



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

Honorable Dale Dennis
Interim Commissioner
Kansas State Department of Education
120 SE 10th Avenue
Topeka, KS 66612-1182

JUN 15 2007

Dear Commissioner Dennis :

Thank you for the timely submission of Kansas' Annual Performance Report (APR) and revised State Performance Plan (SPP) under Part B of the Individuals with Disabilities Education Act (IDEA), as amended in 2004.

As you know, under IDEA section 616, each State has an SPP that evaluates the State's efforts to implement the requirements and purposes of Part B of the IDEA and describes how the State will improve its implementation of Part B. In the revised SPP due by February 1, 2007, States were required to provide information on: (1) specific new indicators; and (2) correction of any deficiencies identified in the Office of Special Education Programs' (OSEP's) SPP response letter sent to your State last year. States were also required to submit by February 1, 2007, an APR for Federal fiscal year (FFY) 2005 that describes the State's: (1) progress or slippage in meeting the measurable and rigorous targets established in the SPP; and (2) any revisions to the State's targets, improvement activities, timelines or resources in the SPP and justifications for the revisions. We appreciate the State's efforts in preparing the FFY 2005 APR and revised SPP.

The Department has reviewed the information provided in the State's FFY 2005 APR and revised SPP, other State-reported data, information obtained through monitoring visits, and other public information and has determined that, under IDEA section 616(d), Kansas needs assistance in meeting the requirements of Part B of the IDEA. The State should review IDEA section 616(e) regarding the potential future impact of the Department's determination.

The Department's determination is based on the totality of the State's data in its SPP/APR and other publicly available information, including any compliance issues. The factors in States' FFY 2005 APR and February 1, 2007 SPP submissions that affected the Department's determinations were whether the State: (1) provided valid and reliable FFY 2005 data that reflect the measurement for each indicator, and if not, whether the State provided a plan to collect the missing or deficient data; and (2) for each compliance indicator that was not new (a) demonstrated compliance or timely corrected noncompliance, and (b) in instances where it did not demonstrate compliance, had nonetheless made progress in ensuring compliance over prior performance in that area. We also considered whether the State had other IDEA compliance issues that were identified previously through the Department's monitoring, audit or other activities, and

the State's progress in resolving those problems. See the enclosure entitled "How the Department Made Determinations under Section 616(d) of the IDEA in 2007" for further details.

Specific factors affecting OSEP's determination of needs assistance for Kansas included: (1) the State reported 79% compliance for Indicator 12, and (2) with regard to Indicator 15, the State reported that it did not require corrective action regarding transition from Part C to Part B services until nine months after the close of the FFY 2004 year. For these reasons, we were unable to determine that your State met requirements under section 616(d). Balancing these factors were areas reflecting a high level of performance or correction, specifically that the State reported 100% compliance for Indicators 16 and 17, and 100% compliance for Indicator 15 in priority areas not related to Indicator 12. The State also provided valid and reliable FFY 2005 data for the measurement for each Indicator. We commend the State for the improvement it made in Indicator 12, and hope the State will be able to demonstrate that it meets requirements in its next APR.

The table enclosed with this letter provides OSEP's analysis of the State's FFY 2005 APR and revised SPP and identifies, by indicator, OSEP's review and acceptance of any revisions made by the State to its targets, improvement activities (timelines and resources) and baseline data in the State's SPP. It also identifies, by indicator, the State's status in meeting its targets, and whether the State's data reflect progress or slippage, and whether the State corrected noncompliance and provided valid and reliable data. The table also lists, by indicator, any additional information the State must include in the FFY 2006 APR or, as needed, the SPP due February 1, 2008, to address the problems OSEP identified in the revised SPP or FFY 2005 APR. The State must provide this required information. We plan to factor into our determinations next year whether or not States provided the additional information requested in this table in their FFY 2006 APR, due February 1, 2008, and may take other actions as well, if the State's data, or lack of data, regarding these issues indicates continuing noncompliance.

As you know, 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 under IDEA section 616(b)(2)(C)(ii)(I). The requirement for public reporting on LEA performance is a critical provision in ensuring accountability and focusing on improved results for children with disabilities. Please have your staff notify your OSEP State Contact when and where your State makes available its public report on LEA performance. In addition, States must review LEA performance against targets in the State's SPP, especially the compliance indicators, determine if each LEA meets the requirements of the IDEA and inform each LEA of its determination. For further information regarding these requirements, see SPP/APR Guidance Materials at <http://www.rrfcnetwork.org/>.

We hope that the State found helpful, and was able to benefit from, the monthly technical assistance conference calls conducted by this Office, ongoing consultation with OSEP State Contacts and OSEP-funded Technical Assistance Center staff, materials found on the IDEA 2004 website, and attendance at OSEP-sponsored conferences. OSEP will continue to provide technical assistance opportunities to assist your State as it works to improve performance under Part B of the IDEA. If you have any feedback on our past technical assistance efforts or the needs of States for guidance, we would be happy to

hear from you as we work to develop further mechanisms to support State improvement activities.

OSEP is committed to supporting Kansas' efforts to improve results for children 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 do not hesitate to call Shelia Friedman, your OSEP State Contact, at 202-245-7349.

Sincerely,

A handwritten signature in cursive script that reads "Patricia J. Guard".

Patricia J. Guard
Acting 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 2007: Part B

To arrive at our determination for each State under section 616(d) of the Individuals with Disabilities Education Act (IDEA), we considered the State's FFY 2005 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 2006 grant or a compliance agreement, longstanding unresolved audit findings, and other State compliance data under the IDEA.

FFY 2005 APR/SPP Submissions

In reviewing the States' FFY 2005 APR/SPP submissions, we considered both data and compliance:

For data, we examined whether the State provided valid and reliable FFY 2005 data that were consistent with, or substantially the same as, the measurement for the indicator, and if not, whether the State provided a plan to collect the missing or deficient data for reporting in next year's APR/SPP submission. We did not consider data relative to Indicators 4, 9, 10, and 20. For Indicators 4, 9, and 10, many States either analyzed data for the wrong year, or conducted only a part of the analysis on the correct year's (FFY 2005) data. We will clarify the instruction for next year's APR/SPP. Indicator 20 is itself about the timeliness and accuracy of data, which we addressed through the other indicators.

For compliance, we looked at Indicators 12, 15, 16 and 17. With respect to these indicators, we looked for evidence that the State demonstrated substantial compliance either through reporting a very high level of performance (generally 95% or better) or correction of noncompliance, and if the State did not, whether it nonetheless had made progress in ensuring compliance over its FFY 2004 performance in that area. We considered progress to include reporting higher compliance numbers or reporting more accurate and complete compliance data compared to the data provided in the prior year's submission. Indicator 15 evaluates „timely“ correction, so for this indicator we specifically examined whether the correction was timely, but we also considered whether the State subsequently corrected noncompliance. We did not consider compliance relative to the “new” compliance indicators (those indicators for which States were submitting SPP information for the first time)—Indicators 9, 10, 11, and 13—because, as new indicators, States would not yet have had an opportunity to demonstrate substantial compliance by showing that they timely corrected noncompliance when it was identified. We did not consider Indicator 20 because there was not a clear measurement and there was wide variation in how States reported data for it. We will be addressing the measurement for this indicator in our instructions for the FFY 2006 APR. We did not consider Indicators 16 and 17 if the State reported less than 100% and fewer than 10 complaints or fully adjudicated hearings, in recognition of the problems in basing decisions on small numbers.

Generally, and absent any other issues (see below), we considered a State to “meet requirements” if it provided valid and reliable FFY 2005 data consistent with, or substantially the same as, the measurement for each indicator, AND demonstrated substantial compliance for Indicators 12, 15, 16, and 17. We determined that a State demonstrated substantial compliance if it provided data showing a very high level of compliance (generally 95% or better) or that it had fully corrected

previously identified noncompliance. If a State did not meet these standards on only one indicator, we considered the State to “meet requirements” if the compliance level for this indicator was high (generally 90% or better) or, for a data issue, if the State provided a plan to collect the data for next year. In no case, however, did we place a State in “meets requirements” if it failed to provide valid and reliable FFY 2005 data for compliance Indicators 12, 15, 16 and 17.

Generally, and absent any other issues (see below) we considered a State to be “in need of intervention” if it demonstrated very low performance for Indicators 12, 15, 16 or 17 (generally 50% or below) and did not demonstrate correction of the noncompliance or did not make progress over the prior year’s performance. We identified States as being in need of intervention if they did not provide FFY 2005 data on these indicators (12, 15, 16 or 17). We also identified States as being in need of intervention if they did not provide valid and reliable FFY 2005 data on one of the other indicators and did not provide a plan to collect and report on the data in the FFY 2006 APR/SPP.

We determined that States that did not meet requirements and were not in need of intervention were in need of assistance, absent any other issues (see below).

We would have identified 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. This year, we did not find any States to be in this category based on their APR/SPP submission because this is the first year of implementation of the requirement for States to submit APRs under section 616 of the IDEA. We recognize that all States worked hard to provide extensive information in a relatively brief period of time.

Monitoring Data and Other Public Information

We also considered other public information available to the Department, including information from OSEP monitoring activities, performance under pre-existing special conditions, and longstanding audit findings. We did not consider a State to “meet requirements” if the State had unresolved special conditions issues,¹ OSEP monitoring findings, including verification visit findings, or longstanding audit issues or was under a compliance agreement. 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, were factors we considered in determining whether the State should be identified as “in need of assistance” or “in need of intervention.” Next year we intend to look more critically at longstanding unresolved issues in determining whether any State should be identified as being “in need of substantial intervention.”

¹ We decided not to add special conditions to FFY 2007 grants for States that were not on special conditions for FFY 2006, although we have the authority to do so. We will consider special conditions for States that had them on their FFY 2006 grant and have not satisfied those conditions. Next year, for States that are identified as being in need of assistance for two consecutive years (this year and next), one of the possible actions the Department may take is to impose special conditions on their FFY 2008 grant.

Kansas Part B SPP/APR Response Table

Monitoring Priorities and Indicators	Status	OSEP Analysis/Next Steps
Monitoring Priority: FAPE in the LRE		
<p>1. Percent of youth with IEPs graduating from high school with a regular diploma compared to percent of all youth in the State graduating with a regular diploma.</p> <p>[Results Indicator]</p>	<p>The Kansas Department of Education’s (KSDE) FFY 2005 reported data for this indicator are 85.7%. This represents slippage from the State’s FFY 2004 reported data of 87.1%. The State did not meet its FFY 2005 target of 86.7%.</p>	<p>The KSDE revised its baseline to reflect finalized FFY 2004 data. The baseline originally submitted for FFY 2004 was 86.7%. Additionally, the KSDE revised its targets, and improvement activities for this indicator in its SPP and OSEP accepts those revisions.</p> <p>OSEP looks forward to the State’s data demonstrating improvement in performance in the FFY 2006 APR, due February 1, 2008.</p>
<p>2. Percent of youth with IEPs dropping out of high school compared to the percent of all youth in the State dropping out of high school.</p> <p>[Results Indicator]</p>	<p>The KSDE’s FFY 2005 reported data for this indicator are 1.67%. This represents slippage from the State’s FFY 2004 reported data of 1.5%. The State did not meet its FFY 2005 target of 1.5%.</p>	<p>The KSDE revised its baseline to reflect finalized FFY 2004 data. The baseline originally submitted for FFY 2004 was 1.4%. Additionally, the KSDE revised its targets, and improvement activities for this indicator in its SPP and OSEP accepts those revisions.</p> <p>The KSDE provided data that indicated that the State dropout average for all students increased. The KSDE conducted a district-by-district analysis of dropout rates and modified the criteria by which a district will be flagged on its District Status Report.</p> <p>OSEP looks forward to the State’s data demonstrating improvement in performance in the FFY 2006 APR, due February 1, 2008.</p>
<p>3. Participation and performance of children with disabilities on statewide assessments:</p> <p>A. Percent of districts that have a disability subgroup that meets the State’s minimum “n” size meeting the State’s AYP objectives for progress for disability subgroup.</p> <p>B. Participation rate for children with IEPs in a regular assessment with no accommodations; regular assessment with accommodations;</p>	<p>3A. The KSDE’s FFY 2005 reported data for this indicator are 87.6%. The KSDE met its FFY 2005 target of 83.7%.</p> <p>3B. The KSDE’s FFY 2005 reported data for this indicator are 97.2%. This represents slippage from the State’s FFY 2004 reported data of 99.2%.</p>	<p>The State revised its targets for 3B and OSEP accepts those revisions.</p> <p>The State met its targets for 3A and 3C and OSEP appreciates the State’s efforts to improve performance.</p>

Monitoring Priorities and Indicators	Status	OSEP Analysis/Next Steps
<p>alternate assessment against grade level standards; alternate assessment against alternate achievement standards.</p> <p>C. Proficiency rate for children with IEPs against grade level standards and alternate achievement standards.</p> <p>[Results Indicator]</p>	<p>The KSDE did not meet its FFY 2005 target of 100%.</p> <p>3C. The KSDE's FFY 2005 reported data for this indicator are 58.3% in reading and 52.1% in math. The KSDE met its FFY 2005 targets of 52.5% in reading and 46.8% in math.</p>	
<p>4. Rates of suspension and expulsion:</p> <p>A. Percent of districts identified by the State as having a significant discrepancy in the rates of suspensions and expulsions of children with disabilities for greater than 10 days in a school year; and</p> <p>[Results Indicator]</p>	<p>The KSDE's FFY 2005 reported data for this indicator are 1.00%. The KSDE met its FFY 2005 target of 1.99%.</p>	<p>The State revised the improvement activities for this indicator in its SPP and OSEP accepts those revisions.</p> <p>The State identified significant discrepancies but did not describe how the State reviewed, and if appropriate revised (or required the affected LEAs to revise) its policies, procedures, and practices relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards to ensure compliance with the IDEA, as required by 34 CFR §300.170(b). In its FFY 2006 APR, the State must describe the review, and if appropriate revision, of policies, procedures, and practices relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards to ensure compliance with the IDEA for: (1) the LEAs identified as having significant discrepancies in the FFY 2005 APR; and (2) the LEAs identified as having significant discrepancies in the FFY 2006 APR. (The review for LEAs identified in the FFY 2006 APR may occur either during or after the FFY 2006 reporting period, so long as the State describes that review in the FFY 2006 APR.)</p>
<p>4. Rates of suspension and expulsion:</p> <p>B. Percent of districts identified by the State as having a significant discrepancy in the rates of suspensions and expulsions of greater than 10 days in a school year of children with disabilities by race and ethnicity.</p> <p>[Results Indicator; New]</p>		<p>Based upon our preliminary review of all State submissions for Indicator 4B, it appears that the instructions for this indicator were not sufficiently clear and, as a result, confusion remains regarding the establishment of measurements and targets that are race-based and for which there is no finding that the significant discrepancy is based on inappropriate policies, procedures, or practices relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards. As a result, use of these targets could raise Constitutional concerns. Therefore, OSEP has decided not to review this</p>

Monitoring Priorities and Indicators	Status	OSEP Analysis/Next Steps
		<p>year's submissions for Indicator 4B for purposes of approval and will revise instructions for this indicator to clarify how this indicator will be used in the future. Based upon this, OSEP did not consider the submissions for Indicator 4B in making determinations under section 616(d). It is also important that States immediately cease using Indicator 4B measurements and targets, unless they are based on a finding of inappropriate policies, procedures, or practices relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.</p>
<p>5. Percent of children with IEPs aged 6 through 21:</p> <p>A. Removed from regular class less than 21% of the day;</p> <p>B. Removed from regular class greater than 60% of the day; or</p> <p>C. Served in public or private separate schools, residential placements, or homebound or hospital placements.</p> <p>[Results Indicator]</p>	<p>5A. The KSDE's FFY 2005 reported data for this indicator are 59.30%. The KSDE met its FFY 2005 target of 55.58%.</p> <p>5B. The KSDE's FFY 2005 reported data for this indicator are 8.12%. The KSDE met its FFY 2005 target of 10.5%.</p> <p>5C. The KSDE's FFY 2005 reported data for this indicator are 2.44%. The KSDE met its FFY 2005 target of 2.92%.</p>	<p>The State met its targets and OSEP appreciates the State's efforts to improve performance.</p>
<p>6. Percent of preschool children with IEPs who received special education and related services in settings with typically developing peers (i.e., early childhood settings, home, and part-time early childhood/part-time early childhood special education settings).</p> <p>[Results Indicator]</p>	<p>The KSDE's FFY 2005 reported data for this indicator are 37.7%. This represents slippage from the State's FFY 2004 reported data of 42.16%. The KSDE did not meet its FFY 2005 target of 45%.</p>	<p>The State revised the improvement activities for this indicator in its SPP and OSEP accepts those revisions.</p> <p>Please note that, due to changes in the 618 State-reported data collection, this indicator will change for the FFY 2006 APR, due February 1, 2008. States will be required to describe how they will collect valid and reliable data to provide baseline and targets in the FFY 2007 APR, due February 1, 2009.</p>
<p>7. Percent of preschool children with IEPs who demonstrate improved:</p>	<p>The KSDE provided entry data.</p>	<p>The KSDE reported the required entry data and activities. The State must provide progress data and improvement activities with the FFY 2006 APR,</p>

Monitoring Priorities and Indicators	Status	OSEP Analysis/Next Steps
<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; New]</p>		<p>due February 1, 2008.</p>
<p>8. Percent of parents with a child receiving special education services who report that schools facilitated parent involvement as a means of improving services and results for children with disabilities.</p> <p>[Results Indicator; New]</p>	<p>The KSDE provided FFY 2005 baseline data of 33%.</p>	<p>The KSDE provided baseline data, targets and improvement activities. However, the State did not submit a copy of the survey they are using to collect the data. The KSDE must provide the required documentation in the FFY 2006 APR due February 1, 2008.</p>
Monitoring Priority: Disproportionality		
<p>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>[Compliance Indicator; New]</p>	<p>The State identified 0% of districts with disproportionate representation.</p>	<p>Because the State reviewed the data and determined that no district had disproportionate representation, it did not have to determine whether identified disproportionate representation was the result of inappropriate identification. However, the State did include its process for determining, if disproportionate representation were to occur, whether disproportionate representation was the result of inappropriate identification.</p> <p>While not required under Indicator 9, the State indicated that it is reviewing the LEA's policies, procedures, and practices before requiring the LEA to reserve the maximum amount for early intervening services. This represents noncompliance with 34 CFR §300.646(b)(2), which requires that if the State determines that significant disproportionality is occurring in an LEA, the State must require the LEA to reserve the maximum amount for early intervening services, regardless of the result of the review of the LEA's policies, practices, and procedures. Because the State provided information in its FFY 2005 APR that indicates noncompliance with 34 CFR §300.646(b)(2), the State must demonstrate in its FFY 2006 APR that this noncompliance has been corrected. To correct this noncompliance the State must demonstrate, in its FFY 2006 APR, that it requires an LEA to reserve</p>

Monitoring Priorities and Indicators	Status	OSEP Analysis/Next Steps
		the maximum amount of its Part B allocation for early intervening services when it is determined that significant disproportionality is occurring in the LEA, as required by 34 CFR §300.646(b)(2).
<p>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>[Compliance Indicator; New]</p>	<p>The KSDE reported FFY 2005 baseline data of 0.7%.</p>	<p>The State identified 0.7% of districts with disproportionate representation in specific disability categories that was the result of inappropriate identification. OSEP looks forward to reviewing data and information in the FFY 2006 APR, due February 1, 2008, that demonstrates that the State has in effect policies and procedures that prevent the inappropriate overidentification or disproportionate representation of racial and ethnic groups in specific disability categories, as required by 34 CFR §300.173. Additionally, the State must include data and information that demonstrates that the LEAs identified in the FFY 2005 APR as having disproportionate representation that was the result of inappropriate identification are in compliance with the child find, evaluation, and eligibility requirements in 34 CFR §§300.111, 300.201 and 300.301 through 300.311.</p> <p>While not required under Indicator 10, the State indicated that it is reviewing the LEA's policies, procedures, and practices before requiring the LEA to reserve the maximum amount for early intervening services. See Indicator 9 for the required actions.</p>
Monitoring Priority: Effective General Supervision		
<p>11. Percent of children with parental consent to evaluate, who were evaluated within 60 days (or State established timeline).</p> <p>[Compliance Indicator; New]</p>	<p>The KSDE provided FFY 2005 baseline data of 98.4%.</p>	<p>The State provided baseline data, targets and improvement activities. The State reported data based on a State-established timeline within which the evaluation must be completed.</p> <p>OSEP looks forward to reviewing data in the FFY 2006 APR, due February 1, 2008 that demonstrate compliance with the requirements 34 CFR §300.301(c)(1), including correction of the noncompliance identified in FFY 2005.</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 KSDE's FFY 2005 reported data for this indicator are 72%. However, the State neglected to subtract the children for whom parent refusals to consent caused</p>	<p>The State revised its improvement activities for this indicator, and OSEP accepts those revisions.</p> <p>In calculating the data for this indicator the KSDE neglected to subtract the children for whom parent refusals to consent caused delays in the evaluation. Since the KSDE provided the raw data OSEP was able to recalculate it</p>

Monitoring Priorities and Indicators	Status	OSEP Analysis/Next Steps
	<p>delays in the evaluation. The actual performance should have been reported at 79% when calculated correctly. This represents progress from their FFY 2004 reported data 61%. The KSDE did not meet its FFY 2005 target of 100%.</p> <p>The State addressed correction, but did not demonstrate that correction had occurred.</p>	<p>correctly.</p> <p>OSEP's February 16, 2006 FFY 2004 SPP response letter required the KSDE to include in the February 1, 2007 APR data demonstrating compliance for Indicator 12 in the SPP, specifically the requirement at 34 CFR §300.132 that IEPs are developed and implemented by their third birthdays for children referred by Part C prior to age 3, who are found eligible for Part B. In the 2005 SPP the State provided information on the steps it has taken to correct the noncompliance previously reported. Based on the FFY 2004 data, the State notified districts on March 28, 2006 of the need to correct noncompliance within a year of that notification. Although the State has initiated steps to correct the noncompliance, its process is not providing for timely correction, because of the delay in when districts are being notified of problems.</p> <p>The State must review its improvement activities and revise, if appropriate, to ensure they will enable the State to include data in the FFY 2006 APR, due February 1, 2008 that demonstrate compliance with the requirements of 34 CFR §300.124, including correction of noncompliance identified in FFY 2005 and FFY 2004.</p>
<p>13. Percent of youth aged 16 and above with an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals.</p> <p>[Compliance Indicator; New]</p>	<p>The KSDE reported FFY 2005 baseline data of 83%.</p>	<p>OSEP looks forward to reviewing data in the FFY 2006 APR, due February 1, 2008 that demonstrate compliance with the requirements of 34 CFR §300.320(b), including data demonstrating correction of noncompliance identified in FFY 2005.</p>
<p>14. Percent of youth who had IEPs, are no longer in secondary school and who have been competitively employed, enrolled in some type of post-secondary school, or both, within one year of leaving high school.</p> <p>[Results Indicator; New]</p>	<p>The KSDE provided a plan that describes how data will be collected.</p>	<p>The KSDE provided a plan that describes how data will be collected. The KSDE must provide baseline data, targets, and improvement activities with the FFY 2006 APR, due February 1, 2008.</p>
<p>15. General supervision system (including monitoring, complaints, hearings, etc.) identifies and corrects noncompliance as soon</p>	<p>The KSDE's FFY 2005 reported data for this indicator are 100%. However, in</p>	<p>Although the State reported in this indicator that 100% of noncompliance identified in FFY 2004 was corrected within one year of identification, in Indicator 12 the State reported that it did not require corrective action from</p>

Monitoring Priorities and Indicators	Status	OSEP Analysis/Next Steps
<p>as possible but in no case later than one year from identification.</p> <p>[Compliance Indicator]</p>	<p>Indicator 12 the State acknowledged that noncompliance from FFY 2004 had not been corrected. The State did not meet its target of 100%.</p>	<p>districts for noncompliance regarding transition from Part C to Part B services until nine months after the close of the FFY 2004 year, and that correction had not yet occurred. This practice is not consistent with the State's obligation to ensure timely correction of identified noncompliance.</p> <p>The State must review its improvement strategies and revise them, if appropriate, to ensure that they will enable the State to include data in the FFY 2006 APR, due February 1, 2008, that demonstrate compliance with the requirements of 20 U.S.C. 1232d(b)(3)(E) and 34 CFR §§300.149 and 300.600, including data on the correction of outstanding noncompliance identified in FFY 2004. In its response to Indicator 15 in the FFY 2006 APR, due February 1, 2008, the State must disaggregate by APR indicator the status of timely correction of the noncompliance findings identified by the State during FFY 2005. In addition, the State must, in responding to Indicators 9, 10, 11, 12, and 13, specifically identify and address the noncompliance identified 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.</p> <p>[Compliance Indicator]</p>	<p>The KSDE's FFY 2005 reported data for this indicator are 100%. The KSDE met its FFY 2005 target of 100%.</p>	<p>OSEP's February 16, 2006 FFY 2004 SPP response letter required the KSDE to include in the February 1, 2007 APR data demonstrating that the KSDE is in compliance with the requirement at 34 CFR §300.661 (now 34 CFR §300.152) to resolve formal, written complaints within 60 days of receipt. The State submitted data demonstrating timely correction and compliance with this requirement.</p> <p>OSEP appreciates the State's efforts in achieving compliance and looks forward to reviewing data in the FFY 2006 APR, due February 1, 2008, that continue to demonstrate compliance with the requirements of 34 CFR §300.152.</p>
<p>17. Percent of fully adjudicated due process hearing requests that were fully adjudicated within the 45-day timeline or a timeline that is properly extended by the hearing officer at the request of either party.</p> <p>[Compliance Indicator]</p>	<p>The KSDE's FFY 2005 reported data for this indicator are 100%. The KSDE met its FFY 2005 target of 100%.</p>	<p>OSEP appreciates the KSDE's efforts in achieving compliance and looks forward to reviewing data in the FFY 2006 APR, due February 1, 2008, that continue to demonstrate compliance with the requirements of 34 CFR §300.515(a).</p>
<p>18. Percent of hearing requests that went to resolution sessions that were resolved through</p>	<p>The KSDE reported FFY 2005 baseline data of 35%.</p>	<p>The KSDE provided baseline data, targets and improvement activities and OSEP accepts the SPP for this indicator.</p>

Monitoring Priorities and Indicators	Status	OSEP Analysis/Next Steps
resolution session settlement agreements. [Results Indicator; New]		
19. Percent of mediations held that resulted in mediation agreements. [Results Indicator]	The KSDE's FFY 2005 reported data for this indicator are 88%. The KSDE met its FFY 2005 target of 75%.	The State met its targets and OSEP appreciates the KSDE's efforts to improve performance.
20. State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate. [Compliance Indicator]	The KSDE's FFY 2005 reported data for this indicator are 100%. The KSDE met its FFY 2005 target of 100%.	OSEP appreciates the KSDE's efforts in achieving compliance and looks forward to reviewing data in the FFY 2006 APR, due February 1, 2008 that continue to demonstrate compliance with the requirements in IDEA section 618 and 34 CFR §§76.720 and 300.601(b).