



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

JUN 20 2011

Dear Commissioner DeBacker:

Thank you for the timely submission of Kansas' Federal fiscal year (FFY) 2009 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 2009 APR and revised SPP (including targets and improvement activities for each year through FFY 2012), other State-reported data, information obtained through verification visits, and other publicly available information. However, we did not consider whether a State was in compliance with the requirement in section 612(a)(18)(A) to maintain State financial support for special education and related services. This is a key component of a State's eligibility for a grant under Part B of the IDEA. However, because the statute provides a specific remedy when a State is not in compliance with this provision (and the Department is taking action consistent with the statute) and recognizing that this is the first time that a number of States have failed to meet this requirement, the Department decided not to include compliance with this provision in the determinations process this year. The Department is actively considering including a State's compliance with this requirement in the 2012 determinations. See the enclosure entitled "How the Department Made Determinations under Section 616(d) of the IDEA in 2011: 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 2009 data reflecting the measurement for each indicator; (2) Kansas reported high levels of compliance or correction for Indicators 9, 10, 11, 12, 16, 17, and 20; and (3) Kansas reported under Indicator 15 both a high level of compliance in timely correcting FFY 2008 findings of noncompliance and that it verified the correction of FFY 2008 findings of noncompliance consistent with the guidance in OSEP Memorandum 09-02, dated October 17, 2008. We commend Kansas for its performance in these areas.

The enclosed table provides OSEP's analysis of the State's FFY 2009 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 2009 data; (2) whether such data met the State's FFY 2009 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)(1) and 34 CFR §300.602(b)(1)(i)(A), your State must report annually to the public on the performance of each local educational

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agency (LEA) located in the State on the targets in the SPP as soon as practicable, but no later than June 1, 2011. 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, appearing to read "Melody Musgrove". The signature is fluid and cursive, with a large loop at the end.

Melody Musgrove, Ed.D.
Director
Office of Special Education Programs

Enclosures

cc: State Director of Special Education

How the Department Made Determinations under Section 616(d) of the Individuals with Disabilities Education Act in 2011: 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 available about a State. This includes the State's FFY 2009 Annual Performance Report (APR)/State Performance Plan (SPP) submission; information from monitoring visits, including verification reviews; and other public information, such as the State's performance under any existing special conditions on its FFY 2010 grant or a compliance agreement, longstanding unresolved audit findings, and other State compliance data under the IDEA.

FFY 2009 APR/SPP Submissions and Other Information

In reviewing a State's FFY 2009 APR/SPP submission, we considered both the submission of valid and reliable data and the level of compliance, including correction of noncompliance, as described below. 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 2009 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 whether we had information demonstrating that the data were not correct or the State indicated that the data were not valid and reliable).

With respect to compliance, we examined Indicators 9, 10, 11, 12, 15, 16, 17, and 20. For each indicator, we looked for evidence that the State demonstrated substantial compliance either through reporting FFY 2009 data that reflected a very high level of compliance (generally 95% or better) or, for Indicators 9, 10, 11, and 12, if the State's FFY 2009 compliance data were 25% or below (for Indicators 9 and 10) or at or above 75% (for Indicators 11 and 12), whether it had fully corrected FFY 2008 findings of noncompliance. Indicator 15 evaluates the "timely" correction of FFY 2008 findings, so for this indicator we specifically examined both whether the State reported a high level of compliance (generally 95% or better) in timely correcting FFY 2008 findings of noncompliance, and whether the State verified the correction of FFY 2008 findings of noncompliance consistent with OSEP Memorandum 09-02, dated October 17, 2008 (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 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 2009 data consistent with, or substantially the same as, the measurement for each indicator and/or the approved SPP; (2) Demonstrated substantial compliance for Indicators 9, 10, 11, 12, 16, 17, and 20; and (3) Reported under Indicator 15 both a high level of compliance (generally 95% or better) in timely correcting FFY 2008 findings of noncompliance, and that it verified correction of FFY 2008 findings of noncompliance consistent with the guidance in OSEP Memo 09-02. We determined that a State demonstrated substantial compliance if it provided data showing a very high level of compliance (generally at or above 95%) for these indicators, or if it had fully corrected previously identified findings of noncompliance for Indicators 9 and 10 (if the State's FFY 2009 compliance data for these indicators were 25% or below), and for Indicators 11 and 12 (if the State's FFY 2009 compliance data for these indicators were at or above 75%). As indicated in OSEP Memo 09-02, beginning with the Department's

determinations in 2010, for Indicators 9, 10, 11 and 12, we considered a State to have demonstrated correction of previously identified noncompliance for any findings identified in FFY 2007 and 2008 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 if its reported FFY 2009 data were low (generally below 75%, or, for Indicators 9 and 10, above 25%), consistent with OSEP Memo 09-02. If a State did not meet these standards for substantial compliance for only one compliance indicator (including Indicators 15 and 20) 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 9 and 10, at or below 10%). In no case, however, did we place a State in “meets requirements” if it failed to provide valid and reliable FFY 2009 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 and, if appropriate revised (or required the LEA to revise) its 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 by 34 CFR §300.170(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 compliance data demonstrated: (1) Very low performance for Indicators 9, 10, 11, 12, 16 or 17 (generally below 50%, or in the case of Indicators 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%) and the State did not report under Indicator 15 that it verified correction of FFY 2008 findings of noncompliance consistent with the guidance in OSEP Memo 09-02. Second, we identified a State as “in need of intervention” if it did not provide valid and reliable (as defined above) FFY 2009 compliance data for Indicators 9, 10, 11, 12, 15, 16 or 17. 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 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 visits, verification reviews, and other public information, such as the State's performance under any existing special conditions on its FFY 2010 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, longstanding audit issues, or a compliance agreement. 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.

Finally, in making these determinations in 2011, we did not consider whether a State was in compliance with the requirement in section 612(a)(18)(A) to maintain State financial support for special education and related services. This is a key component of a State's eligibility for a grant under Part B of the IDEA. However, because the statute provides a specific remedy when a State is not in compliance with this provision (and the Department is taking action consistent with the statute) and recognizing that this is the first time that a number of States have failed to meet this requirement, the Department decided not to include compliance with this provision in the determinations process this year. The Department is actively considering including a State's compliance with this requirement in the 2012 determinations.

Kansas Part B FFY 2009 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 provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions.</p> <p>The State's FFY 2009 reported data for this indicator are 85.29%. These data represent progress from the FFY 2008 reported data of 84.14%. The State met its FFY 2009 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 appreciates the State's efforts to improve performance.</p>
<p>2. Percent of youth with IEPs dropping out of high school. [Results Indicator]</p>	<p>The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions. The State revised the baseline and targets for FFY 2009 and FFY 2010 for this indicator and OSEP accepts those revisions. The revised targets are more rigorous than the previously-established targets. The State indicated that stakeholders were provided an opportunity to comment on the targets for FFY 2009, FFY 2010, FFY 2011 and FFY 2012.</p> <p>The State's FFY 2009 reported data for this indicator are 2.46%. OSEP was unable to determine whether there was progress or slippage because the data represent a new baseline. The State met its FFY 2009 target of 2.46%.</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 provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions. The State indicated that stakeholders were provided an opportunity to comment on the targets for FFY 2011 and FFY 2012.</p> <p>The State's FFY 2009 reported data for this indicator are 81.42%. These data represent slippage from the FFY 2008 data of 85.4%. The State did not meet its FFY 2009 target of 85.5%.</p>	<p>OSEP looks forward to the State's data demonstrating improvement in performance in the FFY 2010 APR, due February 1, 2012.</p>
<p>3. Participation and performance of children with IEPs on statewide assessments:</p>	<p>The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions. The State indicated that stakeholders were provided an opportunity to comment on the targets for FFY 2011 and</p>	<p>OSEP appreciates the State's efforts to improve performance. The State did not report publicly</p>

Kansas Part B FFY 2009 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
<p>B. Participation rate for children with IEPs. [Results Indicator]</p>	<p>FFY 2012.</p> <p>The State's FFY 2009 reported data for this indicator are 99.52% for reading and 99.54% for math. These data represent progress from the FFY 2008 data of 98.86% for reading and represent progress from the FFY 2008 data of 98.85% for math. The State met its FFY 2009 targets of 97.8%.</p> <p>The State provided a Web link to 2009 publicly-reported assessment results. However, the data posted at the Web link provided by the State do not show that the State met the reporting requirements in 34 CFR §300.160(f), for the following reason(s): the data do not provide the number of children with disabilities in regular assessments, and the number of those children who were provided accommodations (that did not result in an invalid score) in order to participate in those assessments at the State, district and school levels. The data do not provide the number of children with disabilities, if any, participating in alternate assessments based on modified academic achievement standards and alternate academic achievement standards, at the State, district and school levels.</p>	<p>on the participation of children with disabilities on statewide assessments at the district and school level with the same frequency and in the same detail as it reports on the assessments of nondisabled children, as required by 34 CFR §300.160(f). Specifically, the State has not reported the number of children with disabilities in regular assessments, and the number of those children who were provided accommodations (that did not result in an invalid score) in order to participate in those assessments at the State, district and school levels. In addition, the State has not reported the number of children with disabilities, if any, participating in alternate assessments based on modified academic achievement standards and alternate academic achievement standards, at the district and school levels. The failure to publicly report as required under 34 CFR §300.160(f) is noncompliance.</p> <p>Within 90 days of the receipt of this response table, the State must provide a Web link that demonstrates it has reported to the public on the statewide assessments of children with disabilities in accordance with 34 CFR §300.160(f). In addition,</p>

Kansas Part B FFY 2009 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
		<p>OSEP reminds the State that in the FFY 2010 APR, due February 1, 2012, the State must continue to include a Web link that demonstrates compliance with 34 CFR §300.160(f).</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 provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions. The State indicated that stakeholders were provided an opportunity to comment on the targets for FFY 2011 and FFY 2012.</p> <p>The State's FFY 2009 reported data for this indicator are 73.66% for reading and 67.91% for math. These data represent progress from the FFY 2008 data of 72.21% for reading and represent progress from the FFY 2008 data of 66.19% for math. The State did not meet its FFY 2009 targets of 77.2% in reading and 76.4% in math.</p> <p>The State provided a Web link to 2009 publicly-reported assessment results. However, the data posted at the Web link provided by the State do not show that the State met the reporting requirements in 34 CFR §300.160(f), because the data do not provide, compared with the achievement of all children, including children with disabilities, the performance results of children with disabilities on alternate assessments based on modified academic achievement standards and alternate assessments based on alternate academic achievement standards, at the State, district and school levels.</p>	<p>OSEP looks forward to the State's data demonstrating improvement in performance in the FFY 2010 APR, due February 1, 2012.</p> <p>The State did not report publicly on the performance of children with disabilities on statewide assessments at the district and school level with the same frequency and in the same detail as it reports on the assessments of nondisabled children, as required by 34 CFR §300.160(f). Specifically, the State has not reported, compared with the achievement of all children, including children with disabilities, the performance results of children with disabilities on, alternate assessments based on modified academic achievement standards, and alternate assessments based on alternate academic achievement standards, at the State, district and school levels. The failure to publicly report as required under 34 CFR</p>

Kansas Part B FFY 2009 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
		<p>§300.160(f) is noncompliance.</p> <p>Within 90 days of the receipt of this response table, the State must provide a Web link that demonstrates it has reported to the public on the statewide assessments of children with disabilities in accordance with 34 CFR §300.160(f). In addition, OSEP reminds the State that in the FFY 2010 APR the State must continue to include a Web link that demonstrates compliance with 34 CFR §300.160(f).</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 provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions. The State indicated that stakeholders were provided an opportunity to comment on the targets for FFY 2011 and FFY 2012.</p> <p>The State’s FFY 2009 reported data for this indicator are 0.34%. These data remain unchanged from the FFY 2008 reported data of 0.34%. The State met its FFY 2009 target of 1.4%.</p> <p>The State reported its definition of “significant discrepancy.”</p> <p>The State reported that it does not use a minimum “n” size requirement.</p> <p>The State reported that it reviewed the LEA’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 LEAs identified with significant discrepancies based on FFY 2008 data. The State did not identify any noncompliance through this review.</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)</p>	<p>The State provided FFY 2009 baseline, using FFY 2008 data, targets for FFY 2010, FFY 2011, and FFY 2012, and improvement activities through FFY 2012 for this indicator, and OSEP accepts the State’s submission for this indicator.</p>	<p>OSEP appreciates the State’s efforts regarding this indicator.</p> <p>OSEP will be carefully reviewing</p>

Kansas Part B FFY 2009 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps																				
<p>a significant discrepancy, by race or ethnicity, in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs; and (b) policies, procedures or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.</p> <p>[Compliance Indicator]</p>	<p>The State’s FFY 2009 reported baseline data for this indicator are 0%.</p> <p>The State reported that one district was identified as having a significant discrepancy, 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 also reported that no districts were identified as having 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>The State reported its definition of “significant discrepancy.”</p> <p>The State reported that it does not use a minimum “n” size requirement.</p> <p>The State reported that it reviewed the LEAs’ policies, procedures, and practices relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards to ensure compliance with the IDEA, as required by 34 CFR §300.170(b) for the LEAs identified with significant discrepancies based on FFY 2008 data. The State did not identify any noncompliance through this review.</p>	<p>each State’s methodology for “significant discrepancy” and will contact the State if there are questions or concerns.</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;</p> <p>B. Inside the regular class less than 40% of the day; or</p> <p>C. In separate schools, residential facilities, or homebound/hospital placements.</p> <p>[Results Indicator]</p>	<p>The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions. The State indicated that stakeholders were provided an opportunity to comment on the targets for FFY 2011 and FFY 2012.</p> <p>The State’s FFY 2009 reported data for this indicator are:</p> <table border="1" data-bbox="552 1096 1583 1518"> <thead> <tr> <th></th> <th><u>FFY 2008 Data</u></th> <th><u>FFY 2009 Data</u></th> <th><u>FFY 2009 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">62.16</td> <td align="center">62.82</td> <td align="center">59.5</td> <td align="center">0.66%</td> </tr> <tr> <td>B. % Inside the regular class less than 40% of the day</td> <td align="center">7.21</td> <td align="center">7.39</td> <td align="center">8.2</td> <td align="center">-0.18%</td> </tr> <tr> <td>C. % In separate schools, residential facilities, or homebound/hospital</td> <td align="center">2.71</td> <td align="center">2.53</td> <td align="center">2.14</td> <td align="center">0.18%</td> </tr> </tbody> </table>		<u>FFY 2008 Data</u>	<u>FFY 2009 Data</u>	<u>FFY 2009 Target</u>	<u>Progress</u>	A. % Inside the regular class 80% or more of the day	62.16	62.82	59.5	0.66%	B. % Inside the regular class less than 40% of the day	7.21	7.39	8.2	-0.18%	C. % In separate schools, residential facilities, or homebound/hospital	2.71	2.53	2.14	0.18%	<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 2010 APR, due February 1, 2012.</p>
	<u>FFY 2008 Data</u>	<u>FFY 2009 Data</u>	<u>FFY 2009 Target</u>	<u>Progress</u>																		
A. % Inside the regular class 80% or more of the day	62.16	62.82	59.5	0.66%																		
B. % Inside the regular class less than 40% of the day	7.21	7.39	8.2	-0.18%																		
C. % In separate schools, residential facilities, or homebound/hospital	2.71	2.53	2.14	0.18%																		

Kansas Part B FFY 2009 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues				OSEP Analysis/Next Steps												
	placements																
<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; and</p> <p>B. Separate special education class, separate school or residential facility.</p> <p>[Results Indicator; New]</p>	<p>The State is not required to report on this indicator in the FFY 2009 APR.</p>				<p>The State is not required to report on this indicator in the FFY 2010 APR, due February 1, 2012.</p>												
<p>7. Percent of preschool children age 3 through 5 with IEPs who demonstrate improved:</p> <p>A. Positive social-emotional skills (including social relationships);</p> <p>B. Acquisition and use of knowledge and skills (including early language/communication and early literacy); and</p> <p>C. Use of appropriate behaviors to meet their needs.</p> <p>[Results Indicator]</p>	<p>The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions. The State indicated that stakeholders were provided an opportunity to comment on the targets for FFY 2011 and FFY 2012.</p> <p>The State's FFY 2009 reported data for this indicator are:</p> <table border="1" data-bbox="552 1101 1583 1505"> <thead> <tr> <th data-bbox="552 1101 957 1203">Summary Statement 1</th> <th data-bbox="957 1101 1163 1203">FFY 2008 Data</th> <th data-bbox="1163 1101 1373 1203">FFY 2009 Data</th> <th data-bbox="1373 1101 1583 1203">FFY 2009 Target</th> </tr> </thead> <tbody> <tr> <td data-bbox="552 1203 957 1341">Outcome A: Positive social-emotional skills (including social relationships) (%)</td> <td data-bbox="957 1203 1163 1341">85.93</td> <td data-bbox="1163 1203 1373 1341">84.52</td> <td data-bbox="1373 1203 1583 1341">85.93</td> </tr> <tr> <td data-bbox="552 1341 957 1505">Outcome B: Acquisition and use of knowledge and skills (including early language/ communication) (%)</td> <td data-bbox="957 1341 1163 1505">86.38</td> <td data-bbox="1163 1341 1373 1505">85.38</td> <td data-bbox="1373 1341 1583 1505">86.38</td> </tr> </tbody> </table>				Summary Statement 1	FFY 2008 Data	FFY 2009 Data	FFY 2009 Target	Outcome A: Positive social-emotional skills (including social relationships) (%)	85.93	84.52	85.93	Outcome B: Acquisition and use of knowledge and skills (including early language/ communication) (%)	86.38	85.38	86.38	<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 2010 APR, due February 1, 2012.</p> <p>The State must report progress data and actual target data for FFY 2010 with the FFY 2010 APR.</p>
Summary Statement 1	FFY 2008 Data	FFY 2009 Data	FFY 2009 Target														
Outcome A: Positive social-emotional skills (including social relationships) (%)	85.93	84.52	85.93														
Outcome B: Acquisition and use of knowledge and skills (including early language/ communication) (%)	86.38	85.38	86.38														

Kansas Part B FFY 2009 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues				OSEP Analysis/Next Steps	
	Outcome C: Use of appropriate behaviors to meet their needs (%)	86.24	85.84	86.24		
	<u>Summary Statement 2</u>	<u>FFY 2008 Data</u>	<u>FFY 2009 Data</u>	<u>FFY 2009 Target</u>		
	Outcome A: Positive social-emotional skills (including social relationships) (%)	65.16	65.66	65.16		
	Outcome B: Acquisition and use of knowledge and skills (including early language/ communication) (%)	63.6	62.65	63.6		
	Outcome C: Use of appropriate behaviors to meet their needs (%)	76.79	77.93	76.79		
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. [Results Indicator]	These data for this indicator represent progress and slippage from the FFY 2008 data. The State met part of its FFY 2009 targets for this 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. [Results Indicator]	The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions. The State indicated that stakeholders were provided an opportunity to comment on the targets for FFY 2011 and FFY 2012. The State's FFY 2009 reported data for this indicator are 67.7%. These data represent progress from the FFY 2008 data of 62.93%. The State met its FFY 2009 target of 59.8%. In its description of its FFY 2009 data, the State addressed whether the response group was representative of the population.				OSEP appreciates the State's efforts to improve performance.	
9. Percent of districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate	The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions. The State's FFY 2009 reported data for this indicator are 0%. These data remain unchanged from the FFY 2008 data of 0%. The State met its FFY 2009 target of 0%.				OSEP appreciates the State's efforts regarding this indicator.	

Kansas Part B FFY 2009 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
<p>identification. [Compliance Indicator]</p>	<p>The State reported that no districts were identified with disproportionate representation of racial and ethnic groups in special education and related services.</p> <p>The State provided its definition of “disproportionate representation.”</p> <p>The State reported that data is analyzed at the district level for all race and ethnicity categories meeting the minimum “n” size of 30 that are present in any of the districts, and that no districts were excluded from the calculation.</p>	
<p>10. Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification. [Compliance Indicator]</p>	<p>The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions.</p> <p>The State’s FFY 2009 reported data for this indicator are 0%. These data remain unchanged from the FFY 2008 data of 0%. The State met its FFY 2009 target of 0%.</p> <p>The State reported that no districts were identified with disproportionate representation of racial and ethnic groups in specific disability categories.</p> <p>The State provided its definition of “disproportionate representation.”</p> <p>The State reported that data is analyzed at the district level for all race and ethnicity categories meeting the minimum ‘n’ size of 30 that are present in any of the districts, and that no districts were excluded from the calculation.</p>	<p>OSEP appreciates the State’s efforts regarding this indicator.</p>
<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. [Compliance Indicator]</p>	<p>The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions.</p> <p>The State’s FFY 2009 reported data for this indicator are 98.72%. The FFY 2008 data were 98.83%. The State did not meet its FFY 2009 target of 100%.</p> <p>The State reported that all 33 of its findings of noncompliance identified in FFY 2008 for this indicator were corrected in a timely manner.</p>	<p>OSEP appreciates the State’s efforts and looks forward to reviewing in the FFY 2010 APR, due February 1, 2012, 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 2009, the State must report on the status of correction of noncompliance reflected in the data the State reported for this indicator.</p> <p>When reporting on the correction of noncompliance, the State must</p>

Kansas Part B FFY 2009 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
		<p>report, in its FFY 2010 APR, that it has verified that each LEA with noncompliance reflected in the FFY 2009 data the State reported 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 October 17, 2008 (OSEP Memo 09-02).” In the FFY 2010 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 2010 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>The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions.</p> <p>The State’s FFY 2009 reported data for this indicator are 98.64%. The FFY 2008 data were 99.55%. The State did not meet its FFY 2009 target of 100%.</p> <p>The State reported that all six of its findings of noncompliance identified in FFY 2008</p>	<p>OSEP appreciates the State’s efforts and looks forward to reviewing in the FFY 2010 APR, due February 1, 2012, the State’s data demonstrating that it is in compliance with the early childhood transition requirements</p>

Kansas Part B FFY 2009 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
[Compliance Indicator]	for this indicator were corrected in a timely manner.	<p>in 34 CFR §300.124(b). Because the State reported less than 100% compliance for FFY 2009, the State must report on the status of correction of noncompliance reflected in the FFY 2009 data the State reported for this indicator.</p> <p>When reporting on the correction of noncompliance, the State must report, in its FFY 2010 APR, that it has verified that each LEA with noncompliance reflected in the data the State reported 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 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 2010 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 2010 APR, the State must review its improvement activities and revise them, if necessary.</p>

Kansas Part B FFY 2009 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
<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 or student who has reached the age of majority.</p> <p>[Compliance Indicator]</p>	<p>The State provided FFY 2009 baseline data, targets for FFY 2010, FFY 2011, and FFY 2012, and improvement activities through FFY 2012 for this indicator, and OSEP accepts the State's submission for this indicator.</p> <p>The State's FFY 2009 reported baseline data for this indicator are 99.84%.</p>	<p>OSEP appreciates the State's efforts and looks forward to reviewing in the FFY 2010 APR, due February 1, 2012, 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 2009, the State must report on the status of correction of noncompliance reflected in the data the State reported for this indicator.</p> <p>When reporting on the correction of noncompliance, the State must report, in its FFY 2010 APR, that it has verified that each LEA with noncompliance reflected in the FFY 2009 data the State reported 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 2010 APR, the State must describe the</p>

Kansas Part B FFY 2009 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.</p> <p>If the State does not report 100% compliance in the FFY 2010 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;</p> <p>B. Enrolled in higher education or competitively employed within one year of leaving high school.</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.</p> <p>[Results Indicator]</p>	<p>The State provided FFY 2009 baseline data, targets for FFY 2010, FFY 2011, and FFY 2012, and improvement activities through FFY 2012 for this indicator, and OSEP accepts the State’s submission for this indicator. The State indicated that stakeholders were provided an opportunity to comment on the targets for FFY 2011 and FFY 2012.</p> <p>The State’s reported FFY 2009 baseline data for this indicator are:</p> <p>A. 48.6% enrolled in higher education within one year of leaving high school;</p> <p>B. 72.6% enrolled in higher education or competitively employed within one year of leaving high school; and</p> <p>C. 83.2% 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.</p> <p>The State did not provide the actual numbers used in the calculation for this indicator (as instructed in the SPP/APR measurement table).</p>	<p>The State must report actual target data for FFY 2010 with the FFY 2010 APR, due February 1, 2012.</p> <p>The State did not provide the actual numbers used in the calculation for this indicator and the State must provide the required actual numbers for FFY 2010 in the FFY 2010 APR.</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 provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions.</p> <p>The State’s FFY 2009 reported data for this indicator are 100%. These data remain unchanged from the FFY 2008 data of 100%. The State met its FFY 2009 target of 100%.</p> <p>The State reported that all 136 of its findings of noncompliance identified in FFY 2008 were corrected in a timely manner.</p> <p>OSEP’s Verification Visit Letter, dated January 25, 2011, required the State to describe,</p>	<p>OSEP appreciates the State’s efforts in timely correcting findings of noncompliance identified in FFY 2008.</p> <p>In reporting on correction of findings of noncompliance in the FFY 2010 APR, due February 1, 2012, the State must report that it verified that each LEA with</p>

Kansas Part B FFY 2009 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
	<p>during the FFY 2009 SPP/APR clarification period, the extent to which it verified timely or subsequent correction of the FFY 2008 findings for Indicator 13 (as reported in Indicator 15) in a manner consistent with the guidance in OSEP Memo 09-02. In its FFY 2009 APR submission, the State provided the required information.</p>	<p>noncompliance identified in FFY 2009: (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 2010 APR, the State must describe the specific actions that were taken to verify the correction.</p> <p>In addition, in reporting on Indicator 15 in the FFY 2010 APR, the State must use the Indicator 15 Worksheet.</p> <p>In addition, in responding to Indicators 11, 12, and 13 in the FFY 2010 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</p>	<p>The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions.</p> <p>The State's FFY 2009 reported data for this indicator are 100%. These data remain unchanged from the FFY 2008 data of 100%. The State met its FFY 2009 target of 100%.</p>	<p>OSEP appreciates the State's efforts in achieving compliance with the timely complaint resolution requirements in 34 CFR §300.152.</p>

Kansas Part B FFY 2009 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
<p>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>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>[Compliance Indicator]</p>	<p>The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions.</p> <p>The State's FFY 2009 reported data for this indicator are 100%. These data are based on one due process hearing. The State met its FFY 2009 target of 100%.</p>	<p>OSEP appreciates the State's efforts in achieving compliance with the due process hearing timeline requirements in 34 CFR §300.515.</p>
<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 provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions. The State indicated that stakeholders were provided an opportunity to comment on the targets for FFY 2011 and FFY 2012. The State revised the improvement activities for FFY 2010 for this indicator and OSEP accepts those revisions.</p> <p>The State reported that three out of five resolution sessions resulted in settlement agreements. The State met its FFY 2009 target of 35.8%.</p>	<p>OSEP looks forward to reviewing the State's data in the FFY 2010 APR, due February 1, 2012.</p>
<p>19. Percent of mediations held that resulted in mediation agreements.</p> <p>[Results Indicator]</p>	<p>The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions. The State indicated that stakeholders were provided an opportunity to comment on the targets for FFY 2011 and FFY 2012.</p> <p>The State's FFY 2009 reported data for this indicator are 82.4%. These data represent progress from the FFY 2008 data of 78.3%. The State met its FFY 2009 target of 79%.</p>	<p>OSEP looks forward to reviewing the State's data in the FFY 2010 APR, due February 1, 2012.</p>
<p>20. State reported data (618 and State Performance Plan and Annual</p>	<p>The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions.</p>	<p>OSEP appreciates the State's efforts and looks forward to</p>

Kansas Part B FFY 2009 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
<p>Performance Report) are timely and accurate. [Compliance Indicator]</p>	<p>The State's FFY 2009 reported data for this indicator are 100%. However, OSEP's calculation of the data for this indicator is 98.89%. These data represent slippage from the FFY 2008 data of 100%. The State did not meet its FFY 2009 target of 100%.</p>	<p>reviewing in the FFY 2010 APR, due February 1, 2012, the State's data demonstrating that it is in 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 2010 APR, the State must use the Indicator 20 Data Rubric. If the State does not report 100% compliance in the FFY 2010 APR, the State must review its improvement activities and revise them, if necessary.</p>