6/30/10)	(b) # of Findings of noncompliance from (a) for which correction was verified no later than one year from identification
<p>1. Percent of youth with IEPs graduating from high school with a regular diploma.</p> <p>2. Percent of youth with IEPs dropping out of high school.</p>	<p>Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other</p>	<p>0</p>	<p>0</p>	<p>0</p>
<p>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.</p>	<p>Dispute Resolution: Complaints, Hearings</p>	<p>0</p>	<p>0</p>	<p>0</p>
<p>3. Participation and performance of children with disabilities on statewide assessments.</p>	<p>Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other</p>	<p>0</p>	<p>0</p>	<p>0</p>
<p>7. Percent of preschool children with IEPs who demonstrated improved outcomes.</p>	<p>Dispute Resolution: Complaints, Hearings</p>	<p>0</p>	<p>0</p>	<p>0</p>

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Indicator/Indicator Clusters	General Supervision System Components	# of LEAs Issued Findings in FFY 2009 (7/1/09 to 6/30/10)	(a) # of Findings of noncompliance identified in FFY 2009 (7/1/09 to 6/30/10)	(b) # of Findings of noncompliance from (a) for which correction was verified no later than one year from identification
<p>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 with IEPs; and</p> <p>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.</p>	<p>Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other</p>	0	0	0
	<p>Dispute Resolution: Complaints, Hearings</p>	0	0	0
<p>5. Percent of children with IEPs aged 6 through 21 -educational placements.</p> <p>6. Percent of preschool children aged 3 through 5 – early childhood placement.</p>	<p>Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other</p>	0	0	0
	<p>Dispute Resolution: Complaints, Hearings</p>	0	0	0
<p>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.</p>	<p>Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other</p>	0	0	0
	<p>Dispute Resolution: Complaints, Hearings</p>	0	0	0

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Indicator/Indicator Clusters	General Supervision System Components	# of LEAs Issued Findings in FFY 2009 (7/1/09 to 6/30/10)	(a) # of Findings of noncompliance identified in FFY 2009 (7/1/09 to 6/30/10)	(b) # of Findings of noncompliance from (a) for which correction was verified no later than one year from identification
9. Percent of districts with disproportionate representation of racial and ethnic groups in special education that is the result of inappropriate identification.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	0	0	0
10. Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.	Dispute Resolution: Complaints, Hearings	0	0	0
11. Percent of children who were evaluated within 60 days of receiving parental consent for initial evaluation or, if the State establishes a timeframe within which the evaluation must be conducted, within that timeframe.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	28	28	28
	Dispute Resolution: Complaints, Hearings	1	1	1
12. Percent of children referred by Part C prior to age 3, who are found eligible for Part B, and who have an IEP developed and implemented by their third birthdays.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	8	8	8
	Dispute Resolution: Complaints, Hearings	0	0	0

Part B Annual Performance Report for 2010-2011

Indicator/Indicator Clusters	General Supervision System Components	# of LEAs Issued Findings in FFY 2009 (7/1/09 to 6/30/10)	(a) # of Findings of noncompliance identified in FFY 2009 (7/1/09 to 6/30/10)	(b) # of Findings of noncompliance from (a) for which correction was verified no later than one year from identification
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 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.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	18	18	18
	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	3	3	3
	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	0	0	0
	Dispute Resolution: Complaints, Hearings	5	7	7

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Indicator/Indicator Clusters	General Supervision System Components	# of LEAs Issued Findings in FFY 2009 (7/1/09 to 6/30/10)	(a) # of Findings of noncompliance identified in FFY 2009 (7/1/09 to 6/30/10)	(b) # of Findings of noncompliance from (a) for which correction was verified no later than one year from identification
Other areas of noncompliance: Placement/LRE	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	6	8	8
	Dispute Resolution: Complaints, Hearings	4	5	5
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	21	32	32
	Dispute Resolution: Complaints, Hearings	22	61	61
Other areas of noncompliance: Children Who Transfer	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	1	1	1
	Dispute Resolution: Complaints, Hearings	1	1	1
Other areas of noncompliance: Meeting Notice	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	6	6	6
	Dispute Resolution: Complaints, Hearings	0	0	0

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Indicator/Indicator Clusters	General Supervision System Components	# of LEAs Issued Findings in FFY 2009 (7/1/09 to 6/30/10)	(a) # of Findings of noncompliance identified in FFY 2009 (7/1/09 to 6/30/10)	(b) # of Findings of noncompliance from (a) for which correction was verified no later than one year from identification
Other areas of noncompliance: Procedural Safeguards	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	3	3	3
	Dispute Resolution: Complaints, Hearings	9	15	15
Other areas of noncompliance: Qualified Personnel and Caseloads	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	4	4	4
	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	6	6
Other areas of noncompliance: Evaluation Procedures	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	2	3	3
	Dispute Resolution: Complaints, Hearings	3	3	3

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Indicator/Indicator Clusters	General Supervision System Components	# of LEAs Issued Findings in FFY 2009 (7/1/09 to 6/30/10)	(a) # of Findings of noncompliance identified in FFY 2009 (7/1/09 to 6/30/10)	(b) # of Findings of noncompliance from (a) for which correction was verified no later than one year from identification
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	8	10	10
Other areas of noncompliance: Records Management	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: Discipline	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	3	3	3
	Dispute Resolution: Complaints, Hearings	5	6	6
Other areas of noncompliance: Assessment	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
Sum the numbers down Column a and Column b			242	242
Percent of noncompliance corrected within one year of identification = (column (b) sum divided by column (a) sum) times 100.			(b) / (a) X 100 =	100%

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Verification of Noncompliance Identified in 2008-2009

As previously reported, the one division with the uncorrected noncompliance finding from 2008-2009 has demonstrated compliance. The Corrective Action Plan submitted by this division was fully implemented and all of the steps taken to facilitate timely corrections listed below were taken with this division. VDOE has provided additional technical assistance from VDOE staff and TTAC staff and arranged for consulting services to be provided by other school division staff. VDOE also made several on-site visits, reviewed students records, in addition to the on-going technical assistance.

Verification of Noncompliance Identified in 2009-2010

VDOE has determined that each division with noncompliance findings identified in 2009-2010: (1) is correctly implementing the specific regulatory requirements (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring; and (2) has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the LEA, consistent with OSEP Memo 09-02. This includes any non-compliance findings specific to Indicators 4, 9, 10, 11, 12 or 13. VDOE has taken the following actions to verify the correction of previously identified non-compliance.

VDOE verified the correction of noncompliance identified in 2009-2010 through its monitoring activities, i.e. on-site visits, desk reviews and internal review of data. VDOE verified that each school division with previously identified noncompliance findings from 2009-2010 is correctly implementing the specific regulatory requirements. Correction of individual cases of noncompliance were verified and a review of updated or new records revealed that each school division had achieved 100% compliance. VDOE's procedure for determining corrections of noncompliance is consistent with OSEP Memo 09-02.

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.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for 2010-2011:

Progress/slippage

Virginia demonstrated progress from 99.58% compliance in 2009-2010 to 100% compliance in 2010-2011 with the corrections of identified noncompliance as soon as possible but in no case later than one year from written notification.

Discussion of activities

During 2010-2011, activities listed for Indicator 15 in Virginia's State Performance Plan were implemented.

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.

Part B Annual Performance Report for 2010-2011

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 2010-2011:

NA

Part B Annual Performance Report for 2010-2011

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

Monitoring Priority: Effective General Supervision Part B / General Supervision

Indicator 16: Percent of signed written complaints with reports issued that were resolved within 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint, or because the parent (or individual or organization) and the public agency agree to extend the time to engage in mediation or other alternative means of dispute resolution, if available in the State. (20 U.S.C. 1416(a)(3)(B))

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

	Measurable and Rigorous Target
2010-2011	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 (ODRAS).

Actual Target Data for 2010-2011:

Virginia met the target for the 2010-2011 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
2009-2010	91	8	99	100
2010-2011	93	12	105	100

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Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for 2010-2011:

Progress/slippage

Virginia has maintained 100 percent compliance with this indicator.

Discussion of activities

During 2010-2011, activities listed for Indicator 16 in Virginia's State Performance Plan were implemented.

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

ODRAS mentored 8 cohort members of Virginia's Special Education Leadership Academy in July 2011, including reviewing a case file and outlining potential findings, and mini-training on the complaint resolution procedures.

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

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

N/A

Part B Annual Performance Report for 2010-2011

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

Monitoring Priority: Effective General Supervision Part B / General Supervision

Indicator 17: Percent of adjudicated due process hearing requests that were adjudicated within the 45-day timeline or a timeline that is properly extended by the hearing officer at the request of either party or in the case of an expedited hearing, within the required timelines.

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

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

	Measurable and Rigorous Target
2010-2011	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 (ODRAS).

Actual Target Data for 2010-2011:

Virginia met the target for the 2010-2011 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:

Year	# Reports Issued within 45-day Timeline	# Reports Issued within Properly Extended Timeline	# Reports Issued by Hearing Officers	Percent
2009-2010	11	1	12	100
2010-2011	8	1	9	100

Part B Annual Performance Report for 2010-2011

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for 2010-2011:

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 2010-2011, activities listed for Indicator 17 in Virginia's State Performance Plan were implemented.

ODRAS mentored 8 cohort members of Virginia's Special Education Leadership Academy in July 2011, including, mini-training session on special education due process, and analyzing a hearing officer's decision.

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

ODRAS will continue to maintain its tracking logs to monitor the mandated timelines.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for 2010-2011;

N/A

Part B Annual Performance Report for 2010-2011

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

Monitoring Priority: Effective General Supervision Part B / General Supervision

Indicator 18: Percent of hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements.

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

Measurement: Percent = (3.1(a) divided by 3.1) times 100.

	Measurable and Rigorous Target
2010-2011	Maintain a 40% range rate of resolution agreements.

Data Source:

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

Actual Target Data for 2010-2011:

Virginia met the target for the 2010-2011 school year to maintain a 40 percent range rate of resolution agreements.

Year	# Resolutions Sessions Resolved Through Settlement Agreements	# Resolution Sessions	Percent
2009-2010	19	50	38
2010-2011	25	44	56

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for 2010-2011:

Progress/slippage

VDOE made progress from 2009-2010 to 2010-2011 with the resolution rate increasing from 38% in 2009-2010 to 56% for 2010-2011.

Part B Annual Performance Report for 2010-2011

Discussion of activities

During 2010-2011, activities listed for Indicator 18 in Virginia's State Performance Plan were implemented.

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

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

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

ODRAS will continue to provide guidance to school divisions and parents on the benefits of the Resolution Session, and how to conduct such sessions. ODRAS completed its draft technical assistance guidance on Resolution Sessions, expecting final printing and distribution in 2011-2012.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for 2010-2011:

N/A

Part B Annual Performance Report for 2010-2011

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

Monitoring Priority: Effective General Supervision Part B / General Supervision

Indicator 19: Percent of mediations held that resulted in mediation agreements.

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

Measurement:
 Percent = $[(2.1(a)(i) + 2.1(b)(i)) \text{ divided by } 2.1] \text{ times } 100.$

	Measurable and Rigorous Target
2010-2011	Maintain a 76-80+% range rate of mediations that result in mediation agreements, acknowledging that the goal is to provide quality in the mediation services by on-going training, observation of and debriefing with the mediators, as well as continuing to encourage and support mediations.*** 100% of mediations will not delay or deny the parent's right to a due process hearing.

Data Source:

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

Actual Target Data for 2010-2011:

Virginia met the target for the 2010-2011 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
2009-2010	56	76	74
2010-2011	68	87	78

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for 2010-2011:

Progress/slippage

The 78% agreement rate reported for this period falls within VDOE's target range and is an improvement over the percentage reported last year. VDOE maintains the same cadre of well trained and professional mediators, for whom ODRAS gives the same level of annual training and supervisory support. Mediators act in a facilitative role and do not control the agreement rate.

Part B Annual Performance Report for 2010-2011

Discussion of activities

During 2010-2011, activities listed for Indicator 19 in Virginia's State Performance Plan were implemented.

Mediators received 21 hours of training sponsored by ODRAS this year in case law, current practice in educating students with autism, twice exceptional students, ADA regulations, VDOE's special education FAQs, review of special cases and repairing trust among parties.

ODRAS mentored 8 cohort members of Virginia's Special Education Leadership Academy in July 2011, including a mini-training session on special education mediation.

ODRAS will continue to maintain its tracking logs and continuous communications with mediators, school division administrators and parents to ensure expeditious mediation activities and reports to Virginia.

ODRAS will continue its training efforts on mediation to parents and school personnel, as well as other consumers.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for 2010-2011:

N/A

Part B Annual Performance Report for 2010-2011

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

Monitoring Priority: Effective General Supervision Part B / General Supervision

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

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

Measurement:
 State reported data, including 618 data, 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 B).

	Measurable and Rigorous Target
2010-2011	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 2010-2011:

Virginia did meet the target for the 2010-2011 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 45 points for timely and complete data, passed edit check, and responded to data note requests on 618 data for a base totals of 90, resulting in an indicator score of 100 percent.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for 2010-2011:

Progress/Slippage

Virginia demonstrated progress toward the target in reporting all required data in a timely and accurate manner by increasing from an OSEP determined rate of 98 percent in 2009-2010 compared with 100 percent in 2010-2011.

Part B Annual Performance Report for 2010-2011

Discussion of activities

During 2010-2011, activities listed for Indicator 20 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 2010-2011:

N/A