



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

Honorable Diane M. DeBacker
Commissioner of Education
Kansas State Department of Education
120 S.E. 10th Avenue
Topeka, Kansas 66612-1182

JUL 26 2012

Dear Commissioner DeBacker:

Thank you for the timely submission of Kansas' Federal fiscal year (FFY) 2010 Annual Performance Report (APR) and revised State Performance Plan (SPP) under Part B of the Individuals with Disabilities Education Act (IDEA).

The Department has determined that, under IDEA section 616(d)(2)(A)(i), Kansas meets the requirements of Part B of IDEA. The Department's determination is based on the totality of the State's data and information, including the State's FFY 2010 APR and revised SPP, other State-reported data, and other publicly available information. See the enclosure entitled "How the Department Made Determinations under Section 616(d) of the IDEA in 2012: Part B" for further details.

Specific factors affecting the determination made by the Office of Special Education Programs (OSEP) that Kansas meets requirements under IDEA section 616(d) include that: (1) Kansas provided valid and reliable FFY 2010 data reflecting the measurement for each indicator; and (2) Kansas reported high levels of compliance or correction for Indicators 4B, 9, 10, 11, 12, 13, 15, 16, 17, and 20. We commend Kansas for its performance.

The enclosed table provides OSEP's analysis of the State's FFY 2010 APR and revised SPP and identifies, by indicator, OSEP's review of any revisions the State made to its targets, improvement activities (timelines and resources) and baseline data in the State's SPP. The table also identifies, by indicator: (1) the State's reported FFY 2010 data; (2) whether such data met the State's FFY 2010 targets and reflect progress or slippage from the prior year's data; and (3) whether the State corrected findings of noncompliance.

As you know, pursuant to IDEA section 616(b)(2)(C)(ii)(I) and 34 CFR §300.602(b)(1)(i)(A), your State must report annually to the public on the performance of each local educational agency (LEA) located in the State on the targets in the SPP as soon as practicable, but no later than June 1, 2012. In addition, your State must: (1) review LEA performance against targets in the State's SPP; (2) determine if each LEA "meets requirements" of Part B, or "needs assistance," "needs intervention," or "needs substantial intervention" in implementing Part B of the IDEA; (3) take appropriate enforcement action; and (4) inform each LEA of its determination. 34 CFR §300.600(a)(2) and (3). For further information regarding these requirements, see "The Right IDEA" Web site at: <http://therightidea.tadnet.org/determinations>. Finally, please ensure that your updated SPP is posted on the State educational agency's Web site and made available to the public, consistent with 34 CFR §300.602(b)(1)(i)(B).

OSEP is committed to supporting Kansas' efforts to improve results for children and youth with disabilities and looks forward to working with your State over the next year. If you have any questions, would like to discuss this further, or want to request technical assistance, please contact Angela Tanner-Dean, your OSEP State Contact, at 202-245-6320.

Sincerely,

A handwritten signature in black ink that reads "Melody Musgrove" with a stylized flourish at the end.

Melody Musgrove, Ed.D.

Director

Office of Special Education Programs

Enclosure

cc: State Director of Special Education

How the Department Made Determinations under Section 616(d) of the Individuals with Disabilities Education Act in 2012: Part B

In making our determination for each State under section 616(d) of the Individuals with Disabilities Education Act (IDEA), we considered the totality of the information we have about a State. This includes the State's FFY 2010 Annual Performance Report (APR)/State Performance Plan (SPP); information from monitoring, including verification visit findings; and other public information, such as the State's performance under any existing special conditions on its FFY 2011 grant or a compliance agreement, longstanding unresolved audit findings, and other State compliance with the IDEA.

FFY 2010 APR/SPP and Other Information

In reviewing a State's FFY 2010 APR/SPP, we considered both the submission of valid and reliable data and the level of compliance, including correction of noncompliance, as described below, as included in the State's final APR/SPP. We also reviewed other information (described below) that reflects the State's compliance with IDEA requirements.

With respect to data, for Indicators 1 through 5, and 7 through 19, we examined whether the State provided valid and reliable FFY 2010 data (*i.e.*, the State provided all the required data, the data were for the correct year and were consistent with the required measurement and/or the approved SPP, and we did not have other information (such as verification visit findings or inconsistent data within the APR) demonstrating that the data were not valid and reliable or the State indicated that the data were not valid and reliable).

With respect to compliance, we examined Indicators 4B, 9, 10, 11, 12, 13, 15, 16, 17, and 20 and looked for evidence that the State demonstrated substantial compliance through reporting FFY 2010 data that reflected a very high level of compliance. (For Indicators 4B, 9, and 10 a very high level of compliance is generally at or below 5%. For Indicators 11, 12, 13, 16, 17 and 20 a very high level of compliance is generally at or above 95%.) In addition, for Indicators 11, 12, and 13, a State could demonstrate substantial compliance if the State's FFY 2010 compliance data were 75% or above and the State reported that it had fully corrected FFY 2009 findings of noncompliance made under those respective indicators. For Indicators 4B, 9, and 10, a State could demonstrate substantial compliance if the State's FFY 2010 compliance data were 25% or below and the State reported that it had fully corrected FFY 2009 findings of noncompliance made under those respective indicators. As indicated in OSEP Memorandum 09-02, dated October 17, 2008 (OSEP Memo 09-02), beginning with the Department's determinations in 2010, for Indicators 9, 10, 11 and 12, and beginning with the Department's determinations in 2012 for Indicators 4B and 13, we considered a State to have demonstrated correction of previously identified noncompliance for any findings identified in FFY 2007, FFY 2008, and FFY 2009 if the State verified correction of those findings consistent with OSEP Memo 09-02. In addition, we did not consider a State to be in substantial compliance for a compliance indicator based on correction of FFY 2009 findings of noncompliance if its reported FFY 2010 data were low (generally below 75%, or, for Indicators 4B, 9 and 10, above 25%), consistent with OSEP Memo 09-02.

Indicator 15 evaluates the "timely" correction of FFY 2009 findings, so for this indicator we specifically examined whether the State reported a very high level of compliance (generally 95% or better) in timely correcting FFY 2009 findings of noncompliance, and that the State reported that it verified the correction of its FFY 2009 findings of noncompliance consistent with OSEP Memo 09-02. We did not consider Indicators 16 and 17 if the State reported less than 100% compliance, but

fewer than 10 complaints or 10 fully adjudicated hearings, in recognition of the inequities in basing decisions regarding dispute resolution indicators on small numbers.

Generally, and absent any other issues (see below), we considered a State to “meet requirements” if the State: (1) Provided valid and reliable FFY 2010 data, as described above, for all indicators; and (2) Demonstrated substantial compliance, as described above, for compliance Indicators 4B, 9, 10, 11, 12, 13, 15, 16, 17, and 20. If a State did not meet the standards for substantial compliance for only one compliance indicator and there were no other factors (see below), we considered the State to “meet requirements” if the compliance level for that indicator was high (generally at or above 90%, or, for Indicators 4B, 9 and 10, at or below 10%). In no case, however, did we consider a State to “meet requirements” if it failed to provide valid and reliable FFY 2010 data (as defined above) for Indicators 1 through 5 and 7 through 19. We also considered whether the State, when it reported under Indicator 4A: (1) Made clear that, if it identified any districts as having significant discrepancies in the discipline of children with disabilities, it reviewed the districts’ policies, procedures, and practices related to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards, as required in section 612(a)(22)(B); and (2) If the State identified any noncompliance in policies, procedures or practices in these areas as a result of this review, it corrected the noncompliance.

Generally, and absent any other issues (see below), we considered a State to be “in need of intervention” for one of three reasons that are explained further in this paragraph: very low compliance data, failure to provide valid and reliable data for a compliance indicator, or longstanding noncompliance that was the subject of Departmental enforcement for a key IDEA requirement. First, we identified a State as “in need of intervention” if the State’s FFY 2010 compliance data demonstrated: (1) Very low performance for Indicators 4B, 9, 10, 11, 12, 13, 16 or 17 (generally below 50%, or in the case of Indicators 4B, 9, and 10, above 50%), regardless of whether it reported correction of previously identified findings of noncompliance; or (2) Very low performance for Indicator 15 (generally below 50%). Second, we identified a State as “in need of intervention” if it did not provide valid and reliable (as defined above) FFY 2010 compliance data for Indicators 4B, 9, 10, 11, 12, 13, 15, 16 or 17. Finally, we also identified a State as “in need of intervention” if the State has been subject to Departmental enforcement for multiple years for failing to comply with key IDEA requirements, the noncompliance has been long-standing, and the State’s data in response to the Department’s enforcement actions demonstrate continued noncompliance.

We would identify a State as “in need of substantial intervention” if its substantial failure to comply significantly affected the core requirements of the program, such as the delivery of services to children with disabilities or the State’s exercise of general supervision, or if the State informed the Department that it was unwilling to comply with an IDEA requirement. In making this determination, we would consider the impact of any longstanding unresolved issues on the State’s current implementation of the program. We would also consider identifying a State “in need of substantial intervention” for failing to submit its APR/SPP.

Absent any other issues (see below), we determined that States that did not “meet requirements” and were not “in need of intervention” or “in need of substantial intervention” were “in need of assistance.”

Monitoring Data and Other Public Information

We also considered other public information available to the Department, including information from monitoring including verification visits, and other public information, such as the State’s

performance under any existing special conditions on its FFY 2011 grant or a compliance agreement, longstanding unresolved audit findings, and other State compliance data under the IDEA. We did not consider a State to “meet requirements” if the State had unresolved special conditions that were imposed as a result of the State being designated as a “high risk” grantee, outstanding OSEP monitoring findings (including verification visit findings) that affected the State’s data under APR indicators, longstanding audit issues, or a compliance agreement. We also did not determine a State to “meet requirements” if we had documentation that the State had not complied with the requirement in section 612(a)(18)(A) to maintain State financial support for special education and related services. The Department receives this documentation and requests for waivers of this requirement at various times, often well beyond the end of the fiscal year in which the State failed to maintain effort. The Department considers information related to a State’s compliance with the requirement in section 612(a)(18)(A) in making determinations when it has final information from the State on its noncompliance and waiver request, if any.

In determining whether the State should be identified as “in need of assistance,” “in need of intervention,” or “in need of substantial intervention,” we considered the length of time the problem had existed, the magnitude of the problem, and the State’s response to the problem, including progress the State had made to correct the problem.

Possible Changes to Determination Factors in the Future

As a part of our efforts to focus attention more on the results of State’s implementation of Parts B and C of the IDEA, OSEP is reexamining its process for making determinations under section 616 of the IDEA. We are considering how we can include State performance on results indicators in addition to those factors (described previously) that are currently considered. We will provide further details regarding our plans in the near future.

Kansas Part B FFY 2010 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
<p>1. Percent of youth with IEPs graduating from high school with a regular diploma. [Results Indicator]</p>	<p>The State revised the FFY 2010 improvement activities for this indicator and OSEP accepts those revisions.</p> <p>The State's FFY 2010 reported data for this indicator are 68.83%. OSEP was unable to determine whether there was progress or slippage because the State revised its calculation methodology. The State did not meet its FFY 2010 target of 80%.</p> <p>The State reported the required graduation rate calculation and timeline established by the Department under the Elementary and Secondary Education Act (ESEA). This means that the State submitted the most recent graduation data that the State reported to the Department as part of its Consolidated State Performance Report (CSPR).</p>	<p>OSEP looks forward to the State's data demonstrating improvement in performance in the FFY 2011 APR, due February 1, 2013.</p> <p>In reporting data for this indicator in the FFY 2011 APR, States must use the same data they used for reporting to the Department under Title I of the Elementary and Secondary Education Act (ESEA), using the adjusted cohort graduation rate required under the ESEA.</p>
<p>2. Percent of youth with IEPs dropping out of high school. [Results Indicator]</p>	<p>The State revised the FFY 2010 improvement activities for this indicator and OSEP accepts those revisions.</p> <p>The State's FFY 2010 reported data for this indicator are 2.35%. These data represent progress from the FFY 2009 data of 2.46%. The State met its FFY 2010 target of 2.45%.</p>	<p>OSEP appreciates the State's efforts to improve performance.</p>
<p>3. Participation and performance of children with IEPs on statewide assessments: A. Percent of the districts with a disability subgroup that meets the State's minimum "n" size that meet the State's AYP targets for the disability subgroup. [Results Indicator]</p>	<p>The State's FFY 2010 reported data for this indicator are 86.11%. These data represent progress from the FFY 2009 data of 81.42%. The State met its FFY 2010 target of 86%.</p>	<p>OSEP appreciates the State's efforts to improve performance.</p>
<p>3. Participation and performance of children with IEPs on statewide</p>	<p>The State's FFY 2010 reported data for this indicator are 99.35% for reading and 99.35% for math. The FFY 2009 data were 99.52% for reading and 99.54% for math.</p>	<p>OSEP appreciates the State's efforts to improve performance.</p>

Kansas Part B FFY 2010 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
<p>assessments:</p> <p>B. Participation rate for children with IEPs.</p> <p>[Results Indicator]</p>	<p>The State met its FFY 2010 targets of 98%.</p> <p>The State provided a Web link to 2010 publicly-reported assessment results.</p>	
<p>3. Participation and performance of children with disabilities on statewide assessments:</p> <p>C. Proficiency rate for children with IEPs against grade level, modified and alternate academic achievement standards.</p> <p>[Results Indicator]</p>	<p>The State’s FFY 2010 reported data for this indicator are 71.64% for reading and 69.60% for math. These data represent slippage from the FFY 2009 data of 76.33% for reading and represent progress from the FFY 2009 data of 67.91% for math. The State did not meet its FFY 2010 targets of 82.50% for reading and 82.30% for math.</p> <p>The State provided a Web link to 2010 publicly-reported assessment results.</p>	<p>OSEP looks forward to the State’s data demonstrating improvement in performance in the FFY 2011 APR.</p>
<p>4. Rates of suspension and expulsion:</p> <p>A. Percent of districts that have a significant discrepancy in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs; and</p> <p>[Results Indicator]</p>	<p>The State revised the FFY 2010 improvement activities for this indicator and OSEP accepts those revisions.</p> <p>The State’s FFY 2010 reported data for this indicator are 0%. These data represent progress from the FFY 2009 data of 0.34%. The State met its FFY 2010 target of 1.20%.</p> <p>The State reported its definition of “significant discrepancy.”</p> <p>The State reported that no districts were identified as having a significant discrepancy, in the rate of suspensions and expulsions of greater than ten days in a school year for children with IEPs.</p> <p>The State reported that one of 293 districts did not meet the State-established minimum “n” size requirement of at least 10 special education students in the district.</p>	<p>OSEP appreciates the State’s efforts to improve performance.</p>
<p>4. Rates of suspension and expulsion:</p> <p>B. Percent of districts that have: (a) a significant discrepancy, by race or ethnicity, in the rate of suspensions and expulsions of greater than 10 days in a school year for children</p>	<p>The State revised the FFY 2010 improvement activities for this indicator and OSEP accepts those revisions.</p> <p>The State’s FFY 2010 reported data for this indicator are 0%. These data remain unchanged from the FFY 2009 data of 0%. The State met its FFY 2010 target of 0%.</p> <p>The State reported its definition of “significant discrepancy.”</p> <p>The State reported that one district was identified as having a significant discrepancy,</p>	<p>OSEP appreciates the State’s efforts to improve performance.</p>

Kansas Part B FFY 2010 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps																				
<p>with IEPs; and (b) policies, procedures or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.</p> <p>[Compliance Indicator]</p>	<p>by race or ethnicity, in the rate of suspensions and expulsions of greater than ten days in a school year for children with IEPs. The State reported that it reviewed the district’s policies, procedures, and practices relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards to ensure compliance with the IDEA, as required by 34 CFR §300.170(b) for the district identified with significant discrepancies in FFY 2010. The State did not identify any noncompliance through this review.</p> <p>The State reported that 10 of 293 districts did not meet the State-established minimum “n” size requirement of at least 10 special education students of a given race/ethnicity in the district.</p>																					
<p>5. Percent of children with IEPs aged 6 through 21 served:</p> <p>A. Inside the regular class 80% or more of the day; B. Inside the regular class less than 40% of the day; or C. In separate schools, residential facilities, or homebound/hospital placements.</p> <p>[Results Indicator]</p>	<p>The State’s reported data for this indicator are:</p> <table border="1" data-bbox="550 699 1583 1175"> <thead> <tr> <th></th> <th><u>FFY 2009 Data</u></th> <th><u>FFY 2010 Data</u></th> <th><u>FFY 2010 Target</u></th> <th><u>Progress</u></th> </tr> </thead> <tbody> <tr> <td>A. % Inside the regular class 80% or more of the day</td> <td align="center">62.82</td> <td align="center">65.06</td> <td align="center">60.00</td> <td align="center">2.24%</td> </tr> <tr> <td>B. % Inside the regular class less than 40% of the day</td> <td align="center">7.39</td> <td align="center">7.15</td> <td align="center">8.0</td> <td align="center">0.24%</td> </tr> <tr> <td>C. % In separate schools, residential facilities, or homebound/hospital placements</td> <td align="center">2.53</td> <td align="center">2.51</td> <td align="center">1.98</td> <td align="center">0.02%</td> </tr> </tbody> </table> <p>These data represent progress from the FFY 2009 data. The State met its FFY 2010 targets for 5A and 5B, but did not meet its FFY 2010 target for 5C.</p>		<u>FFY 2009 Data</u>	<u>FFY 2010 Data</u>	<u>FFY 2010 Target</u>	<u>Progress</u>	A. % Inside the regular class 80% or more of the day	62.82	65.06	60.00	2.24%	B. % Inside the regular class less than 40% of the day	7.39	7.15	8.0	0.24%	C. % In separate schools, residential facilities, or homebound/hospital placements	2.53	2.51	1.98	0.02%	<p>OSEP appreciates the State’s efforts to improve performance and looks forward to the State’s data demonstrating improvement in performance in the FFY 2011 APR.</p>
	<u>FFY 2009 Data</u>	<u>FFY 2010 Data</u>	<u>FFY 2010 Target</u>	<u>Progress</u>																		
A. % Inside the regular class 80% or more of the day	62.82	65.06	60.00	2.24%																		
B. % Inside the regular class less than 40% of the day	7.39	7.15	8.0	0.24%																		
C. % In separate schools, residential facilities, or homebound/hospital placements	2.53	2.51	1.98	0.02%																		
<p>6. Percent of children aged 3 through 5 with IEPs attending a:</p> <p>A. Regular early childhood program and receiving the majority of special education and related services in the regular early childhood program;</p>	<p>The State is not required to report on this indicator in the FFY 2010 APR.</p>	<p>The State must provide FFY 2011 baseline data, an FFY 2012 target, and improvement activities through FFY 2012 in the SPP that it submits with the FFY 2011 APR.</p>																				

Kansas Part B FFY 2010 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps																																
and B. Separate special education class, separate school or residential facility. [Results Indicator; New]																																		
7. Percent of preschool children age 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. [Results Indicator]	The State's reported data for this indicator are: <table border="1" data-bbox="548 529 1583 1507"> <thead> <tr> <th data-bbox="548 529 959 630"><u>Summary Statement 1</u></th> <th data-bbox="959 529 1163 630"><u>FFY 2009 Data</u></th> <th data-bbox="1163 529 1373 630"><u>FFY 2010 Data</u></th> <th data-bbox="1373 529 1583 630"><u>FFY 2010 Target</u></th> </tr> </thead> <tbody> <tr> <td data-bbox="548 630 959 768">Outcome A: Positive social-emotional skills (including social relationships) (%)</td> <td data-bbox="959 630 1163 768">84.52</td> <td data-bbox="1163 630 1373 768">86.82</td> <td data-bbox="1373 630 1583 768">86.43</td> </tr> <tr> <td data-bbox="548 768 959 935">Outcome B: Acquisition and use of knowledge and skills (including early language/ communication) (%)</td> <td data-bbox="959 768 1163 935">85.38</td> <td data-bbox="1163 768 1373 935">86.24</td> <td data-bbox="1373 768 1583 935">86.88</td> </tr> <tr> <td data-bbox="548 935 959 1040">Outcome C: Use of appropriate behaviors to meet their needs (%)</td> <td data-bbox="959 935 1163 1040">85.84</td> <td data-bbox="1163 935 1373 1040">86.97</td> <td data-bbox="1373 935 1583 1040">86.74</td> </tr> <tr> <th data-bbox="548 1040 959 1138"><u>Summary Statement 2</u></th> <th data-bbox="959 1040 1163 1138"><u>FFY 2009 Data</u></th> <th data-bbox="1163 1040 1373 1138"><u>FFY 2010 Data</u></th> <th data-bbox="1373 1040 1583 1138"><u>FFY 2010 Target</u></th> </tr> <tr> <td data-bbox="548 1138 959 1276">Outcome A: Positive social-emotional skills (including social relationships) (%)</td> <td data-bbox="959 1138 1163 1276">65.66</td> <td data-bbox="1163 1138 1373 1276">65.85</td> <td data-bbox="1373 1138 1583 1276">65.66</td> </tr> <tr> <td data-bbox="548 1276 959 1446">Outcome B: Acquisition and use of knowledge and skills (including early language/ communication) (%)</td> <td data-bbox="959 1276 1163 1446">62.65</td> <td data-bbox="1163 1276 1373 1446">63.42</td> <td data-bbox="1373 1276 1583 1446">64.10</td> </tr> <tr> <td data-bbox="548 1446 959 1507">Outcome C: Use of appropriate behaviors to</td> <td data-bbox="959 1446 1163 1507">77.93</td> <td data-bbox="1163 1446 1373 1507">78.42</td> <td data-bbox="1373 1446 1583 1507">77.29</td> </tr> </tbody> </table>	<u>Summary Statement 1</u>	<u>FFY 2009 Data</u>	<u>FFY 2010 Data</u>	<u>FFY 2010 Target</u>	Outcome A: Positive social-emotional skills (including social relationships) (%)	84.52	86.82	86.43	Outcome B: Acquisition and use of knowledge and skills (including early language/ communication) (%)	85.38	86.24	86.88	Outcome C: Use of appropriate behaviors to meet their needs (%)	85.84	86.97	86.74	<u>Summary Statement 2</u>	<u>FFY 2009 Data</u>	<u>FFY 2010 Data</u>	<u>FFY 2010 Target</u>	Outcome A: Positive social-emotional skills (including social relationships) (%)	65.66	65.85	65.66	Outcome B: Acquisition and use of knowledge and skills (including early language/ communication) (%)	62.65	63.42	64.10	Outcome C: Use of appropriate behaviors to	77.93	78.42	77.29	OSEP appreciates the State's efforts to improve performance and looks forward to the State's data demonstrating improvement in performance in the FFY 2011 APR. The State must report progress data and actual target data for FFY 2011 with the FFY 2011.
<u>Summary Statement 1</u>	<u>FFY 2009 Data</u>	<u>FFY 2010 Data</u>	<u>FFY 2010 Target</u>																															
Outcome A: Positive social-emotional skills (including social relationships) (%)	84.52	86.82	86.43																															
Outcome B: Acquisition and use of knowledge and skills (including early language/ communication) (%)	85.38	86.24	86.88																															
Outcome C: Use of appropriate behaviors to meet their needs (%)	85.84	86.97	86.74																															
<u>Summary Statement 2</u>	<u>FFY 2009 Data</u>	<u>FFY 2010 Data</u>	<u>FFY 2010 Target</u>																															
Outcome A: Positive social-emotional skills (including social relationships) (%)	65.66	65.85	65.66																															
Outcome B: Acquisition and use of knowledge and skills (including early language/ communication) (%)	62.65	63.42	64.10																															
Outcome C: Use of appropriate behaviors to	77.93	78.42	77.29																															

Kansas Part B FFY 2010 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps				
	<table border="1" data-bbox="548 266 1585 302"> <tr> <td data-bbox="548 266 957 302">meet their needs (%)</td> <td data-bbox="957 266 1163 302"></td> <td data-bbox="1163 266 1369 302"></td> <td data-bbox="1369 266 1585 302"></td> </tr> </table> <p data-bbox="548 321 1585 383">These data for this indicator represent progress from the FFY 2009 data. The State met part of its FFY 2010 targets for this indicator.</p>	meet their needs (%)				
meet their needs (%)						
<p data-bbox="92 418 522 613">8. Percent of parents with a child receiving special education services who report that schools facilitated parent involvement as a means of improving services and results for children with disabilities.</p> <p data-bbox="92 638 312 667">[Results Indicator]</p>	<p data-bbox="548 418 1585 516">The State’s FFY 2010 reported data for this indicator are 64.08%. These data represent slippage from the FFY 2009 data of 67.7%. The State met its FFY 2010 target of 60.50%.</p> <p data-bbox="548 537 1585 602">In its description of its FFY 2010 data, the State addressed whether the response group was representative of the population.</p>	<p data-bbox="1610 418 1997 483">OSEP appreciates the State’s efforts to improve performance.</p>				
<p data-bbox="92 703 522 898">9. Percent of districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification.</p> <p data-bbox="92 922 369 951">[Compliance Indicator]</p>	<p data-bbox="548 703 1585 768">The State’s FFY 2010 reported data for this indicator are 0%. These data remain unchanged from the FFY 2009 data of 0%. The State met its FFY 2010 target of 0%.</p> <p data-bbox="548 789 1585 854">The State reported that no districts were identified with disproportionate representation of racial and ethnic groups in special education and related services.</p> <p data-bbox="548 875 1367 904">The State provided its definition of “disproportionate representation.”</p> <p data-bbox="548 925 1585 1120">The State reported that 228 of 289 districts did not meet the State-established minimum “n” size requirement of 30 students of a race/ethnicity, at least 10 students of a specific race/ethnicity in special education, and at least 10 students in the comparison group in Year 1, and 30 students of a race/ethnicity, at least 30 students of a specific race/ethnicity in special education, and at least 30 students in the comparison group in Year 2.</p>	<p data-bbox="1610 703 1997 768">OSEP appreciates the State’s efforts regarding this indicator.</p>				
<p data-bbox="92 1153 522 1315">10. Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.</p> <p data-bbox="92 1339 369 1369">[Compliance Indicator]</p>	<p data-bbox="548 1153 1585 1218">The State’s FFY 2010 reported data for this indicator are 0%. These data remain unchanged from the FFY 2009 data of 0%. The State met its FFY 2010 target of 0%.</p> <p data-bbox="548 1239 1585 1304">The State reported that no districts were identified with disproportionate representation of racial and ethnic groups in specific disability categories.</p> <p data-bbox="548 1325 1367 1354">The State provided its definition of “disproportionate representation.”</p> <p data-bbox="548 1375 1585 1505">The State reported that 256 of 289 districts did not meet the State-established minimum “n” size requirement of 30 students of the racial/ethnic group in the district, at least 10 students of the racial/ethnic group in the specific disability category, and at least 10 students in the comparison group in Year 1, and at least 30 students of a racial/ethnic</p>	<p data-bbox="1610 1153 1997 1218">OSEP appreciates the State’s efforts regarding this indicator.</p>				

Kansas Part B FFY 2010 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
	group in the district, at least 30 students of a racial/ethnic group in a specific disability category, and at least 30 students in the comparison group in Year 2.	
<p>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.</p> <p>[Compliance Indicator]</p>	<p>The State's FFY 2010 reported data for this indicator are 99.53%. These data represent progress from the FFY 2009 data of 98.72%. The State did not meet its FFY 2010 target of 100%.</p> <p>The State reported that all 21 of its findings of noncompliance identified in FFY 2009 were corrected in a timely manner.</p>	<p>OSEP appreciates the State's efforts and looks forward to reviewing in the FFY 2011 APR the State's data demonstrating that it is in compliance with the timely initial evaluation requirements in 34 CFR §300.301(c)(1). Because the State reported less than 100% compliance for FFY 2010, the State must report on the status of correction of noncompliance identified in FFY 2010 for this indicator. When reporting on the correction of noncompliance, the State must report, in its FFY 2011 APR, that it has verified that each LEA with noncompliance identified in FFY 2010 for this indicator: (1) is correctly implementing 34 CFR §300.301(c)(1) (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has completed the evaluation, although late, for any child whose initial evaluation was not timely, unless the child is no longer within the jurisdiction of the LEA, consistent with OSEP Memorandum 09-02, dated</p>

Kansas Part B FFY 2010 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
		<p>October 17, 2008 (OSEP Memo 09-02). In the FFY 2011 APR, the State must describe the specific actions that were taken to verify the correction.</p> <p>If the State does not report 100% compliance in the FFY 2011 APR, the State must review its improvement activities and revise them, if necessary.</p>
<p>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.</p> <p>[Compliance Indicator]</p>	<p>The State revised the FFY 2010 improvement activities for this indicator and OSEP accepts those revisions.</p> <p>The State's FFY 2010 reported data for this indicator are 99.3%. These data represent progress from the FFY 2009 data of 98.64%. The State did not meet its FFY 2010 target of 100%.</p> <p>The State reported that all 11 of its findings of noncompliance identified in FFY 2009 were corrected in a timely manner.</p>	<p>OSEP appreciates the State's efforts and looks forward to reviewing in the FFY 2011 APR, the State's data demonstrating that it is in compliance with the early childhood transition requirements in 34 CFR §300.124(b). Because the State reported less than 100% compliance for FFY 2010, the State must report on the status of correction of noncompliance identified in FFY 2010 for this indicator. When reporting on the correction of noncompliance, the State must report, in its FFY 2011 APR, that it has verified that each LEA with noncompliance identified in FFY 2010 for this indicator: (1) is correctly implementing 34 CFR §300.124(b) (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data</p>

Kansas Part B FFY 2010 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
		<p>system; and (2) has developed and implemented the IEP, although late, for any child for whom implementation of the IEP was not timely, unless the child is no longer within the jurisdiction of the LEA, consistent with OSEP Memo 09-02. In the FFY 2011 APR, the State must describe the specific actions that were taken to verify the correction.</p> <p>If the State does not report 100% compliance in the FFY 2011 APR, the State must review its improvement activities and revise them, if necessary.</p>
<p>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</p>	<p>The State revised the FFY 2010 improvement activities for this indicator and OSEP accepts those revisions.</p> <p>The State's FFY 2010 reported data for this indicator are 99.11%. The State's FFY 2009 data were 99.84%. The State did not meet its FFY 2010 target of 100%.</p> <p>The State reported that the one finding of noncompliance identified in FFY 2009 was corrected in a timely manner.</p>	<p>OSEP appreciates the State's efforts and looks forward to reviewing in the FFY 2011 APR, the State's data demonstrating that it is in compliance with the secondary transition requirements in 34 CFR §§300.320(b) and 300.321(b). Because the State reported less than 100% compliance for FFY 2010, the State must report on the status of correction of noncompliance identified in FFY 2010 for this indicator.</p> <p>When reporting on the correction of noncompliance, the State must report, in its FFY 2011 APR, that it has verified that each LEA with noncompliance identified in FFY</p>

Kansas Part B FFY 2010 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps																				
<p>or student who has reached the age of majority. [Compliance Indicator]</p>		<p>2010 for this indicator: (1) is correctly implementing 34 CFR §§300.320(b) and 300.321(b) (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the LEA, consistent with OSEP Memo 09-02. In the FFY 2011 APR, the State must describe the specific actions that were taken to verify the correction.</p> <p>If the State does not report 100% compliance in the FFY 2011 APR, the State must review its improvement activities and revise them, if necessary.</p>																				
<p>14. 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; 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</p>	<p>The State revised the FFY 2010 improvement activities for this indicator and OSEP accepts those revisions.</p> <p>The State's reported data for this indicator are:</p> <table border="1" data-bbox="548 1182 1583 1521"> <thead> <tr> <th></th> <th><u>FFY 2009 Data</u></th> <th><u>FFY 2010 Data</u></th> <th><u>FFY 2010 Target</u></th> <th><u>Progress</u></th> </tr> </thead> <tbody> <tr> <td>A. % Enrolled in higher education</td> <td align="center">48.6</td> <td align="center">45.61</td> <td align="center">49</td> <td align="center">-2.99%</td> </tr> <tr> <td>B. % Enrolled in higher education or competitively employed</td> <td align="center">72.6</td> <td align="center">67.98</td> <td align="center">73</td> <td align="center">-4.62%</td> </tr> <tr> <td>C. % Enrolled in higher</td> <td align="center">83.2</td> <td align="center">87.28</td> <td align="center">83.5</td> <td align="center">4.08%</td> </tr> </tbody> </table>		<u>FFY 2009 Data</u>	<u>FFY 2010 Data</u>	<u>FFY 2010 Target</u>	<u>Progress</u>	A. % Enrolled in higher education	48.6	45.61	49	-2.99%	B. % Enrolled in higher education or competitively employed	72.6	67.98	73	-4.62%	C. % Enrolled in higher	83.2	87.28	83.5	4.08%	<p>OSEP appreciates the State's efforts to improve performance and looks forward to the State's data demonstrating improvement in performance in the FFY 2011 APR.</p>
	<u>FFY 2009 Data</u>	<u>FFY 2010 Data</u>	<u>FFY 2010 Target</u>	<u>Progress</u>																		
A. % Enrolled in higher education	48.6	45.61	49	-2.99%																		
B. % Enrolled in higher education or competitively employed	72.6	67.98	73	-4.62%																		
C. % Enrolled in higher	83.2	87.28	83.5	4.08%																		

Kansas Part B FFY 2010 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues						OSEP Analysis/Next Steps
<p>competitively employed or in some other employment within one year of leaving high school.</p> <p>[Results Indicator]</p>	<p>education or in some other postsecondary education or training program; or competitively employed</p>						
<p>These data represent progress for 14C and slippage for 14A and 14B. The State met its FFY 2010 target for 14C, but did not meet its FFY 2010 targets for 14A and 14B.</p> <p>In its description of its FFY 2010 data, the State addressed whether the response group was representative of the population.</p>							
<p>15. General supervision system (including monitoring, complaints, hearings, etc.) identifies and corrects noncompliance as soon as possible but in no case later than one year from identification.</p> <p>[Compliance Indicator]</p>	<p>The State's FFY 2010 reported data for this indicator are 100%. These data remain unchanged from the FFY 2009 data of 100%. The State met its FFY 2010 target of 100%.</p> <p>The State reported that all 66 of its findings of noncompliance identified in FFY 2009 were corrected in a timely manner.</p>						<p>OSEP appreciates the State's efforts in timely correcting findings of noncompliance identified in FFY 2009.</p> <p>When reporting in the FFY 2011 APR on the correction of findings of noncompliance identified in FFY 2010, the State must report that it verified that each LEA with noncompliance identified in FFY 2010: (1) is correctly implementing the specific regulatory requirements (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the LEA, consistent with OSEP Memo 09-02. In the FFY 2011 APR, the State must describe the</p>

Kansas Part B FFY 2010 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
		<p>specific actions that were taken to verify the correction. In addition, in reporting on Indicator 15 in the FFY 2011 APR, the State must use the Indicator 15 Worksheet.</p> <p>Further, in responding to Indicators 11,12, and 13 in the FFY 2011 APR, the State must report on correction of the noncompliance described in this table under those indicators.</p>
<p>16. Percent of signed written complaints with reports issued that were resolved within 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint, or because the parent (or individual or organization) and the public agency agree to extend the time to engage in mediation or other alternative means of dispute resolution, if available in the State.</p> <p>[Compliance Indicator]</p>	<p>The State’s FFY 2010 reported data for this indicator, as of January 31, 2012, are 100%. These data remain unchanged from the FFY 2009 data of 100%. The State met its FFY 2010 target of 100%.</p> <p>Note that States are allowed to amend their FFY 2010 IDEA section 618 Dispute Resolution data until July 2012.</p>	<p>OSEP appreciates the State’s efforts in achieving compliance with the timely complaint resolution requirements in 34 CFR §300.152.</p>
<p>17. Percent of adjudicated due process hearing requests that were adjudicated within the 45-day timeline or a timeline that is properly extended by the hearing officer at the request of either party or in the case of an expedited hearing, within the required timelines.</p>	<p>The State’s FFY 2010 reported data for this indicator, as of January 31, 2012, are 100%. These data are based on one due process hearing. The State met its FFY 2010 target of 100%.</p> <p>Note that States are allowed to amend their FFY 2010 IDEA section 618 Dispute Resolution data until July 2012.</p>	<p>OSEP appreciates the State’s efforts in achieving compliance with the due process hearing timeline requirements in 34 CFR §300.515.</p>

Kansas Part B FFY 2010 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
[Compliance Indicator]		
<p>18. Percent of hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements.</p> <p>[Results Indicator]</p>	<p>The State's FFY 2010 reported data for this indicator, as of January 31, 2012, are 80%. The State reported that four of five resolution sessions resulted in settlement agreements. The State met its FFY 2010 target of 35.80%.</p> <p>Note that States are allowed to amend their FFY 2010 IDEA section 618 Dispute Resolution data until July 2012.</p>	<p>OSEP looks forward to reviewing the State's data in the FFY 2011 APR.</p>
<p>19. Percent of mediations held that resulted in mediation agreements.</p> <p>[Results Indicator]</p>	<p>The State's FFY 2010 reported data for this indicator, as of January 31, 2012, are 80.95%. These data represent slippage from the FFY 2009 data of 82.4%. The State met its FFY 2010 target of 70%.</p> <p>Note that States are allowed to amend their FFY 2010 IDEA section 618 Dispute Resolution data until July 2012.</p>	<p>OSEP looks forward to reviewing the State's data in the FFY 2011 APR.</p>
<p>20. State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate.</p> <p>[Compliance Indicator]</p>	<p>The State revised the FFY 2010 improvement activities for this indicator and OSEP accepts those revisions.</p> <p>The State's FFY 2010 reported data for this indicator are 100%. These data represent progress from the FFY 2009 data of 98.89%. The State met its FFY 2010 target of 100%.</p>	<p>OSEP appreciates the State's efforts in achieving compliance with the timely and accurate data reporting requirements in IDEA sections 616 and 618 and 34 CFR §§76.720 and 300.601(b). In reporting on Indicator 20 in the FFY 2011 APR, the State must use the Indicator 20 Data Rubric.</p>