

Part B Annual Performance Report (APR) for 2011-2012

Overview

The attached document is the Virginia Department of Education (VDOE) *Part B Annual Performance Report (APR) for 2011-2012*. 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.

The VDOE has developed its *Part B Annual Performance Report for 2011-2012* 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 slippage relative to targets, and improvement activities. The improvement activities are identified by number/letter within the indicator and listed in the appendix of this document (pages 66-71).

Documents included with the submission of the 2011-2012 APR include the following:

- Indicator 15 Worksheet (Embedded into Indicator 15)

New 2011-2012 baseline data, revised 2012-2013 targets, and improvement activities, as needed, are being submitted for Indicator 6 through submission of Virginia's State Performance Plan 2005-2012, Revised February 1, 2013.

Virginia's 2005-2012 State Performance Plan, Revised February 1, 2013 and the Part B Annual Performance Report for 2011-2012 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. Jeff Phenicie at 804-786-0308 or at jeff.phenicie@doe.virginia.gov for information related to the 2011-2012 Annual Performance Report or the 2005-2012 State Performance Plan, Revised February 1, 2013.

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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 adjusted cohort graduation rate required under the ESEA.

	Measurable and Rigorous Target
2011-2012	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 49.96 percent using 2010-2011 data.

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; including, the Modified Standard Diploma, the Special Diploma and the Certificate of Completion.

Actual Target Data for 2011-2012:

Virginia did not meet the 2011-2012 target of 49.96 percent. The graduation rate for 2010-2011 was 48.41 percent.

Data reported for this Indicator are consistent with the data reported by the 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 reports and uses 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 calculates, reports, and uses for federal accountability the four-year, five-year, and six-year federal graduation indicator.

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. Because the complete data on student graduation and completion, including summer graduates, are not available until after determinations are made each

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year, Virginia calculates Annual Measurable Objectives (AMO) determinations based on the previous year’s graduation data.

Virginia reports four-, five-, and six-year federal graduation indicators by subgroup for the state, and division and schools. The four- and five-year graduation indicators were used for reporting and Federal Annual Measurable Objectives (AMO) determination in 2011-2012. Six-year adjusted graduation indicators are now available, and will be applied to Federal AMO determinations made for the 2012-2013 school year.

The following goal and targets will be used for making Federal AMO determinations:

- Statewide goal: 80 percent of students graduate with a regular diploma in four, or five, or six years.
- Targets for continuous and substantial improvement: 10 percent reduction in the percent of nongraduating students from the previous year applied only to the adjusted four-year federal graduation rate.

After consultation with the United States 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 48.41 percent rate, the percent of nongraduating students would be 51.59 percent. A ten percent reduction to this rate would be 5.16 percent for a new nongraduating rate of 46.43. The target for 2012-2013 for Indicator 1 then becomes 53.57 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 5,761. The cohort of graduates was 11,901, resulting in a graduation rate reported for children with disabilities in VDOE’s CSPR of 48.41 percent.

Students with Disabilities who Received Standard and Advanced Study Diplomas:

Year	N	Total	Percent
2009-2010	5,445	12,267	44.39
2010-2011	5,761	11,901	48.41

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

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

Additional information can be found in Virginia’s *Consolidated State Application and Accountability Workbook, (Revised: Based on VBOE Actions through January 13, 2011)*. The *Accountability Workbook* can be found at:

http://www.doe.virginia.gov/federal_programs/esea/applications/consolidated/consolidated_app_account_wbk/accountability_workbook.pdf.

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Discussion of Improvement Activities and Explanation of Slippage, if the State did not meet its target that occurred for 2011-2012:

Explanation of Slippage

- N/A – Progress toward target

Improvement Activities (See Appendix - Pages 66-71)

- New: 80
- Continued: 1, 2, 3, 4, 5, 6, 7, and 8
- Revised: N/A
- Completed: N/A

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for 2012-2013:

The target for 2012-2013 cannot be computed until the graduation rate for the next reporting year is known, so the language reported here is just the language specified above: "...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 ...".

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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 a percentage using the number of youth with IEPs (ages 14-21) who exited special education due to dropping out in the numerator and the number of all youth with IEPs who left high school (ages 14-21) in the denominator.

NOTE: Per OSEP permitted flexibility, Virginia has opted to report using the same data source and measurement that Virginia used for its 2010-2011 APR that was submitted on February 1, 2012. (OSEP Memorandum 13-6 released 12/12/2012)

	Measurable and Rigorous Target
2011-2012	The dropout rate for students with disabilities will decrease to 2.10 percent.

Data Source:

Per OSEP permitted flexibility, data for Indicator 2 are taken from VDOE's end of year school division report. The data source and measurement are aligned with the ESEA. (OSEP Memorandum 13-6 released 12/12/2012)

Actual Target Data for 2011-2012:

Virginia did meet the 2011-2012 target to decrease the dropout rate for students with disabilities to 2.10 percent. For 2011-2012, the dropout rate for students with disabilities was 1.52 percent.

Dropout rate for students with disabilities:

Year	Dropouts	Membership	Percent
2009-2010	1,135	74,192	1.53
2010-2011	1,096	71,983	1.52

The 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 division approved educational program and does not meet any of the exclusionary conditions: transfer to another public school division, private school or state or division approved education program, temporary school-recognized absence due to suspension, illness or death. The drop-out rate calculation for students with disabilities is the same as for all students.

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Discussion of Improvement Activities and Explanation of Slippage, if the State did not meet its target that occurred for 2011-2012:

Explanation of Slippage

- N/A – Met target

Improvement Activities (See Appendix - Pages 66-71)

- New: 76, 77, 78, and 80
- Continued: 1, 5, 6, 7, 9, and 10
- Revised: N/A
- Completed: N/A

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for 2012-2013: N/A

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

Monitoring Priority: FAPE in the LRE

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

- A. Percent of the divisions with a disability subgroup that meets the State's minimum "n" size that meet the State's AMO 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.2 AMO percent = [(# of divisions with a disability subgroup that meets the State's minimum "n" size that meet the State's AMO targets for the disability subgroup) divided by the (total # of divisions 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 scoring at or above proficient against grade level, modified and alternate academic achievement standards) divided by the (total # of children with IEPs who received a valid score and for whom a proficiency level was assigned, and, calculated separately for reading and math)]. The proficiency rate includes both children with IEPs enrolled for a full academic year and those not enrolled for a full academic year.

	Measurable and Rigorous Target
2011-2012	<ul style="list-style-type: none"> A. At least 18 percent of Virginia's school divisions will meet AMO targets for the students with disabilities subgroup. B. At least 95 percent of students with disabilities will participate in state assessments. C. At least 59 percent of students with disabilities will pass state English/Reading assessments. At least 33 percent of students with disabilities will pass state Mathematics assessments.

Data Source:

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

The Elementary and Secondary Education Act (ESEA) – known since 2001 as No Child Left Behind (NCLB) – requires states to set annual measurable objectives for increasing student achievement to ensure that all children have an opportunity to obtain a high-quality education. Under the provisions of the two-year flexibility waiver granted by the U.S. Department of Education, the Virginia Board of Education has set new annual measurable objectives (AMOs) for raising achievement in the commonwealth's lowest-performing schools. These new annual measurable objectives in reading and mathematics replace the Adequate Yearly Progress (AYP) targets schools were previously required to meet. The AMOs were determined using a formula based on the federal law and student-achievement

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data from the state’s assessment program. Separate AMOs have been set for student subgroups, including students with disabilities. Information pertaining to the ESEA flexibility may be accessed at: http://www.doe.virginia.gov/federal_programs/esea/flexibility/index.shtml

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.

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 2011-2012:

Virginia’s performance relative to targets for the 2011-2012 school year for the three components of Indicator 3 is as follows:

Indicator 3A

Virginia met the 2011-2012 target that at least 18.0 percent of school divisions will meet AMO objectives for the students with disabilities subgroup. For 2011-2012, 40.5 percent of Virginia’s school divisions met AMO objectives for students with disabilities subgroup in reading and mathematics.

School divisions meeting AMO objectives for students with disabilities:

Year	N	Total	Percent
2010-2011	6	132	4.5
2011-2012	51	126*	40.5

* Six school divisions did not meet the state minimum “n” size in either math and/or English/reading.

Indicator 3B

Virginia met the 2011-2012 target that at least 95.0 percent of students with disabilities will participate in state assessments. For 2011-2012, 99.0 percent of students with IEPs participated in the state assessments in grades 3-8 and high school end-of-course.

Students with IEPs participating in English/Reading assessments:

Year	N	Total	Percent
2010-2011	82,601	83,068	99.0
2011-2012	85,429	85,945*	99.0

Students with IEPs participating in Math assessments:

Year	N	Total	Percent
2010-2011	95,753	96,596	99.0
2011-2012	98,984	100,044**	99.0

* 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.

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Indicator 3C

Virginia met the 2011-2012 target that at least 59 percent of students with disabilities will pass state English/Reading assessments. For 2011-2012, 65.6 percent of students with disabilities passed state English/Reading assessments in all grades 3-8 and high school end-of-course.

Students with disabilities passing state English/Reading assessments:

Year	N	Total	Percent
2010-2011	50,814	82,601	61.5
2011-2012	55,689	84,831*	65.6

Virginia met the 2011-2012 target that at least 33 percent of students with disabilities will pass state mathematics assessments. For 2011-2012, 39.8 percent of students with disabilities passed math assessments in all grades 3-8 and high school end-of-course.

Students with disabilities passing state Math assessments:

Year	N	Total	Percent
2010-2011	47,273	95,753	49.4
2011-2012	38,942	97,948**	39.8

* 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.

Discussion of Improvement Activities and Explanation of Slippage, if the State did not meet its target that occurred for 2011-2012:

Explanation of Slippage

Indicator 3A

- N/A – Met target

Indicator 3B

- Reading/Language Arts: N/A – No change in Virginia’s performance relative to the target
- Mathematics: N/A – No change in Virginia’s performance relative to the target

Indicator 3C

- Reading/Language Arts: N/A – Met target
- Mathematics: N/A – Met target

Improvement Activities (See Appendix - Pages 66-71)

- New: 80
- Continued: 1, 2, 3, 4, 11, 12, 13, 14, 15, 16, and 17
- Revised: 63
- Completed: N/A

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Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for 2012-2013:

Virginia has made changes to the proposed targets, through broad stakeholder input, for FFY2011 and FFY2012 to be consistent with the ESEA flexibility waiver, approved by the U.S. Department of Education. The revised baseline target in English/reading is 59 percent and mathematics is 33 percent for students with disabilities. The revised baseline targets were established using the results from the state assessments administered to students with disabilities in 2011-2012.

In addition, the revised mathematics target for FFY 2012 (2012-2013) is at least 41 percent of students with disabilities will pass the state mathematics assessments. A revised English/reading target for FFY 2012 (2012-2013) cannot be determined at this time due to new SOL English/reading assessments being administered in 2012-2013. Virginia will submit revised baseline data in English/reading for FFY 2012 (2013-2014) that will be calculated based on results from the revised reading assessments administered for the first time in school year 2012-2013.

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Overview of the Annual Performance Report Development:

Monitoring Priority: FAPE in the LRE

Indicator 4A: Rates of suspension and expulsion:

Percent of divisions 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.

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

Measurement:

Percent = [(# of divisions that have a significant discrepancy in the rates of suspensions and expulsions of greater than 10 days in a school year of children with IEPs) divided by the (# of divisions in the State)] times 100.

Include State’s definition of “significant discrepancy.”

Overview of Issue/Description of System or Process:

Data Source:

Discipline data used in Indicator 4A is the same as data reported to US DOE in EDFacts file number N006.

Definition of Significant Discrepancy and Identification of Comparison Methodology

Virginia has defined significant discrepancy as 2 times the State’s average rate of suspensions and expulsions of children with disabilities for greater than 10 days in a school year. This was calculated using the comparison to the state average and compares the rates of suspensions and expulsions of greater than 10 days in a school year for children with IEPs among divisions in the State.

Rates are computed for divisions with a minimum “n” size of 10 students with disabilities suspended or expelled more than 10 days in a school year.

(34 CFR §300.170(a))

Actual Target Data for 2011-2012 (using 2010-2011 data)

	Measurable and Rigorous Target
2011-2012 (using 2010-2011 data)	The percent of divisions 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 will be zero.

For this indicator, report data for the year before the reporting year (use 2010-2011 data).

14/132 = 10.6 percent

Part B Annual Performance Report (APR) for 2011-2012**Divisions with Significant Discrepancy in Rates for Suspension and Expulsion**

Year	Total Number of Divisions*	Number of Divisions that have Significant Discrepancies	Percent
2010-2011 (using 2009-2010 data)	132	10	7.57 percent
2011-2012 (using 2010-2011 data)	132	14	10.60 percent

*States can choose to either: (1) include the total number of divisions in the State in the denominator; or (2) include only the number of divisions that meet the minimum n-size in the denominator.

Four divisions were excluded from the calculation due to the small “n” size of ten students with disabilities suspended or expelled greater than ten days in a school year. Virginia reported the total number of divisions in the state in the denominator which is 132.

Review of Policies, Procedures, and Practices *(completed in 2011-2012 using 2010-2011 data): If any Divisions are identified with significant discrepancies:*

- a. VDOE provided each of the 14 divisions identified with significant discrepancies with a self-evaluation instrument containing related requirements of policies, procedures, and practices relating to the development 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 divisions were also provided a guidance document to help facilitate their reviews for a “drill down” approach to identify the root cause for significant discrepancies. Each division established a review team with both special education and general education staffs that included building administrators, teachers, and support staffs and submitted the results of their review to the VDOE.
- b. The VDOE reviewed each self-assessment and concluded that 1 of the 14 divisions had non-compliance with one of the requirements of 34 CFR §300.170(b).
- c. The VDOE directed the division to revise its policy, procedures, and practices as soon as possible, but no later than within one year of the date of original notification. The division submitted an acceptable corrective action plan. Monitoring staff are monitoring the division with items of non-compliance to ensure (1) it has corrected each individual case of non-compliance; and (2) it is correctly implementing the specific regulatory requirements. The status of compliance will be reported in the next APR report.

Discussion of Improvement Activities and Explanation of Slippage, if the State did not meet its target that occurred for 2011-2012:

Explanation of Slippage

- Virginia’s 2011-2012 rate is 10.60 percent of 132 divisions, greater than the target rate of zero of divisions with a significant discrepancy in the rate of suspensions and expulsions for children with disabilities greater than 10 days in a school year. Virginia had slippage of 3.03 points from 2010-2011. According to *Virginia’s Annual Report on Discipline, Crime, and Violence 2010-2011*, “Although there are uniform requirements and procedures governing the suspension and

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expulsion of students, local student conduct policies vary, and these differences affect the way that offenses and disciplinary actions are counted and reported (page 7).” Additionally, “Readers are cautioned against making comparisons between and among school divisions without taking into account local variations in the internal methods used to collect, code, and manage data (page 11).”

Improvement Activities (See Appendix - Pages 66-71)

- New: 76, 77, 78, and 80
- Continued: 71, 72, 73, 74, and 75
- Revised: N/A
- Completed: N/A

Correction of 2010-2011 Findings of Non-compliance:

1. Number of findings of non-compliance the State made during 2010-2011 (the period from July 1, 2010 through June 30, 2011) using 2009-2010 data	1
2. Number of 2010-2011 findings the State verified as timely corrected (corrected within one year from the date of notification to the division of the finding)	1
3. Number of 2010-2011 findings <u>not</u> verified as corrected within one year [(1) minus (2)]	0

Correction of 2010-2011 Findings of Non-compliance Not Timely Corrected (corrected more than one year from identification of the non-compliance):

4. Number of 2010-2011 findings not timely corrected (same as the number from (3) above)	0
5. Number of 2010-2011 findings the State has verified as corrected beyond the one-year timeline (“subsequent correction”)	0
6. Number of 2010-2011 findings <u>not</u> yet verified as corrected [(4) minus (5)]	0

Actions Taken if Non-compliance Not Corrected:

N/A

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Verification of Correction (either timely or subsequent):

The division with identified non-compliance submitted a corrective action plan (CAP) and met with VDOE monitoring staff for review and discussion. The VDOE approved the CAP and monitored its implementation. The division revised its procedure and practice concerning manifestation and provided training to applicable staff members. The VDOE used the division's IEP on-line system to monitor IEP development and implementation and determined that a random selection of affected IEPs were 100 percent compliant. The VDOE also reviewed a random selection of newly developed IEPs and determined that the selection was 100 percent compliant. The VDOE determined the division was now correctly implementing the requirements. The VDOE continued to monitor IEPs and has determined that the division is in compliance with the applicable requirement.

Correction of Remaining 2009-2010 Findings of Non-compliance (if applicable):

1. Number of remaining findings made during 2009-2010 (in the period from July 1, 2009 – June 30, 2010 using 2008-2009 data), noted in OSEP's June 1, 2012 2010-2011 APR response table for this indicator	0
2. Number of remaining 2009-2010 findings the State has verified as corrected	0
3. Number of remaining 2009-2010 findings the State has NOT verified as corrected [(1) minus (2)]	0

Correction of Any Remaining Findings of Non-compliance from 2008-2009 or Earlier (if applicable):

N/A

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Additional Information required by the OSEP APR Response Table for this Indicator (if applicable):

Statement from the Response Table	State's Response
<p>The State did not report the results of the review it conducted pursuant to 34 §CFR 300.170(b) for the divisions identified with significant discrepancies in 2010-2011 based on 2009-2010 data and in 2009-2010 based on 2008-2009 data.</p>	<p>Ten divisions were identified with a significant discrepancy based on 2009-2010 data and were required 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). VDOE's analysis of division's self assessments determined that one division had identified non-compliance.</p> <p>Fifteen divisions were identified with a significant discrepancy based on 2008-2009 data. Review and analyses of data and a self-assessment of policies, procedures, and practices relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards did not reveal non-compliance.</p>
<p>The State must report whether, as a result of the review, the State revised, or required the affected division to revise policies, procedures, and practices relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards to ensure compliance with the IDEA for the division identified with non-compliance in 2010-2011 based on 2009-2010 data.</p>	<p>The VDOE directed the division with identified non-compliance to develop a corrective action plan (CAP) to revise its policy, procedure, and practice 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. The division submitted a CAP and met with VDOE monitoring staff for review and discussion. The VDOE approved the CAP and monitored implementation. The division revised its procedure and practice and provided training to applicable staff members. The VDOE used the division's IEP on-line system to monitor IEP development and implementation and determined that the affected IEPs were corrected, and VDOE reviewed newly developed IEPs and determined that the division was now correctly implementing the requirements. The VDOE continued to monitor IEPs and has determined that the division is in compliance with the applicable requirement.</p>

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Additional Information required by the OSEP APR Response Table for this Indicator (if applicable):

Statement from the Response Table	State's Response
<p>The State must also, for the divisions identified with significant discrepancies in 2009-2010 based on 2008-2009 data, report on whether it identified any non-compliance as a result of the review, and if it did identify non-compliance, whether the State revised (or required the affected divisions to revise), the divisions' 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.</p>	<p>The VDOE reported in its 2009-2010 APR that 15 divisions were identified with significant discrepancies based on 2008-2009 data. The results of divisions' self-assessments and review of data did not reveal evidence of non-compliance with policies, procedures, and practices relating to the development and implementation of IEPs, use of positive behavioral interventions and supports, and procedural safeguards. Thus, none of the divisions were required to make revisions to their policies, procedures, or practices.</p>
<p>The State must report, in its 2011-2012 APR, on the correction of non-compliance that the State identified in 2010-2011 as a result of the review it conducted pursuant to 34 CFR 34 §CFR 300.170(b) for divisions identified with significant discrepancies based on 2009-2010 data and any non-compliance that the State identified as a result of the review of divisions identified with significant discrepancies based on 2008-2009 data. When reporting on the correction of this non-compliance, the State must report that it has verified that each division with non-compliance identified by the State: (1) has corrected each individual case of non-compliance, unless the child is no longer within the jurisdiction of the division, consistent with OSEP Memorandum 09-02, dated October 17, 2008 (OSEP Memo 09-02) in the 2011-2012 APR, the State must describe the specific actions that were taken to verify the correction; and (2) is correctly implementing the specific regulatory requirements (i.e., achieved 100 percent compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system.</p>	<p>Of the 14 divisions identified with significant discrepancies based on 2009-2010 data, it was determined that one division was in non-compliance with the applicable requirements. The VDOE monitored the division's IEPs using its IEP on-line system and conducted on-site visits and has determined that individual cases of non-compliance were corrected and the division is correctly implementing the specific regulatory requirements. The division achieved 100 percent compliance on a random selection of IEPs.</p> <p>Of the 15 divisions identified with significant discrepancies based on 2008-2009 data, review of each division's policy, procedures, and practices did not reveal non-compliance.</p>

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for 2012-2013 (if applicable): N/A

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Overview of the Annual Performance Report Development:

Monitoring Priority: FAPE in the LRE

Indicator 4B: Rates of suspension and expulsion:

Percent of divisions 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:

Percent = [(# of divisions 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 divisions in the State)] times 100.

Overview of Issue/Description of System or Process:

Data Source:

Discipline data used in Indicator 4B is the same as data reported to US DOE in EDFacts file number N006.

Definition of Significant Discrepancy and Methodology

Virginia has defined significant discrepancy as 2 times the State's average rate of suspensions and expulsions of children with disabilities for greater than 10 days in a school year. This was calculated using the comparison to the state average and compares the rates of suspensions and expulsions of greater than 10 days in a school year for children with IEPs among divisions in the State.

Rates are computed for divisions with a minimum "n" size of 10 students with disabilities by race/ethnicity suspended or expelled more than 10 days in a school year.

(34 CFR §300.170(a)):

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Actual Target Data for 2011-2012 (using 2010-2011 data)

	Measurable and Rigorous Target
2011-2012 (using 2010-2011 data)	0 percent of divisions 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.

For this indicator, report data for the year before the reporting year (use 2010-2011 data).

12/132 = 9.09 percent

4B(a). Divisions with Significant Discrepancy, by Race or Ethnicity*, in Rates of Suspension and Expulsion:

Year	Total Number of Divisions*	Number of Divisions that have Significant Discrepancies by Race or Ethnicity	Percent
2010-2011 (using 2009-2010 data)	132	7	5.30 percent
2011-2012 (using 2010-2011 data)	132	12	9.09 percent

*States can choose to either: (1) include the total number of divisions in the State in the denominator; or (2) include only the number of divisions that meet the minimum n-size in the denominator.

Thirty divisions were excluded from the calculation due to the small “n” size of ten students with disabilities by race/ethnicity suspended or expelled greater than ten days in a school year. Virginia reported the total number of divisions in the state in the denominator which is 132.

Part B Annual Performance Report (APR) for 2011-2012

4B(b). Divisions with Significant Discrepancy, by Race or Ethnicity, in Rates of Suspensions and Expulsions; and 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.

Year	Total Number of Divisions*	Number of Divisions that have Significant Discrepancies, by Race or Ethnicity, and 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.	Percent
2010-2011 (using 2009-2010 data)	132	1	0.76 percent
2011-2012 (using 2010-2011 data)	132	1	0.76 percent

*States can choose to either: (1) include the total number of divisions in the State in the denominator; or (2) include only the number of divisions that meet the minimum n-size in the denominator.

Thirty divisions were excluded from the calculation due to the small “n” size of ten students with disabilities by race/ethnicity suspended or expelled greater than ten days in a school year. Virginia reported the total number of divisions in the state in the denominator which is 132.

Review of Policies, Procedures, and Practices (completed in 2011-2012 using 2010-2011 data): If any divisions are identified with significant discrepancies:

- a. The VDOE provided each of the 12 divisions identified with significant discrepancies with a self-evaluation instrument containing related requirements of policies, procedures, and practices relating to the development 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 divisions were also provided a guidance document to facilitate their reviews and to use a “drill down” approach to identify the root cause for non-compliance. Each division established a review team with both special education and general education staffs that included building administrators, teachers, and support staffs and submitted the results of their review to the VDOE.
- b. The VDOE reviewed each self-assessment and concluded that 1 of the 12 divisions had non-compliance with one of the requirements of 34 CFR §300.170(b).
- c. The VDOE directed the division to revise its policy, procedures, and practices as soon as possible, but no later than June 30, 2013. The division submitted an acceptable corrective action plan. The VDOE monitoring staff is monitoring the division’s progress to ensure each identified individual case of non-compliance is corrected and is examining new student records to ensure the school division is correctly implementing the requirements. The status of compliance will be reported in the next APR report.

Part B Annual Performance Report (APR) for 2011-2012

Discussion of Improvement Activities and Explanation of Slippage, if the State did not meet its target that occurred for 2011-2012:

Explanation of Slippage

- N/A – No change

Improvement Activities (See Appendix - Pages 66-71)

- New: 76, 77, 78, and 80
- Continued: 71, 72, 73, 74, and 75
- Revised: N/A
- Completed: N/A

Correction of 2010-2011 Findings of Non-compliance:

1. Number of findings of non-compliance the State made during 2010-2011 (the period from July 1, 2010 through June 30, 2011) using 2009-2010 data	1
2. Number of 2010-2011 findings the State verified as timely corrected (corrected within one year from the date of notification to the division of the finding)	1
3. Number of 2010-2011 findings <u>not</u> verified as corrected within one year [(1) minus (2)]	0

Correction of 2010-2011 Findings of Non-compliance Not Timely Corrected (corrected more than one year from identification of the non-compliance):

4. Number of 2010-2011 findings not timely corrected (same as the number from (3) above)	0
5. Number of 2010-2011 findings the State has verified as corrected beyond the one-year timeline ("subsequent correction")	0
6. Number of 2010-2011 findings <u>not</u> yet verified as corrected [(4) minus (5)]	0

Actions Taken if Non-compliance Not Corrected:

N/A

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Verification of Correction (either timely or subsequent):

The division with identified non-compliance submitted a corrective action plan (CAP) and met with VDOE monitoring staff for review and discussion. The VDOE approved the CAP and monitored its implementation. The division revised its procedure and practice concerning manifestation and provided training to applicable staff members. The VDOE used the division’s IEP on-line system and conducted on-site reviews to monitor IEP development and implementation and determined that 100 percent of a random selection of affected IEPs was corrected. The VDOE also reviewed a random selection of newly developed IEPs and determined that 100 percent of those reviewed were in compliance with the requirement. The VDOE has determined that the division is correctly implementing the requirements. The VDOE continued to monitor IEPs, made on-site visits and has determined that the division is in compliance with the applicable requirements.

Correction of Remaining 2009-2010 Findings of Non-compliance (if applicable):

1. Number of remaining findings for 2009-2010 (in the period from July 1, 2009 – June 30, 2010 using 2008-2009 data), noted in OSEP’s June 27, 2012 2010-2011 APR response table for this indicator	0
2. Number of remaining 2009-2010 findings the State has verified as corrected	0
3. Number of remaining 2009-2010 findings the State has NOT verified as corrected [(1) minus (2)]	0

Correction of Any Remaining Findings of Non-compliance from 2008-2009 or Earlier (if applicable):

N/A

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Additional Information required by the OSEP APR Response Table for this Indicator (if applicable):

Statement from the Response Table	State's Response
<p>The State did not report, for the division identified with significant discrepancies in 2009-2010 based, on 2008-2009 data, on whether it revised (or required the affected division to revise) 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 in 34 §CFR 300.170(b).</p>	<p>The VDOE reported in its 2009-2010 APR that 23 divisions were identified with a significant discrepancy, by race or ethnicity, in their rate of suspensions and expulsions for students with disabilities. One division found non-compliance with applicable policy, procedures, and practices relating to the development and implementation of IEPs. The VDOE required the division to revise the applicable policy, procedures, and practices. The VDOE used the division's IEP on-line system and conducted on-site reviews to monitor IEP development and implementation and determined that 100 percent of random selection of affected IEPs was corrected. The VDOE also reviewed a random selection of newly developed IEPs and determined that 100 percent of those reviewed were in compliance with the requirement. The VDOE has determined that the division is correctly implementing the requirements. The VDOE continued to monitor IEPs, made on-site visits and has determined that the division continues to be in compliance with the applicable requirements.</p>
<p>The State must report, for the division identified with non-compliance in 2010-2011 based on 2009-2010 data, whether, as a result of the review, the State revised, or required the affected division to revise 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.</p>	<p>The VDOE required the division with identified non-compliance in 2010-2011 to submit a corrective action plan as a result of its comprehensive self-assessment of policies, procedures, and practices relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards. The division submitted an acceptable plan to revise its procedure and practices. The VDOE used the division's IEP on-line system and conducted on-site reviews to monitor IEP development and implementation and determined that 100 percent of a random selection of affected IEPs was corrected. The VDOE also reviewed a random selection of newly developed IEPs and determined that 100 percent of those reviewed were in compliance with the requirement. The VDOE has determined that the division is correctly implementing the requirements. The VDOE continued to monitor IEPs, made on-site visits and has determined that the division continues to be in compliance with the applicable requirements.</p>

Part B Annual Performance Report (APR) for 2011-2012

Additional Information required by the OSEP APR Response Table for this Indicator (if applicable):

Statement from the Response Table	State's Response
<p>The State must also report, for the divisions identified with significant discrepancies in 2009-2010 based on 2008-2009 data, on whether it identified any non-compliance as a result of the review, and if it did identify non-compliance, whether the State revised (or required the affected divisions to revise), the divisions' 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.</p>	<p>Of the 15 divisions identified with significant discrepancies in 2009-2010, Four divisions identified non-compliance, and VDOE directed the divisions to submit a corrective action plan (CAP) that address each finding. The divisions were required to change their procedure and practice relating to the development and implementation of IEPs, and the use of positive behavioral interventions and supports. The four divisions submitted approved CAPs. The VDOE used the division's IEP on-line systems and conducted on-site reviews to monitor IEP development and implementation and determined that 100 percent of a random selection of affected IEPs was corrected. The VDOE also reviewed a random selection of newly developed IEPs and determined that 100 percent of those reviewed were in compliance with the requirement. The VDOE has determined that the divisions are correctly implementing the requirements. The VDOE continued to monitor IEPs, made on-site visits and has determined that the divisions continue to be in compliance with the applicable requirements.</p>

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for 2012-2013 (if applicable): N/A

Part B Annual Performance Report (APR) for 2011-2012

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

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

Measurement:	
A.	Percent = [(# of children with IEPs served inside the regular class 80 percent or more of the day) divided by the (total # of students aged 6 through 21 with IEPs)] times 100.
B.	Percent = [(# of children with IEPs served inside the regular class less than 40 percent of the day) divided by the (total # of students aged 6 through 21 with IEPs)] times 100.
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.

	Measurable and Rigorous Target
2011-2012	<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 percent.</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 used in Indicator 5 is the same as data reported to US DOE under IDEA section 618 (EDEN C002)

Actual Target Data for 2011-2012:

Indicator 5A

Virginia did not meet the 2011-2012 target that 68 percent of students with disabilities ages 6-21 would spend at least 80 percent of the day in the regular class. For 2011-2012, 61.8 percent of students ages 6-21 spent at least 80 percent of their day in the regular classroom.

Children inside the regular class 80 percent or more

Year	Number	Total	Percent
2010-2011	80,476	145,267	55.3
2011-2012	89,336	144,521	61.8

Part B Annual Performance Report (APR) for 2011-2012

Indicator 5B

Virginia did not meet the 2011-2012 target that 8 percent of students with disabilities ages 6-21 would spend less than 40 percent of the day in the regular classroom. For 2011-2012, 12.5 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 percent

Year	Number	Total	Percent
2010-2011	26,899	145,267	18.5
2011-2012	18,128	144,521	12.5

Indicator 5C

Virginia did not meet the 2011-2012 target 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 2011-2012, 3.6 percent of students ages 6-21 received their special education services in separate public or private schools, residential placements, or homebound or hospital placements.

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

Year	Number	Total	Percent
2010-2011	5,174	145,267	3.5
2011-2012	5,253	144,521	3.6

Discussion of Improvement Activities and Explanation of Slippage, if the State did not meet its target that occurred for 2011-2012:

Explanation of Slippage

Indicator 5A

- N/A – Progress toward target

Indicator 5B

- N/A – Progress toward target

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 3.5 percent in 2010-2011 compared to 3.6 percent in 2011-2012. 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 students with disabilities placed into these settings for non-educational reasons by other Virginia human service agencies; these departments include the Department of Social Services and the Department of Behavioral Health and Developmental Services. The placements by non-educational agencies increases the number, and adversely affect the percentage, of students with disabilities in separate schools, residential facilities, or homebound/hospital placements.

Part B Annual Performance Report (APR) for 2011-2012

Improvement Activities (See Appendix - Pages 66-71)

- New: 80
- Continued: 15 and 18
- Revised: 63
- Completed: N/A

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for 2012-2013: N/A

Part B Annual Performance Report (APR) for 2011-2012

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.

	Measurable and Rigorous Target
2011-2012	N/A – Baseline (2011-2012) and Measureable and Rigorous Targets (2012-2013) are submitted in the 2011-2012 SPP.

Baseline data has been submitted in the 2011-2012 State Performance Plan (SPP) along with measurable and rigorous targets for 2012-2013 that were discussed with a group of stakeholders before they were set.

Actual Target Data for 2011-2012: N/A

Discussion of Improvement Activities and Explanation of Slippage, if the State did not meet its target that occurred for 2011-2012:

Explanation of Slippage

- N/A – States were not required to report data in 2011-2012

Improvement Activities

- N/A – Included in 2011-2012 SPP

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines /

Resources for 2012-2013: N/A - Baseline data, targets, and improvement activities were submitted in the FFY 2011 (2011-2012) SPP that will be offer through the FY2012.

Part B Annual Performance Report (APR) for 2011-2012

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

Summary Statements for Each of the Three Outcomes:

Summary Statement 1: Of those preschool children who entered or exited 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 = $\frac{\# \text{ of preschool children reported in progress category (c) plus } \# \text{ of preschool children reported in category (d)}}{\# \text{ of preschool children reported in progress category (a) plus } \# \text{ of preschool children reported in progress category (b) plus } \# \text{ of preschool children reported in progress category (c) plus } \# \text{ of preschool children reported in progress category (d)}} \times 100$.

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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
2011-2012	<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 percent. • 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 percent. <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 percent. • 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 percent. <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 percent. • 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 percent.

Data Source:

The 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.

The 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 (APR) for 2011-2012**Actual Target Data for 2011-2012:**

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	Percent
A. Positive social-emotional skills (including social relationships):		
a. Percent of preschool children who did not improve functioning	91	1.7
b. Percent of preschool children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers	387	7.4
c. Percent of preschool children who improved functioning to a level nearer to same-aged peers but did not reach it	1728	33.0
d. Percent of preschool children who improved functioning to reach a level comparable to same-aged peers	1813	34.6
e. Percent of preschool children who maintained functioning at a level comparable to same-aged peers	1216	23.2
Total # for A = (a + b + c + d + e)	5235	100

Indicator 7B	N	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	37	0.7
b. Percent of preschool children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers	345	6.6
c. Percent of preschool children who improved functioning to a level nearer to same-aged peers but did not reach it	2468	47.1
d. Percent of preschool children who improved functioning to reach a level comparable to same-aged peers	2114	40.4
e. Percent of preschool children who maintained functioning at a level comparable to same-aged peers	271	5.2
Total # B = (a + b + c + d + e)	5235	100

Indicator 7C	N	Percent
C. Use of appropriate behaviors to meet their needs.		
a. Percent of preschool children who did not improve functioning	72	1.4
b. Percent of preschool children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers	336	6.4

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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	1434	27.4
d. Percent of preschool children who improved functioning to reach a level comparable to same-aged peers	1888	36.1
e. Percent of preschool children who maintained functioning at a level comparable to same-aged peers	1505	28.7
Total # for C = (a + b + c + d + e)	5235	100

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

Virginia did meet the 2011-2012 target 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 88.1 percent reported.

Virginia did meet the 2011-2012 target 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 57.9 percent reported.

Percent of preschool children aged 3 through 5 with IEPs who demonstrate improved positive social-emotional skills (including social relationships)	2011-2012 Data	2011-2012 Targets
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	88.1	86
The percent of preschool children who were functioning within age expectations by the time they turned 6 years of age or exited the program	57.9	56

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

Virginia did meet the 2011-2012 target 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 92.3 percent reported.

Virginia did meet the 2011-2012 target 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 45.6 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)	2011-2012 Data	2011-2012 Targets
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	92.3	90
The percent of preschool children who were functioning within age expectations by the time they turned 6 years of age or exited the program	45.6	39

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

Virginia did meet the 2011-2012 target 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 89.1 percent reported.

Virginia did meet the 2011-2012 target that 62 percent of preschool children were functioning within age expectations by the time they turned 6 years of age or exited the program, with 64.8 percent reported.

Percent of preschool children aged 3 through 5 with IEPs who demonstrate improved use of appropriate behaviors to meet their needs.	2011-2012 Data	2011-2012 Targets
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	89.1	87
The percent of preschool children who were functioning within age expectations by the time they turned 6 years of age or exited the program	64.8	62

Discussion of Improvement Activities and Explanation of Slippage, if the State did not meet its target that occurred for 2011-2012:

Explanation of Slippage

- N/A – Met all 6 targets for Indicator 7

Improvement Activities (See Appendix - Pages 66-71)

- New: N/A
- Continued: A, B, C, D, and E
- Revised: N/A
- Completed: N/A

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for 2012-2013: N/A

Part B Annual Performance Report (APR) for 2011-2012

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
2011-2012	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 2011-2012 school year, the 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. The instrument is designed to collect census data, and is not a sampling instrument.

For the 2011-2012 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 but three divisions, all disability groups, and all race/ethnic groups. The data do not fully correspond to the demographics of the state. The nature of the survey instrument, as a census, does not allow the VDOE to control for demographics. To address this issue, the VDOE will explore moving to a sampling methodology for future Indicator 8 data collections.

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 2011-2012:

Virginia met the 2011-2012 target that 78 percent of parents with a child receiving special education services who responded to the survey reporting that schools facilitated parent involvement as a means of improving services and results for children with disabilities. 4,831 out of 6,031 respondents reported that schools facilitated parent involvement as a means of improving services and results for children with disabilities for 80.1 percent.

Part B Annual Performance Report (APR) for 2011-2012

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

Year	N	Total	Percent
2010-2011	5,938	6,980	85.0
2011-2012	4,831	6,031	80.1

Discussion of Improvement Activities and Explanation of Slippage, if the State did not meet its target that occurred for 2011-2012:

Explanation of Slippage

- N/A – Met target

Improvement Activities (See Appendix - Pages 66-71)

- New: 79
- Continued: 20, 21, 22, 23, and 24
- Revised: N/A
- Completed: N/A

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for 2012-2013: N/A

Part B Annual Performance Report (APR) for 2011-2012

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

Monitoring Priority: Disproportionality

Indicator 9: Percent of divisions 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 divisions 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 divisions in the State)] times 100.

Include State’s definition of “disproportionate representation.”

Based on its review of the 618 data for 2011-2012, describe how the State made its annual determination that the disproportionate overrepresentation it identified 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 division, for all racial and ethnic groups in the division, or all racial and ethnic groups in the division that meet a minimum 'n' size set by the State. Report on the percent of divisions 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 2011-2012 reporting period, i.e., after June 30, 2012. If inappropriate identification is identified, report on corrective actions taken.

	Measurable and Rigorous Target
2011-2012	Zero 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, and school division summary of individual student record reviews.

Actual Target Data for 2011-2012:

Virginia met the 2011-2012 target 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 2011-2012 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 zero.

Year	N	Total	Percent
2010-2011	0	132	0
2011-2012	0	132	0

Part B Annual Performance Report (APR) for 2011-2012

The 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 (1) 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 (2) violations of regulatory or procedural requirements related to the identification of students as students with disabilities in that racial/ethnic group have been documented.

The VDOE determined the existence of 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

The VDOE used a comparison model to calculate and determine if divisions had disproportionate representation. 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 than the adjusted number, the division was included in the level two analysis.

All 132 divisions (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 2011-2012, 98 school divisions were identified in the level one analysis and subjected to this level two analysis.

Corrected non-compliance from 2011-2012

There were no school divisions in 2011-2012 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 non-compliance findings to be corrected.

Part B Annual Performance Report (APR) for 2011-2012

Discussion of Improvement Activities and Explanation of Slippage, if the State did not meet its target that occurred for 2011-2012:

Explanation of Slippage

- N/A – Met target

Improvement Activities (See Appendix - Pages 66-71)

- New: 76, 77, 78, 80, and 81
- Continued: 25, 26, 27, and 28
- Revised: N/A
- Completed: N/A

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for 2012-2013: N/A

Part B Annual Performance Report (APR) for 2011-2012

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

Monitoring Priority: Disproportionality

Indicator 10: Percent of divisions 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 divisions with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification) divided by the (# of divisions in the State)] times 100.

Include State’s definition of “disproportionate representation.”

Based on its review of the 618 data for 2011-2012, describe how the State made its annual determination that the disproportionate overrepresentation it identified 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 division, for all racial and ethnic groups in the division, or all racial and ethnic groups in the division that meet a minimum 'n' size set by the State. Report on the percent of divisions 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 2011-2012 reporting period, i.e., after June 30, 2012. If inappropriate identification is identified, report on corrective actions taken.

	Measurable and Rigorous Target
2011-2012	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 2011-2012:

Virginia met the 2011-2012 target 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 2011-2012 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 (APR) for 2011-2012

Divisions 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
2010-2011	0	132	0
2011-2012	0	132	0

The 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.

The determination of inappropriate identification is based on 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 in divisions with inappropriate identification.

The 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

The VDOE used a comparison model to calculate and determine if divisions had disproportionate representation for the following disability categories: Intellectual disabilities, 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 than the adjusted number, the school division was included in the level two analysis.

All 132 divisions (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 the VDOE a written assurance, certified by signature of the Superintendent/Designee of the school division, that policies and procedures are in effect which are designed to prevent disproportionate representation by race and ethnicity of children as children with disabilities, including children with disabilities with a particular impairment.

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

Part B Annual Performance Report (APR) for 2011-2012

School divisions submitted a written summary of their student record review to the 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 2011-2012, there were 108 school divisions subjected to this level two analysis.

Corrected non-compliance from 2011-2012

There were no school divisions in 2011-2012 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 non-compliance findings to be corrected.

Discussion of Improvement Activities and Explanation of Slippage, if the State did not meet its target that occurred for 2011-2012:

Explanation of Slippage

- N/A – Met target

Improvement Activities (See Appendix - Pages 66-71)

- New: 29, 76, 77, 78, 80, and 81
- Continued: 25, 27, and 28
- Revised: N/A
- Completed: N/A

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for 2012-2013: N/A

Part B Annual Performance Report (APR) for 2011-2012

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))

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.

	Measurable and Rigorous Target
2011-2012	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 the VDOE. This spreadsheet allowed divisions to maintain data on all initial referrals to special education 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 2011-2012:

Virginia did not meet the 2011-2012 target that 100 percent of children with parental consent to evaluate will be evaluated and have eligibility determined within 65 business days. For the 2011-2012 school year, school divisions reported 29,697 children were evaluated and had eligibility determined within 65 business days out of 30,097 children for whom consent was received for evaluation, for a percentage of 98.7 percent.

Children evaluated and had eligibility determined within 65 business days:

Year	Numerator	Denominator	Percent
2010-2011	28,121	28,599	98.3
2011-2012	29,697	30,097	98.7

Part B Annual Performance Report (APR) for 2011-2012

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

Range of business days beyond 65-day timeline	Number of children
1-5	171
6-15	103
16-25	40
26-35	26
36-45	18
46 and beyond	42
Total	400

Reported reasons for exceeding the 65-day timeline included:

Reported reason for exceeding the 65-day timeline	Number of children
Staffing issues and/or, parent requests to reschedule meetings	190
Paperwork errors	185
Inconclusive testing	18
Children not available	6
Inclement weather	1
Total	400

Correction of previously identified non-compliance:

The VDOE has determined that all of the 478 items of non-compliance specific to Indicator 11, identified in 2010-2011 were corrected consistent with OSEP Memo 09-02. Each division with items of non-compliance (1) has completed the evaluation (including eligibility), although late, for any child whose initial evaluation was not timely, unless the child is no longer within the jurisdiction of the division; and (2) is correctly implementing the specific regulatory requirements (i.e., achieved 100 percent compliance) based on a review of updated data such as data subsequently collected through on-site monitoring.

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

The VDOE verified the correction of non-compliance identified in 2010-2011 through its monitoring activities, i.e., on-site visits, desk reviews and internal review of data. The VDOE verified that each school division with previously identified non-compliance findings from 2010-2011 is correctly implementing the specific regulatory requirements. Correction of individual cases of non-compliance were verified and a review of updated or new records revealed that each school division had achieved 100 percent compliance. The VDOE's procedure for determining corrections of non-compliance 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 non-compliance. School divisions were required to identify strategies that would address the reasons for non-compliance and other barriers causing non-compliance. VDOE staff worked with school divisions in developing their CAPs and required updates on its 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.

Part B Annual Performance Report (APR) for 2011-2012

Because Virginia did not report 100 percent compliance for 2011-2012, VDOE reviewed its improvement activities. No revisions were necessary.

Discussion of Improvement Activities and Explanation of Slippage, if the State did not meet its target that occurred for 2011-2012:

Explanation of Slippage

- N/A – Progress toward target

Improvement Activities (See Appendix - Pages 66-71)

- New: 29 and 80
- Continued: 30, 31, and 32
- Revised: N/A
- Completed: N/A

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for 2012-2013: N/A

Part B Annual Performance Report (APR) for 2011-2012

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 determined to be eligible for early intervention services under 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
2011-2012	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 the VDOE. The spreadsheet allowed divisions to maintain data on individual students and to submit division totals to the State

Actual Target Data for 2011-2012:

Virginia did not meet the 2011-2012 target 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 2011-2012 school year, 1,980 children of the 1,993 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 99.3 percent.

Part B Annual Performance Report (APR) for 2011-2012

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: 2838
- b. The number of those referred determined to be NOT eligible and whose eligibility was determined prior to their third birthdays: 438 (deducted from the starting number of 2838 Part C referrals)
- c. The number of those found eligible who have an IEP developed and implemented by their third birthdays: 1980
- d. The number of children for whom parent refusal to provide consent caused withdrawal from the process, other extenuating circumstances, or delays in evaluation or initial services or whom exceptions under 34 CFR §300.301(d) applied: 287 (deducted from the starting number of 2838 Part C referrals);
- e. The number of children determined to be eligible for early intervention services under Part C less than 90 days before their third birthdays: 120 (deducted from the starting number of 2838 Part C referrals).

The totals used in the calculation below were arrived at by deducting the 438 students referred but determined to be NOT eligible and whose eligibility was determined prior to their third birthdays, and deducting the 287 children for whom parent refusal to provide consent, withdrawal from the process, other extenuating circumstances, or caused delays in evaluation or initial services or whom exceptions under 34 CFR §300.301(d) applied, and deducting the 120 children determined to be eligible for early intervention services under Part C less than 90 days before their third birthdays from the 2838 total number of children who have been served in Part C and referred to Part B for Part B eligibility determination: $(2838 - 438 - 287 - 120 - 100 = 1993)$.

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
2010-2011	1827	1827	100.0
2011-2012	1980	1993	99.3

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

Range of business days beyond required timeline	Number of children
1-5	2
6-15	3
16-25	4
26-35	3
36-45	1
46 and beyond	0
Total	13

Correction of non-compliance from 2010-2011

N/A - There were no non-compliance findings to be corrected from 2010-2011.

Part B Annual Performance Report (APR) for 2011-2012

Because Virginia did not report 100 percent compliance for 2011-2012, the VDOE reviewed its improvement activities. No revisions were necessary.

Discussion of Improvement Activities and Explanation of Slippage, if the State did not meet its target that occurred for 2011-2012:

Explanation of Slippage

- Virginia showed slippage from the target of 100 percent compliance with 100 percent compliance in 2010-2011 compared with 99.3 percent compliance in 2011-2012, 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. Communication between systems and paperwork errors were the two issues for the non-compliance. Both issues have been corrected through training, monitoring, and meetings facilitated by state Part C and VDOE staff. New forms and processes due to the new Part C regulations have contributed to the corrections in a timely manner of the non-compliance issues.

Improvement Activities (See Appendix - Pages 66-71)

- New: N/A
- Continued: F, G, H, I, and J
- Revised: N/A
- Completed: N/A

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for 2012-2013: N/A

Part B Annual Performance Report (APR) for 2011-2012

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
2011-2012	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:

All school divisions use a seven question checklist developed by VDOE employing the language from Indicator 13. Technical assistance provided by the National Secondary Transition Technical Assistance Center (NSTTAC) was also incorporated into the checklist. School divisions’ submitted data for Indicator 13 through a web based application developed by VDOE, in collaboration with Research Rehabilitation Training Center at Virginia Commonwealth University. All components of Indicator 13 are included in the application and data entered reflect information included in IEPs developed during the 2011-2012 school year (July 1, 2011 – June 30, 2012).

Part B Annual Performance Report (APR) for 2011-2012**Actual Target Data for 2011-2012:**

Virginia did not meet the 2011-2012 target that 100 percent of youth with IEPs aged 16 and above will have an IEP that includes appropriate measurable postsecondary goals that are annually updated and based upon an age appropriate transition assessment, transition services, including courses of study, that will reasonably enable the student to meet those postsecondary goals, and annual IEP goals related to the student's transition services needs. There also must be evidence that the student was invited to the IEP Team meeting where transition services are to be discussed and evidence that, if appropriate, a representative of any participating agency was invited to the IEP Team meeting with the prior consent of the parent or student who has reached the age of majority. School divisions reported 8,014 out of 8,141 IEPs met the requirement, for a percentage of 98.43 percent

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
2010-2011	8,914	8,785	98.55
2011-2012	8,141	8,014	98.43

Correction of non-compliance from 2010-2011

The VDOE has determined that 10 of 11 divisions identified with student level non-compliance specific to Indicator 13, identified in 2010-2011, has corrected the non-compliance within one year of identification and the one remaining division has since subsequently corrected. Each division with non-compliance findings (1) has corrected each individual case of non-compliance, unless the child is no longer within the jurisdiction of the division; and (2) is correctly implementing the specific regulatory requirements (i.e., achieved 100 percent compliance) based on a review of updated data such as data subsequently collected through on-site monitoring.

The VDOE verified the correction of non-compliance identified in 2010-2011 through its monitoring activities, (i.e. on-site visits, desk reviews and internal review of data). The VDOE verified that each school divisions with previously identified instances of student level non-compliance from 2010-2011 are correctly implementing the specific regulatory requirements. Correction of individual instances of non-compliance were verified and a review of updated or new record. The VDOE's procedure for determining corrections of non-compliance 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 were in non-compliance. School divisions were required to identify strategies that would address the reasons for non-compliance and any other identified barrier. The 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.

Because Virginia did not report 100 percent compliance for 2011-2012, the VDOE reviewed its improvement activities. No revisions were necessary.

Part B Annual Performance Report (APR) for 2011-2012

Discussion of Improvement Activities and Explanation of Slippage, if the State did not meet its target that occurred for 2011-2012:

Explanation of Slippage

Although there was slippage in 2011-2012 for this indicator, analysis of the proportion of compliant IEPs in 2012 (98.43 percent) and the proportion of compliant IEPs in 2011 (98.55 percent) yielded no significant difference using chi square ($\chi^2 = 0.007$, $p = 0.933$).

Improvement Activities (See Appendix - Pages 66-71)

- New: 80
- Continued: 1, 33, 35, 36, 37, 38, 39, and 40
- Revised: N/A
- Completed: N/A

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for 2012-2013: N/A

Part B Annual Performance Report (APR) for 2011-2012

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))

<p>Measurement:</p> <p>A. Percent enrolled in higher education = [(# of youth who are no longer in secondary school, had IEPs in effect at the time they left school and were enrolled in higher education within one year of leaving high school) divided by the (# of respondent youth who are no longer in secondary school and had IEPs in effect at the time they left school)] times 100.</p> <p>B. Percent enrolled in higher education or competitively employed within one year of leaving high school = [(# of youth who are no longer in secondary school, had IEPs in effect at the time they left school and were enrolled in higher education or competitively employed within one year of leaving high school) divided by the (# of respondent youth who are no longer in secondary school and had IEPs in effect at the time they left school)] times 100.</p> <p>C. Percent enrolled in higher education, or in some other postsecondary education or training program; or competitively employed or in some other employment = [(# of youth who are no longer in secondary school, had IEPs in effect at the time they left school and were enrolled in higher education, or in some other postsecondary education or training program; or competitively employed or in some other employment) divided by the (# of respondent youth who are no longer in secondary school and had IEPs in effect at the time they left school)] times 100.</p>
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	Measurable and Rigorous Target
2011-2012	<p>Percent of youth who are no longer in secondary school, had IEPs in effect at the time they left school, and were:</p> <p>A. Enrolled in higher education within one year of leaving high school will be 32 percent.</p> <p>B. Enrolled in higher education or competitively employed within one year of leaving high school will be 55 percent.</p> <p>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 percent.</p>

Part B Annual Performance Report (APR) for 2011-2012

Data Source:

The 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.

The 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.

Data reported are representative of the population in race, ethnicity, and disability. The data collected is based on all students with disabilities who meet the Indicator 14 exit criteria within a given school year. School divisions are required to determine the number of students with disabilities who meet the exit criteria and attempt to contact by telephone interviews. For this reporting period, there were 10,529 students with disabilities who exited Virginia schools meeting the Indicator 14 criteria. The number of completed survey interviews conducted was 6,560. An adequate response rate was obtained with 62.3% (n = 6560) of the population completing the survey. The sampling error was 1% with 99% confidence level with a population of 10,529 students with disabilities and completed surveys of 6,560 respondents. There were no significant differences (all $p > .05$) in type of disability [$\chi^2 = 3.16$, $p = 0.96$], gender [$\chi^2 = 0.216$, $p = 0.64$], or ethnicity [$\chi^2 = 2.33$, $p = 0.97$] between the students completing the survey and the total population of exiters identified for Indicator 14 in the 2011-2012 school year.

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: 2292;
2. Competitively employed within one year of leaving high school (but not enrolled in higher education): 1822;
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): 315;
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): 305.

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“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.

Actual Target Data for 2011-2012:

Indicator 14A

Virginia met the 2011-2012 target of 32 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 (2 and 4 year) for at least one complete term within one year of leaving high school with a reported percent of 34.9 percent;

Indicator 14B

Virginia met the 2011-2012 target of 55 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 with a reported total percent of 62.7 percent; and

Indicator 14C

Virginia met the 2011-2012 target of 64 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 with a reported total percent of 72.2 percent.

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	2,292	6,560	34.9
B. Enrolled in higher education or competitively employed within one year of leaving high school	4,114	6,560	62.7
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	4,734	6,560	72.2

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). The 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 education’s 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 the VDOE in developing the 2011-2012 APR.

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Discussion of Improvement Activities and Explanation of Slippage, if the State did not meet its target that occurred for 2011-2012:

Explanation of Slippage

- N/A – Met target

Improvement Activities (See Appendix - Pages 66-71)

- New: 80
- Continued: 34, 35, 36, 37, 39, 40, 41, 42, 43, 44, 45, and 46
- Revised: N/A
- Completed: N/A

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for 2012-2013: N/A

Part B Annual Performance Report (APR) for 2011-2012

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 non-compliance 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 non-compliance corrected within one year of identification:

- a. # of findings of non-compliance.
- 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
2011-2012	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 the VDOE's general supervision system including monitoring activities, complaints, due process hearings, and other systems of data collection and reporting.

Actual Target Data for 2011-2012:

Virginia did not meet the 2011-2012 target that 100 percent of the non-compliance findings identified in 2010-2011 through general supervision (including monitoring activities, complaints, hearings, data collection) will be corrected in a timely manner, not to exceed one year from identification. A total of 265 findings of non-compliance were identified in 2010-2011. A total of 264 findings of non-compliance (99.62 percent) were corrected within one year of identification. One school division was not able to demonstrate 100 percent compliance within one year.

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Attachment 1 – B15 Worksheet Data Specific to Non-compliance Findings from 2010-2011 and Number Corrected Within One Year of Identification:

Indicator/Indicator Clusters	General Supervision System Components	# of divisions Issued Findings in 2010-2011 (7/1/10 to 6/30/11)	(a) # of Findings of non-compliance identified in 2010-2011 (7/1/10 to 6/30/11)	(b) # of Findings of non-compliance from (a) for which correction was verified no later than one year from identification
1. Percent of youth with IEPs graduating from high school with a regular diploma. 2. Percent of youth with IEPs dropping out of high school.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	0	0	0
14. Percent of youth who had IEPs, are no longer in secondary school and who have been competitively employed, enrolled in some type of postsecondary school, or both, within one year of leaving high school.	Dispute Resolution: Complaints, Hearings	0	0	0
3. Participation and performance of children with disabilities on statewide assessments. 7. Percent of preschool children with IEPs who demonstrated improved outcomes.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	0	0	0
	Dispute Resolution: Complaints, Hearings	0	0	0

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Indicator/Indicator Clusters	General Supervision System Components	# of divisions Issued Findings in 2010-2011 (7/1/10 to 6/30/11)	(a) # of Findings of non-compliance identified in 2010-2011 (7/1/10 to 6/30/11)	(b) # of Findings of non-compliance from (a) for which correction was verified no later than one year from identification
<p>4A. Percent of divisions 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 divisions 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>	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
<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>	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	0	0	0
	Dispute Resolution: Complaints, Hearings	0	0	0
<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>	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	0	0	0
	Dispute Resolution: Complaints, Hearings	0	0	0

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Indicator/Indicator Clusters	General Supervision System Components	# of divisions Issued Findings in 2010-2011 (7/1/10 to 6/30/11)	(a) # of Findings of non-compliance identified in 2010-2011 (7/1/10 to 6/30/11)	(b) # of Findings of non-compliance from (a) for which correction was verified no later than one year from identification
9. Percent of divisions 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 divisions 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	9	9	9
	Dispute Resolution: Complaints, Hearings	3	4	4
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	0	0	0
	Dispute Resolution: Complaints, Hearings	0	0	0

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Indicator/Indicator Clusters	General Supervision System Components	# of divisions Issued Findings in 2010-2011 (7/1/10 to 6/30/11)	(a) # of Findings of non-compliance identified in 2010-2011 (7/1/10 to 6/30/11)	(b) # of Findings of non-compliance 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	11	11	10
	Dispute Resolution: Complaints, Hearings	0	0	0
Other areas of non-compliance: Screening Procedures	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	0	0	0
	Dispute Resolution: Complaints, Hearings	0	0	0
Other areas of non-compliance: 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	2	2	2

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Indicator/Indicator Clusters	General Supervision System Components	# of divisions Issued Findings in 2010-2011 (7/1/10 to 6/30/11)	(a) # of Findings of non-compliance identified in 2010-2011 (7/1/10 to 6/30/11)	(b) # of Findings of non-compliance from (a) for which correction was verified no later than one year from identification
Other areas of non-compliance: Placement/LRE	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	5	5	5
	Dispute Resolution: Complaints, Hearings	2	5	5
Other areas of non-compliance: IEP Development, Content, Review, Team Composition & Implementation	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	19	61	61
	Dispute Resolution: Complaints, Hearings	19	78	78
Other areas of non-compliance: Children Who Transfer	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	4	4	4
	Dispute Resolution: Complaints, Hearings	1	1	1
Other areas of non-compliance: Meeting Notice	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	0	0	0
	Dispute Resolution: Complaints, Hearings	2	2	2

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Indicator/Indicator Clusters	General Supervision System Components	# of divisions Issued Findings in 2010-2011 (7/1/10 to 6/30/11)	(a) # of Findings of non-compliance identified in 2010-2011 (7/1/10 to 6/30/11)	(b) # of Findings of non-compliance from (a) for which correction was verified no later than one year from identification
Other areas of non-compliance: Procedural Safeguards	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	11	11	11
	Dispute Resolution: Complaints, Hearings	6	17	17
Other areas of non-compliance: Qualified Personnel and Caseloads	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	6	6	6
	Dispute Resolution: Complaints, Hearings	1	1	1
Other areas of non-compliance: Eligibility Procedures	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	9	9	9
	Dispute Resolution: Complaints, Hearings	2	3	3
Other areas of non-compliance: Evaluation Procedures	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	0	0	0
	Dispute Resolution: Complaints, Hearings	3	5	5

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Indicator/Indicator Clusters	General Supervision System Components	# of divisions Issued Findings in 2010-2011 (7/1/10 to 6/30/11)	(a) # of Findings of non-compliance identified in 2010-2011 (7/1/10 to 6/30/11)	(b) # of Findings of non-compliance from (a) for which correction was verified no later than one year from identification
Other areas of non-compliance: FAPE	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	0	0	0
	Dispute Resolution: Complaints, Hearings	4	8	8
Other areas of non-compliance: Records Management	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	2	2	2
	Dispute Resolution: Complaints, Hearings	5	5	5
Other areas of non-compliance: Discipline	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	2	3	3
	Dispute Resolution: Complaints, Hearings	4	4	4
Other areas of non-compliance: Assessment	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	1	1	1
	Dispute Resolution: Complaints, Hearings	0	0	0
Other areas of non-compliance: Failure to implement a hearing officer's decision	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	0	0	0
	Dispute Resolution: Complaints, Hearings	1	6	6

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Indicator/Indicator Clusters	General Supervision System Components	# of divisions Issued Findings in 2010-2011 (7/1/10 to 6/30/11)	(a) # of Findings of non-compliance identified in 2010-2011 (7/1/10 to 6/30/11)	(b) # of Findings of non-compliance from (a) for which correction was verified no later than one year from identification
Sum the numbers down Column a and Column b			265	264
Percent of non-compliance corrected within one year of identification = (column (b) sum divided by column (a) sum) times 100.			(264) / (265) X 100 =	99.62 percent

Verification of Non-compliance Identified in 2010-2011

The VDOE has determined that 264 of 265 (or 99.62 percent) of the findings of non-compliance were corrected within one year of identification and the one remaining finding was subsequently corrected. Each school division with identified findings in 2010-2011 is (1) has corrected each individual case of non-compliance, unless the child is no longer within the jurisdiction of the division, consistent with OSEP Memo 09-02; and (2) correctly implementing the specific regulatory requirements (i.e., achieved 100 percent compliance) based on a review of updated data.

Verification of corrections were determined through on-site visits, review of division submission of additional data, and internal review of IEPs via divisions' IEP on-line systems. Monitoring staff reviewed individual cases of non-compliance. Each random selection of IEP records had to demonstrate 100 percent compliance. When a randomly selected IEP did not meet 100 percent compliance, additional visits were made to ensure corrections and another random selection was tested. Monitoring staff reviewed a random selection of new IEPs and determined that each IEP was in compliance, thus, the division is correctly implementing the regulatory requirements. Additional follow up was made through on-site visits, telephone conference calls, and review of IEPs via computerized systems to ensure continued compliance.

Part B Annual Performance Report (APR) for 2011-2012

Discussion of Improvement Activities and Explanation of Slippage, if the State did not meet its target that occurred for 2011-2012:

Explanation of Slippage

- The VDOE had slippage from 100 percent in 2010-2011 to 99.62 percent in 2011-2012. This was attributed to one school division's uncorrected non compliance for indicator 13. The VDOE Training and Technical Assistance Center (TTAC) staff is providing direct consultation and professional development. Also, VDOE staff continues to work closely with the local director of special education to ensure correction of the non compliance.

Improvement Activities (See Appendix - Pages 66-71)

- New: N/A
- Continued: 19, 47, 48, and 49
- Revised: N/A
- Completed: N/A

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for 2012-2013: N/A

Part B Annual Performance Report (APR) for 2011-2012

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
2011-2012	Maintain a 40 percent range rate of resolution agreements.

Data Source:

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

Actual Target Data for 2011-2012:

Virginia met the 2011-2012 target to maintain a 40 percent range rate of resolution agreements.

Year	# Resolutions Sessions Resolved Through Settlement Agreements	# Resolution Sessions	Percent
2010-2011	25	44	56
2011-2012	17	33	52

Discussion of Improvement Activities and Explanation of Slippage, if the State did not meet its target that occurred for 2011-2012:

Explanation of Slippage

- N/A – Met target

Improvement Activities (See Appendix - Pages 66-71)

- New: N/A
- Continued: 55, 56, 57, and 58
- Revised: N/A
- Completed: N/A

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for 2012-2013: N/A

Part B Annual Performance Report (APR) for 2011-2012

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)) divided by 2.1] times 100.

	Measurable and Rigorous Target
2011-2012	Maintain a 76-80+ percent range rate of mediations that result in mediation agreements, acknowledging that the goal is to provide quality in the mediation services by on-going training, observation of and debriefing with the mediators, as well as continuing to encourage and support mediations.** 100 percent of mediations will not delay or deny the parent's right to a due process hearing.

Data Source:

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

Actual Target Data for 2011-2012:

Virginia met the 2011-2012 target 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
2010-2011	68	87	78
2011-2012	81	107	76

Discussion of Improvement Activities and Explanation of Slippage, if the State did not meet its target that occurred for 2011-2012:

Explanation of Slippage

- N/A – Met target

Improvement Activities (See Appendix - Pages 66-71)

- New: N/A
- Continued: 59, 60, 61, and 62
- Revised: N/A
- Completed: N/A

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for 2012-2013: N/A

Part B Annual Performance Report (APR) for 2011-2012

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
2011-2012	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 2011-2012:

Virginia chooses not to report Indicator 20 data per guidance from the United States Department of Education Office of Special Education Programs (OSEP Memorandum 13-6, dated December 12, 2012).

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Appendix – Improvement Activities

Preschool Age Students

- A. The 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.
- B. The VDOE conducted training and provided technical assistance on inclusive practices, functional IEP goal development, teaching social and emotional skills, and the use of curriculum frameworks.
- C. The VDOE conducted training and provided 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.
- D. The VDOE developed 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. Materials include sharing data between Part C and Part B, infusing the outcomes and progress into IFSP/IEP development and progress reports.
- E. The 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.
- F. The VDOE staff and the ECSE stakeholder group continued to conduct training sessions for all school divisions where information on the State Performance Plan/Annual Performance Report will be presented.
- G. In cooperation with Part C personnel, the VDOE continued to conduct meetings, provide guidance and disseminate information on issues related to the transition process from Part C to Part B/619.
- H. The VDOE continued to provide guidance documents/flow charts to all school divisions, concerning transition from Part C. Documents were developed with the state Part C office for sharing with local Part C system managers and school divisions.
- I. The VDOE continued to cooperate with Part C personnel, in updating and disseminating materials to reflect changes created by the 2004 amendments to the Individuals with Disabilities Education Act and the Part C regulations released in 2011.
- J. The VDOE continued to work with school divisions through its focused monitoring system to ensure compliance with 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
- The VDOE Early Childhood Project group
- Early Childhood Outcomes Center materials, website, and training materials.
- The VDOE Training/Technical Assistance Centers (T/TAC)
- National Early Childhood Technical Assistance Center (NECTAC) materials, website.

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School Age Students

1. The 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.
2. The 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.
3. The VDOE continued to support local project graduation academies to prepare students in need of verified units of credit.
4. The VDOE continued to provide online tools and tutorials designed to assist students and teachers with preparing for and taking Standards of Learning (SOL) assessments needed for graduation.
5. The VDOE developed an Academic and Career Planning online tool.
6. The VDOE provided training to divisions, students, and families on the Academic and Career Plan, to be developed prior to high school entry.
7. The VDOE has developed materials that support self determination skill development related to: goal setting, problem solving, choice making, self awareness, advocacy, leadership.
8. The VDOE supported Virginia College Access Network activities.
9. The 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.
10. The VDOE supported local and regional dropout prevention forums and institutes.
11. The VDOE continued to provide training and technical assistance related to reading skills, with a focus on professional development needs of special education teachers.
12. The 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.
13. The 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.
14. The 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.
15. The 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.
16. The VDOE continued to provide support for demonstration schools to implement the University of Kansas Strategic Instruction Model-Content Literacy Continuum (SIM-CLC).
17. The VDOE continued to provide instructional resources and online tools for the development of self-determination in youth.
18. The VDOE and its Training/Technical Assistance Centers (T/TAC) continued to disseminate information and implement professional development on effective inclusive practices, including differentiating instruction, co-teaching and collaboration.
19. Continued provide professional development and training with Virginia's T/TAC.
20. The VDOE continued to offer "Effectiveness Training for Local Special Education Advisory Committees (SEACs)," however, the project is now managed by the VDOE. The VDOE continued to offer technical

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assistance and information, and offered eight regional trainings for local SEAC chairs and directors of special education.

21. The VDOE continued expansion and improvement of the VDOE Web page promoting parent involvement.
22. The VDOE continued to provide ongoing training for existing Parent Resource Centers as well as to support development of new parent centers.
23. The VDOE continued to utilize the parent specialist and parent ombudsman to address parent concerns.
24. The VDOE in partnership with the Center for Family Involvement (CFI) and the Parent Education Advocacy Training Center (PEATC), Virginia's Parent Training and Information (PTI), sponsors activities for parents of children with disabilities.
25. The 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.
26. The VDOE will engage in follow-up monitoring of student record reviews to ensure procedural and regulatory violations are being correctly reported.
27. The 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).
28. The VDOE continued to assist local school divisions in examining and reviewing the policies, practices, and procedures that could impact possible disproportionate representation. In addition, the VDOE conducted a symposium on African American Males and School Success.
29. The VDOE will engage in follow-up monitoring of student record reviews to ensure procedural and regulatory violations are being correctly reported.
30. The 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.
31. The VDOE continued to work with school divisions through its focused monitoring system to ensure compliance with this indicator.
32. The VDOE will provide technical assistance, and professional development activities, as needed, to all school divisions with non-compliance findings.
33. The VDOE sponsored a youth and parent summit that focuses on secondary transition.
34. The VDOE will continue to participate in National Transition Communities of Practice.
35. The VDOE continued to participate in and sponsor local, regional, state communities of practice, and continue to participate in the national Transition Communities of Practice.
36. The 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.
37. The VDOE continued to sponsor events for adolescents that take place on college campuses and focus on life after secondary education.
38. The VDOE continued to work with school divisions through its focused monitoring system to ensure compliance with this indicator.
39. The VDOE will sponsor a Middle School Conference where staff will provide professional development on standards based IEPs, closing the achievement gap along with self determination strategies.

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40. The VDOE will disseminate the Tristate Slide Guide and provide assistance to develop an online Transition Guide.
41. The Transition Outcomes Project has been expanded from a separate project into a state-wide model for services. The VDOE will continue to support implementation of this model.
42. The VDOE will continue to sponsor events for adolescents that take place on college campuses and focus on life after secondary education.
43. The VDOE continues to receive technical assistance from the National Postsecondary Outcomes Center.
44. The 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.
45. The VDOE participates in the National Exiting Community.
46. The VDOE sponsors demonstration employment sites, supported education models, and a youth development project.
47. The VDOE worked with school divisions through its general supervision systems to promptly identify non-compliance and ensured correction of non-compliance in accordance with OSEP's Memo 09-02.
48. Continued to target school divisions with systemic non-compliance.
49. Continued to monitor tracking logs and case files monthly.
50. The ODRAS will continue to provide training to parent groups on dispute resolution options, including information on the complaint resolution system.
51. The ODRAS mentored 17 cohort members of Virginia's Special Education Leadership Academy in July 2012, including reviewing a case file and outlining potential findings, and mini-training on the complaint resolution procedures.
52. The 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).
53. The ODRAS mentored 17 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.
54. The ODRAS will continue to provide parent trainings on dispute resolution options, including information on the due process hearing system.
55. The ODRAS will continue to maintain its tracking logs to identify use of the Resolution Session for resolving due process issues.
56. The 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.
57. The ODRAS will continue to contact every school division and hearing officer upon receipt of the request for due process to ensure that both the division and hearing officer correctly manage the timelines and process for the Resolution Sessions.
58. The ODRAS will continue to provide guidance to school divisions and parents on the benefits of the Resolution Session, and how to conduct such sessions. The ODRAS completed its draft technical assistance guidance on Resolution Sessions, expecting final printing and distribution in 2012-2013.
59. Mediators received 12 hours of training sponsored by the ODRAS this year in case law, VDOE's special education FAQs, review of special cases and mutual expectations between mediators and attorneys.
60. The ODRAS mentored 17 cohort members of Virginia's Special Education Leadership Academy in July 2011, including a mini-training session on special education mediation.

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61. The 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.
62. The ODRAS will continue its training efforts on mediation to parents and school personnel, as well as other consumers.
63. The VDOE will continue to encourage and facilitate embedded professional development with Training and Technical Assistance Center staff in select target schools where students with disabilities did not meet the AMOs.
64. 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 the VDOE staff. All child count data, including educational environment data, will be verified through local superintendents' signature.
65. Data collected through the VDOE annual end of year reports (Indicators 1 and 2) will be edited by State staff and verified by local division superintendents.
66. Data collected for Virginia's state assessment programs (Indicator 3) will meet all NCLB reporting requirements.
67. Data collected on dispute resolution activities (Indicators 16, 17, 18 and 19) will be maintained and verified by the VDOE Office of Special Education and Student Services Dispute Resolution staff.
68. Data collected on suspension and expulsion for students with disabilities (indicator 4) will be edited by VDOE staff and have local division superintendent verification.
69. The VDOE will ensure there are edit checks for accuracy for data collections implemented for indicators 7,8,11,12, and 13.
70. The VDOE staff continued to provide extensive technical assistance to all school divisions on 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.
71. Provide training and technical assistance related to conducting functional behavior assessments and developing behavior intervention plans
72. Provide technical assistance and training in effective school-wide discipline using positive behavior interventions, including dissemination of Functional Behavioral Assessment and Behavioral Intervention Plan multimedia materials to schools implementing effective school- wide discipline initiative.
73. Continue to provide training to school divisions on manifestation review procedures
74. The VDOE will identify divisions with significant discrepancies and review policies, procedures and practice in a timely manner so that VDOE staff can conduct on-site reviews, as needed, when a division is repeatedly identified with significant discrepancy in the rates of suspensions and expulsions. The on-site review will determine the root cause for significant discrepancy.
75. The VDOE will disaggregate its crime and violence data by school and incidents and target assistance as the need is determined. This procedure should help to identify specific needs.
76. The VDOE will cross reference Indicators 2 and 4 with the disproportionality data from indicators 9 and 10 for African American and Hispanic students. Targeted assistance will be provided as the need is determined.
77. Include students with disabilities in the Project EASE suspension grant participation.
78. The VDOE will initiate, plan and host a series of workshops or symposium on OHI, with emphasis upon ADD/ADHD.

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79. Explore moving to a sampling methodology for future Indicator 8 data collection.
80. The VDOE Division of Special Education and Student Services have reorganized by creating the Office of Special Education Program Improvement. The Office of Special Education Program Improvement is responsible for providing training and technical assistance to target schools where students with disabilities did not meet the AMOs to aid in preparing students with disabilities to be college and career ready. This is facilitated through the coordination of all federal and state required special education data to inform target schools of implementation of school improvement initiatives aimed at improving performance of students with disabilities.
81. The VDOE will encourage divisions to develop action plans to address disproportionality that exists although it may not be due to policies, procedures, or practices.