Honoroble Bob Corkins  
Commissioner of Education  
Kansas Department of Education  
120 South East Tenth Avenue  
Topeka, Kansas  66612-1182

Dear Commissioner Corkins:

Thank you for your timely submission of Kansas' State Performance Plan (SPP) for review under Part B of the Individuals with Disabilities Education Act (IDEA). Section 616(b) of the Act requires States to submit, within one year after the date of enactment of the reauthorized IDEA, an SPP that evaluates the State's efforts to implement the requirements and purposes of IDEA and describes how the State will improve implementation. We appreciate the State's efforts in preparing the SPP under a short timeline and in the face of many other competing priorities. In the SPPs, due by December 2, 2005, States were to include: (1) baseline data that reflect the State's efforts to implement Part B of the IDEA; (2) measurable and rigorous targets for the next six years for each of the indicators established by the Secretary in the priority areas under section 616(a) of the IDEA; and (3) activities the State will undertake to improve implementation of Part B.

The SPP included a description of the broad stakeholder input that went into its development and clearly delineated both how the State solicited that involvement and how the State used the responses received through that process. The Kansas State Department of Education (KSDE) held a large stakeholder meeting, hosted by the Special Education Advisory Council (SEAC) and attended by eighty individuals representing individuals with disabilities, parents, regular and special education teachers, KSDE consultants for Title I and school accreditation, private schools, charter schools, and institutes of higher learning. Small workgroups and the SEAC followed up to ensure appropriate inclusion of stakeholder input from the larger meeting.

Analysis of the State's baseline data for all indicators was thorough and complete. The results of that analysis were displayed in an easy-to-use format and the descriptions were useful in understanding the presentation of the data. The targets for each of the 20 indicators were measurable and demonstrated the intent of the State to improve performance and compliance for children and youth with disabilities and their families. In addition, KSDE included a variety of detailed activities with timelines and resources designed to improve performance and, where applicable, compliance, with each of the indicators. The activities appeared to be designed to impact performance and compliance and assist the State in meeting the established targets.

The Office of Special Education Programs (OSEP) is pleased to inform you that your State's SPP under Part B meets the requirements of section 616(b) to include measurable and rigorous targets and improvement activities. The State must make its SPP available through public
means, including posting on the State educational agency’s website, distribution to the media, and distribution through public agencies (Section 616(b)(2)(C)(ii)(I)).

Under section 616(b)(2)(C)(ii)(II) of the Act, the State must annually report to OSEP on its performance under the SPP. The State’s first Annual Performance Report (APR) on its progress in meeting its targets is due to OSEP by February 1, 2007. Attached to this letter, you will find Table A addressing issues identified during our review of the SPP that – while not requiring disapproval of your plan – will affect our annual determination of State performance and compliance based on data presented in the State’s APR. As a result, your State needs to provide additional information as part of its February 2007 APR submission. Table B includes OSEP’s analysis of your submission related to previously-identified noncompliance or other issues included in our October 18, 2005 letter that responded to your State’s FFY 2003 APR that may require additional reporting.

In addition to reporting to OSEP, the 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 State’s performance plan (Section 616(b)(2)(C)(ii)(I)). The requirement for public reporting on LEA performance is a critical provision related to ensuring accountability and focusing on improved results for children with disabilities. OSEP will be providing technical assistance regarding the reporting on LEA performance at the National Accountability Conference, September 18 and 19, 2006 in Denver, and through periodic technical assistance conference calls.

We hope that your State found the August 5, 2005 guidance on submission of the SPPs and the technical assistance that we provided through the August 11-12, 2005 Summer Institute, periodic conference calls, and the SPP Resources website helpful in this endeavor. 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.

Thank you for your continued work to improve results for children and youth with disabilities and their families. We encourage you to work closely with your State Contact as you proceed in implementing improvement activities and developing your APR. If you have any questions regarding the SPP or the APR, please contact Sara Menlove at 202-245-7447.

Sincerely,

[Signature]

Troy R. Justesen
Acting Director
Office of Special Education Programs

Enclosures
Table A
Table B

cc: ZoAnn Torrey
State Director of Special Education
### Table A – Kansas Part B

#### Issues Identified in the State Performance Plan

<table>
<thead>
<tr>
<th>SPP Indicator</th>
<th>Issue</th>
<th>Required Action</th>
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<td><strong>Indicator 12:</strong> &lt;br&gt;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. &lt;br&gt;(20 U.S.C. 1416(a)(3)(B))</td>
<td>Noncompliance: &lt;br&gt;The State reported a 61% level of 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.</td>
<td>The State must ensure that this noncompliance is corrected within one year of its identification and include data in the APR, due February 1, 2007, that demonstrate compliance with this requirement. The State should review and, if necessary revise, its improvement strategies included in the SPP to ensure they will enable the State to include data in the APR, that demonstrate full compliance with this requirement. Failure to demonstrate compliance at that time may affect OSEP’s determination of the State’s status under section 616(d) of the IDEA.</td>
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<td><strong>Indicator 16:</strong> &lt;br&gt;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. &lt;br&gt;(20 U.S.C. 1416(a)(3)(B))</td>
<td>Noncompliance: &lt;br&gt;The State reported a 96% level of compliance for indicator 16 in the SPP, specifically the requirement at 34 CFR §300.661 to resolve formal, written complaints within 60 days of receipt. While this level of compliance is below 100% and requires improvement activities to achieve full compliance, OSEP recognizes the effort made by the State in working toward compliance with this requirement.</td>
<td>OSEP looks forward to reviewing data in the APR, due February 1, 2007, that demonstrate full compliance with this requirement.</td>
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### Table B – Kansas Part B

**Previously Identified Issues**

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<th>Issue</th>
<th>State Submission</th>
<th>OSEP Analysis</th>
<th>Required Action</th>
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<td><strong>SPP Indicator 4:</strong> In its October 18, 2005 FFY 2003 Annual Performance Report (APR) response letter, OSEP required KSDE to: 1. Submit in the SPP, a plan designed to ensure compliance with the requirements at 34 CFR §300.146(b). 2. Provide a report to OSEP demonstrating compliance within one year.</td>
<td>KSDE submitted in the SPP: 1. On page 28, data demonstrating the State’s calculation of suspension rates by comparing the percentage of children with disabilities to the percentage of children without disabilities within a district. 2. On page 29, documentation that, when a significant discrepancy is identified in a district, a “drill down” will be conducted, including a review of policies, procedures and practices related to the development and implementation of IEPs, the use of behavioral interventions and procedural safeguards.</td>
<td>The data and information submitted are comprehensive and responsive. The State detailed how it identifies significant discrepancies in suspension/expulsion rates and included a plan that, beginning in 2005-2006, would require LEAs identified with significant discrepancies to conduct a review of policies, procedures and practices and report on this review and any needed revisions to the SEA beginning in 2006.</td>
<td>OSEP looks forward to reviewing data, in the APR due February 2, 2007, that demonstrate full compliance with this requirement.</td>
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<td><strong>SPP Indicators 9 and 10:</strong> In its October 18, 2005 FFY 2003 APR response letter, OSEP required KSDE to: 1. Submit in the SPP, a plan designed to ensure compliance with the requirements at 34 CFR §300.755. 2. Provide a report to OSEP, demonstrating compliance within one year.</td>
<td>KSDE submitted in the SPP: 1. On pages 49-54, plans with targets, activities and timelines, designed to ensure compliance with 34 CFR §300.755. KSDE submitted evidence documenting the State’s ability to identify, report and correct disproportionality by race among districts and among eligibility categories. 2. On page 49, documentation that, when a significant discrepancy is identified in a district, a “drill down” will be conducted using the</td>
<td>The data and information submitted are comprehensive and responsive. The State detailed how it identifies significant discrepancies in disproportionality and included a plan that, beginning in 2006, when an LEA is identified as having significant disproportionality, the LEA and SEA will conduct a review of policies, procedures and practices to determine whether the policies, practices and procedures comply with Part B and, if inappropriate identification is occurring, the LEAs will take</td>
<td>OSEP looks forward to reviewing data, in the APR due February 2, 2007, that demonstrate full compliance with this requirement.</td>
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<td>NCCREST rubric that will include a review of policies, procedures and practices related to appropriate identification.</td>
<td>corrective action and the SEA will require the LEA to use 15% of the IDEA funds for early intervening services.</td>
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| **SPP Indicator 15:** In its October 18, 2005 FFY 2003 APR response letter, OSEP required KSDE to: | KSDE submitted in the SPP:  
- Submit in the SPP, evidence that the State ensures correction of identified noncompliance in a timely manner as required by 34 CFR §300.600.  
- Include evidence that districts with identified noncompliance have corrected the noncompliance within one year of identification, or a plan to provide such evidence within a reasonable period of time. | The State reported a 98% level of compliance with the requirement to correct identified noncompliance in a timely manner. While this level of compliance is below 100% and requires continued implementation of improvement activities to achieve full compliance, OSEP recognizes the effort made by the State in working toward compliance with this requirement. | OSEP looks forward to reviewing data in the APR, due February 1, 2007, that demonstrate full compliance with this requirement. |