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INDICATOR 1 – GRADUATION RATE
Prepared by NDPC-SD

INTRODUCTION

The National Dropout Prevention Center for Students with Disabilities (NDPC-SD) was assigned the task of compiling, analyzing, and summarizing the data for Indicator 1—Graduation—from the FFY 2009 Annual Performance Reports (APRs) and amended State Performance Plans (SPPs), which were submitted by states to OSEP on February 1, 2011. The text of the indicator is as follows:

> Percent of youth with IEPs graduating from high school with a regular diploma.

This report summarizes NDPC-SD's findings for Indicator 1 across the 50 states, commonwealths, territories, and the Bureau of Indian Education (BIE), for a total of 60 agencies. For the sake of convenience, in this report the term "states" is inclusive of the 50 states, the commonwealths, the territories, and the BIE.

Last year, states were advised that the graduation rate measurement and data source would be different than in years past. According to the Part B Measurement Table, states were to use the, "Same data as used for reporting to the Department under Title I of the Elementary and Secondary Education Act (ESEA)." These data are reported in the Consolidated State Performance Report exiting data**.**

Sampling is not permitted for this indicator, so states must report graduation information for all of their students with disabilities. States were instructed to, "Report using the graduation rate calculation and timeline established by the Department under the ESEA." and to, "Describe the results of the State's examination of the data for the year before the reporting year (e.g., for the FFY 2009 APR, use data from the 2008-2009 school year), and compare the results to the target for the 2008-09 school year. Provide the actual numbers used in the calculation." Additional instructions were to, "Provide a narrative that describes the conditions youth must meet in order to graduate with a regular diploma and, if different, the conditions that youth with IEPs must meet in order to graduate with a regular diploma. If there is a difference, explain why." Finally, states' performance targets were to be the same as their annual graduation rate targets under Title I of the ESEA.

This represents a significant change in the measurement of Indicator 1, moving from the assorted methods that states had previously employed in calculating their graduation rates to the use of a uniform, adjusted cohort calculation. In the past, states were required to provide graduation rate information for both their students with disabilities and all students. Problems arose because the special education data generally came from states' Section 618 exiting data collection and the all-student data came from their ESEA enrollment counts, which were taken at a different time of the year and generally

lagged by a year. The new method that states will use to calculate their graduation rates for students with disabilities utilizes the same data set and same calculation. Once states have all switched to using the new calculation, a major barrier to making valid comparisons of the two rates will have been removed and making such comparisons will be more intuitive.

The equation below shows an example of the four-year graduation rate calculation for the cohort entering 9th grade for the first time in the fall of the 2008-2009 school year and graduating by the end of the 2011-2012 school year.

$$\frac{\text{\# cohort members receiving a regular HS diploma by end of the 2011-2012 school year}}{\text{\# of first-time 9th graders in fall 2008 (starting cohort) + transfers in – transfers out – emigrated out – deceased during school years 2008-2009 through 2011-2012}}$$

IMPLICATIONS OF THE NEW MEASUREMENT

The new four-year adjusted cohort graduation rate defines a "graduate" as someone who receives a regular high school diploma in the standard number of years—specifically, four. Students who do not meet the criteria for graduating with a regular diploma cannot be included in the numerator of the calculation, but must be included in the denominator. The new calculation also excludes students who receive a modified or special diploma, a certificate, or a GED from being counted as graduates. It is adjusted to reflect transfers into and out of the cohort (i.e., out of the school), as well as loss of students to death.

States may obtain permission from the U.S. Department of Education to report one or more additional cohorts that span a different number of years (for example, a five-year cohort or a five-year plus a six-year cohort). Because students with disabilities and students with limited English proficiency face additional obstacles to completing their coursework and examinations within the standard four-year timeframe, the use of such extended cohort rates can help ensure that these students are ultimately counted as graduates, despite their longer stay in school than the traditional four years. It should be noted that states are prohibited from using this provision exclusively for youth with disabilities and youth with limited English proficiency. Several states have taken advantage of this option, and it is likely that this provision for using extended cohorts will become more important in years to come, as many states have increased their academic credit and course requirements for all students to graduate.

The requirement to follow every child in a cohort will necessitate the use of longitudinal data systems that use unique student identifiers. Many states have these in place, or are well on the way to developing such systems. Other states may have difficulty meeting this need by the 2010-11 school year and will have to request permission from the Department of Education for an extension on this deadline.

Most were at least able to comply with the new data requirements in the current APR. Only nine states calculated their graduation rate using Section 618 data this year. Three states reported that they did so because they were unable to disaggregate their ESEA data and identify students with disabilities. The states that reported this issue stated that they would be able to disaggregate the data and report using the new rate calculation in their 2010-11 APR submission.

With the changes in calculation and data source, many states still need to set a baseline in the year or years to come. Those states that have yet to adopt the new adjusted cohort calculation will have to undertake this in the year to come, or years to come, if they have received an extension on the deadline from the U.S. Department of Education.

CALCULATION METHODS

States are not required to implement the new adjusted cohort rate calculation until the 2010-11 school year, and most did not. In the FFY 2009 APR, 35 states (58%) reported a leaver rate, 15 states (25%) reported an adjusted cohort rate, six states (10%) reported a cohort rate, and four states (7%) reported an event graduation rate. Figures 1 – 4 show states' graduation rates, based on the type of calculation employed.

Figure 1
Graduation rates for states calculating a leaver rate

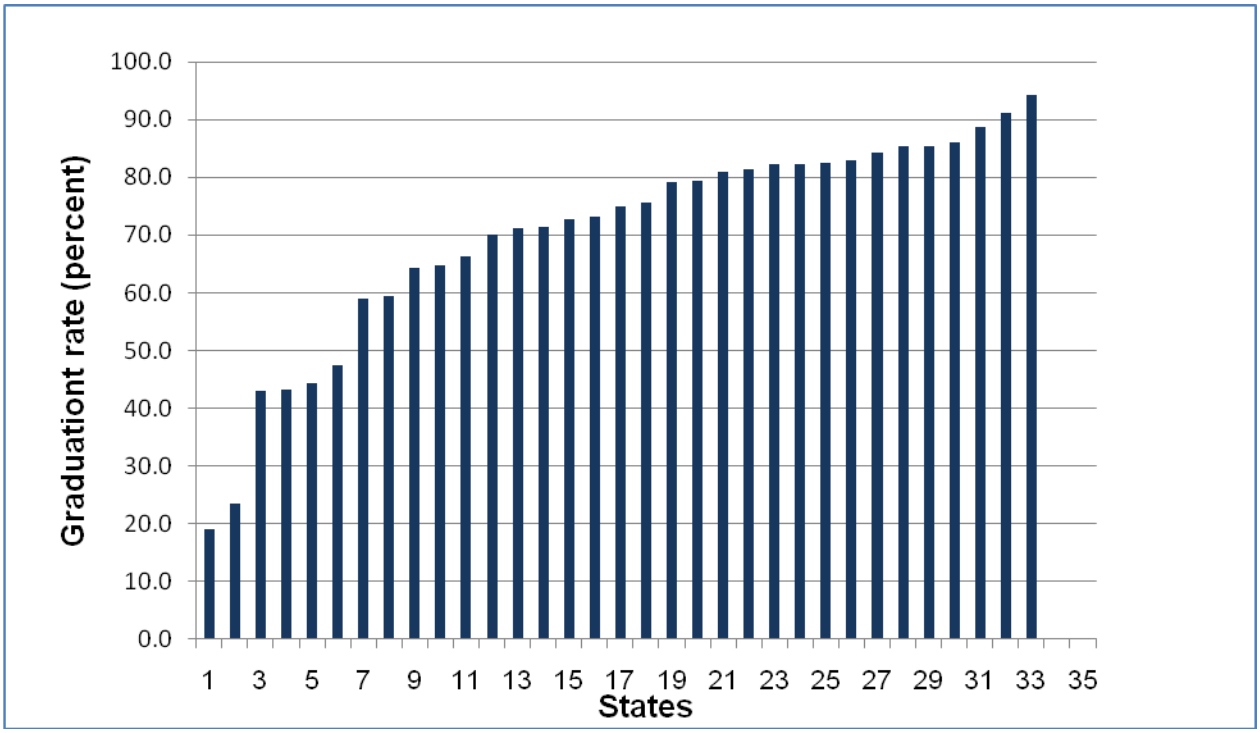


Figure 2
Graduation rates for states calculating an adjusted cohort rate

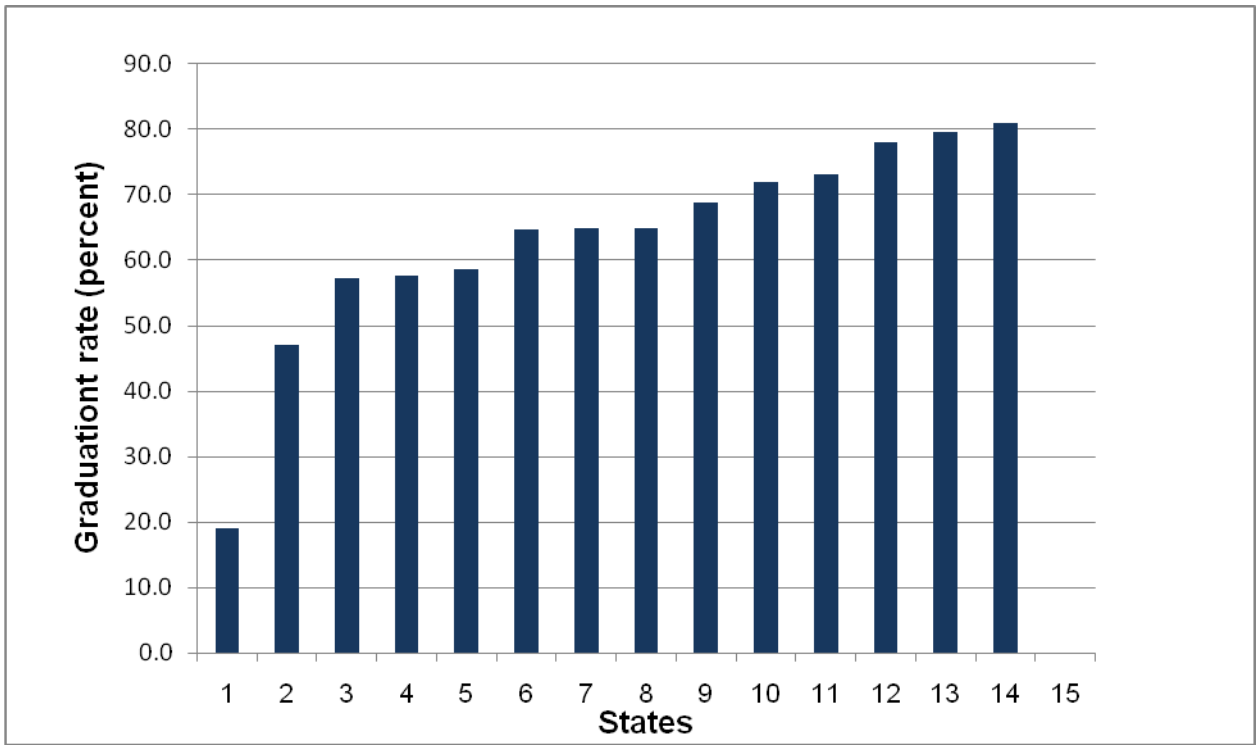


Figure 3
Graduation rates for states calculating a cohort rate

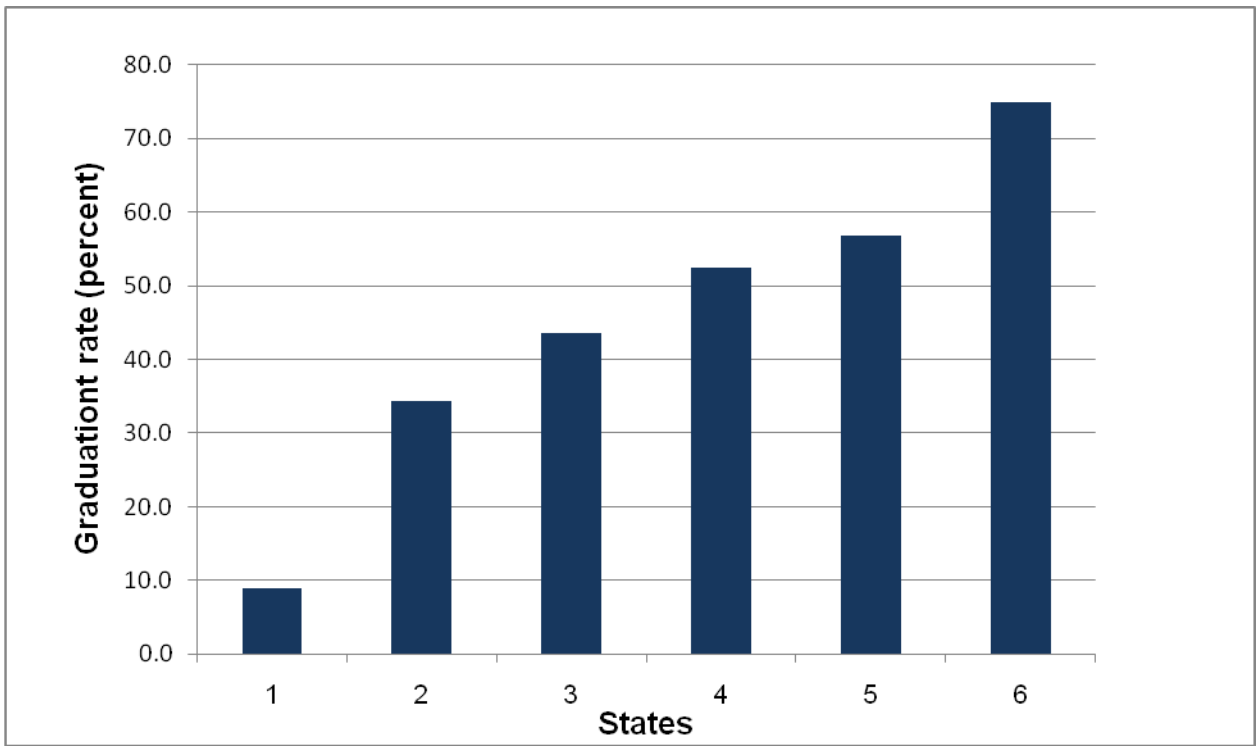
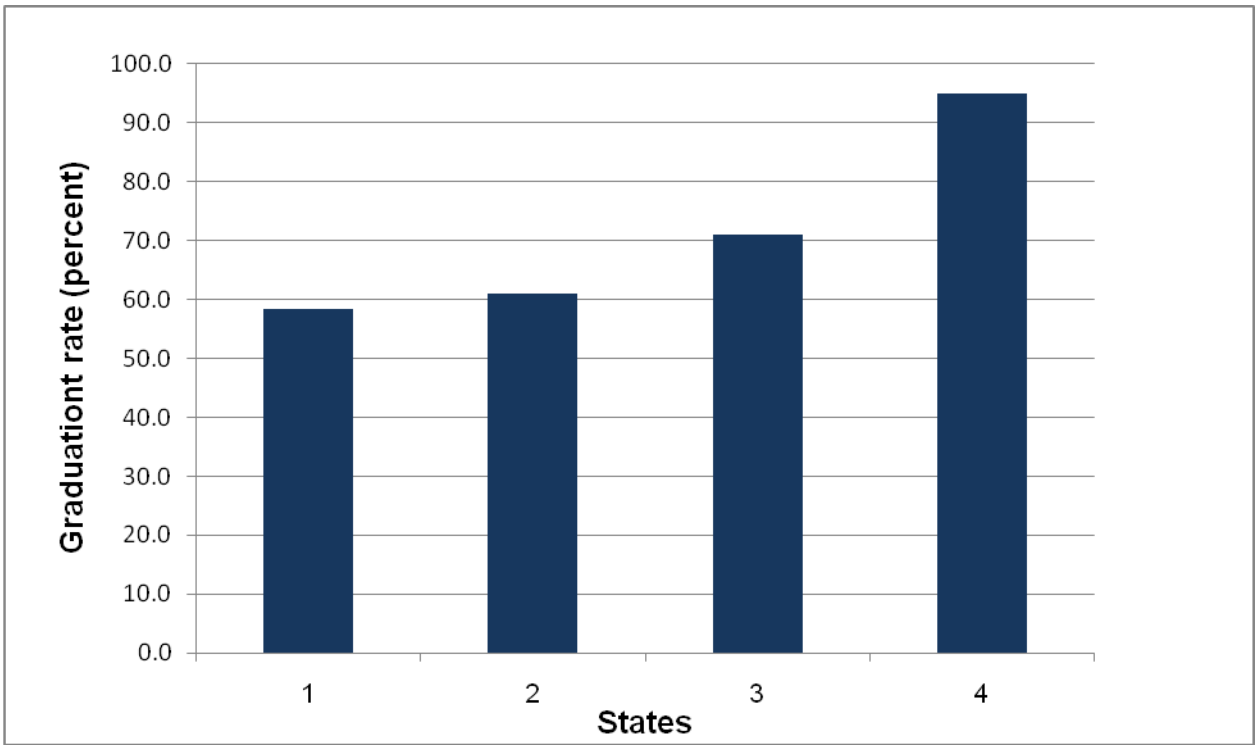


Figure 4
Graduation rates for states calculating an event rate

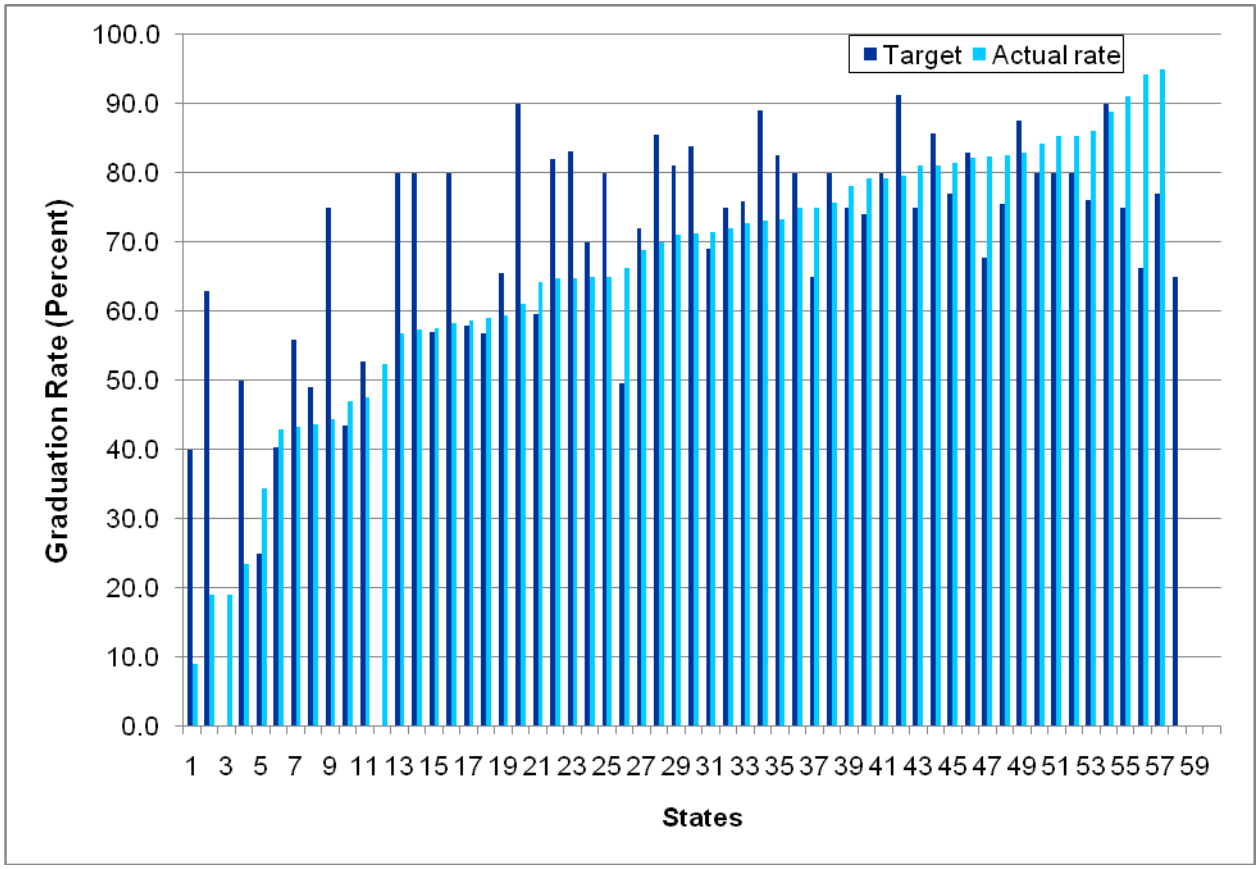


STATES' PERFORMANCE ON THE INDICATOR

States were instructed to use the same graduation rate targets for students with disabilities that are in place under ESEA. Still, many compared their 2008-09 data—lagged by a year, per ESEA requirements—with their performance targets for 2009-10, rather than with the targets for 2008-09. When OSEP compared states' actual performance with their targets to determine whether targets were met and to assess progress or slippage, this was corrected. The comparisons shown in this summary report were made using graduation targets and data from the 2008-09 school year.

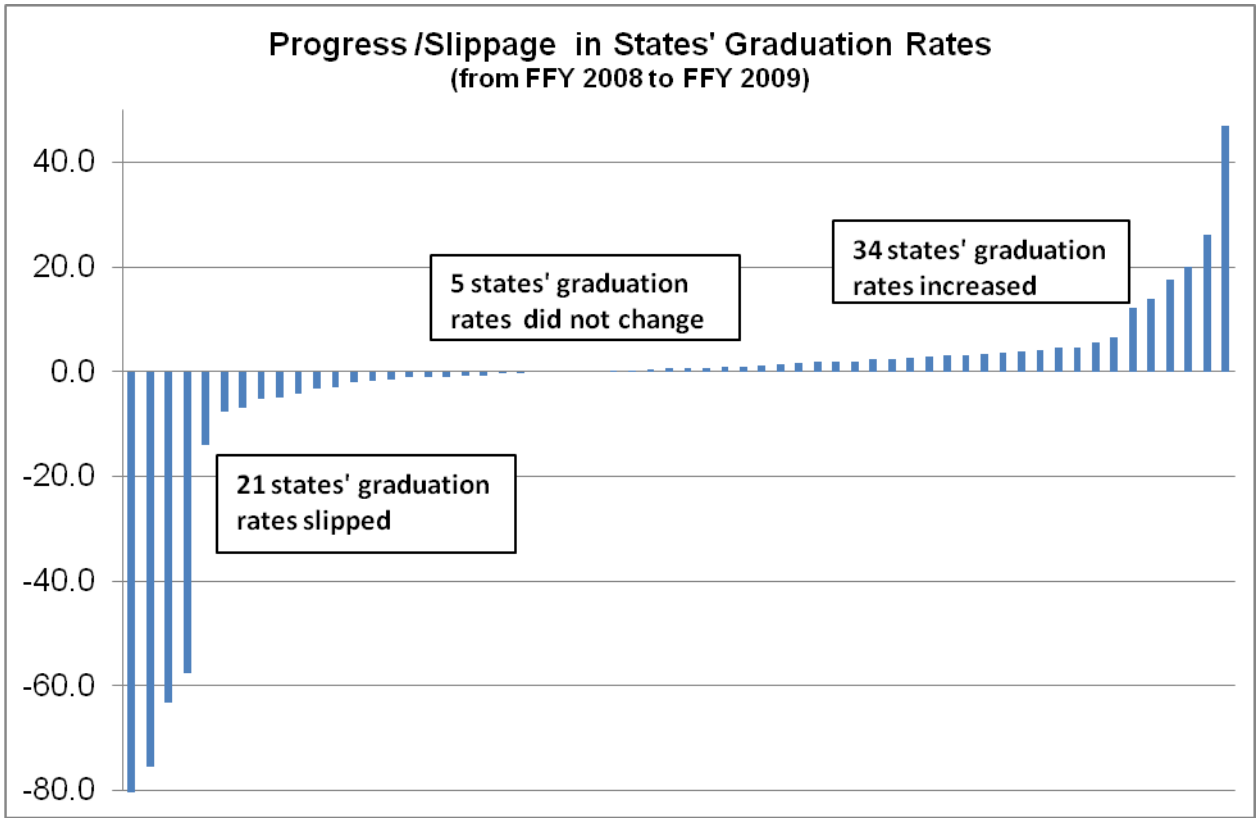
In FFY 2009, 25 states (42%) met or exceeded their graduation rate targets; 32 states (53%) missed their target; and three states (5%) were unable to determine their progress due to missing data. Overall, 34 states (57%) made progress, raising their graduation rate, whereas the rate decreased in 21 states (35%). The rate in five states (8%) remained unchanged from the previous year. Figure 5 compares each state's 2008-09 graduation rate with its 2008-09 performance target for the indicator.

Figure 5
States performance targets compared with their actual graduation rates



Of the 32 states that missed their target for this indicator, 17 states improved their performance over that reported in the previous year, 13 others showed slippage in their graduation rate, and two states' rate remained unchanged from the previous year. Figure 6 shows states sorted by the amount of progress or slippage made on Indicator 2.

Figure 6
Changes in states' graduation rates from the FFY 2008 APR



In the extended FFY 2009 SPPs, which included performance targets through FFY 2012, 29 states (48%) set their dropout rate targets for students with disabilities at a constant level (flat). Twenty-eight states (47%) reported targets that would continue lowering their rates. One of these states reported that their SPP targets were higher than their ESEA targets, so they would continue with the more rigorous targets. The remaining three states (5%) reported that they were in the process of developing new targets for the remaining years of the SPP.

IMPROVEMENT STRATEGIES AND ACTIVITIES

States were instructed to report the strategies, activities, timelines, and resources they employed in order to improve the special education graduation rate. The range of proposed activities was considerable, though many states described the use of data-based decision making to guide improvement activities and to identify at-risk youth.

Fifty-two states (87%) acknowledged the connections between their activities for at least Indicators 1 and 2. Forty-one of those states (68%) reported the same set of activities for both indicators. Many states clustered at least some, if not all, of their activities for Indicators 1, 2, 4, 13, and 14: indicators intimately tied to secondary transition. In these states, there was a concerted focus to promote successful secondary transition

practices as a means to keep youth engaged in and participating in school-related activities. Many states also reported activities aimed to engage parents and families in becoming partners in educating their children.

The utilization of evidence-based strategies and interventions as well as "promising practices" around school completion continued among states. There are a number of evidence-based school-completion programs that have demonstrated efficacy for students with disabilities. The *IES Practice Guide on Dropout Prevention* (Dynarski, et al., 2008) describes several of these approaches to keeping youth in school and discusses the degrees of evidence supporting each. For example, it recommends the use of data systems to support a realistic diagnosis of the number of students who drop out and that help identify individual students at high risk of dropping out. It also recommends assigning adult advocates to students at risk of dropping out as well as providing academic support and enrichment to improve academic performance. Additional research is underway to evaluate the efficacy of many of the other promising practices in this area, so additional evidence-based practices are on the horizon.

Table 1 lists several commonly described interventions and the number of states reporting their use in the APR.

Table 1
Evidence-based and promising practices reported in the FFY 2009 APRs

Nature of intervention	Number of states
One or more evidence-based practices	48
Positive Behavior Supports	31
Literacy initiatives	18
Response to Intervention	22
Mentoring programs	8
Recovery/reentry programs	6

Selected examples of improvement activities

Data-based decision making

Data-based decision making was a widespread activity, reported by 40 states (67%) in this APR. Several states are using or developing early warning systems using their longitudinal data to identify youth who are at risk of dropping out of school. Among the data being employed are information about students' attendance, behavior, grade retention, and academic achievement. Of the states using early warning systems, 15 met their performance target for Indicator 1.

In general, states that reviewed their data about students' academic performance, attendance, behavior, and other related areas have experienced success in using this information to inform their statewide program development and implementation as well as their directed technical assistance efforts. Examples of states that engaged in this type of activity include Arkansas, Florida, Illinois, Kansas, Minnesota, Oklahoma, Pennsylvania, Washington, Wisconsin, and Wyoming.

While data-based decision making has a low level of supporting evidence in the educational literature, as discussed in the 2008 *IES Practice Guide on Dropout Prevention*, the practice is logical and essential for diagnosing the extent to which schools will need to implement strategies to address dropping out. In addition, the implementation of any improvement strategy must involve continually returning to the individual student data to monitor the success of the strategy and to adjust approaches as needed. It should also be noted that the dearth of supporting evidence is more a result of the lack of studies that directly evaluate the effect this practice has on keeping youth in school than to its lack of validity.

Kansas, North Carolina, North Dakota, Oregon, Wisconsin, and several other states examined the programs being implemented in their districts that had graduation rates above the state average. They have shared these promising practices among the other districts in the state through various means, including websites, communities of practice, newsletters, and conference presentations.

For example, Kansas conducted a crosswalk of Cluster 1 Indicators (i.e., 1, 2, 4, 13, and 14) during FFY 2009. The results of the crosswalk data were used to identify those districts that did not meet target on three or more of the five indicators within the cluster, and those districts that did not meet target on two to three indicators within the cluster. Additionally, data were analyzed to determine which districts consistently did not meet target for specific indicators over a three-year period. Districts that did not meet three or more of the five indicators within the cluster were identified to receive targeted technical assistance. Districts that did not meet two to three indicators within the cluster were identified to receive technical support. Data analysis demonstrated that district level interventions positively influenced the number of students who graduated with high school diplomas.

<u>Middle school to high school transition</u>

Several states described local initiatives designed to ease the transition from middle school to high school. This transition is a critical time for students—particularly youth with disabilities—so having supports in place to help students adjust to ninth grade can help keep these youth in school and put them on a path to a successful graduation. Freshman orientations/ "boot camps" provide incoming students (and parents, in some cases) with information about the school in general as well as about academic expectations, available activities, as well as academic, behavioral, and social supports/services available to the students.

Freshman academies keep the incoming ninth grade students together and provide them a sheltered transitional environment to bridge them between middle school and high school life. These academies are designed to provide additional structure and supports to help students manage their workload, succeed academically and get to know and bond with the other youth in their class.

For example, the Arkansas Department of Career Education and their Post-school Outcomes Intervention for Special Education staff continued the collaboration to implement ninth grade redesign statewide. A joint training to support Ninth Grade Academies for drop-out prevention was established with funds being provided by Career education for schools that volunteer to complete the training requirements.

Secondary transition activities

Activities focused on supporting secondary transition have positive effects on school completion. Among the 52 states that reported transition-related activities under Indicator 1 were Delaware, Maryland, and Pennsylvania (the "Tri-State Consortium"), which are working to support youth with disabilities through a joint project.

Delaware reported that the State continues to focus on interagency collaboration, family involvement, and youth leadership through a federal technical assistance grant. The final product (a Transition Slide Guide) from a Tri-State Grant was disseminated throughout the State in spring 2010. The Transition Slide Guide will assist students, parents, schools, and agency personnel through the transition process. Delaware also continues to receive assistance from the National Dropout Prevention Center for Students with Disabilities (NDPC-SD) and the National Secondary Transition Technical Assistance Center (NSTTAC) in its work to improve school completion outcomes.

Additionally, Arkansas, Colorado, and New Mexico have active statewide transition cadres that meet regularly to share knowledge and address issues around transition, school completion, and post-school outcomes. Washington and Wisconsin have developed Web-based systems to collect and share transition-related data with their districts.

Arizona's transition specialists provided various trainings and technical assistance to schools and adult service agencies. The State has also established community interagency transition teams, held an annual statewide transition conference, and developed and disseminated materials on transition. In the Indicator 1 and/or 2 sections of their APRs, numerous states reported having held statewide transition conferences to further the use of quality transition planning, standards-based IEPs, transition assessments, and other sound transition practices, which support school-completion efforts. Twenty states reported to have supported parents through parent conferences, trainings, academies, and the development and dissemination of parent-support and transition-related materials.

Reentry programs

Six states described reentry/recovery programs in their APRs. While there are many such programs around the country, the majority of them operate on a local level, rather than statewide. These programs generally involve a school system and a combination of one or more community agencies, businesses or business organizations, colleges or community colleges, or faith-based organizations. The focus of these programs varies, depending on their genesis and the population they serve. One commonality is that reentry programs frequently offer options for credit-recovery—a necessity if the goal is to obtain a high school diploma, as the majority of returning students are credit deficient. Another common characteristic of these programs is their flexibility. The needs of the populations they serve are often quite diverse, so flexibility in scheduling, venue for instruction, mode of instructional delivery, and entry/exit from the program are beneficial elements that help them serve their audiences adequately.

Statewide initiatives

Broad, concerted, statewide initiatives designed to increase school completion were relatively uncommon in the current APR submissions. Sixteen states reported that they had made school completion a priority, though only a handful had begun a statewide initiative. One such effort though is that of the Georgia Department of Education (GaDOE). Georgia's course of action is reflected in its "Innovative High School Opportunities": (a) The High School Redesign Advisory Panel, (b) Innovative High School Programs, (c) Georgia Virtual High School, (d) Performance Learning Centers, and (e) Alternative High School Programs. These programs are designed to operate in concert to increase the State's graduation rate and decrease its dropout rate.

In addition, through a SPDG grant, Georgia and NDPC-SD have trained a network of collaboration coaches, each of whom is assigned several schools in which to develop local school completion initiatives for students with disabilities. These coaches provide ongoing training and support for the members of local school teams.

Another example of a large-scale initiative may be found in Illinois. Since 2008, Illinois has worked with the national SISEP center on the implementation and scaling-up of evidence-based practices. This process has built upon the infrastructure of the State's technical assistance center to ensure implementation with fidelity in all of Illinois' schools. The purpose of the SISEP is to promote students' academic achievement and behavioral health by supporting implementation and scaling-up of evidence-based practices in education settings. SISEP will provide the critical content and foundation for establishing a technology of large-scale, sustainable, high-fidelity implementation of effective educational practices. It also will improve ISBE's capacity to carry out implementation, organizational change, and systems transformation strategies to maximize achievement outcomes of all students.

The project in Illinois is being built on the infrastructure already in place for the Illinois PBIS Network, which currently reaches 1,000 schools in the State. The scaling up

process will expand this infrastructure to allow Illinois to reach all schools in the state with evidence-based programs designed to improve outcomes for all students. The focus of SISEP will be on braiding together all of the technical assistance currently being provided through a variety of State Education Agency (SEA) initiatives, including ISTAC and IASPIRE. This will allow ISBE to provide a single implementation and evaluation process for schools which incorporates the core requirements of both behavioral and academic multi-tiered evidence based practices.

In 2010, seven states began new statewide initiatives in collaboration with NDPC-SD and are receiving training and technical assistance to help them develop model sites for dropout prevention initiatives or address state and local data-related needs around school completion. Three additional states will begin working with NDPC-SD in the coming year.

COMMONALITIES AMONG STATES THAT MET THEIR GRADUATION TARGET

Table 2 shows the number of states that achieved their graduation rate target, reported in the FFY 2009 APRs, and how many were engaged in a particular type of activity.

Table 2

Number of states that met their graduation target and engaged in a particular activity

Activity	Number of states
Priority on graduation & dropout	6
Data-based decision making	15
Transition-related activities	22
Using one or more evidence-based programs	19

Filtering the data to select states that met their targets and engaged in all of the above activities narrowed the number of states considerably. Eleven states met their graduation target and all engaged in the following categories of activities: the use of data to inform their programs/policies; placing emphasis on secondary transition; and the use of one or more evidence practices that would impact school completion. Only five of these states also reported statewide efforts to improve their graduation and dropout rates and implementing programs to improve their students' academic achievement. Progress in these states is consistent with the recommendations of the *IES Practice Guide on Dropout Prevention*, which states that a strategic approach that integrates multiple evidence-based strategies or interventions is an effective approach to addressing school completion issues.

CONCLUSIONS AND RECOMMENDATIONS

In the coming years, states that have not already done so will have to establish new baselines and improvement targets for their graduation rates. Some states reported that they were undertaking an evaluation of their definitions and requirements related to

school completion as well as their diploma options. With the pressing requirement to be able to chart the progress of individual students as they pass through the educational system, it will become increasingly important to have clear policies and procedures around the entry, analysis, and reporting of student-level data as well as clear definitions for student exiting codes. Having data systems capable of supporting this effort has become de rigueur, as will be the ability to more easily identify students who are in need of support to help them complete school and earn a graduation credential.

Given the growing focus on improvement activities and the need for states to compete for external funding, it will also become increasingly important for states and their LEAs to conduct more rigorous evaluations of the impact of the initiatives and programs they adopt/develop and implement in support of school completion.

While these changes in Indicators 1 and 2 have created some confusion in states' calculations and reporting of their graduation and dropout rates for this APR, the ultimate outcome will be worth the temporary upset. Having a uniform graduation rate calculated using the same set of data will afford a more accurate assessment of the progress being made around the country in school completion efforts for students with disabilities. Additionally, using the same metric as established under Title I of the ESEA will allow educators and the public to better understand the need to strive for improvement in the education of our youth with disabilities. Another two or more years will probably pass before all or nearly all states use the adjusted cohort rate with the correct years of data, compare their rate to their new and stable targets, and are able to chart their progress from a meaningful baseline. Nonetheless, the APRs this year showed a marked improvement over last year, when there was considerable confusion over all of the new changes around the Graduation and Dropout indicators.

INDICATOR 2: DROPOUT RATE

Prepared by NDPC-SD

INTRODUCTION

The National Dropout Prevention Center for Students with Disabilities (NDPC-SD) was assigned the task of compiling, analyzing, and summarizing the data for Indicator 2—Dropout—from the FFY 2009 Annual Performance Reports (APRs) and the revised State Performance Plans (SPPs), which were submitted to OSEP in February of 2011. The text of the indicator is as follows.

> Percent of youth with IEPs dropping out of high school.

This report summarizes the NDPC-SD's findings for Indicator 2 across the 50 states, commonwealths, territories, and the Bureau of Indian Education (BIE), for a total of 60 agencies. For the sake of convenience, in this report the term "states" is inclusive of the 50 states, the commonwealths and territories, as well as the BIE.

CHANGES IN THE INDICATOR

There were changes to the indicator for this submission of the APR, specifically in the source of the dropout data. The OSEP Part B Measurement Table for this submission indicates that, "Sampling is not allowed." Additionally, it advises that states should provide state-level dropout data and that they should, "Describe the results of the State's examination of the data for the year before the reporting year (e.g., for the FFY 2009 APR, use data from 2008-2009), and compare the results to the target. Provide the actual numbers used in the calculation." States were also instructed to, "Provide a narrative that describes what counts as dropping out for all youth and, if different, what counts as dropping out for youth with IEPs. If there is a difference, explain why."

Additionally, the Measurement Table indicates that states must, "Report using the dropout data used in the ESEA graduation rate calculation and follow the timeline established by the Department under the ESEA." The instructions for completing the Consolidated State Performance Report (for ESEA reporting) instruct states to provide the dropout rates calculated using the annual event school dropout rate for students leaving school in a single year determined in accordance with the National Center for Education Statistics' (NCES) Common Core of Data (CCD) for the previous school year.

THE DEFINITION OF DROPOUT

Because there is not a specified definition for dropout in the context of students with disabilities, states have adopted their own definitions. While many states employ the definition and calculation set forth by the National Center for Educational Statistics, not all states do so.

Some of the past difficulties associated with quantifying dropouts and comparing dropout rates across states were attributable to this lack of a standard definition of what constitutes a dropout. Several factors confounded the arrival at a clear definition. Among these were the variability in the age group or grade level of students included in dropout calculations and the inclusion or exclusion of particular groups or classes of students from consideration in the calculation. For example, some states included students in grades 9-12, others reported on students from ages 14-21 in the calculation, whereas other states included students of ages 17-21. These data should come from states' Consolidated State Performance Report, but several states continued to report Section 618 exiting data because they are not required to report data for ESEA or because their current data systems were unable to disaggregate special education students from the general exiting data.

An additional confounding factor is students' enrollment in a GED program. Most states consider these youth to be dropouts. In other states, however, youth who transfer directly from high school into a GED program are not considered dropouts, but rather transfers to other another setting. In neither of these cases would these youth be considered "graduates." Nonetheless, they are treated differently in the states' dropout equations.

CALCULATION METHODS

Comparison of dropout rates among states is still confounded by the existence of multiple methods for calculating dropout rates and the fact that different states employ different calculations to fit their circumstances. The dropout rates reported in the FFY 2009 APRs were generally calculated using one of three methods: an event rate calculation, a leaver rate calculation, or a cohort rate calculation.

The NCES event rate, reported by the vast majority of states (49 states, or 82%), yields a very basic snapshot of a single year's group of dropouts. While the cohort method generally yields a higher dropout rate than the event calculation, it provides a more accurate picture of the attrition from school over the course of four years than do the other methods. As the name suggests, the cohort method follows a group or cohort of individual students from 9th through 12th grades. Eight states (13%) reported a cohort-based dropout rate. Leaver rates are generally higher than those calculated using the event method. This is attributable to circumstances specific to the states using this calculation as well as to the broadly inclusive nature of the calculation. This year, three states (5%) reported using a leaver rate and one state was unable to report a dropout rate.

Figures 1 – 3 show states' dropout rates, based on the method employed in calculating their dropout rate for the FFY 2009 APR (using 2008-09 data).

Figure 1
Dropout rates for states calculating an event rate

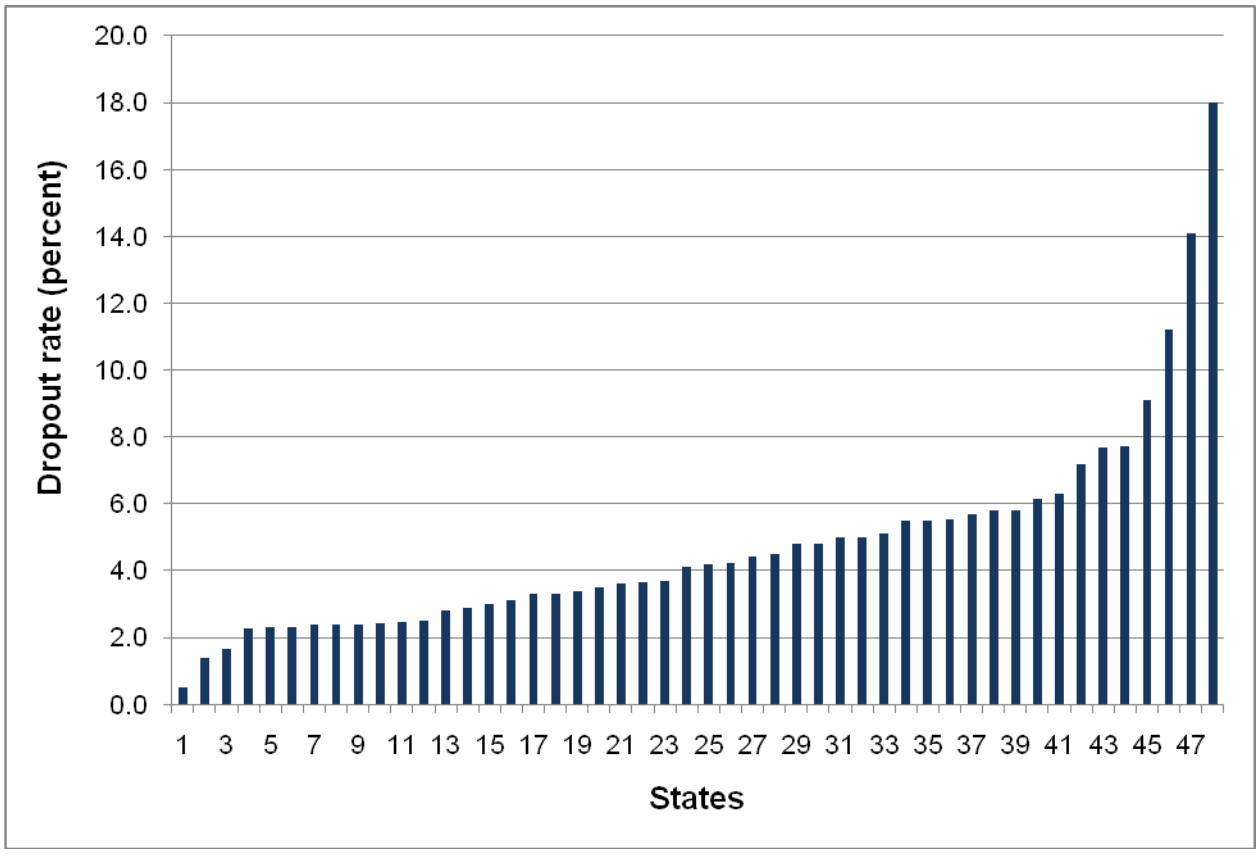


Figure 2
Dropout rates for states calculating a cohort rate

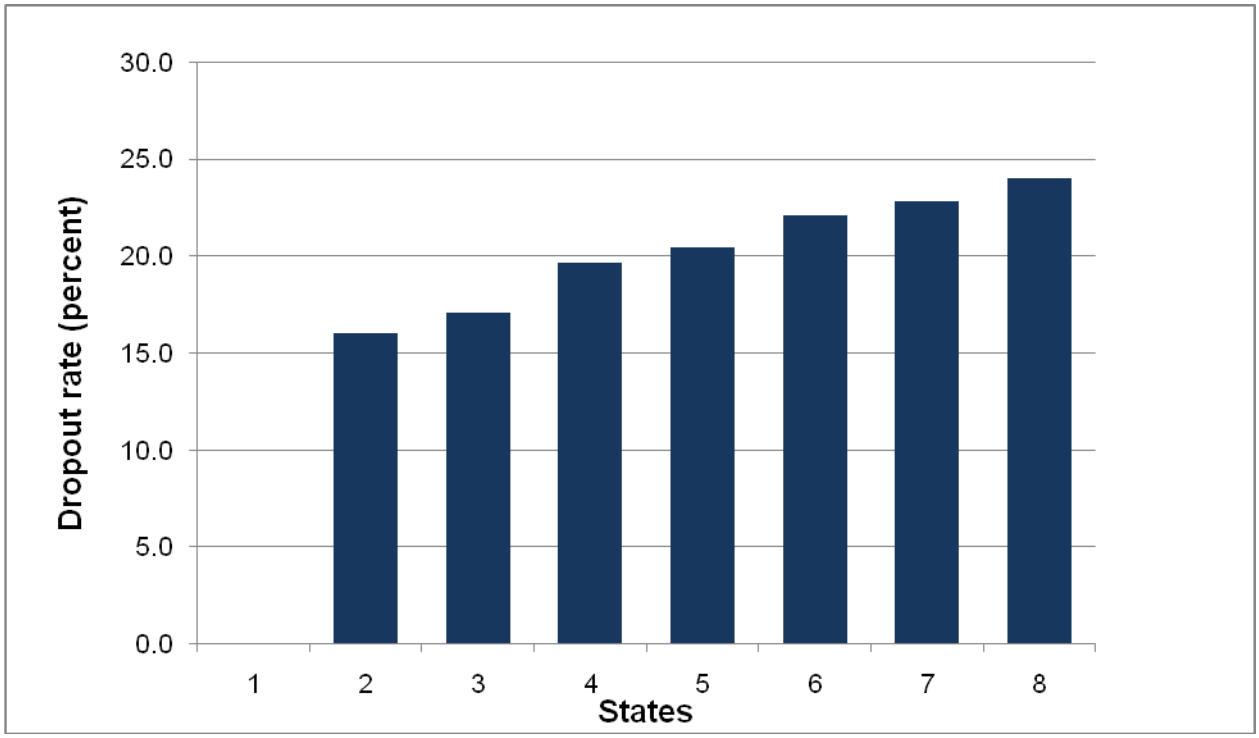
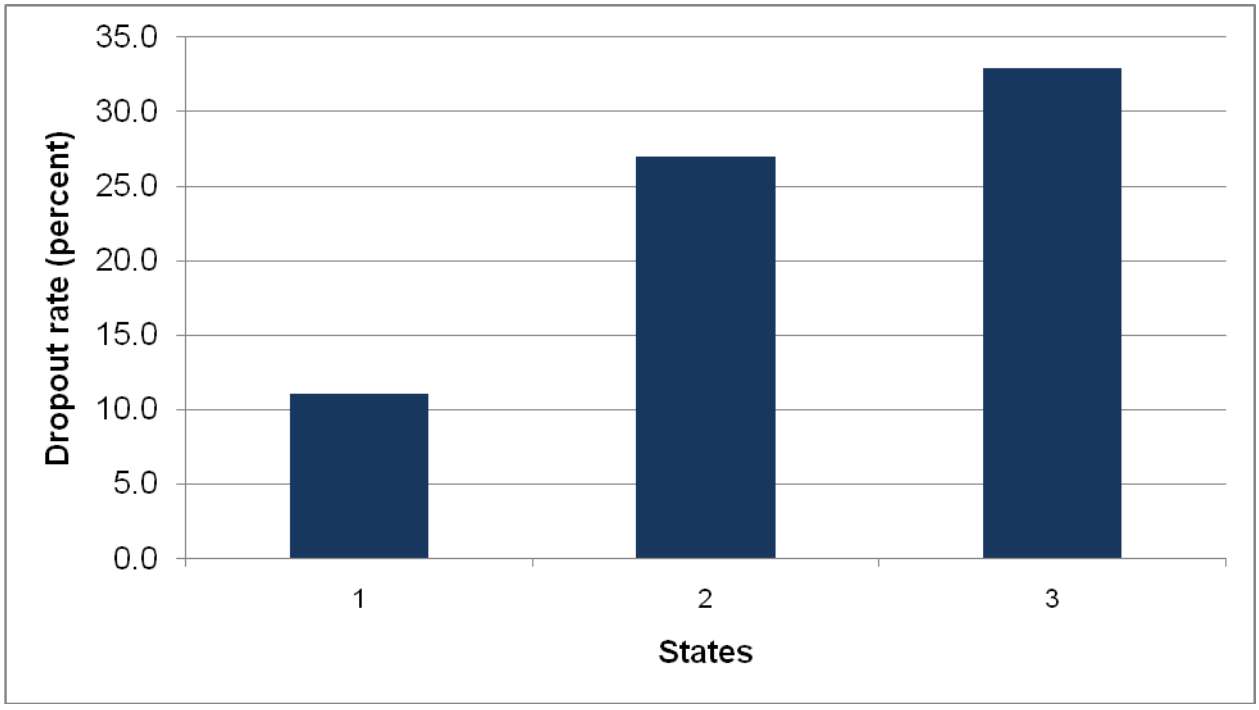


Figure 3
Dropout rates for states calculating a leaver rate



States' performance on the indicator

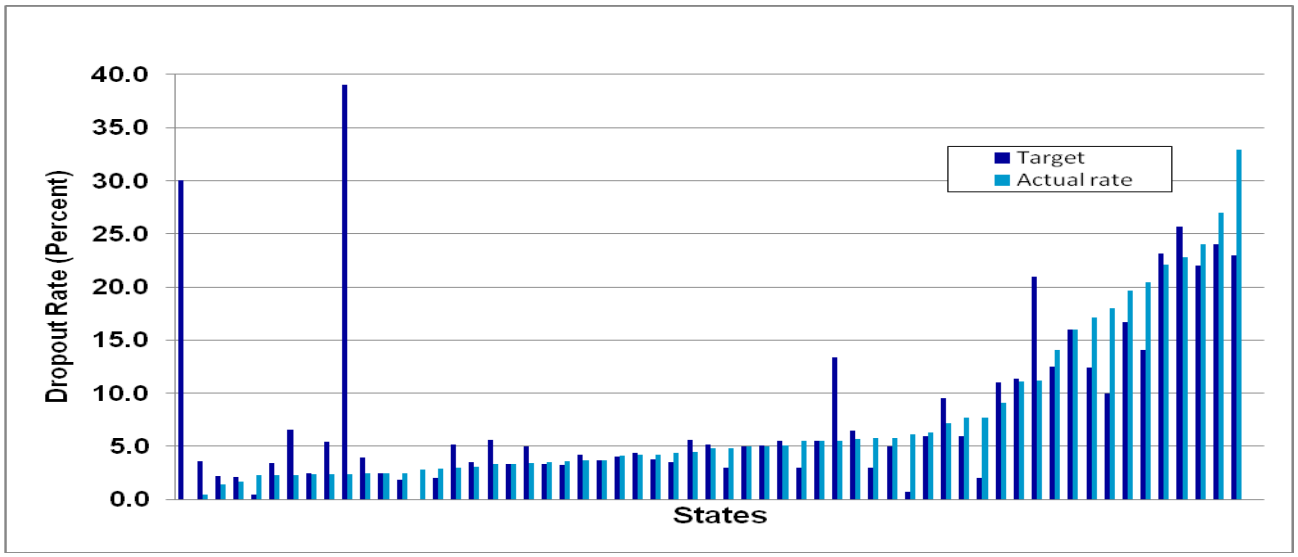
As in the case of the Graduation rate indicator, many states compared their 2008-09 data—lagged by a year, per ESEA requirements—with their performance targets for 2009-10, rather than with the targets for 2008-09. When OSEP compared states' actual performance with their targets to determine whether targets were met and to assess progress or slippage, this was corrected. The comparisons shown in this summary report were made using dropout targets and data from the 2008-09 school year.

Most states lack an ESEA target for their dropout rate and continue using their SPP targets. In the FFY 2009 SPPs, which were extended to include targets through FFY 2012, 18 states (30%) set their dropout rate targets for students with disabilities at a constant level (flat). Interestingly, not all the states that did so were among those states that had set constant targets for the Graduation rate indicator. Thirty-nine states (65%) set extended targets that would continue lowering their dropout rates. The remaining three states (5%) reported that they were in the process of developing new targets for the next years of the SPP.

In FFY 2009, 35 states (58%) met their performance target for Indicator 2 and 25 states (42%) missed their target. Overall, 17 states (28%) made progress, lowering their dropout rate, whereas the rate increased in 39 states (65%). The rate in four states (7%) remained unchanged from the previous year.

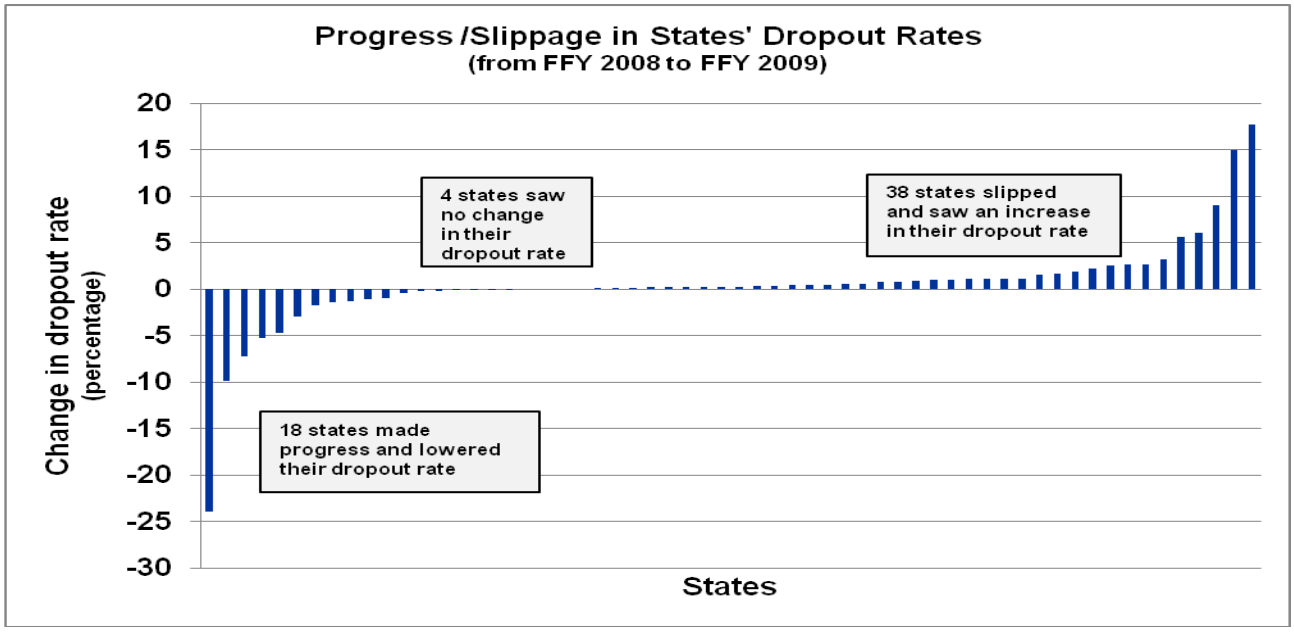
Figure 4 compares each state's dropout rate with its performance target. In general, states' performance was close to the targets they had set, regardless of whether they had shown improvement or slippage. All but 11 states were within 4 percentage points above or below their target.

Figure 4
States performance targets compared with their actual dropout rates



Of the states that missed their target, 13 made progress, 10 slipped (the dropout rate increased), and two remained at the previous year's rate. One state was unable to report on progress or slippage. Of the states that met their performance target, the dropout rate decreased in five, increased in 27, and remained unchanged in two. Figure 5 shows states sorted by the amount of progress or slippage they made on Indicator 2.

Figure 5
Changes in states' dropout rates from the FFY 2008 APR



IMPROVEMENT STRATEGIES AND ACTIVITIES

Fifty-two states (87%) acknowledged the connections between their activities for at least Indicators 1 and 2. Forty-one states (68%) reported the same set of activities for both indicators. Many states clustered at least some, if not all, of their activities for Indicators 1, 2, 4, 13, and 14: indicators intimately tied to secondary transition. In these states, there was a concerted effort to promote successful secondary transition practices as a means to keep youth engaged in and participating in school-related activities. Many states also reported activities aimed to engage parents and families in becoming partners in educating their children.

The utilization of evidence-based strategies and interventions as well as "promising practices" around school completion continued among states. There are a number of evidence-based school-completion programs that have demonstrated efficacy for students with disabilities. The *IES Practice Guide on Dropout Prevention* (Dynarski, et al, 2008) describes several of these approaches to keeping youth in school and discusses the degrees of evidence supporting each. For example, it recommends the use of data systems to support a realistic diagnosis of the number of students who drop out and that help identify individual students at high risk of dropping out. It also recommends assigning adult advocates to students at risk of dropping out as well as providing academic support and enrichment to improve academic performance. Additional research is under way to evaluate the efficacy of many of the other promising practices in this area, so additional evidence-based practices are on the horizon.

Selected Examples of States' Improvement Activities

<u>Data-based decision making</u>

Data-based decision making was a widespread activity, reported by 40 states (67%) in this APR. Several states are using or developing early warning systems using their longitudinal data to identify youth who are at risk of dropping out of school. Among the data being employed are information about students' attendance, behavior, grade retention, and academic achievement. Of the states using early warning systems, 22 met their performance target for Indicator 2.

In general, states that reviewed their data about students' academic performance, attendance, behavior, and other related areas have experienced success in using this information to inform their statewide program development and implementation as well their directed technical assistance efforts. Examples of states that engaged in this type of activity include Arkansas, Florida, Illinois, Kansas, Minnesota, Oklahoma, Pennsylvania, Washington, Wisconsin, and Wyoming.

While data-based decision making has a low level of supporting evidence in the educational literature, as discussed in the 2008 IES Practice Guide on Dropout Prevention, the practice is logical and essential for diagnosing the extent to which schools will need to implement strategies to address dropping out. In addition, the

implementation of any improvement strategy must involve continually returning to the individual student data to monitor the success of the strategy and to adjust approaches as needed. It should be noted that the dearth of supporting evidence is more a result of the lack of studies that directly evaluate the effect this practice has on keeping youth in school than to its lack of validity.

Kansas, North Carolina, North Dakota, Oregon, Wisconsin, and several other states examined the programs being implemented in their districts that had graduation rates above the state average. They have shared these promising practices among the other districts in the state through various means, including websites, communities of practice, newsletters, and conference presentations.

For example, Kansas conducted a crosswalk of Cluster 1 Indicators (i.e., 1, 2, 4, 13, and 14) during FFY 2009. The results of the crosswalk data were used to identify those districts that did not meet targets on three or more of the five indicators within the cluster, and those districts that did not meet targets on two to three indicators within the cluster. Additionally, data were analyzed to determine which districts consistently did not meet targets for specific indicators over a three-year period. Districts that did not meet three or more of the five indicators within the cluster were identified to receive targeted technical assistance. Districts that did not meet two to three indicators within the cluster were identified to receive technical assistance. Data analysis demonstrated that district level interventions positively influenced the number of students who graduated with high school diplomas.

Middle school to high school transition

Several states described local initiatives designed to ease the transition from middle school to high school. This transition is a critical time for students—particularly youth with disabilities—so having supports in place to help students adjust to ninth grade can help keep these youth in school and put them on a path to a successful graduation. Freshman orientations/ “boot camps” provide incoming students (and parents, in some cases) with information about the school in general and about academic expectations, available activities, as well as academic, behavioral, and social supports/services available to the students.

Freshman academies keep the incoming ninth grade students together and provide a sheltered transitional environment to bridge them between middle school and high school life. These academies are designed to provide additional structure and supports to help students manage their workload, succeed academically and get to know and bond with the other youth in their class.

In one example, the Arkansas Department of Career Education and their Post-school Outcomes Intervention for Special Education staff collaborated to implement ninth grade redesign statewide. A joint training to support Ninth Grade Academies for drop-out prevention was established with funds being provided by Career education for schools

that volunteer to complete the training requirements. Many other such programs exist, though primarily at the LEA level.

Secondary transition activities

Activities focused on supporting secondary transition have positive effects on school completion. Among the 52 states that reported transition-related activities were Delaware, Maryland, and Pennsylvania (the "Tri-State Consortium"), which are working to support youth with disabilities through a joint project.

Delaware continues to focus on interagency collaboration, family involvement, and youth leadership through a federal technical assistance grant. The final product (a Transition Slide Guide) from a Tri-State Grant was disseminated throughout the state in spring 2010. The Transition Slide Guide will assist students, parents, schools, and agency personnel through the transition process. Delaware also continues to receive assistance from the National Dropout Prevention Center for Students with Disabilities (NDPC-SD) and the National Secondary Transition Technical Assistance Center in its work to improve school completion outcomes.

Additionally, Arkansas, Colorado, and New Mexico have active statewide transition cadres that meet regularly to share knowledge and address issues around transition, school completion, and post-school outcomes. Washington and Wisconsin have developed Web-based systems to collect and share transition-related data with their districts.

Arizona's transition specialists provided various trainings and technical assistance to schools and adult service agencies. The State has also established community interagency transition teams, held an annual statewide transition conference, and developed and disseminated materials on transition. In the Indicator 1 and/or 2 sections of their APRs, numerous states reported having held statewide transition conferences to further the use of quality transition planning, standards-based IEPs, transition assessments, and other sound transition practices, which support school-completion efforts. Twenty states reported having supported parents through parent conferences, trainings, academies, and the development and dissemination of parent-support and transition-related materials.

Reentry programs

Six states described reentry/recovery programs in their APRs. While there are many such programs around the country, the majority of them operate on a local level, rather than statewide. These programs generally involve a school system and a combination of one or more community agencies, businesses or business organizations, colleges or community colleges, or faith-based organizations. The focus of these programs varies, depending on their genesis and the population they serve. One commonality is that reentry programs frequently offer options for credit-recovery—a necessity if the goal is to obtain a high school diploma, as the majority of returning students are credit deficient.

Another common characteristic of these programs is their flexibility. The needs of the populations they serve are often quite diverse, so flexibility in scheduling, venue for instruction, mode of instructional delivery, and entry/exit from the program are beneficial elements that help them serve their audiences adequately.

Statewide initiatives

Broad, concerted, statewide initiatives designed to increase school completion were again uncommon in the current APR submissions. This year, nine states reported that they had made school completion a priority, though only a handful had begun a statewide initiative. One such effort though is that of the Georgia Department of Education (GaDOE). Georgia's course of action is reflected in its "Innovative High School Opportunities": (a) The High School Redesign Advisory Panel, (b) Innovative High School Programs, (c) Georgia Virtual High School, (d) Performance Learning Centers, and (e) Alternative High School Programs. These programs are designed to operate in concert to increase the State's graduation rate and decrease its dropout rate.

In addition, through a SPDG grant, Georgia and NDPC-SD have trained a network of collaboration coaches, each of whom is assigned several schools in which to develop local school completion initiatives for students with disabilities. These coaches provide ongoing training and support for the members of local school teams.

Another example of a large-scale initiative may be found in Illinois. Since 2008, Illinois has worked with the national SISEP center on the implementation and scaling-up of evidence-based practices. This process has built upon the infrastructure of the State's technical assistance center to ensure implementation with fidelity in all of Illinois' schools. The purpose of the SISEP is to promote students' academic achievement and behavioral health by supporting implementation and scaling-up of evidence-based practices in education settings. SISEP will provide the critical content and foundation for establishing a technology of large-scale, sustainable, high-fidelity implementation of effective educational practices. It also will improve ISBE's capacity to carry out implementation, organizational change, and systems transformation strategies to maximize achievement outcomes of all students.

The project in Illinois is being built on the infrastructure already in place for the Illinois PBIS Network, which currently reaches 1,000 schools in the state. The scaling up process will expand this infrastructure to allow Illinois to reach all schools in the State with evidence-based programs designed to improve outcomes for all students. The focus of SISEP will be on braiding together all of the technical assistance currently being provided through a variety of State Education Agency (SEA) initiatives, including ISTAC and IASPIRE. This will allow ISBE to provide a single implementation and evaluation process for schools which incorporates the core requirements of both behavioral and academic multi-tiered evidence based practices.

Seven states (AR, BIE, NE, SD, UT, WV, and WA) have begun new statewide initiatives in collaboration with NDPC-SD and are receiving training and technical assistance to

help them develop model sites for dropout prevention initiatives or address state and local data-related needs around school completion. Three additional states will begin working with NDPC-SD in the coming year.

COMMONALITIES AMONG STATES THAT MET THEIR PERFORMANCE TARGETS

This year, as in years past, states engaged in a various combinations and permutations of activities intended to lower their dropout rates. Determining the effectiveness of such activities is confounded, at least in part, by the recent changes some states made in calculating their dropout rate, as well as by the lag in data to match ESEA reporting requirements. Additionally, there is generally a delay between the implementation of practices designed to reduce dropout and/or improve graduation rates and the time when their effects become visible. Examining correlated interim indicators of progress, such as attendance, behavior, and academic performance, will provide information about the general direction things are going; however, seeing a change in the dropout or graduation rate will take one or more years.

The table below shows the number of states that achieved their dropout rate targets, reported in the FFY 2009 APRs, and how many were engaged in a particular type of activity.

Table 1

Number of states that met their dropout target plus engaged in a particular activity

Activity	Number of states
Priority on graduation & dropout	9
Data-based decision making	23
Transition-related activities	31
Using one or more evidence-based programs	14

Filtering the data to select states that met their targets and engaged in all of the above activities narrowed the number of states considerably. Four of the states that met their dropout rate target also emphasized graduation and dropout prevention as a statewide priority, engaged in improvement activities that involved data-based decision making/development and implementation of an early warning system, emphasized secondary transition, and implemented at least one evidence-based program or intervention. Two of these states also focused on behavior, implementing PBIS or other behavioral interventions. Progress in these states is consistent with the recommendations of the *IES Practice Guide on Dropout Prevention*, which states that a strategic approach that integrates multiple evidence-based strategies or interventions is an effective approach to addressing school completion issues.

CONCLUSIONS AND RECOMMENDATIONS

While the changes in Indicators 1 and 2 have created some disruptions in states' calculations and reporting of their graduation and dropout rates for this APR, the ultimate outcome will be worth the temporary upset. Having a uniform graduation rate and more consistency in the definition of what constitutes "graduation" will allow us all to assess more accurately the progress being made around the country in school completion efforts for students with disabilities. The use of dropout data from the same year as that used in the graduation rate will also facilitate comparison of these rates.

NDPC-SD recommends that states should, if possible, report both an event and a cohort dropout rate, as each provides a unique piece of information (i.e., short-term and longer-term data) about student performance. The event rate is useful as a snapshot of a year's performance related to dropout and can inform states about the efficacy of improvement activities in targeted districts or subgroups of students. The cohort rate provides an indication of how many students remain in school for four years and how many exit prematurely. It is an overall indication of the holding power of a state's schools. One state that employed such dual calculations was California.

With the change in the data source for calculating the dropout rate, states will have to establish new baselines and may need to revise their improvement targets for their dropout rates. A logical way to approach this would be to base the new targets on the amount of improvement seen in previous years' submissions of dropout rate data.

Another logical approach would be to consider the state graduation targets and the dropout rate. Because the graduation rate and dropout rate are inversely related, lowering the dropout rate should yield an increase in the graduation rate. States might consider the amount of improvement from year to year that is specified in the graduation targets and use that information to inform their new dropout targets.

States might also benefit from examining and revising some of their definitions related to school completion. With the more urgent requirement to be able to chart the progress of individual students as they pass through the educational system, it will become increasingly important to have clear policies and procedures around the entry, analysis and reporting of student-level data as well as clear definitions for student exiting codes.

Given the growing focus on improvement activities and the need for states to compete for external funding, it will also become increasingly important for states and their LEAs to conduct more rigorous evaluations of the impact of the initiatives and programs they adopt/develop and implement in support of school completion for students with disabilities.

There is no magic bullet to decrease school dropout or increase school completion. The problem seems best addressed through careful examination of data related to school completion in the context of individual states and the development of state

policies and procedures, regulations, and effective practices that will foster and support local efforts to improve graduation and dropout rates. More in-depth analyses of data are feasible at the local level than are practicable when examining data for an entire state. Intensive school completion initiatives are best customized to fit an lea's own particular needs, as identified by a close examination of local school-level data and when considered within the context of the local community.

INDICATOR 3: ASSESSMENT

Prepared by NCEO

INTRODUCTION

The National Center on Educational Outcomes (NCEO) analyzed the information provided by states for Part B Indicator 3 (Assessment), which includes both participation and performance of students with disabilities in statewide assessments. This indicator also includes a measure of the extent to which districts in a state are meeting the Elementary and Secondary Education Act (ESEA) reauthorized as No Child Left Behind (NCLB) Adequate Yearly Progress (AYP) criterion for students with disabilities. Indicator 3 information in this report is based on Annual Performance Report data from 2009-10 state assessments. States submitted their data in February 2011 using baseline information and targets (unless revised) submitted in their State Performance Plans (SPPs) first presented in December 2005.

This report summarizes data and progress toward targets for the Indicator 3 subcomponents of (a) percent of districts meeting AYP, (b) state assessment participation, and (c) state assessment performance. States disaggregated data to varying degrees. A number of states provided data by content area and grade level for the three sub-indicators, but others disaggregated by grand band, or provided only information summed across grades. For this reason, all information contained in this report is an analysis or summary of state data for a given content area (or overall for AYP) across grades 3 through 8, and one tested grade in high school.

This report includes an overview of our methodology, followed by findings for each component of Part B Indicator 3 (AYP, Participation, and Performance). We conclude by addressing data slippage and progress as well as state Improvement Activities.

METHODOLOGY AND DATA SOURCES

We obtained APRs used for this report from the RRCP Web site in February, March, and April 2011. Data were entered into working documents from original APR submissions and then, following the April week of clarification, all data were verified against revised APRs submitted in that month. In instances of disagreement, we used new data from revised APRs for analyses. For the analyses in this report, we used only the information that states reported in their APRs for 2009-10 assessments.

Three components comprise the data in Part B Indicator 3:

- 3A is the percent of districts (based on those with a disability subgroup that meets the state's minimum "n" size) that meet the state's Adequate Yearly Progress (AYP) objectives for progress for the disability subgroup
- 3B is the participation rate for children with IEPs who participate in the various assessment options (Participation)
- 3C is the proficiency rate (based on grade-level, modified or alternate achievement standards) for children with IEPs (Proficiency)

3B (Participation) and 3C (Performance) have subcomponents:

- The number of students with Individualized Education Programs (IEPs)
- The number of students in a regular assessment with no accommodations
- The number of students in a regular assessment with accommodations
- The number of students in an alternate assessment measured against GRADE LEVEL achievement standards
- The number of students in an alternate assessment measured against MODIFIED achievement standards
- The number of students in an alternate assessment measured against ALTERNATE achievement standards

Some states provided data disaggregated to the level of these subcomponents and others did not, providing an overall aggregated total across all tests in their assessment system instead. Also, some states chose to disaggregate data by specific grade levels tested, others by grade bands, and still others without disaggregation by grade, instead providing an overall data point only.

For Improvement Activities, instructions directed states to describe those completed in the previous school year (2009-10) as well as projected changes for upcoming years. The analysis of 2009-10 Improvement Activities used the OSEP coding scheme consisting of letters A–J, with J being "other" activities. The NCEO Improvement Activities coders used 11 subcategories under J ("other") to capture specific information about the types of activities undertaken by states (see Appendix A for examples of each of these sub-categories). These 11 sub-categories were the same as those used to code 2008-09, 2007-08, and 2006-07 data and only slightly modified from those used to code 2005-06 data. However, this year's analysis omitted the J12 category. Two trained employees coded improvement activities for all states. We achieved inter-rater agreement through discussion about any discrepancies between coders, which resulted in 100% agreement on coding.

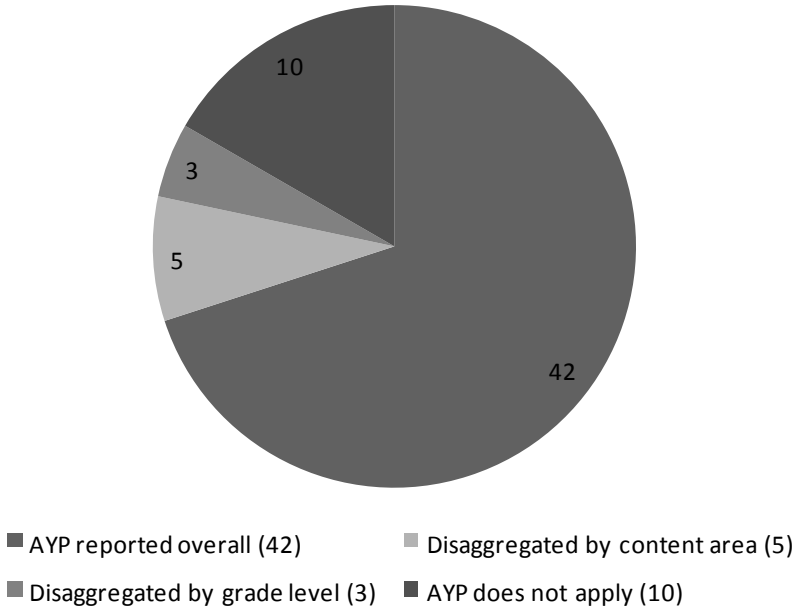
PERCENT OF DISTRICTS MEETING STATE'S ADEQUATE YEARLY PROGRESS OBJECTIVE (COMPONENT 3A)

Component 3A (AYP) is defined for states as:

> Percent = [(# of districts meeting the State's AYP objectives for progress for the disability subgroup (i.e., children with IEPs)) divided by (total # of districts that have a disability subgroup that meets the State's minimum "n" size in the State)] times 100.

Figure 1 shows the ways in which regular and unique states provided AYP data on their APRs. Forty-nine regular states had data available (one state is a single district and thus is not required to provide data for this component). Forty-one regular states (and one unique state) reported AYP data in their APR in such a way that we could combine the data with data from other states. The other eight states either provided data broken down by content area (five states), or grade level (three states).

Figure 1. Ways in Which Regular and Unique States Provided AYP Data



This analysis does not include AYP determinations for the unique states (only one state provided data). As noted in reports in previous years, it is unclear how many of the unique states are required to set and meet the AYP objectives of NCLB (either because they are single districts or because they are not subject to the requirements of NCLB).

Nine regular states met their 2009-10 targets for AYP, while 24 states did not, as shown in Table 1. The remaining 17 regular states as well as all unique states were not included in this analysis. Regular states were not included if they did not provide an

overall value for either baseline data, targets, and 2009-10 actual data (such as disaggregating by content area or grade level). Those that met targets were likely to have had higher than average baseline data, set higher than average targets (though they were lower than one year ago), and reported higher than average actual data. Those that did not meet targets were likely to have lower than average baseline data, set lower than average targets, and reported lower than average actual data. Some of the states that did not meet targets for AYP experienced drastic slippage in the percentage of districts meeting AYP in 2009-2010.

In five of the RRC regions, actual 2009-2010 data for the states included was *lower* than that of baseline values and below average targets. The states in region 2 experienced, on average, a dramatic drop in the percentage of districts meeting AYP.

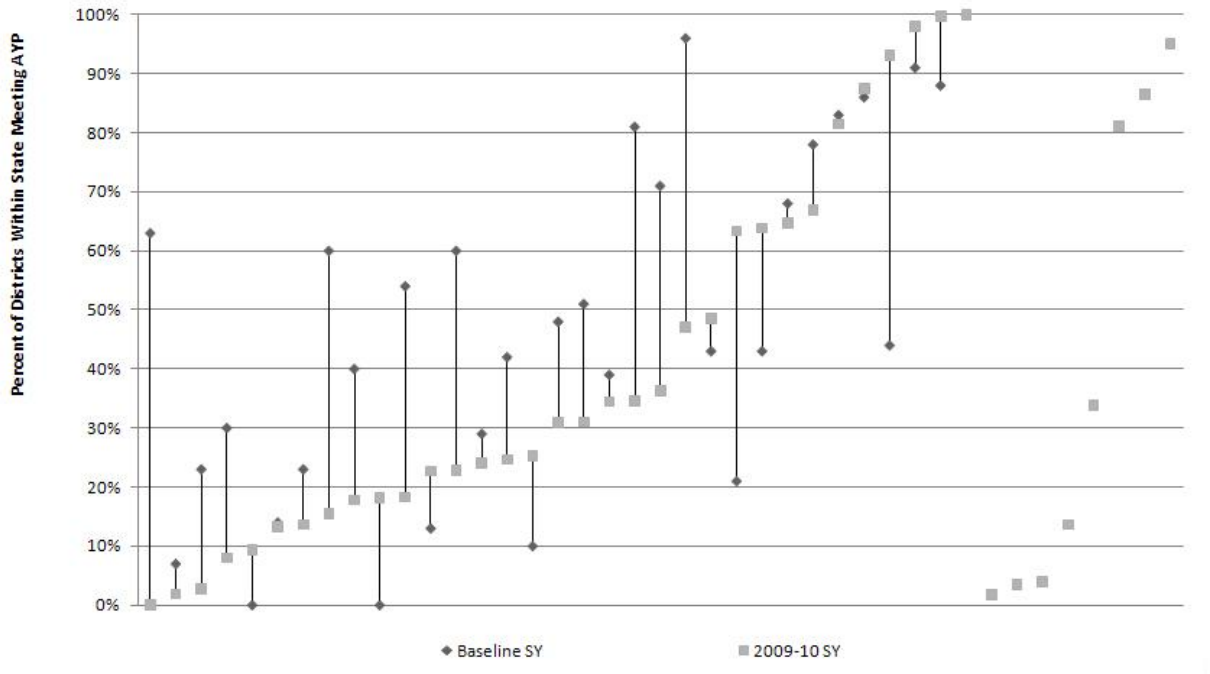
Table 1. Percentage of Districts Making AYP in 2009-10 Within Regular States that Provided Baseline, Target, and Actual Data

	N	BASELINE (MEAN %)	TARGET (MEAN %)	ACTUAL DATA (MEAN %)
OVERALL	33	48.5%	62.7%	40.0%
MET	9	62.2%	62.2%	68.1%
NOT MET	24	43.3%	62.9%	29.4%
REGION 1	5	30.0%	67.0%	34.3%
REGION 2	6	35.3%	51.2%	21.7%
REGION 3	4	58.8%	85.6%	39.3%
REGION 4	6	68.5%	78.7%	61.1%
REGION 5	7	56.3%	54.7%	49.0%
REGION 6	5	39.4%	46.2%	30.0%

Figure 2 shows the percentage of districts making AYP in 2009-10 for the 41 regular states that provided overall data. We sorted data by current values, and grouped by states that reported baseline information, and those that did not provide baseline information that we could use in analysis. From a quick glance at the figure, the reader can see a wide range of reported change in values across all states. Many of these lines of display show a net decrease in the percent of LEAs within states making AYP

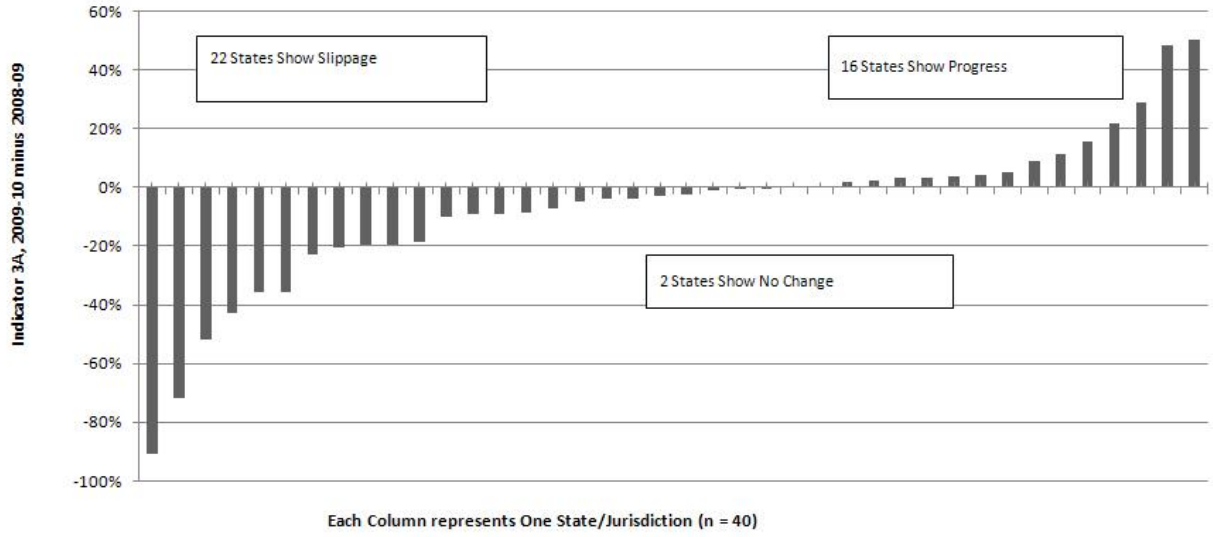
since baseline. One can also see that the range in values is from 0% to 100% with more states reporting less than 50% of districts within the state making AYP (28 states) than reporting more than 50% of districts making AYP (13 states). The average value for the 23 states that reported baseline data and current values of less than 50% was 39.0%. The average value for the 10 states that reported baseline data and current values of more than 50% was 70.2%.

Figure 2. Change in the Percent of Districts Within Regular States Meeting AYP Since Baseline



Forty regular states reported overall information for AYP in 2008-09 and 2009-10 used in progress/slippage comparisons. It is apparent from the analysis of year-to-year change that recent slippage is responsible for much of the change from baseline shown in Figure 2. Figure 3 shows these data and the wide range of movement seen across states. From a range of slippage of 90.6% to progress of 50.0%, to two states that reported no change between years it was apparent that there was no trend in the direction or intensity of change across states. Twenty-two states reported year-to-year slippage, and 16 states showed progress. Those that showed slippage showed an average of 22.4 percentage points of year-to-year slippage, those that showed progress showed an average of 13.0 percentage points of progress.

Figure 3. Percentage of Progress or Slippage for AYP in Regular States from 2008-09 to 2009-10



PARTICIPATION OF STUDENTS WITH DISABILITIES IN STATE ASSESSMENTS (COMPONENT 3B)

The participation rate for children with IEPs includes children who participated in the regular assessment with no accommodations, in the regular assessment with accommodations, in the alternate assessment based on grade-level achievement standards, in the alternate assessment based on modified achievement standards, and in the alternate assessment based on alternate achievement standards. Component 3B (participation rates) was calculated by obtaining a single number of assessment participants and dividing by the total number of students with IEPs enrolled, or by summing several numbers and then computing percentages as shown below:

Participation rate numbers required for equations are:

a. # of children with IEPs in assessed grades;
b. # of children with IEPs in regular assessment with no accommodations (percent = [(b) divided by (a)] times 100);
c. # of children with IEPs in regular assessment with accommodations (percent = [(c) divided by (a)] times 100);
d. # of children with IEPs in alternate assessment against grade level achievement standards (percent = [(d) divided by (a)] times 100);
e. # of children with IEPs in alternate assessment against modified achievement standards (percent = [(d) divided by (a)] times 100); and

f. # of children with IEPs in alternate assessment against alternate achievement standards (percent = [(e) divided by (a)] times 100).

In addition to providing the above numbers, states also were asked to account for any children included in ‘a’, but not included in ‘b’, ‘c’, ‘d’ or ‘e’.

All 60 regular and unique states provided data for student participation on statewide reading assessments for students with disabilities in 2011 APRs. In this section, data and text will focus on participation in reading assessments; data for math assessments were nearly identical. The average participation rate on 2009-10 assessments across all states was 95.5%. Three unique states reported participation rates of 65.1% or less. Two regular states reported participation rates of 100.0%. Fifteen additional states reported participation rates of 99.0% or more. Thirty-seven states reported participation rates between 95.0% and 98.9%. The range of participation rates was much greater for unique states (61%) than regular states (5%).

Figure 4. Percentage of Students Participating in Large-Scale Assessment in 2009-10 for All 60 Regular and Unique States

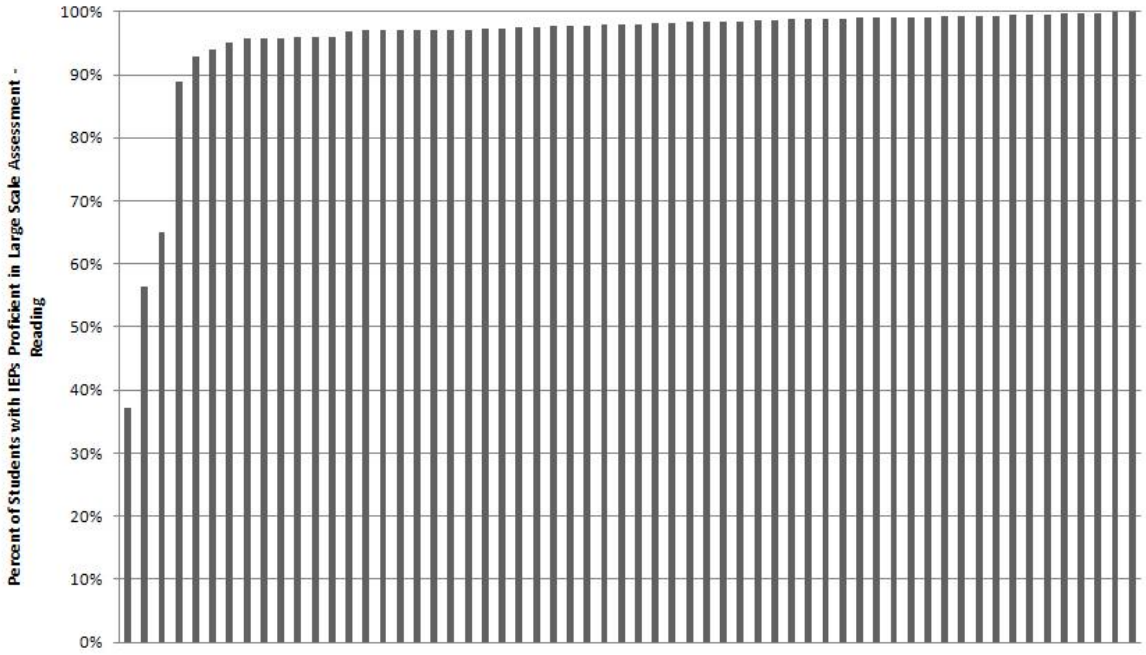


Table 2 shows the percentage of students with IEPs participating in large-scale assessment in reading in 2009-10 for 53 regular and unique states that provided baseline, target, and actual data. Forty-two states met the targets they set for participation. Eleven states did not meet their target for this sub indicator. One should note that there are two outlier states with a lower level of participation than the norm, both unique states; neither of these states met their target for this indicator. States that met their target for this indicator reported actual data that, on average, surpassed

targets and baseline data. Those that did not meet targets, many of them unique states, had actual data that did not meet baseline, or target values.

In five of the six RRC regions, actual 2009-2010 data for the states included was *higher* than that of baseline values, and in four of these regions, actual data was higher than targets. The states in region 6, including many unique states, experienced, on average, a drop in the percentage students participating in statewide assessment.

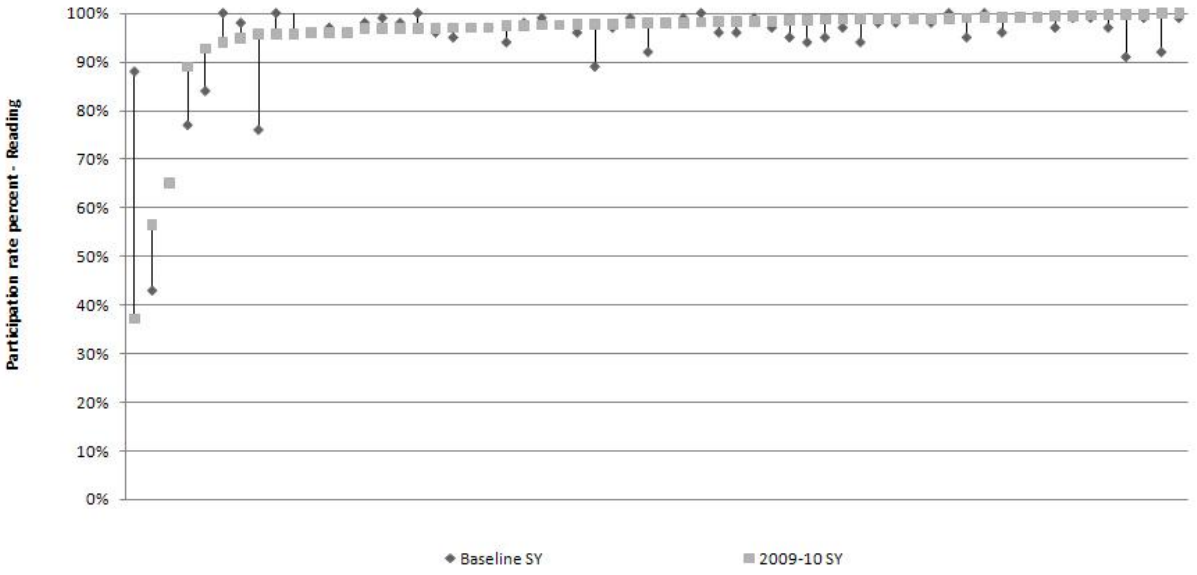
Table 2. Percentage of Students With Disabilities Participating in Large-Scale Assessment Within Regular and Unique States that Provided Baseline, Target, and Actual Data

	N	BASELINE (MEAN %)	TARGET (MEAN %)	ACTUAL DATA (MEAN %)
OVERALL	53	94.8%	95.5%	95.9%
MET	42	96.3%	95.8%	98.2%
NOT MET	11	88.9%	94.1%	86.9%
REGION 1	7	96.4%	97.9%	97.7%
REGION 2	7	95.1%	95.7%	97.8%
REGION 3	9	97.7%	96.9%	98.4%
REGION 4	7	97.1%	95.7%	98.3%
REGION 5	11	96.8%	96.5%	98.4%
REGION 6	12	88.3%	91.7%	88.0%

For the most part states have made progress toward 100% participation in large-scale assessment for students with disabilities as shown in Figure 5. Since the time states set baseline values, 35 states have made progress towards 100% participation for the students with disabilities population, 3 have seen no change, and 18 have seen a decrease in participation. Four states did not report baseline information. Eight states have seen participation increase by more than 5 percentage points since baseline to a maximum of 19.7 percentage points for unique states and 8.7 percentage points for regular states. Three states have seen a participation decrease by more than 5 percentage points since baseline to a maximum of 50.8 percentage points for unique

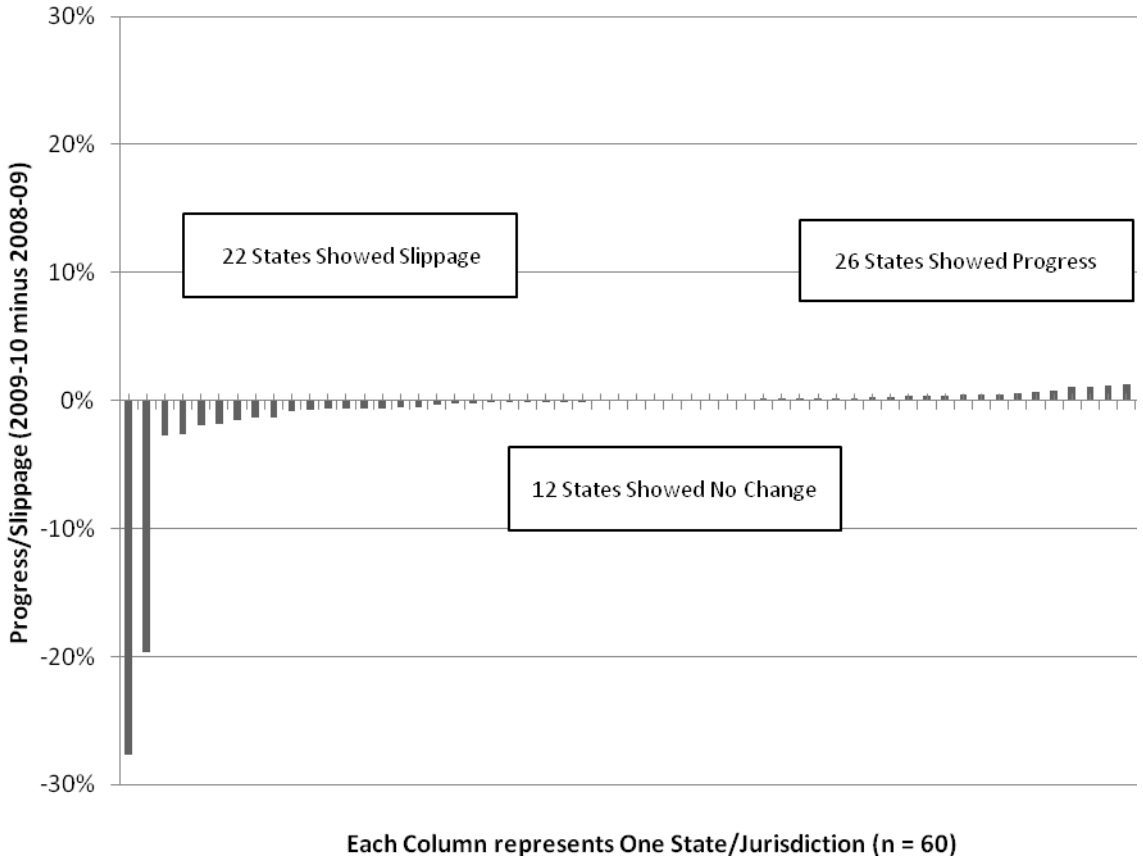
states, and 11.2 percentage points for regular states (this state reported 107% participation during the baseline year). Eight states have seen their increase in participation push total rates to from less than 95.0% to more than 95.0% since baseline.

Figure 5. Change in the Participation of Students With Disabilities in Large-Scale Assessment Since Baseline Within Regular and Unique States



All sixty regular and unique states reported overall information for student participation in 2008-09 and 2009-10 that we could use in progress/slippage comparisons. Figure 6 shows these data and the wide range of movement seen across states. One unique state showed slippage of 27.6 percentage points, and one regular state showed slippage of 2.0%. One unique state showed progress of 15.2 percentage points and one regular state showed progress of 7.9 percentage points. Twelve states reported no change in participation rates. The 22 states (there were 21 a year ago) that showed slippage showed an average decrease of 3.0 percentage points. The 26 states (there were 32 a year ago) that showed progress reported an average increase of 1.4 percentage points.

Figure 6. Percentage of Progress or Slippage for Student Participation in Large-Scale Assessment Within Regular and Unique States



PERFORMANCE OF STUDENTS WITH DISABILITIES ON STATE ASSESSMENTS (COMPONENT 3C)

The performance of students with IEPs is based on the rates of those children achieving proficiency on the regular assessment with no accommodations, the regular assessment with accommodations, the alternate assessment based on grade-level achievement standards, the alternate assessment based on modified achievement standards, and the alternate assessment based on alternate achievement standards. For the second consecutive year in 2009-10, federal guidelines allowed states to use as the denominator only those students enrolled for a full academic year within the state. These students should have also been eliminated from the numerator, which for component 3C (Proficiency Rate) involved obtaining a single number of students that were proficient or by summing several numbers and then computing percentages as shown below:

Proficiency Rate numbers required for equations are (Full academic year students only):

a. # of children with IEPs in assessed grades;
b. # of children with IEPs in assessed grades who are proficient or above as measured by the regular assessment with no accommodations (percent = [(b) divided by (a)] times 100);
c. # of children with IEPs in assessed grades who are proficient or above as measured by the regular assessment with accommodations (percent = [(c) divided by (a)] times 100);
d. # of children with IEPs in assessed grades who are proficient or above as measured by the alternate assessment against grade level achievement standards (percent = [(d) divided by (a)] times 100);
e. # of children with IEPs in assessed grades who are proficient or above as measured by the alternate assessment against modified achievement standards (percent = [(d) divided by (a)] times 100); and

f. # of children with IEPs in assessed grades who are proficient or above as measured against alternate achievement standards (percent = [(e) divided by (a)] times 100).

Fifty-nine regular states and unique states reported 2009-10 assessment proficiency data in some way. One unique state provided only data for the reading content area. This state did not test in math in 2009-10. Data for the proficiency sub-indicator had notable differences between conference areas, and separate analyses were completed and are presented in this section.

Reading

Fifty-nine regular and unique states provided student proficiency data for students with disabilities participating in statewide reading assessment in 2009-10. One state did not provide data due to a technical issue that caused it to lose student proficiency data during 2009-10 testing. As shown in Figure 7, there was a range of state proficiency rates reported across all states. The range of state reported student proficiency ranged from 1.8% to 77.0%. Fourteen states reported proficiency rates of less than 25% for an average 14.2%. A majority of states reported proficiency rates between 25% and 50% (n=33). The average reported proficiency rate for these states was 38.7%. Twelve states reported student proficiency rates of more than 50%, for an average of 63.9% per state.

Figure 7. Percentage of Students Proficient in Large-Scale Reading Assessment in 2009-10 for Regular and Unique States

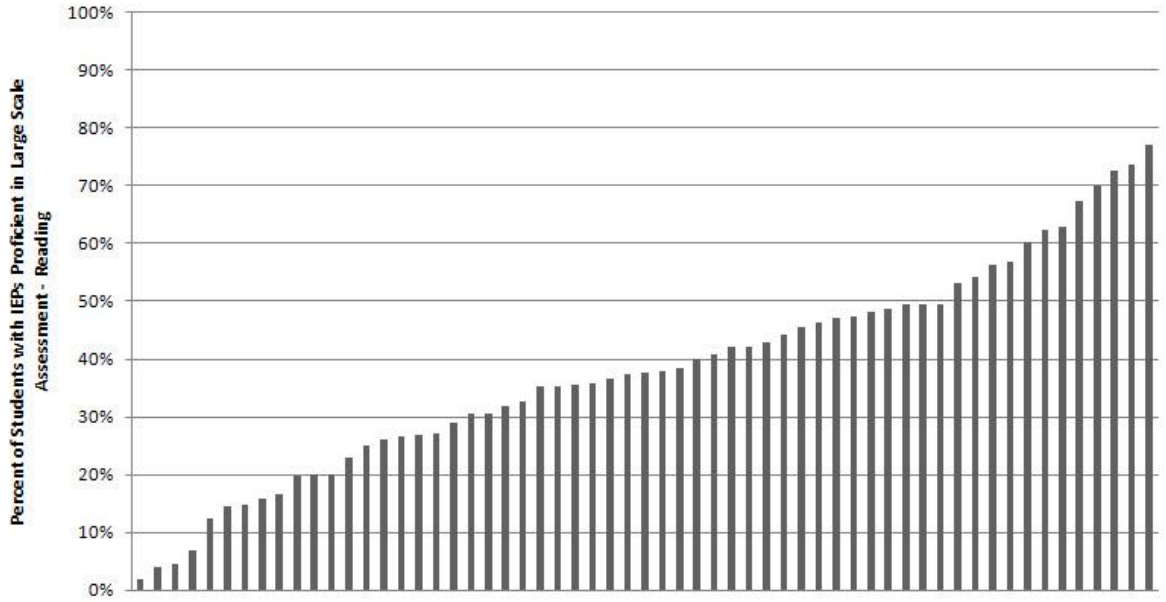


Table 3 shows the percentage of students with IEPs scoring as proficient in large-scale assessment in reading in 2009-10 for 35 regular and unique states that provided baseline, target, and actual data. Across these states, the average rate of proficiency for students with disabilities has increased 5.6 percentage points since baseline; however, current performance lags 16.4 percentage points below baseline. Eight states met targets set by their state, and 27 states did not meet their target for this sub indicator. States meeting targets for this indicator had a higher average baseline value, and actual data (from 2009-10 school year) than states that did not meet targets. States that *did not* meet targets reported more challenging targets than states that did meet targets.

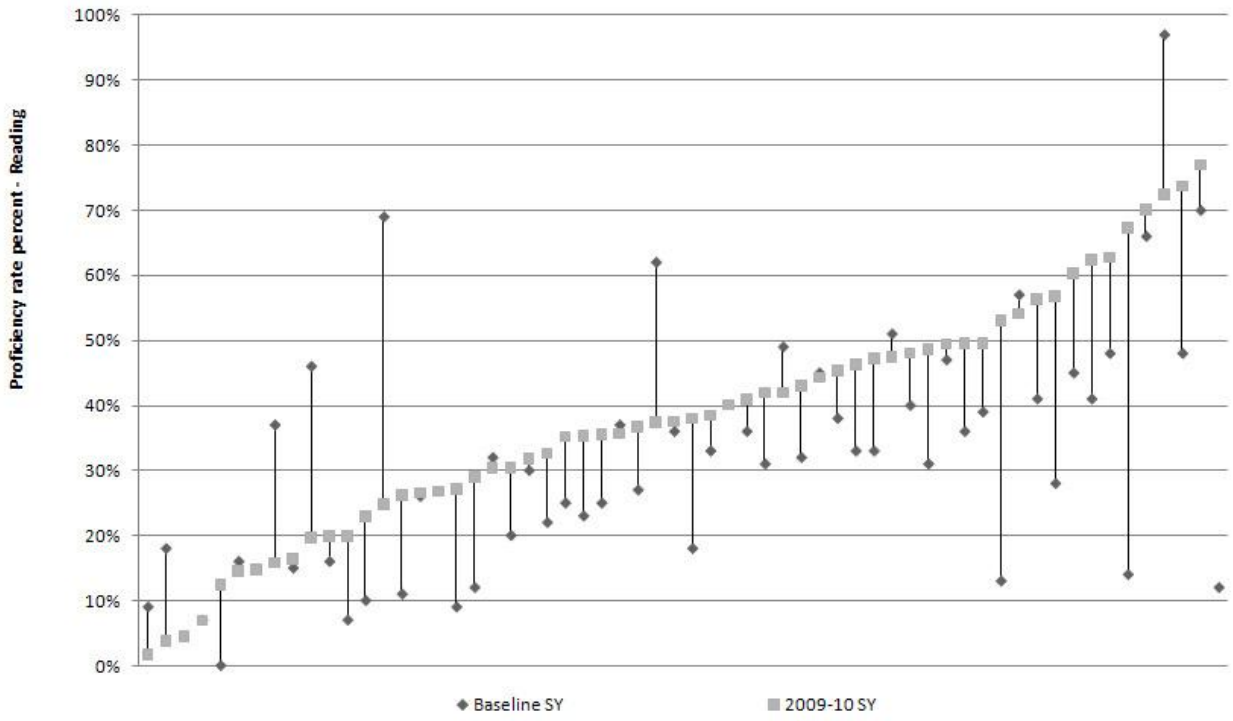
In five of the six RRC regions, actual 2009-10 data for the states included was *higher* than that of baseline values, though below average targets in all regions. The states in region 2 experienced, on average, a drop in the percentage of students performing as proficient in statewide assessment. In this region, two states with very high baseline values have since elevated proficiency standards and seen a corresponding decrease in the percentage of students achieving proficiency across all subgroups.

Table 3. Average Reading Proficiency Percentages in 2009-10 for Regular and Unique States that Provided Baseline, Target, and Actual Data

	N	BASELINE (MEAN %)	TARGET (MEAN %)	ACTUAL DATA (MEAN %)
OVERALL	35	32.8%	56.8%	38.4%
MET	8	38.6%	43.2%	48.1%
NOT MET	27	31.1%	60.8%	35.5%
REGION 1	3	24.3%	60.1%	44.1%
REGION 2	5	50.4%	70.1%	35.0%
REGION 3	7	38.4%	56.1%	45.9%
REGION 4	6	30.3%	59.4%	39.8%
REGION 5	5	40.0%	62.3%	51.8%
REGION 6	9	19.2%	44.1%	24.1%

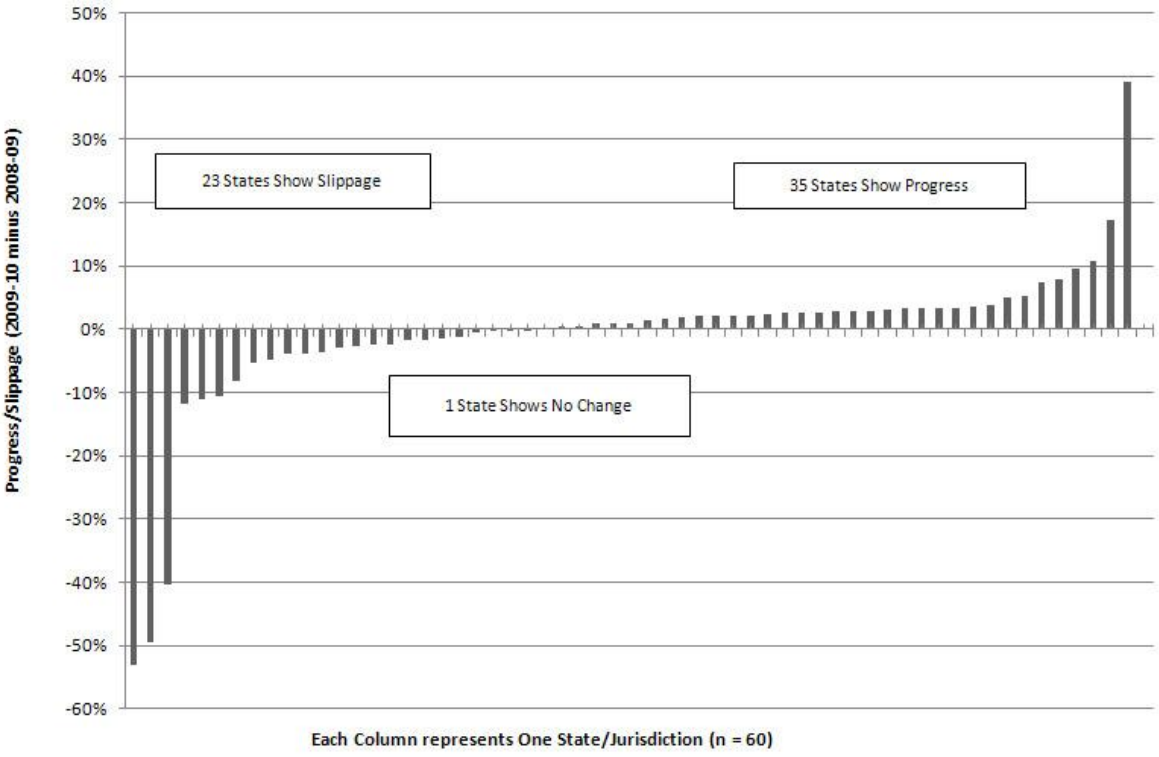
A trend continues toward elevated proficiency levels as compared to baseline. Fifty-five states provided data for the baseline year and 2009-10. As shown in Figure 8, of these states, 14 showed slippage across the extended timeline, for an average decrease of 12.9 percentage points. One state showed no change in values between baseline and 2009-10 school year data. Forty states showed progress between baseline and the 2009-10 school year for an average of 13.2 percentage points. Twenty-seven states reported progress during the time of at least 10 percentage points. These states reported an average gain in the proficiency rate for students with disabilities of 17.4 percentage points.

Figure 8. Change in the Proficiency of Students With Disabilities in Large-Scale Reading Assessment Since Baseline Within Regular and Unique States



All but one of the regular and unique states (n=59 states) reported overall information for student proficiency in 2008-09, and 2009-10 that could be used in progress/slippage comparisons. Figure 9 shows these data and the wide range of movement seen across states. One regular state with a new test and more difficult standards showed slippage of 53.1 percentage points and a regular state showed progress of 39.0 percentage points. The 23 states that showed slippage showed an average decrease of 9.7 percentage points. One state showed no change in the percentage of students with disabilities scoring as proficiency on its statewide assessment. The 35 states that showed progress reported an average increase of 4.6 percentage points.

Figure 9. Percentage of Progress or Slippage for Student Proficiency in Large-Scale Reading Assessment Within Regular and Unique States



Math

Fifty-eight states provided student proficiency data for students with disabilities participating on the statewide mathematics assessment in 2009-10. Two states did not provide data for 2009-10 testing. One regular state did not provide data due to a technical issue that caused it to lose student proficiency data during 2009-10 testing. One unique state did not test its students in mathematics in 2009-10. As shown in Figure 10, there was a range of state proficiency rates reported across the 58 states that did report data. State reported student proficiency ranged from 0.6% to 79.6%. Sixteen states reported proficiency rates of less than 25% for an average 15.0%. Twenty-six states reported proficiency rates between 25% and 50% for an average proficiency rate of 38.8%. Sixteen states reported student proficiency rates of more than 50%, for an average of 60.9% per state.

Figure 10. Percentage of Students Proficient in Large-Scale Mathematics Assessment in 2009-10 for Regular and Unique States

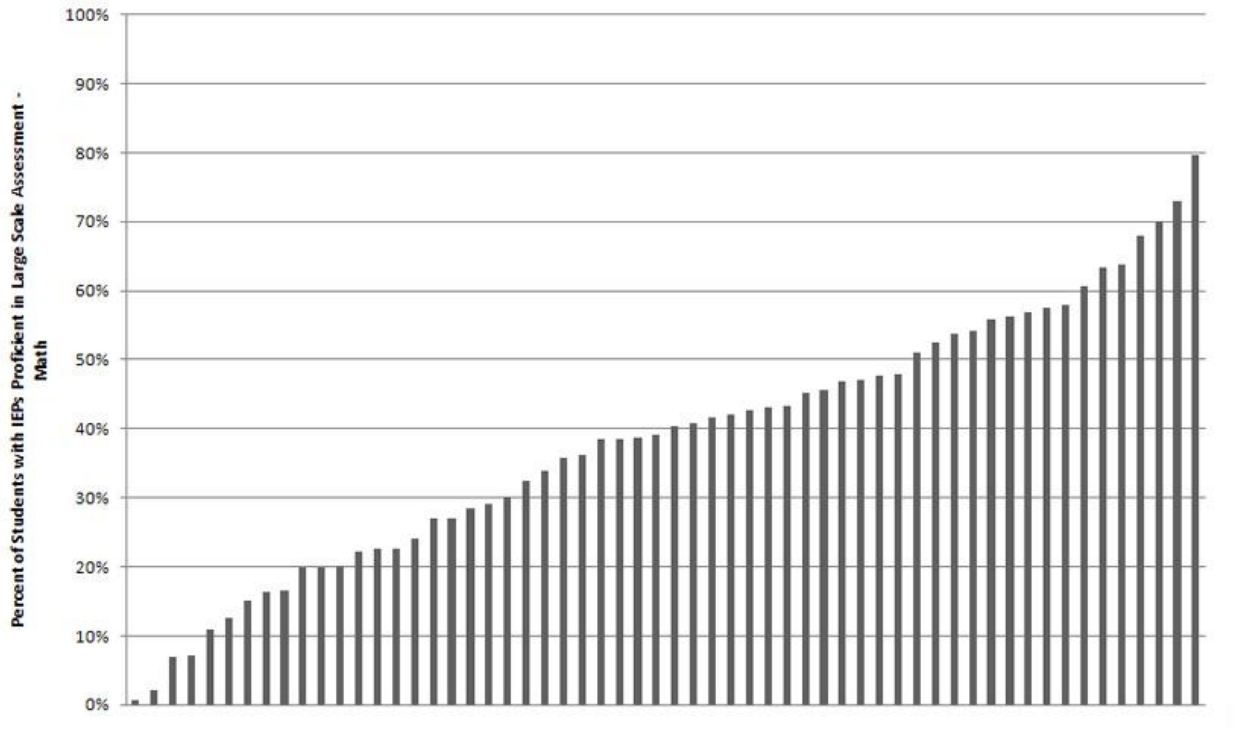


Table 4 shows the percentage of students with IEPs scoring as proficient in large-scale assessment in math in 2009-10. Data presented are for 35 regular and unique states that provided baseline, target, and actual data. Across these states, the average rate of proficiency for students with disabilities has increased 5.8 percentage points since baseline; however, current performance lags 16.2 percentage points below baseline. Meeting targets set for their state were 6 states; 29 states did not meet their target for this sub indicator. States meeting targets for this indicator had a higher average baseline value, and actual data (from 2008-09 school year) than states that did not meet targets. States that *did not* meet targets set higher targets than states that did meet targets.

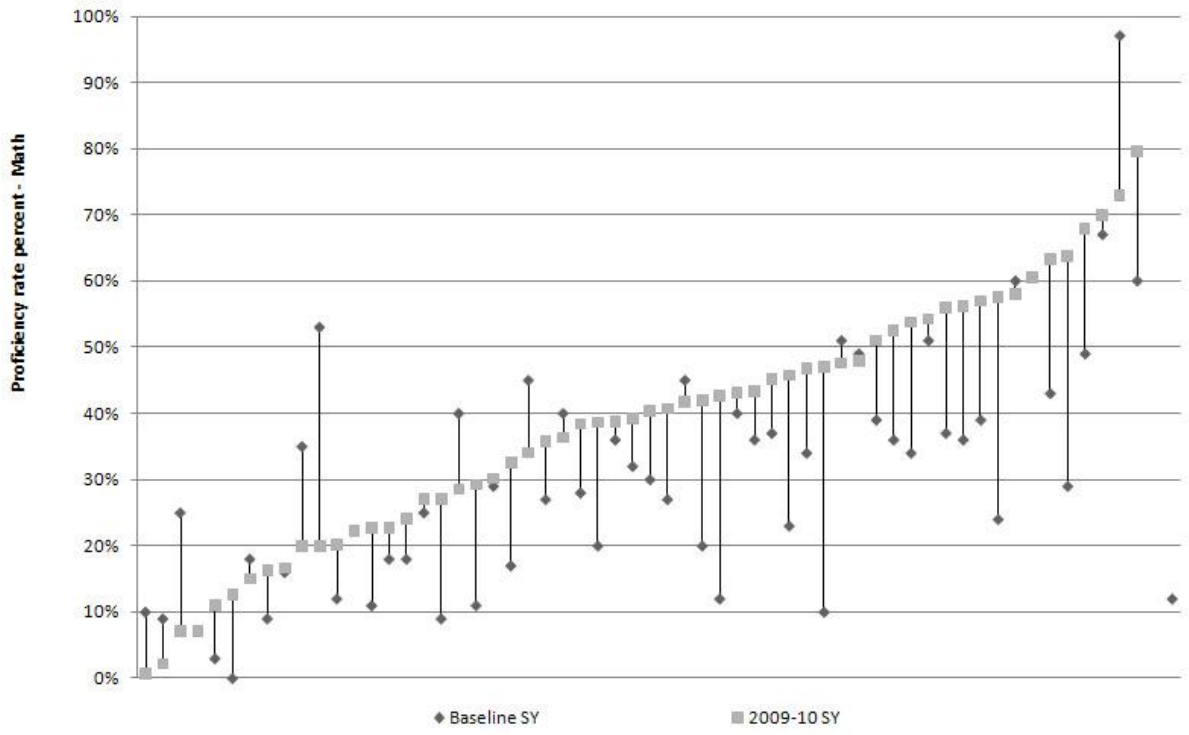
In four of the six RRC regions, actual 2009-2010 data for the states included was *higher* than that of baseline values, though below average targets in all regions. As in reading, the states in region 2 experienced, on average, a drop in the percentage students performing as proficient in statewide assessment. In this region, two states with very high baseline values have since elevated proficiency standards and seen a corresponding decrease in the percentage of students achieving proficiency across all subgroups. States in region 6 also reported a drop in student performance of less than a percentage point, on average.

Table 4. Average Mathematics Proficiency Percentages in 2009-10 for Regular and Unique States that Provided Baseline, Target, and Actual Data

	N	BASELINE (MEAN %)	TARGET (MEAN %)	ACTUAL DATA (MEAN %)
OVERALL	35	31.4%	53.4%	37.2%
MET	6	37.3%	42.8%	47.7%
NOT MET	29	30.1%	55.6%	35.0%
REGION 1	3	26.7%	59.1%	38.0%
REGION 2	5	44.2%	68.0%	34.3%
REGION 3	7	36.3%	55.5%	48.3%
REGION 4	6	28.8%	54.7%	44.3%
REGION 5	5	36.2%	56.4%	45.0%
REGION 6	9	21.0%	39.3%	20.8%

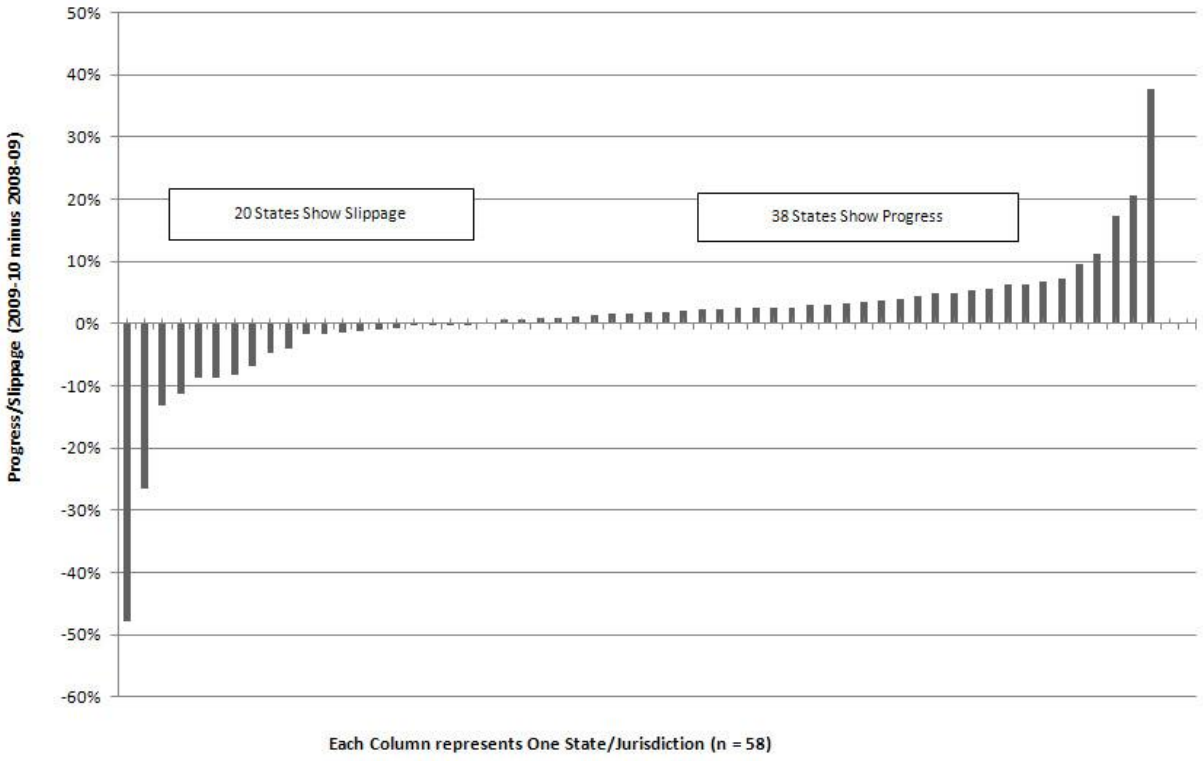
A trend continues toward higher proficiency levels compared to baseline. Fifty-five states provided data for the baseline year and 2009-10. Values ranged from slippage of 33.1 percentage points to progress of 37.0 percentage points. As shown in Figure 11, of these states, 14 showed slippage across the extended timeline, for an average of 10.4 percentage points. Forty-one states showed progress between baseline and the 2009-10 school year for an average of 13.9 percentage points. Twenty-five states reported progress of at least 10 percentage points. These states reported an average gain in the proficiency rate for students with disabilities of 19.5 percentage points.

Figure 11. Change in the Proficiency of Students With Disabilities in Large-Scale Mathematics Assessment Since Baseline Within Regular and Unique States



Fifty-eight states reported overall information for student proficiency in 2008-09, and 2009-10 that we could use in progress/slippage comparisons. Figure 12 shows these data. As with participation, data display a trend of considerable change across states. The regular state with the new test and standards showed slippage of 47.8 percentage points, and one regular state showed progress of 37.6 percentage points. The 20 states that showed slippage showed an average decrease of 7.5 percentage points. The 38 states that showed progress reported an average increase of 5.2 percentage points.

Figure 12. Percentage of Progress or Slippage for Student Proficiency in Large-Scale Mathematics Assessment Within Regular and Unique States



PROGRESS AND SLIPPAGE

This year's review of state APRs includes for the first time, an analysis of statements regarding progress or slippage. One caveat of this analysis is that we included only statements that "explained" the data that were reported by a state. It did not include an analysis of "descriptions" of the data that were reported by a state, such as a statement to the effect that state "A" met all of its targets and saw improvement in the data as compared to one year ago. One example of an explanation is as follows:

> "[State] continues to implement improvement activities at all levels and believes that its improvement activities related to access to general education curriculum and training teachers have been the most effective in increasing proficiency rate…."

Of the 36 states that provided an explanation of their progress or slippage, 13 reported an explanation of slippage (performance in math was used as the indicator for this

analysis), 22 reported an explanation of progress, and 1 state did not report the data required to calculate change from year to year.

Comments tended to center on one of a number of themes, some of which could explain both progress as well as slippage depending on a state's unique situation. These explanations included: change in standards, change in calculation, change in tests offered, professional development, difference between content areas, similar to trends in all-students group, expected future growth, and no obvious reason. An example of an actual explanation provided by states for each of these themes is provided in Table 5.

Table 5. Examples of Statements of Progress or Slippage

THEME	STATEMENT OF PROGRESS	STATEMENT OF SLIPPAGE
CHANGE IN STANDARDS	Although progress was made in each area, [State]'s academic standards and testing protocols are in a cycle of revision geared toward increasing rigor, and statewide assessments are changed annually to reflect the revisions.	The significant drop in proficiency levels from FFY 2008 to FFY 2009 is chiefly attributed to a planned increase in the proficiency cut scores in the regular statewide assessment
CHANGE IN CALCULATION	[State] maintained a high participation rate even with the inclusion of students enrolled less than a full academic year in the calculation for the first time.	In FFY 2008, the State calculated participation rates by excluding invalid test scores from the denominator. In FFY 2009, invalid test scores were included in the denominator.
CHANGE IN TESTS OFFERED	In 2009-2010, [State] adopted new state reading standards and implemented the state-wide Reading Assessment and Reading Alternate Assessment.	For the first time, [State]'s FFY 2008 (SY 08-09) included assessments taken in the Modified Achievement Standards Test.
PROFESSIONAL DEVELOPMENT	There has been a continued effort to provide personnel development in the areas of reading and math for individuals working with students with disabilities	
DIFFERENCE BETWEEN CONTENT AREAS	Math has had fewer grants than reading, which may explain the state's lower achievement results.	
SIMILAR TO TRENDS IN ALL- STUDENTS GROUP	The static trends we are seeing for the students with disabilities are similar to those for the general population.	
EXPECTED FUTURE GROWTH	The current focus on increasing literacy and numeracy skills for all children is projected to translate into continued growth at a faster rate.	
NO OBVIOUS REASON	There are no obvious explanations for the decline in scores.	

IMPROVEMENT ACTIVITIES

The task for NCEO in presenting the improvement activities (IAs) during FY 2009-2010 was defined in the same way as it had been for the FY 2008-2009. Rather than reporting on all IAs from all state APRs, utilizing various quantitative methods of analyses – which was an approach used in the past – NCEO reported in a qualitative manner instead on a subgroup of those selected IAs which best fit with the OSEP definition of each IA category. Through the process of identifying IAs from various states, NCEO coders were able to comment on issues and themes in the selected IAs.

Analysis Procedures

The review of the APRs for improvement activities (IAs) followed the OSEP categories A through I and J1 through J11. Two coders from NCEO were involved in this process. First, we did a thorough read-through of all of the Indicator #3 Improvement Activities sections in state APRs. We then identified IAs that represented the various OSEP-defined categories. Next, we decided which states' IAs would be identified to represent each category in this report. NCEO coders followed the following guidelines in selecting IA examples to represent the categories:

1. Identified IA examples which best fit with the OSEP definition of each category
2. Sought to identify IA examples from as many states as possible
3. Attempted to draw out IA examples in APRs from states throughout all six regions of the US, as specified by OSEP in the Regional Resource Center Program
4. Selected no more than one IA category example from any one state, excluding instances where states had individual IAs that fit into multiple categories.

Coders facilitated the first decision rule by requiring agreement between the two raters' reviews of the IAs identified. The data demonstrate representation of various aspects of each IA category. The second rule resulted in coders drawing IAs from 20 different states, out of the 50 regular states and the 10 unique state entities. The third rule yielded the identification of IAs from similar numbers of states (mean=3.33, median=3) in each region, ranging from two to six states across the six regions. The fact that one region had 6 IAs identified in its states and state entities may be attributable to the region having six of the ten unique states, and also has the largest overall number of regular and unique states. The final decision rule resulted in exactly 20 states or state entities representing 20 improvement activities. We coded nine individual IAs in more than one category [see Appendix A].

In reviewing the APRs, the coders noticed some aspects of the text of the IAs that were thematic across states such that there appeared to be a formula to the way that states wrote their IAs. We observed and detailed some of these themes in previous years' reports from NCEO to OSEP, and some of these themes seem unique to the current years' APRs. These six themes are listed below and described accordingly.

COMPLETED VS. ONGOING IMPROVEMENT ACTIVITIES

In a number of cases, states provided information about IAs that was descriptive of an activity but vague in terms of the timing of the implementation of the activity. IAs being reviewed were either completed or partially completed (activities are still ongoing) during FY 2009-2010. In some cases, the context of the description provided clues, such as when an activity seemed to be part of a set of activities and the state described more clearly the other activities in the set in terms of timeframe. However, when we had no information on timing yet had no reason to conclude that the state did not work on the IA during FY 2009-2010, we considered the IAs from that state eligible for consideration as examples. Thus, a state listing a multi-year timeframe for both planning and implementation would have its IA considered for inclusion if 2009-10 was included within the stated timeframe.

A further complication of this matter related to the verb tense of the IA statements. Many states presented these descriptive statements in the simple past tense – with -ed – or in the present perfect tense – for example, using the linking verb "have." In contrast, some states presented these descriptive statements in the future tense – with "will" being the common linking verb. Statements were also listed as sentence fragments, truncated without the subject and beginning with the active verb; for example, "Examine …" or "Expand …" When states used the future tense or the truncated form in their phrasing, there was some ambiguity as to whether the improvement activity took place in FY 2009-2010, so additional timeline information was sought for confirmation as available.

IMPROVEMENT ACTIVITIES CODED IN MULTIPLE CATEGORIES

In many instances, IAs fit into two, three, or even four categories. In these cases, we coded the activity as an example of one relevant category only. Because there were no concerns about the quantitative data – i.e. the count of the number of improvement activities named for any state or for any IA category – the fact that some identified IAs exemplified more than one category had no consequence. Further, the fact that many example IAs – nine in all – fit into multiple categories demonstrates the complexity of the example IAs identified. Further, these examples represent the tendency we observed for IAs in many APRs to have elements of more than one category about them.

LESS COMMON IMPROVEMENT ACTIVITY CATEGORIES

In general, at least three states provided IAs that we coded into each of the categories of IAs. In other words, examples of each category could be located in the APRs of three states. Yet, in one case, the "I" category – increase/adjust FTE (at the state level) – was only found in one state.

VARYING LENGTH AND DETAIL

States provided information about the IAs in many different ways. Most of the time, states listed a sentence or more to describe IAs, as well as information on the timeline. In addition, some states provided information on the resources used, the status of their completion, and the results the IAs produced. Regardless of these additional details – that is, whether or not a state provided these details – states varied in the amount of information provided in the description of IAs, from sentence fragments to full sentences to paragraphs with multiple sentences. The length of the descriptive statements ranged from 27 words (category A and category I) to 167 words (category J4).

Additionally, most states provided information that described IAs – answering the question "what" in readers' minds. Some states also reported about the ways in which they completed IAs – answering "how." Some states provided information about the reasons underlying the use of IAs – answering the question "why." In some cases, these types of details formed the primary or the entire text of IAs.

PRESENTATION

States presented improvement activity information in brief or lengthy prose passages, yet many states provided a table with additional details as a supplemental and supporting manner of presentation. In some cases, the tables of information were the only way the state presented IAs. When using tables to provide supplementary details, states sometimes labeled each improvement activity with the OSEP category letters – A through I and J1 through J12 – and/or the category names.

MEANS OF DELIVERY FOR PROFESSIONAL DEVELOPMENT AND TECHNICAL ASSISTANCE

Two of the most commonly endorsed categories of IAs were "provide training/professional development" (C) and "provide technical assistance" (D). Some states provided further details in the description of these IAs pertaining to the ways that they provided them to SEAs to LEAs, most often by utilizing the categories labeled J1

through J12. For instance, in these cases, states listed that they provided a training program through a web-based format (J6).

Overall, states' APRs contained many different examples of many of the OSEP improvement activity categories. NCEO was able to focus in and closely identify one example IA for each category. The process of selecting these IAs provided some insights and observations that we described in six thematic areas.

CONCLUSIONS AND RECOMMENDATIONS

State reports of assessment data and AYP data show a wide discrepancy of slippage and progress across all states, and state explanations of this change are similarly variable. As apparent from analysis of improvement activities, states are honing in on issues in their state that they thought were partially responsible for current rates for AYP, participation, or performance. In general, AYP rates within states appear to have shifted downwards, by significant margins in some states. Participation rates on the other hand appear to have leveled off and are quite similar for reading and mathematics. As for performance, it appears that many states are still making gains on an annual or nearly annual basis, and current data points are typically higher than state baseline values across most states and RRC regions. On average, it appears that there is a difference in student performance between content areas as states reported higher proficiency rates in math than in reading once again in 2009-10. In addition, states appeared to make more progress in mathematics than reading in 2009-10. As states continue to tackle issues in assessment with prescribed improvement activities and high participation rates, it is quite possible that increases in performance will continue. However, it appears that state ability to meet increasingly challenging AYP targets is waning and targets may need to be re-evaluated.

APPENDIX A. STATE IMPROVEMENT ACTIVITIES EXAMPLES BY CATEGORY

Description (Category Code)	State Examples
Improve data collection and reporting– improve the accuracy of data collection and school district/service agency accountability via technical assistance, public reporting/ dissemination, or collaboration across other data reporting systems. Developing or connecting data systems. **(A)**	Collaborate with [state] school districts to collect data from seniors and graduates using improved data collection mechanisms. February through July in each year from 2005 through 2013.
Improve systems administration and monitoring – refine/revise monitoring systems, including continuous improvement and focused monitoring. Improve systems administration. **(B)**	*Focused Monitoring.* The Division for Special Education continues to conduct compliance monitoring in selected school districts based upon low performance in the areas of R/ELA and mathematics. The State targeted districts in each of the five size groups, which are based on the number of students with IEPs. Following the onsite visits, state staff assisted district teams in developing Corrective Action Plans to address deficit areas in both compliance and performance (e.g., access to grade level curriculum, appropriate materials and assistive technology, and instruction in the least restrictive environment, etc.). Four of the 15 districts (27%) that were Focus Monitored during the 2009-2009 school year met AYP during 2009-2010. Follow up of district's performance continues for two years following a Focused Monitoring. **[ALSO CODED AS D AND J11]**

Provide training/professional development – provide training/professional development to State, LEA or service agency staff, families or other stakeholders. **(C)**	*Annual [state] Accommodations Guidelines Training for Students with IEPs and Students with 504 Plans.* This was an introductory level session to explore the 2010 [state] Accommodations Guidelines Training for students with IEPs and students with 504 plans. During this session, presenters reviewed current test security and administration procedures, examined techniques for making decisions concerning accommodations, and discussed accommodations for students with various types of disabilities. In-depth information was provided on accommodations for students with visual impairment, hearing loss and multiple disabilities and English language learners.
Provide technical assistance – provide technical assistance to LEAs or service agencies, families or other stakeholders on effective practices and model programs. **(D)**	Provide targeted technical assistance to districts identified as not meeting or in danger of not meeting state targets based on evaluation of data provided by [state] in order to improve performance on this indicator. **[ALSO CODED AS J11]**
Clarify/examine/develop policies and procedures – clarify, examine, and or develop policies or procedures related to the indicator. **(E)**	Continue to update and provide state guidance on student participation in statewide assessments in alignment with the April 2007 Federal regulations. Provide Guidelines for the IEP Team Decision-Making Tool Kit. Train the Trainers workshops to build local capacity to ensure special education student participation in statewide assessments. Ongoing to 2013. **[ALSO CODED AS C]**
Program development – develop/fund new regional/statewide initiatives. **(F)**	Activities: Make available a Data Analysis System for installation in districts using RTI. Activity Status: *AIMSWeb* licenses were provided to 77 districts to use in progress monitoring at risk and special education students. **[ALSO CODED AS J8]**
Collaboration/	*Assistive Technology.* During the 2009-2010 school year

coordination – Collaborate/coordinate with families/agencies/ initiatives. **(G)**	[state] worked in collaboration with the [state parent information center] with a focus on family involvement in the AT decision making process. The following activities were collaboratively planned and conducted during 2009-2010: Understanding Assistive Technology within the IEP Process Three (3) two-part regional proactive workshops that focused on Understanding Assistive Technology within the IEP Process were conducted during spring/summer 2010. A total of 72 parents and educators attended these trainings throughout the state. In addition, a condensed version of the training was co-presented by [state parent information center] and [state] at the 2010 [state education association] convention. Understanding Assistive Technology within the IEP Process: A Lunchtime Teleconference A lunch time teleconference for parents and educators that focused on Understanding Assistive Technology within the IEP Process was conducted in December 2010. Registration was over 100 with approximately 60 individuals participating in the call.
Evaluation – conduct internal/external evaluation of improvement processes and outcomes. **(H)**	A plan is being designed to evaluate ESC [Every Student Counts], and this will include identifying ESC teachers each year in addition to following the ESC student achievement over several years. We will have access to student data through [another project].
Increase/Adjust FTE – Add or re-assign FTE at State level. Assist with the recruitment and retention of LEA and service agency staff. **(I)**	Hire an Assessment Coordinator to work with schools on AA-AAS and to provide necessary assistance (training, workshops, consultation, etc.) to school staff around assessment issues. September 2009.

Other (J) See J1-J12	
Data analysis for decision making **(J1)**	Work in conjunction with [data system] to analyze data both at the LEA and school level to determine appropriate technical assistance, and provide resources for increasing the participation and improving the performance of students with disabilities on statewide assessments.
Data provision/verification state to local **(J2)**	[State] had Tri-Annual meetings with special education directors – shared [state test] results and trained on accommodations. Ongoing Annually. Student participation data has improved. Student Proficiency data remains constant. Improved student participation. Students' performance remains constant and does not reflect the slippage experienced by the overall /state student population, **[ALSO CODED AS C]**
Implementation/ development of new/revised test (Performance or diagnostic) **(J3)**	To ensure direct links between the academic standards and the [statewide] assessments, the [state] conducted reviews of items and reading passages with the help of [state] educators. Educators worked to verify accurate mapping of items and alignment with grade level expectations, as well as adherence to blueprint specifications for items designed to assess specific indicators within the individual standards. These reviews occurred before any items were piloted in [state] classrooms. Items were approved by teachers at item review based on TAMI [Test Accessibility and Modification Inventory] ratings and alignment to [state] Academic Standards. **[ALSO CODED AS J1]**
Pilot project **(J4)**	[State] began a pilot of the [state IEP system], a rubric designed to evaluate the quality of the IEPs that are written in [state]. Through the result of the evaluation of [state's] IEPs, targeted professional development can be geared toward the needs of local school systems, local schools and individual teachers, with the goal being to be able to improve the quality of those IEPs and to improve

	the achievement of students with disabilities. At the end of the pilot program, results from the five (5) participating local school systems will be evaluated and trends identified in order for those local school systems to target professional development to areas of need. Revisions to the [state IEP system] document, based on feedback from pilot participants, will be made in July 2011. The results of the pilot will be shared with all local system directors of special education at the annual Leadership conference in September 2011, and the revised [state IEP system] document will be shared at that time.
Grants, state to local **(J5)**	All LEAs were supported by providing substitute teaching staff when teaching pairs attended the conference.
Document, video, or web-based development/ dissemination/framework **(J6)**	*Statewide Video Broadcast.* A three-hour statewide video broadcast in September 2009 provided specific information on assessment processes for both the benchmark and the alternate portfolio assessment. This was broadcast to all of the regional [education service cooperatives] and other agencies equipped to receive the signal from the [state] studio. Training was presented by [assessment division] and [special education division]. Interactive time was allowed for questions at the conclusion of the session. Additionally, regional assessment trainings were held in the spring of 2010 by the [state assessment division].
Standards development/revision/ dissemination **(J7)**	In FFY 2009, [state] adopted new state reading standards and implemented the state-wide [state reading assessment] and [state alternate reading assessment]. These changes included the development of new reading cut scores and a move from four proficiency levels (Below, Progressing, Proficient, and Advanced) to three proficiency levels (Below the Standards, Meets the Standards, Exceeds the Standards). Because of the new more rigorous tests, fewer districts in [state] made AYP. **[ALSO CODED AS J3]**
Curriculum/instructional activities development/	By the end of Year 2, the [reading curriculum team] will increase reading proficiency rate in phonemic awareness, and fluency (Strand 1) for students with IEPs as

dissemination (e.g., promulgation of RTI, Reading First, UDL, etc.) **(J8)**	determined by third grade AIMS data. Sub-Activities: Provide reading training in phonemic awareness, phonics, and fluency through the [reading curriculum team] trainings (Activities completed 9/1/09 to 6/30/10; 100% of the 22 schools represented in the [reading curriculum]. Year 2 have completed the training with emphasis on phonemic awareness, phonics, and fluency [Strand 1] strategies); Collect and analyze third grade phonics and fluency strand data on the AIMS (Activities completed 9/1/09 to 6/30/10; Alphas demonstrated that the average number of items correct per student increased by 1% in Strand 1; Betas demonstrated that the average number of items correct per student increased by 1% in Strand 1). **[ALSO CODED AS C]**
Data or best practices sharing, highlighting successful districts, conferences of practitioners **(J9)**	[State DoE] holds an annual Curriculum, Instruction, and Assessment Summit, the purpose of which is to share [state DoE] resources for strengthening curriculum, instruction, and assessment; identify needs for future development of curriculum resources and technical assistance; and build capacity of [state DoE], districts, and schools through regional partnerships. In FFY 2009, the topics from the Summit that related to statewide assessment were: *Starting Out Right: Preventing and Closing the Achievement Gap*; *Curriculum Alignment*; *Online Courses and Resources for Standards-Based Teaching and Learning*; *Narrowing Achievement Gaps in Reading and Writing*; *Addressing the Achievement Gap*; *Parents as Teachers and Partners*; *Effective Math Instruction for English Language Learners*; *The Integration of Science and Literacy*; *Tiered Instructional Models*; *The Role of the Arts in Raising Academic Achievement*; *Tools for Differentiated Curriculum and Instruction*; *Implementing a Balanced Assessment System*; *Supporting Student Achievement in Science and Technology/Engineering*; and *Math Learning Communities in Practice*. **[ALSO CODED AS C]**
Participation in national/regional	The GSEG Pacific Assessment Consortium (PAC6), an OSEP-funded grant for the Pacific Basin entities

organizations, looking at other states' approaches **(J10)**	administered through the University of Guam Center for Excellence in Developmental Disabilities Education, Research, and Service (Guam CEDDERS), provided technical support for [state entity] to improve capacity for reporting accurate participation and performance data of students with disabilities in the [state assessment], and, as appropriate, an AA-AAS. The GSEG PAC6 has been able to access expertise from within the region, as well as U.S. mainland technical assistance providers in the field of special education and large-scale assessments, such as the National Center on Educational Outcomes (NCEO), University of Kentucky's Inclusive Large Scale Standards and Assessment (ILSSA) and the National Alternate Assessment Center (NACC), the National Center for Improving Educational Assessments (NCIEA), and the Western Regional Resource Center (WRRC). These "experts" in the field provided on-site technical support during the regional training, institutes, and entity-site visits. **[ALSO CODED AS C AND D]**
State working with low-performing districts **(J11)**	[State] has recognized that over the years, students with disabilities have not performed well in the district-wide assessment. It was for this reason [state] Part B developed an improvement activity focused on targeting low-performing schools. This improvement activity was reported in the FFY 2007 SPP and was approved by OSEP. The focus of this improvement activity was to provide service delivery infrastructure issues in curriculum and instruction that have a direct impact on the instructional needs of low-performing schools and students with the greatest learning challenges. **[ALSO CODED AS C]**
Implement required elements of NCLB accountability **(J12)**	**[Note: This category was not used in the current analysis.]**

INDICATOR B4: RATES OF SUSPENSION AND EXPULSION

Prepared by DAC

INTRODUCTION

Indicator B4A measures the percentage of districts within a state that had significant discrepancies in the rate of suspensions and expulsions greater than 10 days during a school year for students with disabilities.

B4A is measured as:

Percent = Number of districts identified by the state as having significant discrepancies in the rates of suspensions and expulsions of greater than 10 days in a school year for children with disabilities divided by the number of districts in the state times 100.

B4B is measured as:

Percent = [Number of districts that have: (a) a significant discrepancy, by race or ethnicity, in the rates of suspensions and expulsions of greater than 10 days in a school year for children with individualized education programs (IEPs) and (b) policies, procedures, or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards) divided by the (number of districts in the state)] times 100.

Targets must be 0% for 4B.

This indicator requires states to use data collected for reporting under Section 618 (i.e., data reported in Table 5, in Section A, Column 3B). States are also required to specify the type of comparison they use to determine discrepancies in suspension/expulsions. States must complete and report one of the following comparisons of suspension/ expulsion data:

- Among local educational agencies within the state; or
- To the rates for children without disabilities within the agencies.

States are required to define significant discrepancy and explain the method(s) used to identify whether a significant discrepancy exists. Then, states must explain how they completed a review of policies, procedures, and practices related to suspension and expulsion of students with disabilities within identified districts. States are required to report progress or slippage on this indicator, correction of noncompliance, and improvement activities related to their results.

In FFY 2009, states were required to use 2008-09 data. The Data Accountability Center (DAC) reviewed 60 FFY 2009 APRs for this summary, including the 50 states, the District of Columbia, the outlying areas, and the Bureau of Indian Education (BIE). For

purposes of this summary, we will refer to all 60 entities as states. Although states vary in the terms they use to identify educational agencies (e.g., districts, LEAs), we use the term district to discuss results in this summary.

The next section of the report summarizes the information states reported for B4A and B4B. In FFY 2009, baseline data were collected for B4B, and therefore no year-to-year comparison charts are included. This summary is organized into the following sections:

1) Type of comparison used in B4A;
2) Method used to identify significant discrepancy in B4A;
3) Type of comparison used in B4B;
4) Method used to identify significant discrepancy in B4B;
5) Districts excluded from the analysis;
6) Explanation of progress or slippage;
7) Review of policies, procedures, and practices;
8) Improvement Activities; and
9) Summary and conclusions.

Throughout this analysis and summary table, "discipline" data are defined as student-level suspension and expulsion data. Unless otherwise noted, the data include suspensions and expulsions of 10 days or greater in a school year.

DATA AND MEASUREMENT APPROACHES

B4A: Type of Comparison

States used one of the following required types of comparisons to evaluate and identify discrepancy in suspension and expulsion rates. In FFY 2009:

- Thirty-nine states (65%) continued to compare the rates of suspensions/ expulsions for children with disabilities among LEAs within the state. However, the use of this comparative method continues a downward trend. In FFY 2008, 43 states (72%) used this method, and in FFY 2007, 47 states (77%) used it.
- Conversely, the number of states that compare the rates of suspensions/ expulsions for children with disabilities to the rates for children without disabilities within each LEA rose to 21 states (35%). This rate can be compared to 17 states (28%) in FFY 2008 and 13 states (22%) in FFY 2007.

B4A: Method Used to Identify Significant Discrepancy

Based on FFY 2008 data, DAC determined that most states used one of six different methods to describe significant discrepancy. Four of these methods were used in conjunction with the first comparison (comparing among LEAs), and two methods were used in conjunction with the second comparison (comparing to students without disabilities). The remaining states used a variety of statistical methods or methods devised through court rulings.

In FFY 2009, among the 39 states that used the first comparison method (comparing among LEAs), three of the four statistical methods identified in FFY 2008 for comparing among LEAs were observed in FFY 2009 state APRs, and 2 states used other statistical methods. Among the remaining 21 states, the second method of comparison was used (comparing to students without disabilities). Among these states, 19 used one of the two statistical methods that were identified in FFY 2008 for comparing to students without disabilities, and 2 states used other statistical methods. Tables 1 and 2 below summarize the methods by type of comparison.

Table 1

Methods for Comparison Among LEAs	
Comparison Option 1: Compare the rates of suspensions/ expulsions for children with disabilities among LEAs within the state	
Method 1: Use either the state-level or mean district-level suspension/ expulsion rate for children with disabilities (and either adding percentage points to the bar or multiplying this rate by x percentage) to set the suspension/expulsion rate bar	29 states
Method 2: Use percentiles to set the suspension/expulsion rate bar	0 states
Method 3: Use standard deviations to set the suspension/expulsion rate bar	3 states
Method 4: Use a rate ratio to compare district-level suspension/expulsion rate to either the state-level suspension/expulsion rate or the mean district-level suspension/ expulsion rate	5 states
Other methods	2 states

Table 2

Methods for Comparison of Children With and Without Disabilities	
Comparison Option 2: Compare the rates of suspensions/ expulsions for children with disabilities to the rates for children without disabilities within each LEA	
Method 5: Use a rate ratio to compare a district-level suspension/expulsion rate for children with disabilities to the same district's suspension/expulsion rate for children without disabilities	11 states
Method 6: Using a rate difference to compare a district-level suspension/expulsion rate for children with disabilities to the same district's suspension/expulsion rate for children without disabilities	8 states
Other methods	2 states

B4B: Type of Comparison

Eight of the nine territories did not report on B4B. Among the remaining 52 states, it appears that 50 states used the same comparison type for both sets of analyses.

B4B: Method Used to Identify Significant Discrepancy

This is the first year that states are conducting the analyses for Indicator B4B. States are required to determine whether a significant discrepancy exists, by race or ethnicity, in the rates of suspensions/ expulsions of children with disabilities.

The majority of states paralleled their methodologies of B4B to the methodologies used for B4A. Among these states, many that compared among LEAs applied the same bar used for Indicator B4A to each race/ethnicity group. Other states appeared to set one bar for B4A and a different bar for B4B. Among the states comparing to students without disabilities, again, many states used similar rate differences or rate ratios as their basis for comparison.

The remaining states used different methods of analyses for B4A and B4B. They used a variety of methods, including the use of the same analyses used for B9 and B10 and setting separate bars for each race or ethnicity. There could be concerns regarding the use of these methods.

Districts Excluded From the Analysis

Small cell sizes can result in unreliable results and therefore inappropriately identify a district as significantly discrepant. According to the 2011 measurement table, states are required to report on the number of districts excluded from the calculations as a result of minimum cell size.

B4A: Use of Minimum Cell Size

Fifteen states (25%) reported that they did not have a minimum cell size, and one state did not report regarding its use of minimum cell size. Among the remaining states, a variety of definitions were used. The two most common definitions were based on a particular number of children suspended or expelled or the number of children with IEPs. Other definitions included a particular number of children in a district or less than a particular level in any denominator used. The number of children needed varied from 2 children suspended/expelled to 75 children with disabilities.

Forty-six states (more than 75%) included all districts in the denominators of their calculations. Among the remaining states, five excluded districts from their denominators, and nine states did not report this information.

However, minimum cell size was used by a little over half of the states (33 states).The percentage of districts excluded based on minimum cell size ranged from 1% to 99%, with 12 states exceeding 50% of districts excluded.

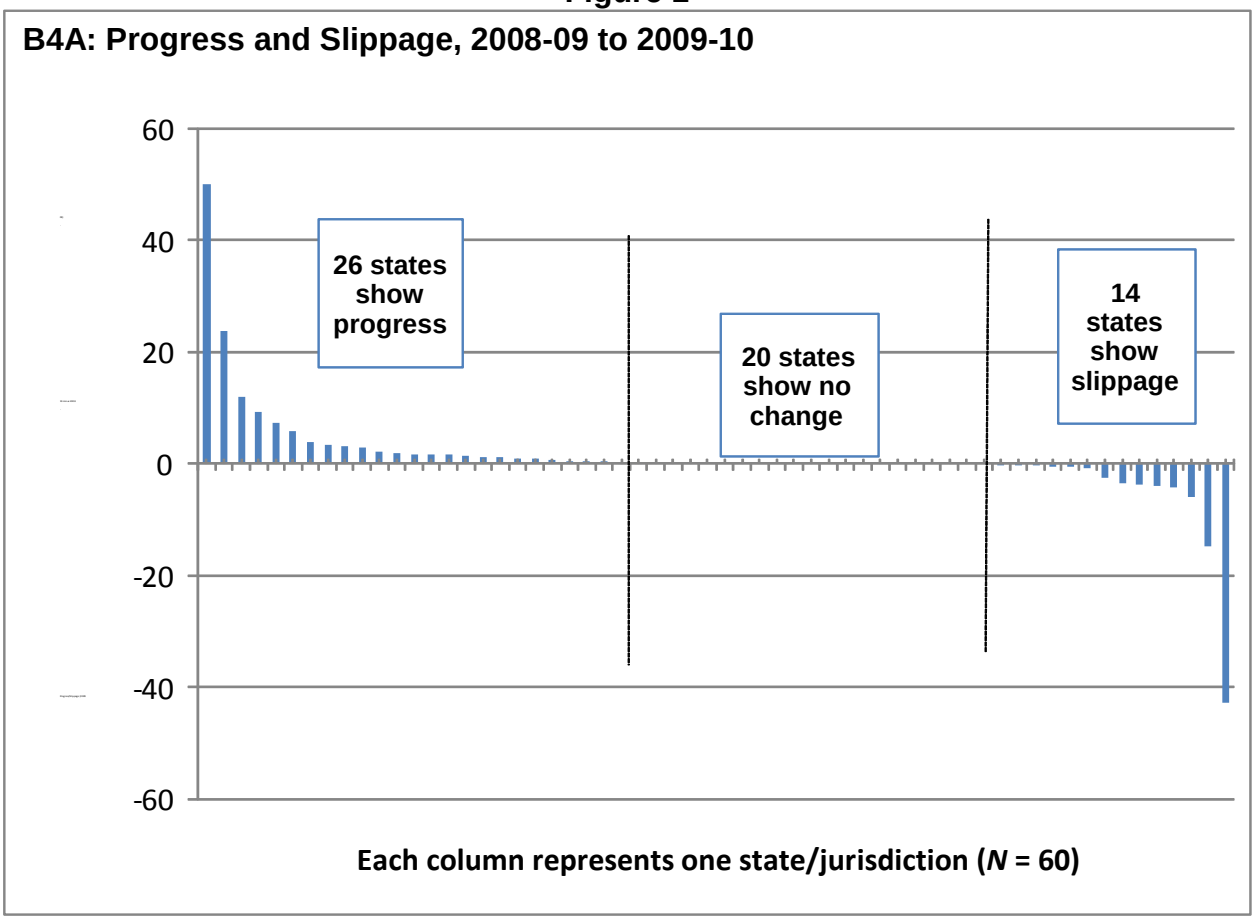
B4B: Use of Minimum Cell Size

Twenty-one states (35%) did not use a minimum cell size when determining significant discrepancy by race or ethnicity, and three states (5%) did not provide enough information to determine if it was used. Among the remaining 36 states (60%) that did report on their use of minimum cell size, there was great variation in the percentage of excluded districts. The range was from 1% to 100% of the districts excluded, with 18 states reporting exclusion of more than 50% of their districts. Ten of these 18 states excluded more 90% of their districts.

B4A: Progress or Slippage for Indicator

FFY2009 data are based on 2008-09 data. For FFY 2008, OSEP changed the measurement requirements and built in a one-year data lag to ensure that states would be able to report on their review of their policies, procedures, and practices and the correction of noncompliance in the same year (communication with A. Tanner-Dean, June 10, 2010). In FFY 2009, 26 states showed progress; 14 states showed slippage; and 20 states showed no change.

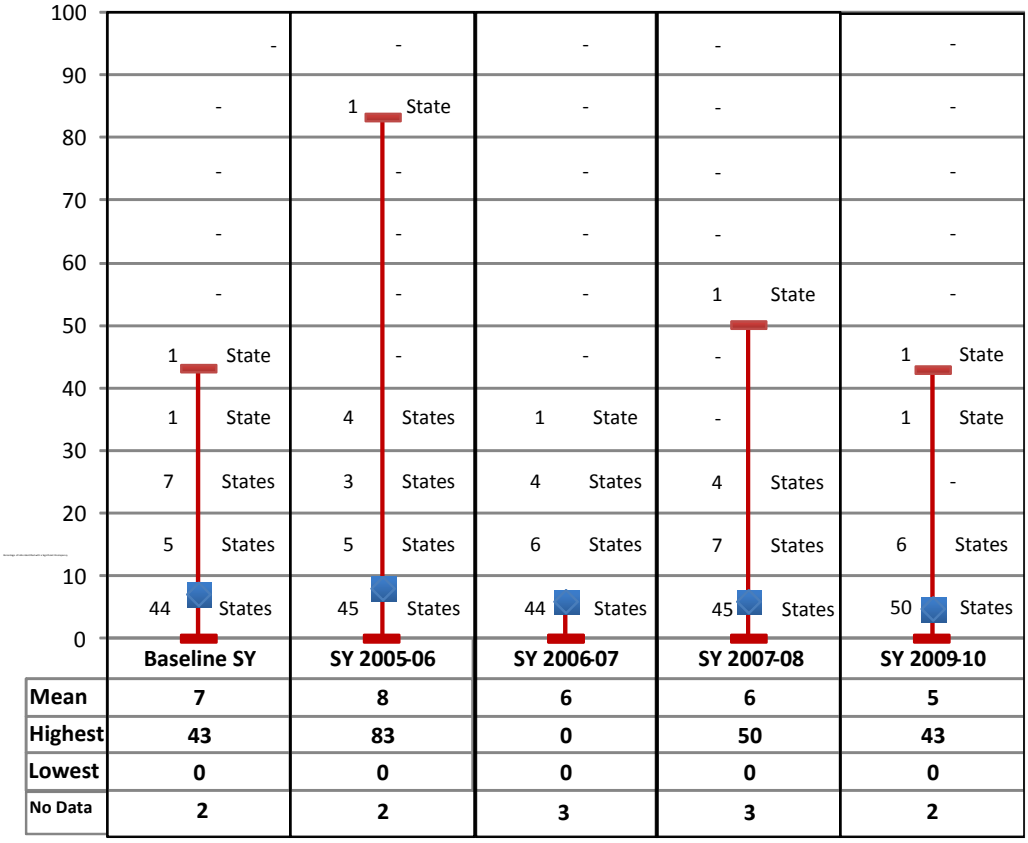
Figure 1



The five-year trends show a fairly stable number of states (44 or 45 states) reporting between 0%–10% of its LEAs as having a significant discrepancy over the first four-years of data collection. During this past year, the number of states reporting between 0%–10% of its LEAs as significantly discrepant rose to 50 states. States appear to be moving toward the goal of zero significant discrepancy in the area of suspensions and expulsions.

Figure 2

B4A: Five Years of Data: Number of States that Identified Various Percentages of LEAs as having Significant Discrepancies



	Baseline SY	SY 2005-06	SY 2006-07	SY 2007-08	SY 2009-10
Mean	7	8	6	6	5
Highest	43	83	0	50	43
Lowest	0	0	0	0	0
No Data	2	2	3	3	2

Review of Policies, Procedures, and Practices

The majority of states, 55 (92%), described how they reviewed and revised policies, procedures, and practices when significant discrepancies were identified. The types of activities states described included:

- Self-assessments completed by districts and/or schools;
- State verification of corrective actions;
- Submission of determinations, functional behavior analyses, and behavior intervention plans or corrective action plans;
- Root cause analyses;
- Verification activities, including focused monitoring visits; and
- Ongoing monitoring and/or submission of suspension and expulsion data.

The majority of states described their entire process starting with a review of the data through self-assessments, monitoring reviews, and other methods. Another step that many states took was to increase the clarity of their procedural manuals and increase the accuracy of the data that were captured. These changes in procedures and practices should increase the progress of meeting goals.

IMPROVEMENT ACTIVITIES

States continued to review and revise their improvement plans. States described technical assistance activities related to:

- Improving data collection and reporting;
- Strengthening policies and procedures that relate to Indicator B4; and
- Program development.

With regard to program development, states often mentioned specific programs designed to manage discipline and other behavioral problems in schools. Also, states mentioned programs designed to assist students with Autism Spectrum Disorders and Attention Deficit Disorders.

Annual trainings and on-site technical assistance are common vehicles for providing training. However, webinars have become another common vehicle for offering technical assistance.

A few examples of state efforts are as follows:

- Connecticut staff collaborated with SERC staff on the development of statewide and district-specific activities to address suspension, expulsion, graduation, and dropout. The State also implemented positive behavior interventions and supports (PBIS). Also, the State's Bureau of Accountability and Improvement monitored implementation strategies to decrease suspension rates.

- Iowa described multiple areas of Improvement Activities. Some of the activities described included improvements made to the State's data collection and reporting procedures, clarifications to its policies and procedures, and activities that will strengthen and or restructure its programs.
- Kentucky developed a self-assessment consisting of investigative questions to conduct a root cause analysis in districts. The State also analyzed trend data from each district. Districts with negative trends or no improvement received visits from State personnel to discuss district-level root causes and data analysis.

OBSERVATIONS AND CONCLUSIONS

States have continued to refine their methods of reporting for B4A and have improved their data collection methods and systems. The large number of states that showed no change in progress or slippage in B4A might be attributed to the one year lag in the data. This is the first year of reporting for B4B, and many states appear to still be in the process of determining the best way to report these data. However, most states are using the same comparison type (either comparing among LEAs or comparing to students without disabilities) for both B4A and B4B.

INDICATOR 5 A,B,C
Prepared by NIUSI-LeadScape

INTRODUCTION

This report presents a review of state improvement activities from the Annual Performance Reports (APR) of 50 states and 10 other administrative units including the District of Columbia, the Bureau of Indian Education and eight territories. The definition of Indicator 5 is as follows:

> Indicator 5: Percent of children with IEPs aged 6 through 21:
> A. Inside the regular classroom 80% or more of the day;
> B. Inside the regular classroom less than 40% of the day;
> C. Served in separate schools, residential facilities, or homebound/hospital placements.

The analysis begins with an overview of all 60 reporting entities, then presents detailed analyses and graphs of Parts A, B, and C of Indicator 5 and concludes with a comparison of reporting entities based on demographic clusters.

OVERVIEW OF ACTUAL PERFORMANCE

Progress since last year on the three aspects of Indicator 5 can be summarized as moderate progress on B5A, and no change on B5B and B5C, a pattern that has held for 6 years. Given the moderate, nearly linear rate of progress since 2006 on Indicator B5A, it takes one year per percentage point to reach a given target of children being served inside the regular classroom 80% or more of the day. For example, if the target is to increase the percentage of special education children served in the regular classroom for most of the day from 60% to 75%, it will take approximately 15 years to reach that goal with the current rate of progress.

In addition, Indicator 5 data does not show the entire picture of least restrictive environment placement. The categories A,B, and C do not include children who are served in regular classrooms between 41% and 79% percent of the day, resulting in an average missing 22% of special education children who are not represented in these data. The range of reported children varies from a state that reports only 52.3% to one that over-reports 119.1% (before considering the missing children). This means that in some states, we are not sure of the restrictive level of placement of nearly half of the special education students. With the most egregious outliers removed the range is still from 57% to 99%, so in some states or territories, over 40% of the children are not being counted or represented in these data.

Caution must thus be applied in the analysis because of the extremely wide ranges in the data. Progress and slippage on Indicator 5A for example, which is measured by the difference from the prior year to the current year, is reported in a range of most gain (91%) to most slippage (-26.8%), which illustrates the extreme variation found across

the population of reporting entities (Table 1). Therefore, interpretation of the means must be made with caution.

About half of the states report that they meet their targets. Data concerning targets for B5B and B5C, which are more restrictive environments, indicate gain if the data is less than or equal to the target, while for Indicator B5A, gains are made if the data is equal to or greater than the target. In our analysis, we have represented all gains with positive numbers and percentages and all slippage with negative numbers and percentages, for consistency.

Table 1. Overview of Reported Indicator 5 Data

Indicator	A	B	C
Mean %	61.7	12.8	3.4
Minimum %	28.0	0.3	0.0
Maximum %	94.0	55.0	29.0
Standard Deviation % *	12.30	7.90	3.82
Entities Meeting Target (n/60)	34/60	36/60	27/60
Mean Change %	8.7	2.6	0.0
Max Positive Change %	91.0	25.6	2.0
Max Negative Change %	-26.8	-40.8	-6.2

***** Standard deviation was computed based on the entire population n=60

With these notes and cautions in mind, looking at clusters of reporting entities rather than the mean change may provide more insight into changing contexts across entities. For example, when the data are separated into two columns for “States” and “Territories” (Table 2) there are notable differences from the reported overall group data. The mean of the 50 states on indicator B5A (60.1%) is within 2% of the total population mean (61.7%) and well below the standard deviation (9.54% SD of the states compared to 12.30% SD of all reporting entities), in sharp contrast with the mean of the 10 territories (69.8%) with standard deviation (19.33% SD).

Table 2. Overview of Reported Indicator 5 Data by States & Territories

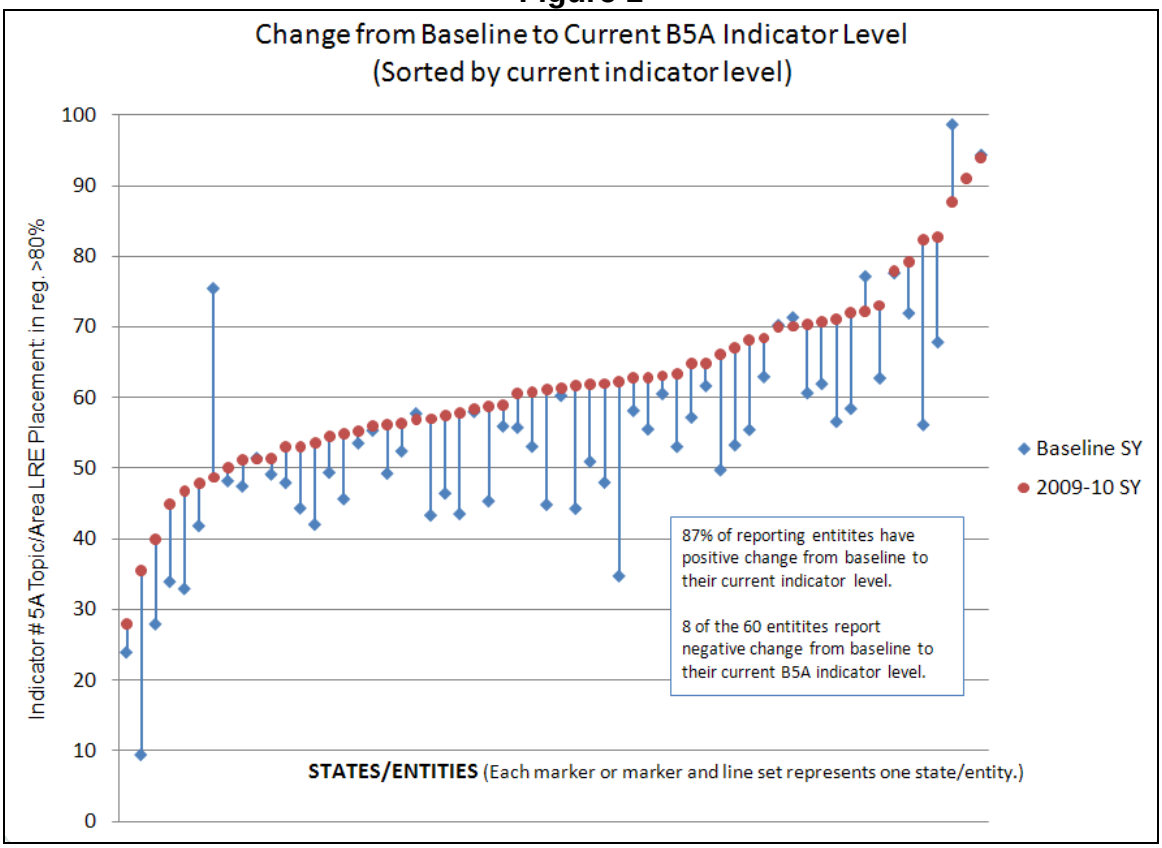
Indicator	A States	A Territories	B States	B Territories	C States	C Territories
Mean %	60.1	69.8	13.7	8.0	3.8	1.8
Minimum %	28.0	40.0	4.1	0.3	1.0	0.0
Maximum %	82.3	94.0	55.0	24.9	29.0	6.0
Standard Deviation %	9.54	19.33	7.73	7.00	4.03	1.77
States Meeting Target	27/50	7/10	30/50	6/10	23/50	4/10
Mean Change %	7.3	15.8	1.8	6.3	-0.1	0.2
Max Positive Change %	27.5	91.0	18.6	25.6	1.2	2.0
Max Negative Change %	-26.8	-10.9	-40.8	-0.3	-6.2	-1.0

Category B5A: Inside the Regular Class 80% or more of the day

Change from Baseline in B5A

The change from baseline to the current year (2009-2010) in the B5A indicator is depicted as a vertical line for each state or territory, with the baseline year at one endpoint and the current year at the other (Figure 1). Eighty-seven percent (87%) of the reporting entities show positive change from baseline to their current levels, while 6 states and 2 territories show negative change, so the endpoints at the top of most lines is the current year data. The state data is organized left to right from lowest to highest percent of students served inside the regular classroom 80% or more of the day; this puts the mean of 61.7 near the middle of the graph and shows that most of the states fall in the range from 50% to 70% of students being served in the least restrictive environment.

Figure 1

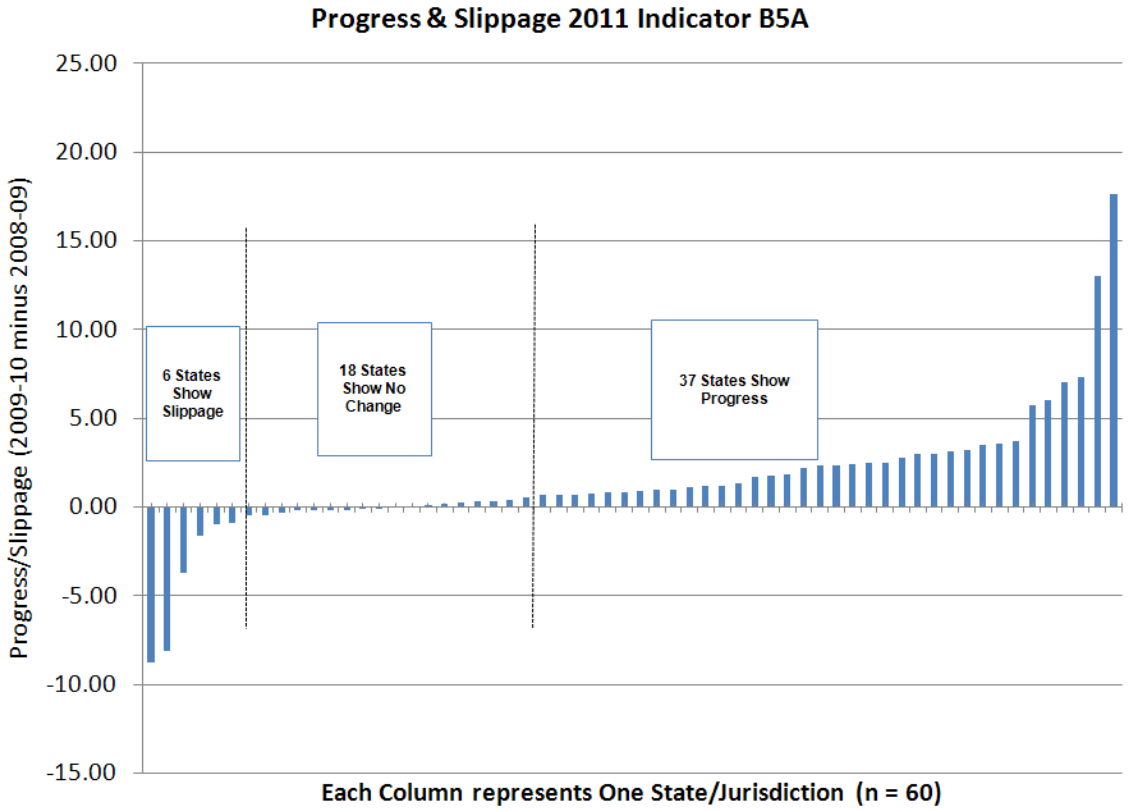


State data changes from baseline for Indicator B5A in 2009-2010, sorted by current indicator level from least to most students served in the regular classroom for 80% or more each day.

Progress and Slippage on B5A

Progress and slippage on indicator B5A is measured by the difference between the current reported level (2009-2010) and the previous year (2008-2009). Slippage occurs when the current year level is lower than the previous year. In Figure 2, six (6) states reported slippage in a range from -.5 to -8.8 percent; fourteen (18) states reported little to no change in a range from <-.5 to .5 percent; and forty (37) states reported progress in a range from >.5 to 17.62 percent.

Figure 2



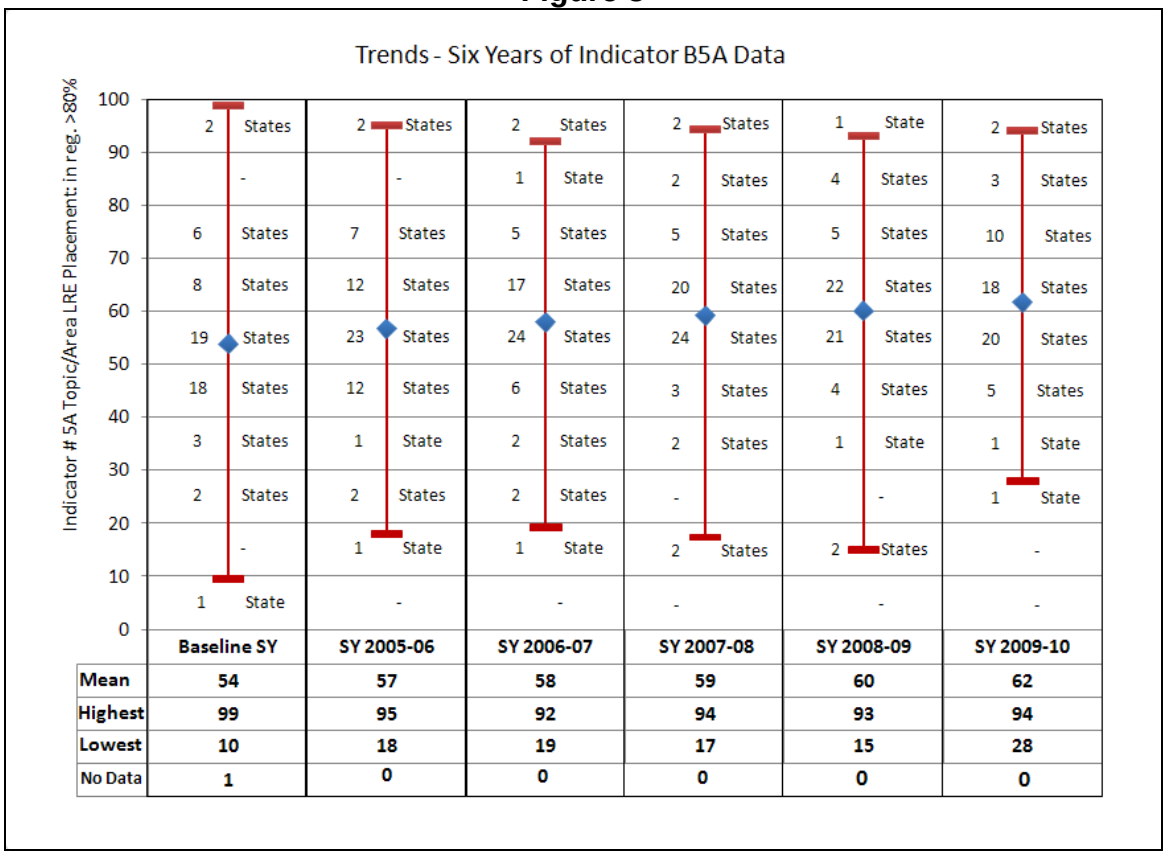
Progress and slippage on Indicator B5A in 2009-2010, sorted by percentage change from most slippage (-8.8%) to most progress (17.62%).

Ten (10) of the states who showed no change also reported that they had met their targets, which raises the question of whether setting a target of making little to no progress is good policy. In addition, reasons for slippage included observations without explanations, and attributions that imply that the locus of control for making changes is beyond the responsibility or power of the state or territory. We provide an example of these issues in the section on explanation of progress and slippage and address these issues in our recommendations.

Six Year Trends in B5A

The six year trend for indicator B5A shows an overall increase in the number of states who are serving greater than 50% of their students in the regular classroom for 80% of the day or more (Figure 3). However at the same time, the number of states serving less than 50% has remained unchanged at 7 since 2007. The most gain in this indicator occurred in the number of states serving 70% or more of their students, moving from 5 to 10 states. Other positive signs in the six year trends include a gradual increase in the mean from 54% to 62% and an increase in the minimum from 10% to 28% which is evident in Figure 3 by the narrowing of the range, including an absence of states with less than 20% being served in this category. The wide range from a minimum of 28% to the maximum of 94% indicates that states might find value in sharing policies and practices in order to increase the number of students being served in regular settings. In addition, the wide range suggests a need for assisting states and territories in setting challenging targets that focus on making dramatic improvements. We address this in our recommendations.

Figure 3



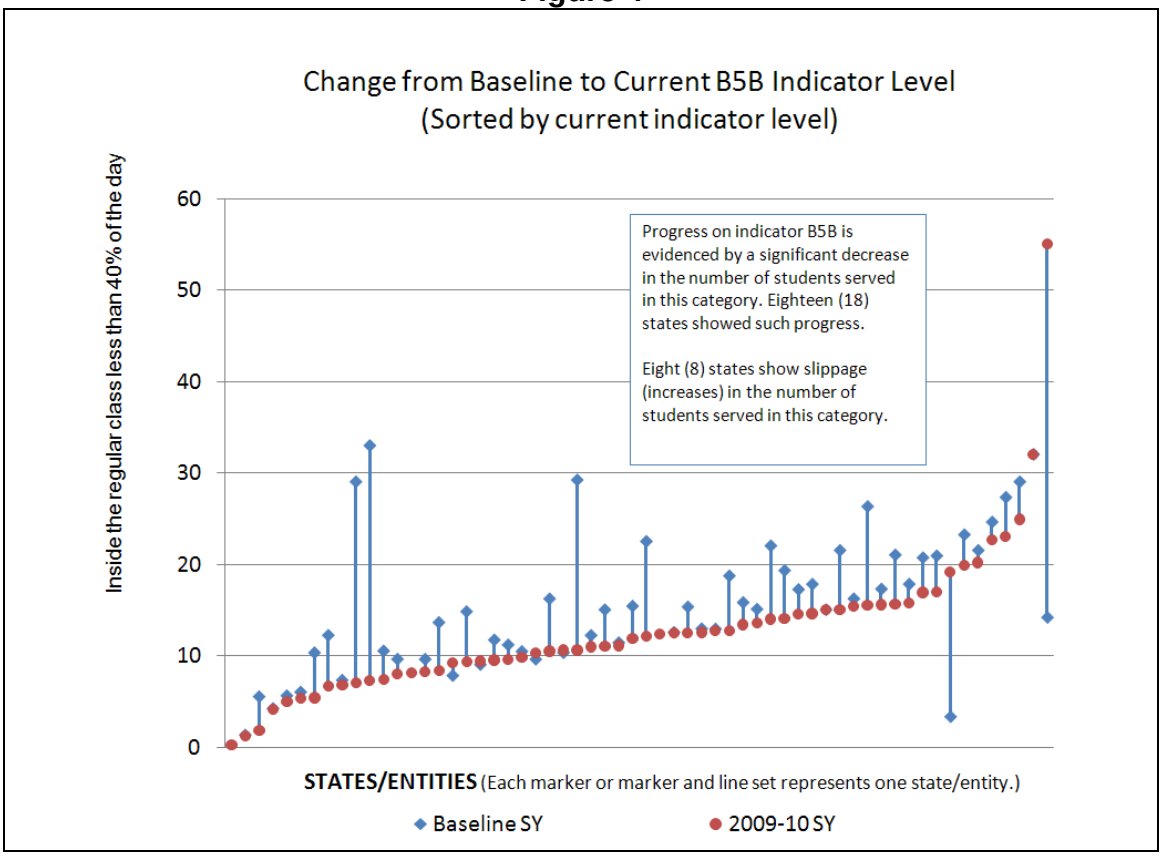
Six-year trends in Indicator B5A, showing a rise in the mean from 54% to 62% and narrowing in the range of data from 89% to 66%, indicating moderate overall progress.

Category B5B: Inside the regular class less than 40% of the day

Change from Baseline in B5B

The change from baseline in the B5B indicator is depicted as a vertical line for each state or territory, with the baseline year at one endpoint and the current year at the other (Figure 4). Gains in this indicator occur when the number of students in this category decreases; that is, when fewer students spend more than 60% of their time outside the regular classroom. Thus, the state lines in which the baseline is above the current level have made gains. The graph is organized from the lowest to highest percentage of students in this category, placing the mean of 12.8% near the middle.

Figure 4



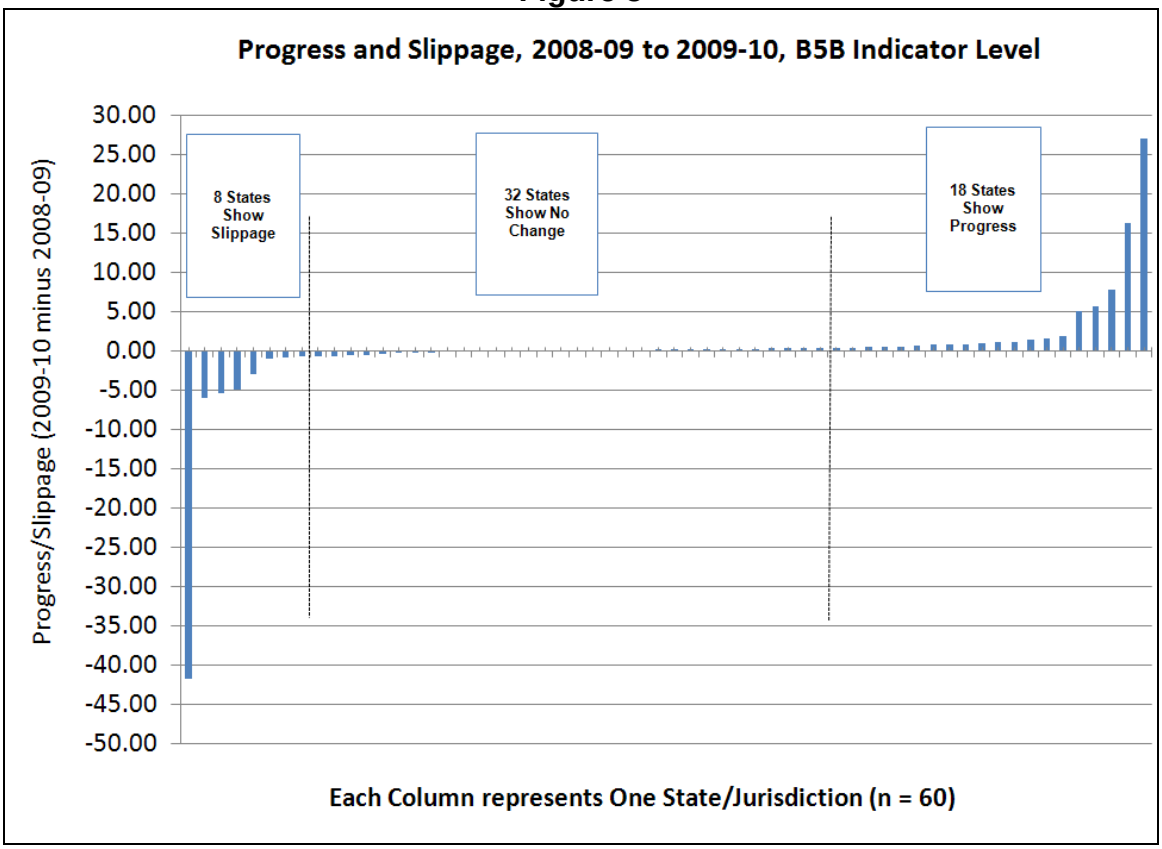
Change from baseline in Indicator B5B ordered left to right from lowest to highest percentage of students being served in regular classrooms less than 40% of the day.

Progress and Slippage in B5B

Progress and slippage on indicator B5B is measured by the difference between the current reported level (2009-2010) and the previous year (2008-2009). Slippage occurs when the current year level is higher than the previous year, because the goal is to reduce the number of students in this category. Progress occurs when the number of students decreases. The 18 states that made progress did so by reducing the number of students in this category, and the 8 states that had slippage saw increases (Figure 5).

Since we expect positive changes to be in positive numbers we have reversed the polarity of the numbers for display purposes. We used a cut-off score of plus or minus .5% near zero to represent the group of 32 states that reported no significant change. The change in their percentage of students fell between a half a percentage point below and above zero. Twelve (12) of these states with no change reported that they had met their targets, suggesting that guidelines for setting targets might help speed the pace of progress on Indicator B5. We address this issue in our recommendations.

Figure 5



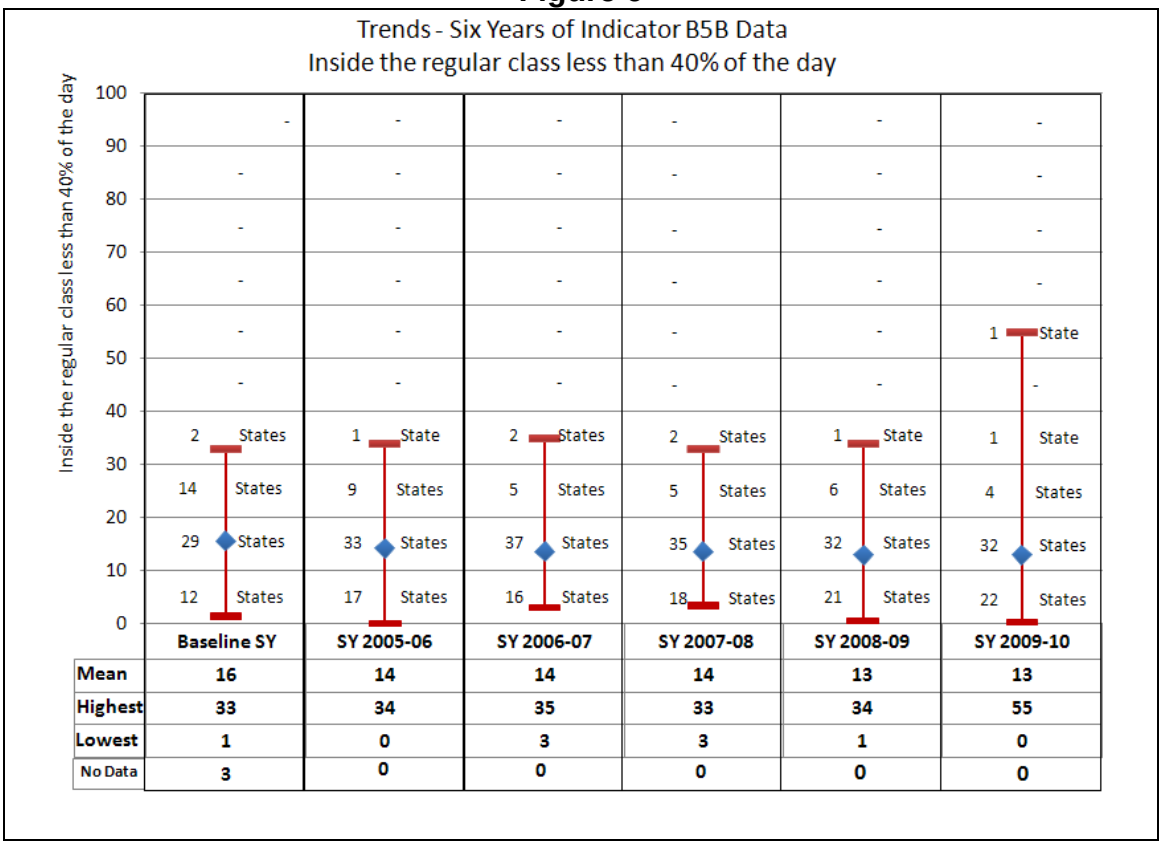
Progress and slippage in indicator B5B order from left to right from most slippage to most gain, where gains are noted as reductions in the percentage of students served in this category.

Six Year Trends in B5B

The six year trend graph (Figure 6) for indicator B5B shows the essentially flat mean percentage of 13 to 14% of students who are served in the regular classroom for less than 40% of the day. Progress would be evident if this percentage was dropping from year to year, unless there is some reason that a percentage of students cannot be served except in the more restrictive environments outside of the regular classroom. Since approximately 3% of students need an alternative curriculum and assessment, it raises the question of whether targets for B5B should aim to reduce service delivery in this category to a similar level.

Twenty-two (22) states have fewer than 10% of their students in this category, a number of states that has been modestly growing by about one state per year for the last six years. Another 38 reporting entities could perhaps join them, which might drop the mean to below 10%. There is a dramatic widening of the range in the state data this year, which might indicate an outlier in the data.

Figure 6



Six-year trends for Indicator B5B displaying an essentially flat mean of 13-14% for the entire period.

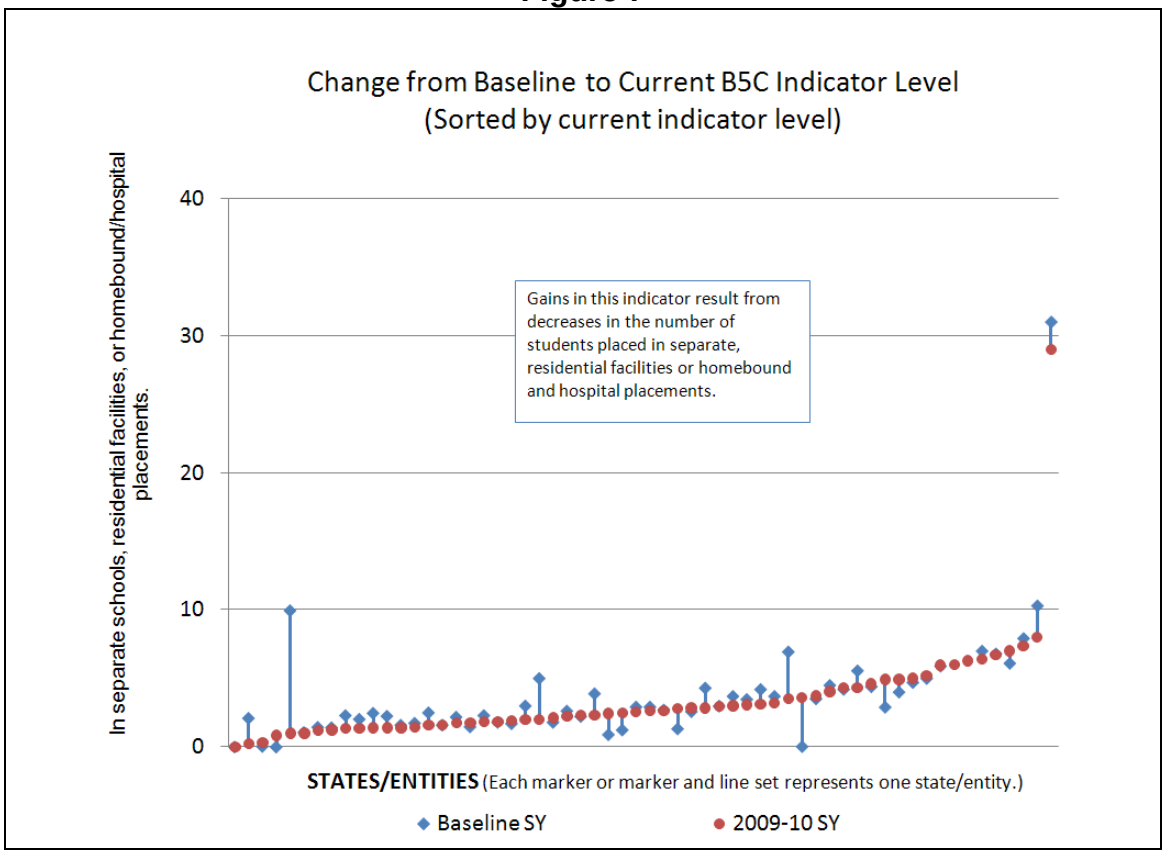
Category B5C: Served in separate schools, residential facilities, or homebound/hospital placements

Change from Baseline in B5C

The change from baseline in the B5C indicator is depicted as a vertical line for each state or territory, with the baseline year at one endpoint and the current year at the other (Figure 7). Gains in this indicator occur when the number of students in this category decreases; that is, when fewer students are served in separate schools, residential facilities, or homebound or hospital placements.

Except for one outlier in this year's data, the typical range for this indicator is less than 10% of the population.

Figure 7

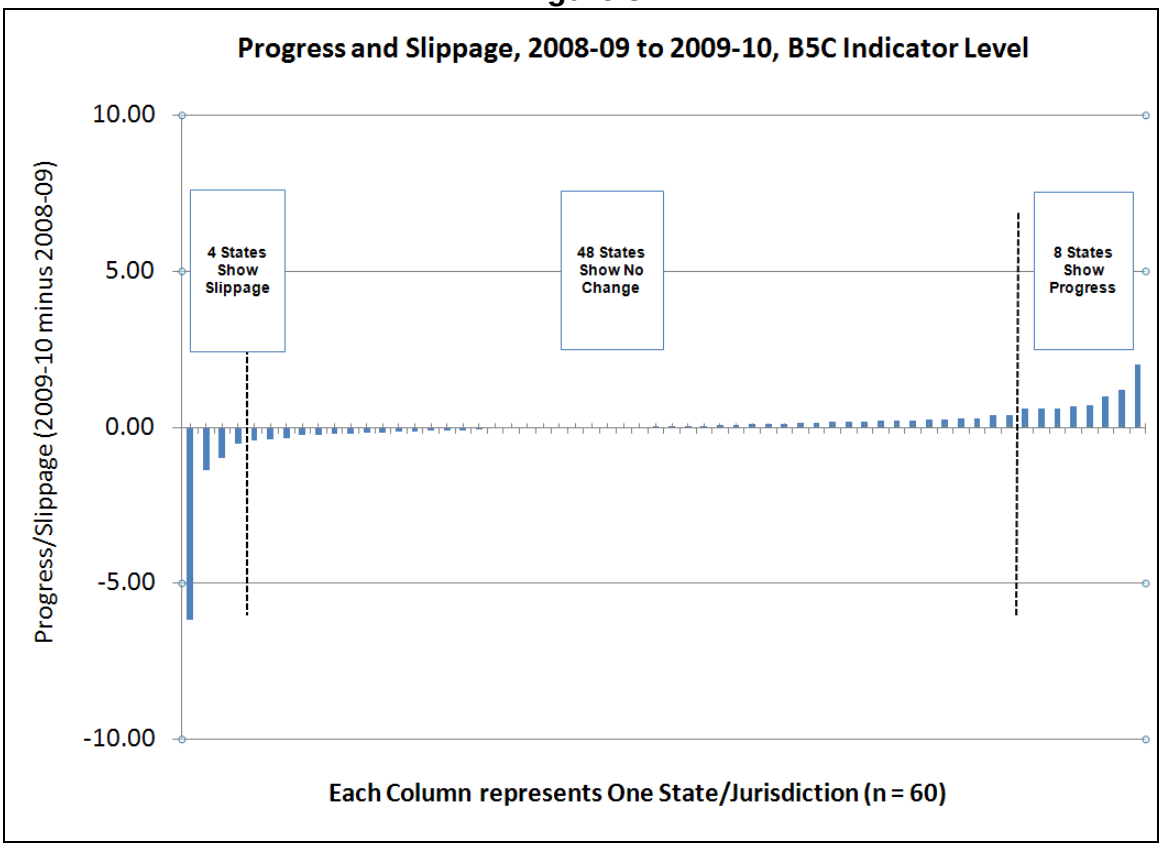


Change from baseline in Indicator B5C ordered from least to most percentage of students served in separate schools, residential facilities, or homebound or hospital placements.

Progress and Slippage in B5C

Progress and slippage on indicator B5C is measured by the difference between the current reported level (2009-2010) and the previous year (2008-2009). Slippage in four states occurred when the current year level reported is higher than the previous year, because the goal is to reduce the number of students in this category (Figure 8). Progress was made in eight states. We used a cutoff of plus or minus .5% from zero to determine that 48 states showed no change.

Figure 8

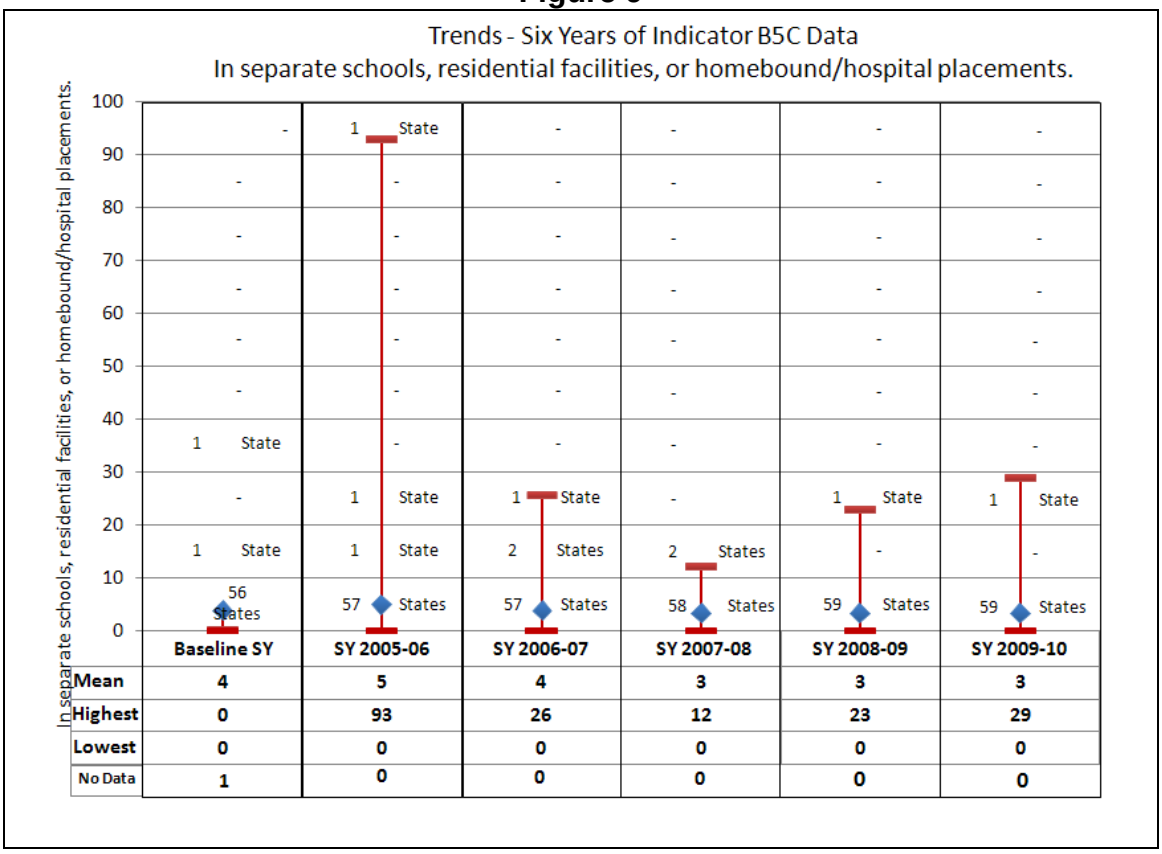


Progress and slippage on Indicator B5C ordered from left to right by most slippage to most gain, where gains are noted as reductions in the percentage of students served in this category.

Six Year Trends in B5C

The six year trend graph (Figure 9) for indicator B5B shows the essentially flat mean percentage of 3% of students who are served in separate schools, residential facilities, or homebound or hospital placements.

Figure 9



Six-year trends in Indicator B5C display a flat mean of 3% of students served in this category.

COMPARISONS OF STATE CLUSTERS

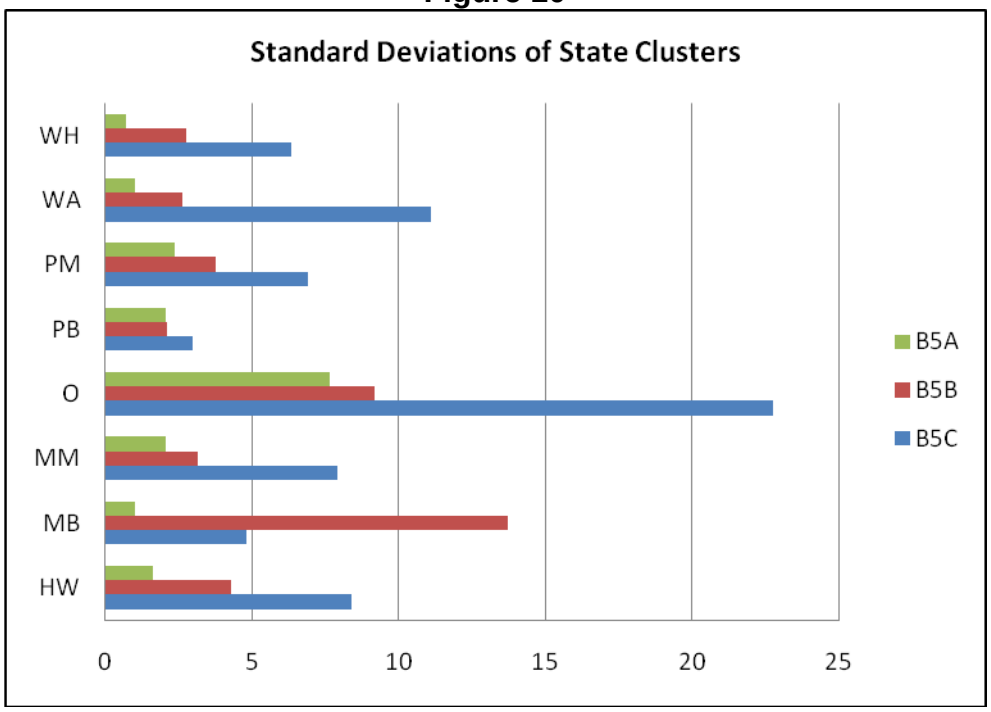
When making comparisons among reporting entities, we considered their demographic characteristics. A clustering of states first suggested by WESTAT, adapted by NIUSI-LeadScape for analysis of disproportionate representation in special education and used in this report, produces eight groups of states and other territories.

HW: Homogenous White: (IA, ME, NH, VT, WV)
MB: Moderately Biracial: (AR, IN, KY, MI, MO, OH, PA, TN, VA)
MM: Moderately Multiracial: (CO, CT, KS, MA, MN, NE, RI, WA, WI)
PB: Predominantly Biracial: (AK, DE, GA, LA, MD, NC, SC)
PM: Predominantly Multiracial: (CA, FL, IL, NJ, NM, NV, NY, TX)
WA: White-American Indian: (AL, MT, ND, OK, SD)

WH: White-Hispanic: (AZ, ID, OR, UT, WY)
O: Other territories: (AS, BIE, DC, FM, GU, HI, MH, MP, MS, PR, PW, VI)

There are a few issues to note with regard to the "Other" entities. All but Hawaii are territories or administrative units such as the BIE and DC. Many are isolated small islands. The group has twice the variation on Indicator B5A (e.g. Standard Deviation of 22.77%) compared to others (e.g. 11.10% in the *White-American Indian* cluster). It also has a larger variation on B5B than all but the *Moderately Biracial* cluster; and nearly 4 times the variation than all other clusters on B5C (Figure 10).

Figure 10



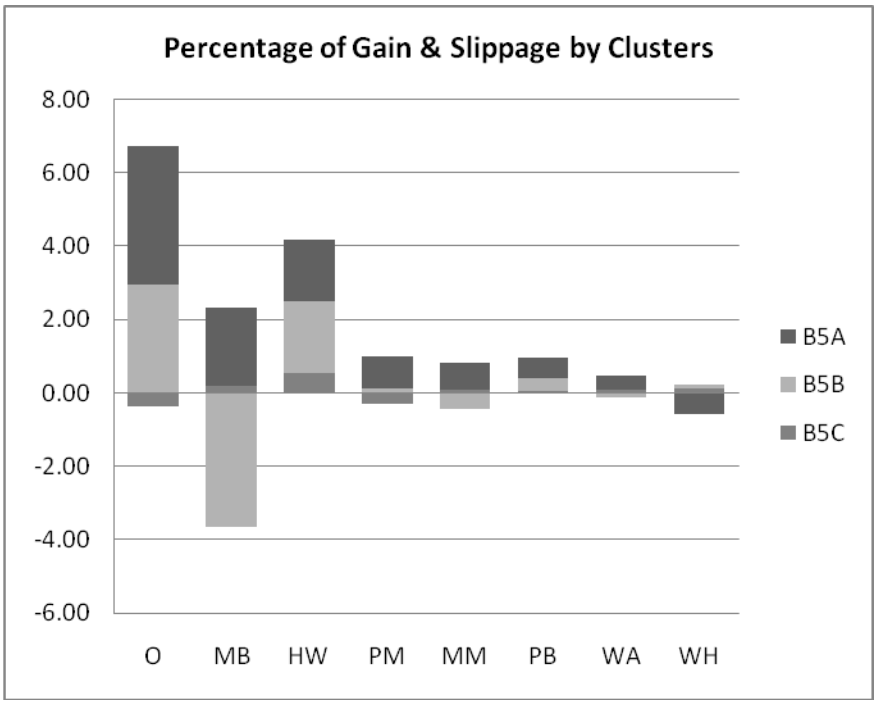
Standard deviations in percentages on Indicators B5A, B5B & B5C for eight state clusters with similar racial demographics.

Progress and Slippage by Cluster

In Figure 11, the percentage gain and slippage for Indicators B5 (A, B, & C) are displayed, ordered from the most gain to most slippage in indicator B5A. The most gain was reported by the *Other* entities (AS, BIE, DC, FM, GU, HI, MH, MP, MS, PR, PW, VI), while the *White-Hispanic* cluster (AZ, ID, OR, UT, WY) had the most slippage. This graphic suggests that the data in Clusters O, MB and HW might have outliers, causing greater than normal variation in the data. Detailed statistics for all clusters is given in the appendix.

Slippage is displayed as negative numbers on all indicators (distances below zero). The greatest slippage occurred in indicator B5B in the *Moderately Biracial* (AR, IN, KY, MI, MO, OH, PA, TN, VA) cluster.

Figure 11

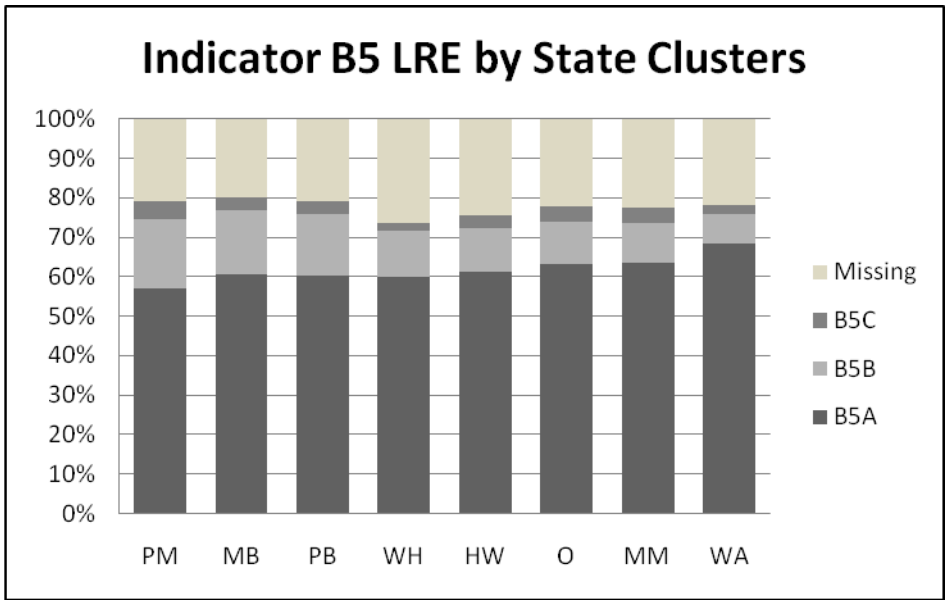


Percentage of gain and slippage by state clusters.

A summary graphic in Figure 12 compares all of the Indicator 5 categories (A, B,C) across the clusters of all reporting entities (n=60) and reveals that there are significant missing percentages of between 20% and 26% of students identified in Part B that are not in any of the three categories. Missing students may be in the regular classroom from 41% to 79% of the day, and represent a significant missing population of special education students, for whom no information is reported concerning LRE.

Figure 12 has been ordered by the greatest to least percentage of children being served for less than 40% of the day in regular settings. The figure also shows that the *Predominantly Multiracial* states have the highest percentage of youth in category B5B and the *White-American Indian* states have the least. The *White Hispanic* states have the highest percentage of missing students. Missing students in most cases are a larger percentage than the reported percentages of students in category B and C.

Figure 12



Indicator B5 LRE by state clusters, ordered from greatest to least percentage of students served less than 40% of the day in the regular classroom.

IMPROVEMENT ACTIVITIES

The entities with the most progress on B5A include 7 members of the "Other" cluster: GU, VI, PW, FM, MP, HI, DC and 7 members of other clusters VA, FL, TN, MI, OH, NH. We examined their state reports seeking patterns of activities to report.

Progress was attributed to professional development, targeted technical assistance, and evaluation activities. Improvement activities were reported that could be useful to states and territories with slippages.

Professional Development

- Implementing the practice of co-teaching across the board
- Training to support staff to discern options available to students
- Teacher Education Conferences
- Training practitioners about access to educational resources for students with disabilities
- On-site monitoring/verification visits, as scheduled during the school year
- Provide professional development opportunities with a focus on inclusion and differentiated instruction to increase school level and stakeholder knowledge.
- Implemented a policy-aligned robust training series designed to improve LEA practice and give staff the tools needed to ensure that students are appropriately supported.
- An annual workshop is held for directors of schools, principals, and supervisors on best practices for an inclusive classroom. A state-wide and regional program

is held for education interpreters in the inclusionary classroom. An assessment of skills of the educational interpreter is also completed.

Targeted Technical Assistance

- Universal screening for at-risk children
- Education consultants provided Professional Development in the area of differentiated instruction, best practices in reading/literacy and Response to Intervention implementation. Targeted grades were: Pre-K-high school
- Widespread adoption of Response to Intervention approaches, including MiBLSi, has increased data-based decision making for instruction.
- Use of technology for accessing and creating educational materials in accessible formats
- Onsite monitoring visit with activities that were focused on the practices and procedures surrounding placement of students in their LRE
- Met with partner programs and agencies to increase awareness of LRE and inclusion.
- Ensured that LRE considerations were included in the course of on-site reviews
- Provided training and technical assistance on the need for and use of assistive technology with a focus on access to the general curriculum and support for including students with disabilities in general classrooms and community settings
- Policy support for inclusive education and meaningful access to general education instruction
- Increased the number of districts participating in focused monitoring activities for educational environments in based on low performance on in the past.

Evaluation

- Evaluation of co-teaching and professional development programs
- Discovered and fixed errors in data collection and maintenance from previous FFY
- Reviewed and analyzed data to target schools for technical assistance through the state's monitoring process.
- Ensured timely and accurate data feeds from the charter LEA student information system, issued an LEA data management policy, developed several new data management tools, and developed consistent methods for collecting and validating LEA submissions, including the requirement that LEA leaders must certify all data submissions.
- Provided an evaluation and preschool diagnosis program for parents of children with severe vision loss and multiple disabilities. The evaluation is completed on the student and the school speaks with the parents on how to improve the inclusion process in the regular classroom setting.
- Convened teams to review and analyze data as well as the underlying issues, strategies for improvement and methods for monitoring progress.

- Emphasis on using data for decision-making continued to provide impetus for districts to improve their data systems through upgrading software and staff training.
- Held regional training sessions on data regulations.

The entities with the most slippage on B5A include these 6 states: MS, PR, AZ, ND, NC, MT. Among their reasons for slippage are these examples:

- When the LRE data were disaggregated by disability, the data indicate that approximately 50% of students identified in each of the disability categories of mental disabilities, multiple disabilities and autism continued to be placed inside the regular class less than 40% of the day more often than students identified in other categories.

This example illustrates that reporting entities may not be clear about the difference between observations and explanations or attributions. Feedback to report writers may help. Two other explanations surfaced in these reporting entities.

- Slight slippage demonstrates stability in the system and is attributed to continued promotion and implementation of state initiatives in research-based reading, math and writing instructional strategies in special and general education settings and Positive Behavior Interventions and Supports, Instructional Consultation Teams, and Responsiveness to Instruction Models. The effectiveness of these initiatives has resulted in a decline in the overall enrollment of students with disabilities and particularly those placed inside the regular class 80% or more of the day.

This example might be a positive sign, if percentages of students exiting from special education cause slight slippage in reported LRE percentages. However, it means that while students may be exiting from category A, there may be no other changes in either category B or C. With the absence of data about students being served between 41% and 79% of the day in regular classrooms, this possibility remains uncertain.

- The fluctuation of trend-line data may reflect changes in enrollment data from year to year rather than changes in how decisions regarding educational placement of students are being made.

Slight fluctuations in the indicator composition of A, B & C for a particular state could be due to several factors, including the significant percentage of special education students who are missing in these data from every state. The attribution above calls attention to the need for general education to retool its decision-making processes as well as its ability to work with a broader range of students and to the need for earlier, more effective interventions.

CONCLUSIONS AND RECOMMENDATIONS

Progress since last year on the three aspects of Indicator 5 can be summarized as moderate progress on B5A, and no change on B5B and B5C, a pattern that has held for 6 years. Because the pattern is only mildly improving if at all and variations in the data confound the analysis, our recommendations are influenced by concerns about and ideas to better understand and improve conditions in the states and territories.

1) Annual targets should be set with an expectation of improving the conditions of placement, so that if targets are met, conditions improve for students. If a state or territory reports no progress and yet has met its targets, there should be an explanation about the context, policy and practices concerning the entity's position on the current status and 5 year trend of indicators A,B, and C.
2) Because the standard deviation of the total population of reporting entities is 12.30% we recommend that some form of grouping or clustering (e.g. states, territories, demographic clusters) be used to help set targets, share policy and practice successes, and interpret results.
3) Reporting entities with data improvements more than 2.5 times the standard deviation of the previous year should examine their policy and practices to ensure accurate data, and share evidence of changes in policy and practices that explain the dramatic improvements.
4) Reporting entities with slippage of more than 2.5 times the standard deviation of the mean of the previous year should set aggressive improvement targets (e.g. at least to the mean) and plan improvement activities to make concerted efforts to ensure that all special education students are placed in the least restrictive environment. For example, if a state reported that 28% of students are being served in the regular classroom for 80% or more of the day, and the standard deviation was 12.30% in the previous year, then the entity should set a target of 59% (2.5*12.30+28) or more for the following year.
5) Reporting entities with slippage should consider and adopt some of the improvement activities reported by states with progress when planning their improvement activities for the next year.
6) Because the standard deviation of the territories is dramatically higher than the states, more research is needed to understand the unique conditions and needed expertise and resources in those regions, and to review the quality of leadership, professional staff and teaching resources in the regional resource centers, higher education institutions, and governmental entities that are serving the students in those regions.

APPENDIX: DATA TABLES BY STATE CLUSTERS

HW: Homogenous White: (IA, ME, NH, VT, WV)

Indicator	A	B	C
Mean %	61.35	10.86	3.25
Minimum %	48.71	8.00	1.60
Maximum %	72.21	19.18	6.28
Standard Deviation %	8.39	4.27	1.61
States Meeting Target (n)	2	3	3
Mean Change %	1.70	1.94	0.53
Most Gain %	3.69	7.80	1.19
Most Slippage %	-0.09	-0.64	0.20

MB: Moderately Biracial: (AR, IN, KY, MI, MO, OH, PA, TN, VA)

Indicator	A	B	C
Mean %	60.54	16.34	3.14
Minimum %	53.10	9.52	1.75
Maximum %	70.80	55.00	4.90
Standard Deviation %	4.80	13.74	1.00
States Meeting Target (n)	5	5	4
Mean Change %	2.16	-3.67	0.18
Most Gain %	3.60	5.00	0.60
Most Slippage %	0.40	-41.76	-0.04

MM: Moderately Multiracial: (CO, CT, KS, MA, MN, NE, RI, WA, WI)

Indicator	A	B	C
Mean %	63.49	10.19	3.75
Minimum %	50.06	5.40	1.00
Maximum %	73.06	15.40	7.00
Standard Deviation %	7.90	3.16	2.05
States Meeting Target (n)	4	4	3
Mean Change %	0.76	-0.44	0.07
Most Gain %	2.48	0.80	0.40
Most Slippage %	-0.16	-5.33	-0.13

O: Other territories: (AS, BIE, DC, FM, GU, HI, MH, MP, MS, PR, PW, VI)

Indicator	A	B	C
Mean %	63.13	10.65	4.16
Minimum %	28.00	0.25	0.00
Maximum %	94.00	32.00	28.97
Standard Deviation %	22.77	9.19	7.65
States Meeting Target (n)	8	7	4
Mean Change %	3.76	2.95	-0.37
Most Gain %	17.62	27.00	2.00
Most Slippage %	-8.80	-6.00	-6.17

PB: Predominantly Biracial: (AK, DE, GA, LA, MD, NC, SC)

Indicator	A	B	C
Mean %	60.33	15.63	3.21
Minimum %	56.20	12.76	1.40
Maximum %	64.80	19.90	7.33
Standard Deviation %	2.97	2.12	2.04
States Meeting Target (n)	3	5	3
Mean Change %	0.58	0.35	0.04
Most Gain %	2.80	0.77	0.70
Most Slippage %	-1.00	-0.20	-0.42

PM: Predominantly Multiracial: (CA, FL, IL, NJ, NM, NV, NY, TX)

Indicator	A	B	C
Mean %	57.15	17.52	4.29
Minimum %	47.90	12.55	1.23
Maximum %	67.00	23.00	8.00
Standard Deviation %	6.89	3.76	2.38
States Meeting Target (n)	5	5	3
Mean Change %	0.87	0.13	-0.30
Most Gain %	3.12	1.38	0.14
Most Slippage %	-0.20	-0.69	-1.38

WA: White-American Indian: (AL, MT, ND, OK, SD)

Indicator	A	B	C
Mean %	68.38	7.43	2.25
Minimum %	51.30	4.11	1.33
Maximum %	82.30	11.10	4.04
Standard Deviation %	11.10	2.64	1.00
States Meeting Target (n)	4	3	3
Mean Change %	0.38	-0.14	0.08
Most Gain %	2.31	0.60	0.67
Most Slippage %	-1.62	-0.82	-0.35

WH: White-Hispanic: (AZ, ID, OR, UT, WY)

Indicator	A	B	C
Mean %	60.02	10.21	9.12
Minimum %	53.00	1.39	1.40
Maximum %	70.10	15.06	36.88
Standard Deviation %	6.33	4.93	13.89
States Meeting Target (n)	3	4	4
Mean Change %	-0.57	0.10	0.13
Most Gain %	1.22	0.30	0.20
Most Slippage %	-3.70	-0.16	0.05

INDICATOR 7: PRESCHOOL OUTCOMES

Prepared by ECO

Indicator #7: Percent of preschool children with IEPs who demonstrate improved:

A. Positive social-emotional skills (including social relationships);
B. Acquisition and use of knowledge and skills (including early language/ communication and early literacy); and
C. Use of appropriate behaviors to meet their needs.

INTRODUCTION

This summary is based on information reported by 59 states and jurisdictions in their FFY 2009 Annual Performance Reports (APRs) submitted to OSEP February, 2011. This year, for the first time, states compared actual data to targets using the APR format. The analysis for this report includes only information specifically reported in APRs or SPPs. A state or jurisdiction may have additional procedures or activities in place that they did not describe in their reports and are therefore not included in this summary.

DATA SOURCES

Child Outcomes Measurement Approach

States and jurisdictions use a variety of approaches for measuring child outcomes. When details of those approaches were not included in APRs, we used the information described in the most current SPP. A summary of state approaches is shown in Table 1.

Table 1

Child Outcomes Measurement Approaches (N=59)	
Type of Approach	**Number of States (%)**
COS process	36 (61%)
One statewide tool	9 (15%)
Publishers" online analysis	6* (10%)
Other	8 (14%)

*One of these states also uses the COS process for districts and service providers who choose not to use an online assessment.

Thirty-six states and jurisdictions (61%) use the Child Outcomes Summary (COS) process. Nine states and jurisdictions (15%) use one assessment tool statewide. Of these, four reported the use of the Battelle Developmental Inventory, Second Edition (BDI-2), one state named the Assessment, Evaluation, and Planning System (AEPS), one state uses the Work Sampling System (WSS), and one uses selected subtests of

the Brigance Inventory of Early Development II. Two states have developed their own assessment tools. One state, currently using another approach, plans in the future to collect outcomes data using a single tool statewide, to be selected through a stakeholder process.

Six states (10%) use publishers' online analysis systems, created and maintained by the publishers of the assessment tools, to produce reports based on assessment data entered on line. One of these states also uses the COS process for districts and service providers who choose not to use the online assessment. States using publishers" online analysis include three states that allow local agencies to choose from several tools and three states that require all programs to use the same tool. Of those using multiple tools, one state allows the use of CreativeCurriculum.net (CC.net), Work Sampling Online (WSO), and High/Scope; one state allows CC.net, AEPSinteractive (AEPSi), and High/Scope; and one allows CC.net, AEPSi, and the Brigance. Of those that require the use of one system, two states use CC.net and one uses AEPSi.

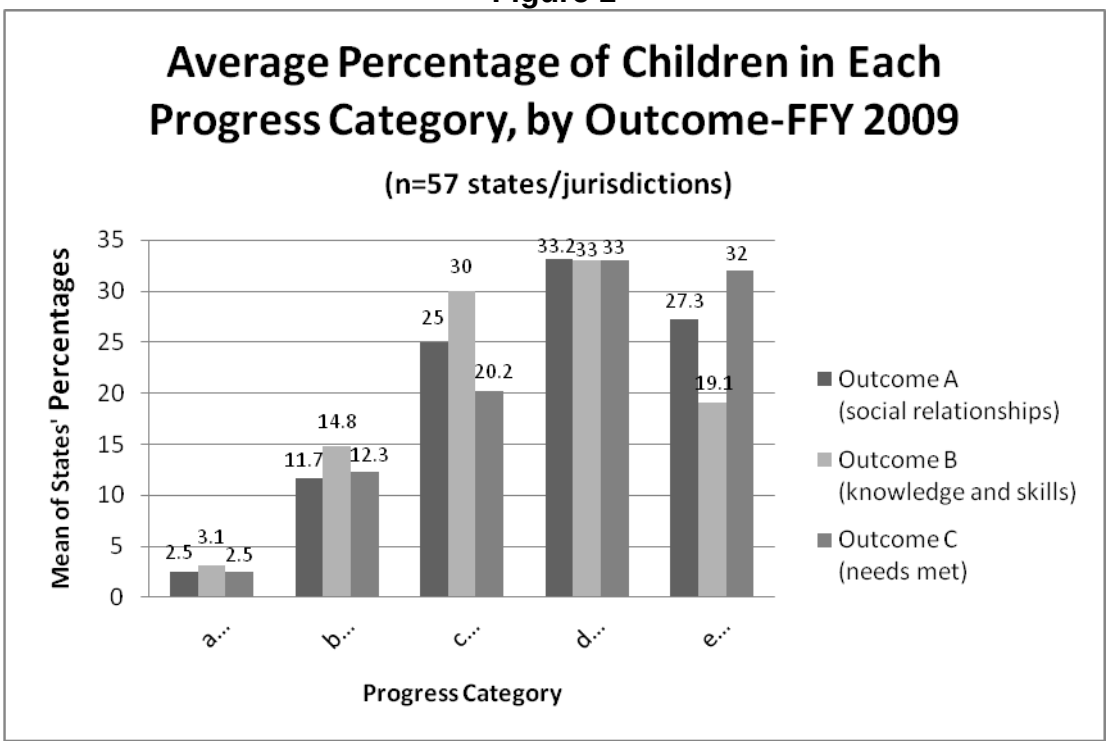
Eight states (12%) use other measurement approaches. These include a state-developed conceptual model that aligns assessment information with early learning standards, extrapolation of raw assessment data from the state data system, scores from Work Sampling Online (WSO) integrated with the COS process, and state-developed summary tools. The state currently using an extrapolation of raw assessment data reported that it is in the process of selecting a tool to be used statewide for child outcomes measurement.

ACTUAL PERFORMANCE

Fifty-seven states and jurisdictions provided progress data in two ways: 1) by progress category and 2) by summary statement. One additional state reported summary statement, but not progress category data. The data presented by progress category include the percentages of children who a) did not improve functioning, b) improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers, c) improved functioning to a level nearer to same-aged peers but did not reach it, d) improved functioning to reach a level comparable to same-aged peers, and e) maintained functioning at a level comparable to same-aged peers. The summary statement data include percentages of children who, by the time they turned 6 years of age or exited the program 1) substantially increased their rate of growth and 2) were functioning within age expectations. The number of children reported in the data ranged from 9 to 9,314.

Figure 1 shows the percentages of children reported in each progress category for each outcome, averaged across states and jurisdictions. This presentation of the data weights each state/jurisdiction equally, providing an average across states of the progress category data.

Figure 1



Across the three outcomes, a general pattern is evident, wherein the lowest percentages of children were reported in category "a" (no progress), with percentages increasing in category "b" (progress but not nearer to same age peers), category "c" (nearer to same age peers), and category "d" (reached same age). Percentages of children reported in category "e" (maintained age-expected functioning) then show a decrease from those reported in category "d." The patterns are particularly similar for Outcomes A (positive social relationships) and C (getting needs met), although Outcome C shows slightly higher percentages in "e" and slightly lower percentage in "c." The pattern for Outcome B (knowledge and skills) is a bit different than the other two outcomes, with higher percentages of children reported in categories "a," "b," and "c," and much lower percentages reported in category "e."

Data by Summary Statement

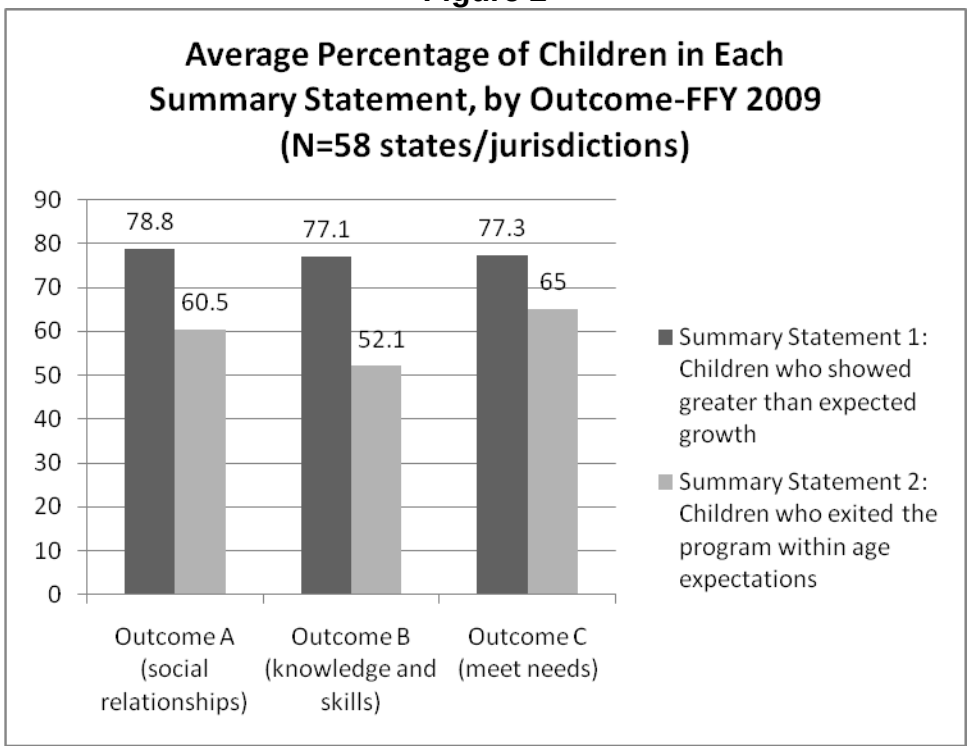
Summary statement data were available from 58 states and jurisdictions. The summary statements and formulas for calculating them are as follows.

Summary Statement 1: Of those children who entered the program below age expectations in each outcome, the percent who substantially increased their rate of growth by the time they turned 6 years of age or exited the program (c+d/a+b+c+d).

Summary Statement 2: The percent of children who were functioning within age expectations in each outcome by the time they turned 6 years of age or exited the program (d+e/a+b+c+d+e).

Figure 2 shows the average percentages of children reported for each summary statement across outcomes.

Figure 2



Additional analyses were completed to examine relationships in the summary statements and progress categories with geographic region, child count (size of state) and percent served in state. There was little variation seen in any of these comparisons.

PROGRESS AND SLIPPAGE

Tables 2 and 3 show the extent to which states and jurisdictions made progress or had slippage, based on a comparison of actual data from FFY 2008 to FFY 2009. States are categorized as having made meaningful progress or slippage as follows: progress if they increased >1% over FFY 2008; slippage if they decreased >1% from FFY 2008; and no change if they changed <1% in either direction. Table 2 shows that for Summary Statement 1 (children who increased their rate of growth) more states and jurisdictions made progress than had slippage in Outcomes A (social relationships) and C (getting needs met). Data for Outcome B (knowledge and skills) showed slightly more slippage for this summary statement. Across outcomes, 17-24% of states and jurisdictions showed negligible change (less than 1% difference).

Table 2

Progress and Slippage for Summary Statement 1: Children Who Increased their Rate of Growth			
	Number and percent of states and jurisdictions that made progress	Number and percent of states and jurisdictions that had slippage	Number and percent of states and jurisdictions with < 1% change
Outcome A (social relationships)	26 (45%)	18 (31%)	14 (24%)
Outcome B (knowledge and skills)	21 (36%)	22 (38%)	15 (26%)
Outcome C (action to meet needs)	26 (45%)	22 (38%)	10 (17%)

For Summary Statement 2 (Table 3), children who were functioning within age expectations at exit, more states and jurisdictions made progress than had slippage for Outcomes B (knowledge and skills) and C (getting needs met). Data for Outcome A (social relationships) showed that seven more states and jurisdictions had slippage than made progress. Twelve to nineteen percent of states and jurisdictions showed negligible (less than 1%) differences between their FFY 2008 and FFY 2009 data.

Table 3

Progress and Slippage for Summary Statement 2: Children Who Were Functioning Within Age Expectations at Exit			
	Number and percent of states and jurisdictions that made progress	Number and percent of states and jurisdictions that had slippage	Number and percent of states and jurisdictions with < 1% change
Outcome A (social relationships)	21 (36%)	28 (48%)	9 (16%)
Outcome B (knowledge and skills)	26 (45%)	25 (43%)	7 (12%)
Outcome C (action to meet needs)	26 (45%)	21 (36%)	11 (19%)

States and jurisdictions provided a number of different explanations for progress and slippage in their APRs. Some attributed progress to successful improvement activities that improved data quality as well as services. Several states and jurisdictions reported better use of tools as a result of training and TA and improved assessment practices. Monitoring, better guidance, and clearer expectations were also said to improve the accuracy of the data. A few states cited program changes that improved their outcomes data, such as the placement of children in settings with peers developing according to age expectations, especially for Outcome A (social relationships), which allows children "an opportunity to learn and practice skills."

States and jurisdictions attributed slippage to improved data accuracy, data quality issues, child characteristics, and program issues. Those using publishers" online systems noted that correction of cut scores for progress categories resulted in more accurate, but lower, outcomes data. States and jurisdictions using the Child Outcomes Summary (COS) process also said that correcting the tendency to "inflate" ratings through training on age expected child development, for example, also resulted in more accurate, but lower, outcomes data. Data entry errors and inconsistent use of assessment tools reportedly contributed to poor data quality. Other states and jurisdictions said that children in the FFY 2009 data had more significant needs than in early data sets, due to factors such as stricter eligibility criteria and an increase in children with autism. As the number of children reported in the outcomes data increases, according to some states and jurisdictions, and as the frequency and duration of data collection increase, the data will include more children who stayed in the program longer because of significant needs. Program issues that may have led to slippage were described to include the need for more resources and support in certain programs within states.

Several states and jurisdictions said that they were not able to interpret changes, given the limitations of the data. At least three years of data would be needed to establish trends, according to some. Others cited the need for more data to improve the representativeness of the data, especially in states that were still "phasing in" the child outcomes data collection statewide.

Trends over Time

Tables 4, 5, and 6 compare the percentages of children reported in each progress category, per outcome, over the past three years. Table 4 shows that for Outcome A, percentages of children reported in categories "a" and "b" have decreased or stayed about the same. Percentages in category "c" increased slightly (1-2 points), while those in category "d" increased by six points. Perhaps most notable, percentages of children reported in category "e" have decreased by eight points since FFY 2007. Some states and jurisdictions noted in their APRs that percentages reported in category "e" have decreased because there are now more children in the data set who stay in the program longer, an indication that they have more significant needs. Others noted that percentages of children in category "e" have decreased as teachers and service providers have become more accurate in their comparison of children's functioning with same-aged peers who are developing according to age expectations.

Table 4

Average Percentages of Children Reported in Each Progress Category: Outcome A					
	"a"	"b"	"c"	"d"	"e"
FFY 2009	2.5%	11.7%	24.5%	33.2%	27.3%
FFY 2008	4%	12%	23%	30%	31%
FFY 2007	4%	12%	22%	27%	35%
Note: Percentages may not all add up to 100% due to rounding					

A similar pattern is evident for Outcome B (Table 5), with percentages decreasing slightly for category "a," staying about the same for category "b," slightly increasing for category "c." Percentages for category "d" increased by six points since FFY 2007, and percentages for category "e" decreased by eight points.

Table 5

Average Percentages of Children Reported in Each Progress Category: Outcome B					
	"a"	"b"	"c"	"d"	"e"
FFY 2009	3%	14.8%	30%	33%	19.1%
FFY 2008	4%	14%	29%	30%	23%
FFY 2007	4%	15%	27%	27%	27%
Note: Percentages may not all add up to 100% due to rounding					

The pattern is similar also for Outcome C (Table 6). Percentages for category "a" slightly decreased from FFY 2007 to FFY 2009, stayed about the same for category "b," increased slightly for category "c" and increased by seven points in category "d." For Outcome C, the percentages of children reported in category "e" decreased by seven points.

Table 6

Average Percentages of Children Reported in Each Progress Category: Outcome C					
	"a"	"b"	"c"	"d"	"e"
FFY 2009	2.5%	12.3%	20%	33%	32%
FFY 2008	3%	12%	19%	30%	35%
FFY 2007	4%	13%	18%	26%	39%
Note: Percentages may not all add up to 100% due to rounding					

Tables 7 and 8 show the average percentages of children reported for the Summary Statements for FFY 2008 and FFY 2009. The summary statement data were averaged across the 58 states and jurisdictions in order to provide a national picture. Table 7 shows that percentages increased by one to three points for Summary Statement 1

(children who increased their rate of growth) across the outcome areas From FFY 2008 to FFY 2009.

Table 7

Average Percentages of Children Who Increased Their Rate of Growth (Summary Statement 1)		
	FFY 2008*	**FFY 2009**
Outcome A	76%	78.8%
Outcome B	75.6%	77.1%
Outcome C	74.9%	77.3%

*Please note: the FFY 2008 Indicator Report had data for Summary Statement 1 and 2 reversed. FFY 2008 data presented in Table 7 are correct.

Table 8 shows data for Summary Statement 2 (children functioning within age expectations at exit). Across the three outcomes, percentages decreased slightly or stayed approximately equal.

Table 8

Average Percentages of Children Who Were Functioning Within Age Expectations at Exit (Summary Statement 2)		
	FFY 2008*	**FFY 2009**
Outcome A	61.1%	60.5%
Outcome B	53.2%	52.1%
Outcome C	65.2%	65.0%

*Please note: the FFY 2008 Indicator Report had data for Summary Statement 1 and 2 reversed. FFY 2008 data presented in Table 8 are correct.

The number of children included in progress data continues to grow. Whereas last year 32 states included 1,000 or more children, this year 37 states included 1,000 or more children. States and jurisdictions reporting data for fewer than 1,000 children decreased from 26 (last year) to 21 (this year). Table 9 summarizes the numbers of children included in progress data reported across states and jurisdictions over the past three years.

Table 9

Total Number of Children Included in Progress Data			
Number of children reported	**Number of States and Jurisdictions**		
	FFY 2007 (N=58)	FFY 2008 (N=58)	FFY 2009 (N=58)
10 or fewer	1	1	1
10-99	11	7	6
100–499	14	6	4
500-999	10	12	10
1000–1999	8	7	9
2000–2999	5	10	11
3000–4999	5	11	9
5000-8999	3	3	7
9000+	1	1	1
	Range: 3- 10,157	Range: 3- 9,967	Range: 9- 9,314

Another way to look at the number of children states and jurisdictions reported for outcomes data is by percent of child count, as shown in Table 10. Nationally, about 40% of preschoolers are 5 years old according to 618 data. Therefore a high estimate of the percentage to include in outcomes would be close to 40%. The numbers of children included in outcomes data are still increasing. Whereas 26 states and jurisdictions (49%) included less than 20% of their child count in FFY 2008, only 17 states and jurisdictions (34%) included less than that in FFY 2009. It should be noted that these percentages include four states that are using a sampling methodology for child outcomes. The number of states and jurisdictions including 30-40% of their child count, on the other hand, increased from 12 (23%) in FFY 2008 to 16 (33%) in FFY 2009.

Table 10

Percent of Child Count included in Outcomes Data		
Percent of Child Count	**Number of States/ Jurisdictions (%) FFY 2008**	**Number of States/ Jurisdictions (%) FFY 2009**
<10	11* (21%)	6* (12%)
10- <20%	15 (28%)	11 (22%)
20- <30%	12 (23%)	12 (24%)
30- <40%	12 (23%)	16 (33%)
40- <50%	1 (2%)	4 (8%)
>50%	2 (4%)	0 (0%)
	N=53**	N=49**
*4 states are using a sampling methodology for child outcomes **Ns=the number of states and jurisdictions for whom child count data were available		

Trends in Nationally Representative Data

Collecting data on outcomes for young children with disabilities is a complex undertaking and a new activity for states. States are at various stages in implementing procedures for measuring child outcomes data, and not all states were able to report high quality data for FFY 2009. Therefore, the ECO Center conducted more sophisticated analyses to determine national averages that better represent the national picture by weighting the data by child count (so that bigger states are weighted more heavily than smaller states). In the following additional analyses, "best quality data" is based on 33 states with the highest quality data.

The national estimates for FFY 2009 were based on the data from the states with the highest quality data under the assumption that the states with poor quality data introduce error into the national estimate. Criteria used for determining the highest quality data included the percentage of children included in the data (eliminating states with less than 12% of their 3-5 year old child count in the data), or extreme or odd patterns in the "a" or "e" categories (>10% in "a" or 65% in "e" in one of the outcomes). The findings from all states were weighted by child count to be nationally representative; the 33 states with the highest quality data are presented for comparison in the figures below.

Figure 3 compares the average summary statement data from this year's 33 "best quality" states and jurisdictions with the national averages for Outcome A (social relationships). The figure compares last year's "best" data with the national averages from last year's SPPs (FFY 2008) for Outcome A. The resulting patterns are quite similar. For Summary Statement 1 (children who increased their rate of growth), the "best" data are higher than the national averages – about five points higher for FFY 2008 and about three points higher for FFY 2009. For Summary Statement 2 (children who were functioning within age expectations at exit), the "best" data are slightly lower than the national averages – about three points lower for both FFY 2008 and FFY 2009. The "best" data, as well as the national averages, for both summary statements are very similar, or exactly equal, across the two years. For Summary Statement 1, the national averages were only about three points higher for FFY 2009 compared to FFY 2008. The "best quality" data were almost equal. For Summary Statement 2, the national averages were only about three points lower for FFY 2009 compared to FFY 2008. The "best quality" data were exactly equal.

Figure 3

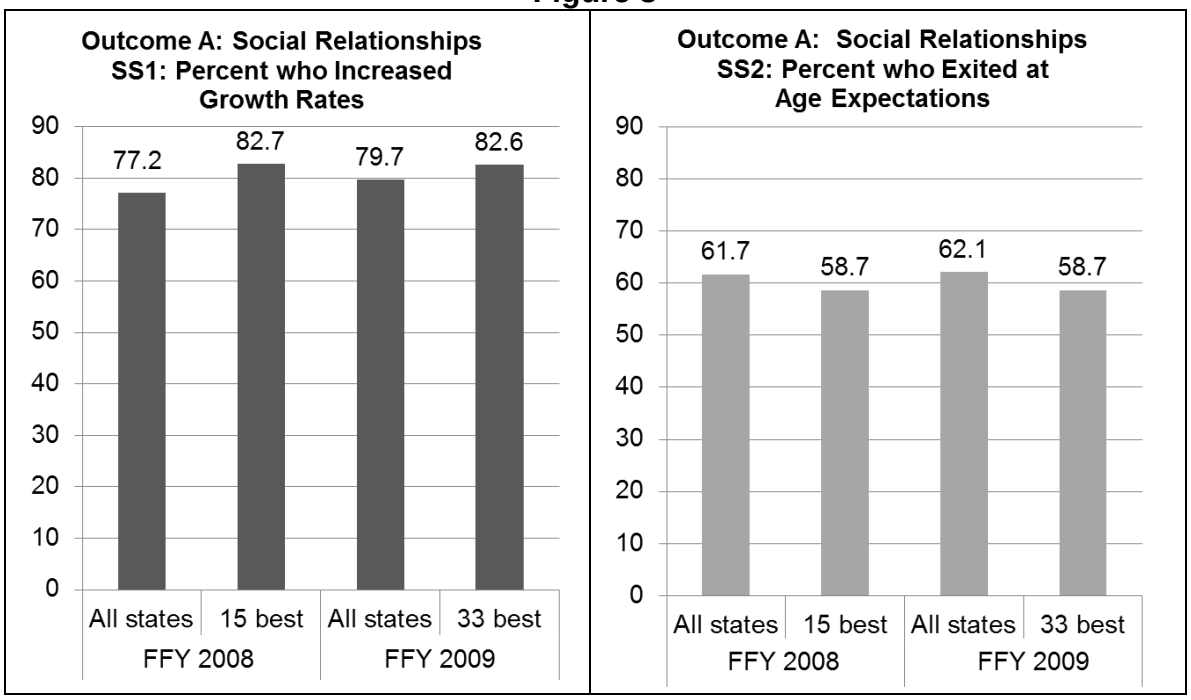


Figure 4 compares the average summary statement data from this year's 33 "best quality" states and jurisdictions with the national averages for Outcome B (knowledge and skills). They also compare last year's "best" data with the national averages from last year (FFY 2008) for Outcome B. As found for Outcome A, the resulting patterns for Outcome B are quite similar. For Summary Statement 1, the "best" data are higher than the national averages – about seven points higher for FFY 2008 and about four points higher for FFY 2009. For Summary Statement 2, the "best" data are slightly lower than the national averages – about five points lower for FFY 2008, with less than one point difference for FFY 2009. The "best" data, as well as the national averages, for both summary statements are very similar, or exactly equal, across the two years. For Summary Statement 1, the national averages were only about two points higher for FFY 2009 compared to FFY 2008. The "best quality" data only differed by one point. For Summary Statement 2, the national averages were almost equal for FFY 2009 compared to FFY 2008, and the "best quality" data differed by only one point.

Figure 4

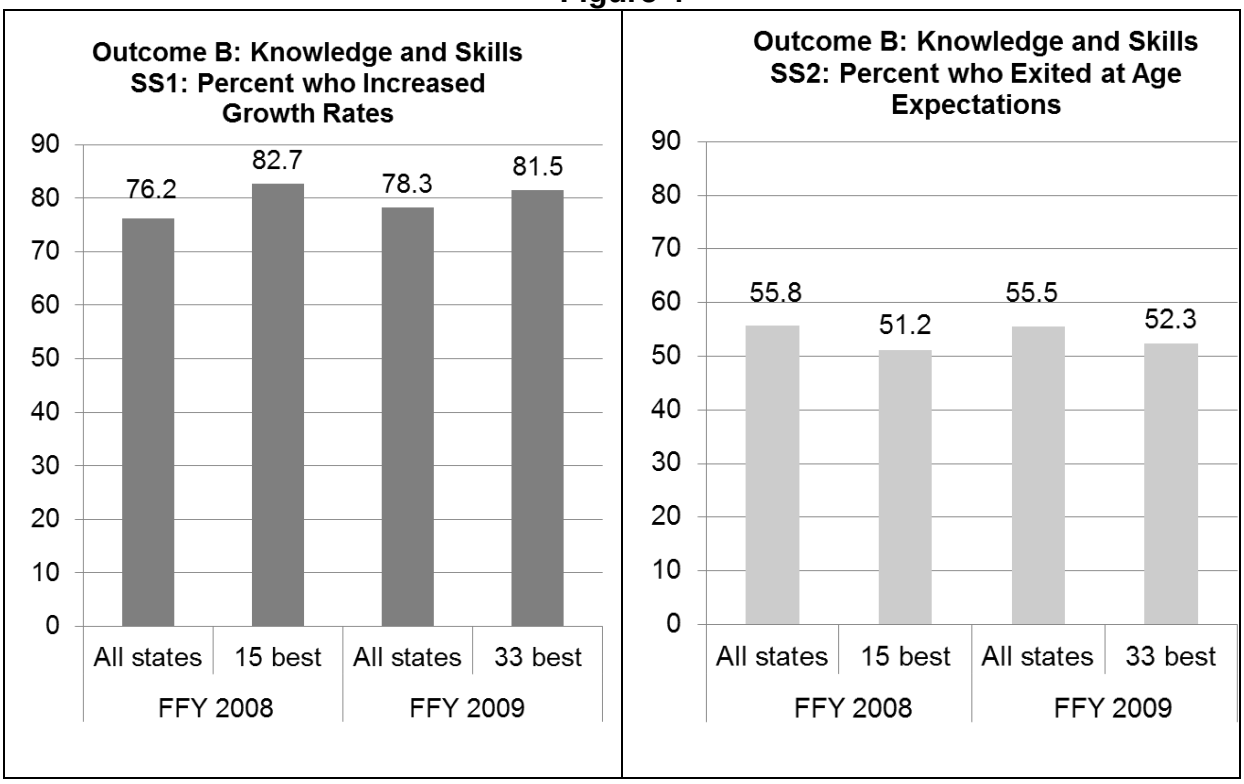
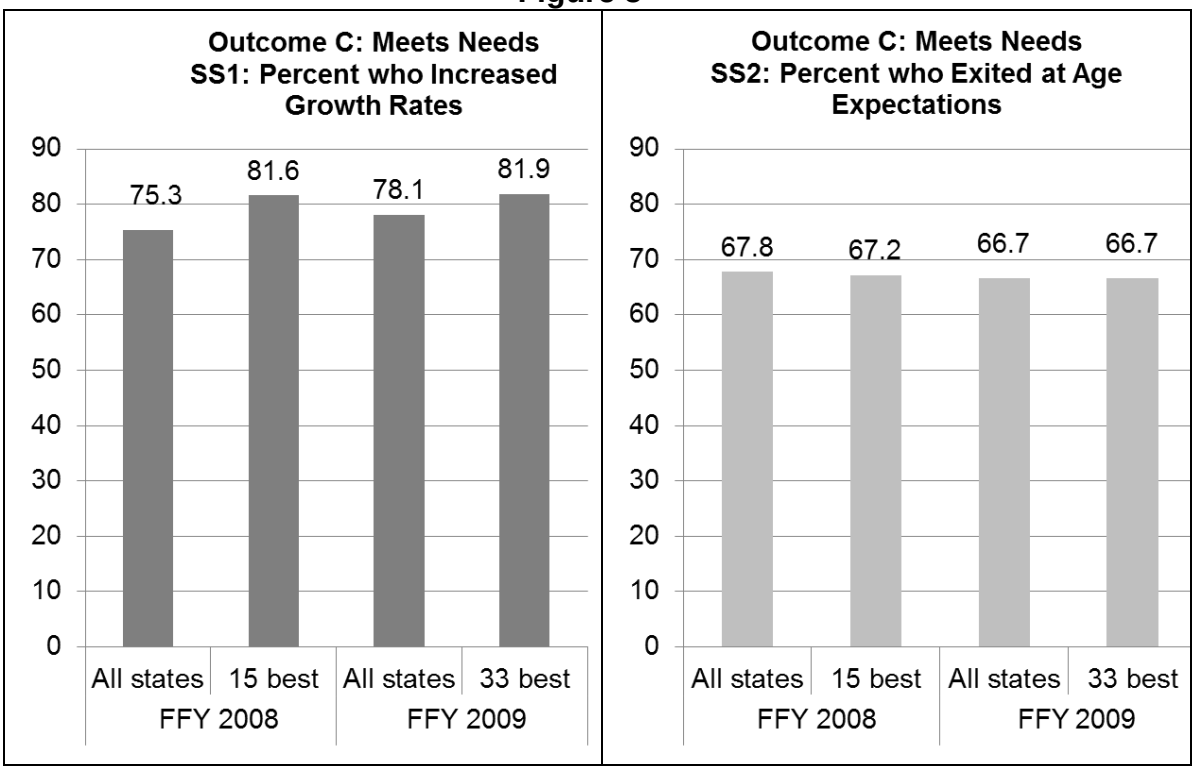


Figure 5 shows the same patterns for Outcome C (meets needs) as found for Outcomes A and B. Again, the "best" data for Summary Statement 1 are higher than the national averages – about seven points higher for FFY 2008 and about four points higher for FFY 2009. For Summary Statement 2, the "best" data are slightly lower than or equal to the national averages – less than one point lower for FFY 2008 and exactly equal for FFY 2009. The "best" data, as well as the national averages, for both summary statements are very similar, or exactly equal, across the two years. For Summary Statement 1, the national averages were only about three points higher for FFY 2009 compared to FFY 2008. The "best quality" data differed by less than one point. For Summary Statement 2, the national averages were only one point higher for FFY 2009 compared to FFY 2008. The "best quality" data also differed by only one point.

Figure 5



While one might have expected wide variation across the two years of data for the three different outcomes comparing "best quality" to national averages, in fact the patterns are strikingly similar. Lack of wide variation in the data patterns suggests that data for this indicator are, thus far, quite stable. The stability further suggests that states and jurisdictions have been successful in their efforts to develop and implement measurement systems that produce child outcomes data.

IMPROVEMENT ACTIVITIES

States and jurisdictions conducted improvement activities during FFY 2009 that emphasized data quality through training and TA, data analysis, monitoring, continued improvements to data systems, and review of policies and procedures. In addition, more states and jurisdictions included activities for improving program quality this year. Details follow.

Training and TA

States and jurisdictions continued to provide ongoing training activities and TA through face-to-face workshops, monthly staff development, webinars, web-based/ on-line training modules, and regional training. States and jurisdictions were finding creative ways to offer "refresher" training and training for new providers, as evident in this improvement activity:

- Planning was initiated and action taken to create on-line modules that can be used as a refresher for individuals already trained in the administration of the instrument. In collaboration with the publisher, filming of training sessions was conducted with school district practitioners and modules are now in production.

Professional development on child outcomes measurement was also provided during regularly scheduled events designed for more general purposes, such as presentations at the annual conferences of provider groups, administrators, families, and other stakeholders. The activity below illustrates this type of effort:

- In an effort to expand the venues in which information is presented and to gain exposure to individuals working with young children in child care, Head Start programs, and other community settings, an overview of the child outcome summary process was presented at the 2009 Fall Conference of the Association for the Education of Young Children. The session included an overview of the process, forms used, and the importance of all sources of information to look at the child functionally.

Training and TA targeted specific topics, such as assessment practices, improving the use of assessment tools, and learning how to use new assessment tools. For states and jurisdictions using the Child Outcomes Summary (COS) process, targeted training and TA addressed the topic of age-expected child development, as well as strategies for improving ratings, such as the use of the "decision tree" for outcome ratings and an emphasis on documenting the rating. These improvement activities provide examples of targeted training and TA:

- The SEA is working with Teaching Strategies GOLD to develop face-to-face and distance learning offerings as the agency transitions to one assessment.
- State personnel continued to access and utilize the information and resources from national professional organizations (e.g. National Association for the Education of Young Children, the Division of Early Childhood, etc.) to embed evidence-based assessment practices into the state outcome system.
- Targeted training was held across the state to reinforce the use of the decision tree in the rating process and additional information about comparison to typically developing students was provided. The result of the training is demonstrated by the actual data showing the districts are rating children with increased inter-rater reliability and thus, have a consistent understanding of the child's functional outcomes compared to typically developing peers.

Training and TA also targeted specific groups, such as LEAs not meeting state targets for this indicator, related service providers who need to be involved in child outcomes measurement, and data entry staff as they transition to new data systems. The following activity provides an example of training and TA targeted for related service providers:

- Training activities were specifically designed to foster the development of authentic assessment and implementation of CreativeCurriculum.net within the context of speech language therapy sessions. Attention was given to assisting SLPs in extending assessment competencies into all three outcome categories.

Data Analysis

Many states and jurisdictions conducted and reviewed data analyses to check the quality of the data, identifying irregular patterns that might indicate errors in the data. State personnel also worked with LEA personnel to look for patterns in the data for quality assurance purposes. These improvement activities provide examples:

- Three months prior to running the final preschool outcomes measurement report for OSEP, the state ran a trial report. A comparison of that data was made to the information provided by each district to the state earlier in the year regarding entry and exit data. Feedback was then provided to each district regarding the data obtained. Districts in need of support were provided technical assistance in the form of e-mail, telephone contact or on-site visits; depending on the level of support required to ensure validity and accuracy of data.
- Analyses were run which looked specifically at progress categories “a” & “e” across the three outcomes. Progress category totals across the three outcomes were also computed. The pattern analysis and summary statement scores of individual LEAs identified concerns regarding the quality of some of the data submitted. Individual LEAs were identified for further technical assistance based on the data check process.
- Annually update the COSF pattern-checking tool as a means for local ECSE leaders to continue to validate the quality of COSF data submitted.

Monitoring

Improvement activities addressed the need to incorporate a review of child outcomes measurement practices into statewide monitoring systems. Strategies for monitoring outcomes measurement included the record review, the use of a “quality assurance checklist” and corrective action plans, as shown in these examples:

- State monitoring procedures will be implemented to include strategies for examining assessment practices and outcome rating activities during record reviews and focused monitoring activities. The SEA will work with the LEAs to

carefully examine outcome data and use this information for local program reform.
- Through requests from early childhood special education professionals from throughout the state, the Early Childhood Outcomes Committee developed and piloted a Quality Assurance Checklist. Components within the checklist focus on establishing consistent and quality data throughout the state. The checklist will be incorporated into and used for the overall and ongoing monitoring system. Results from these monitoring activities will allow for individualized technical assistance for districts requiring corrective actions and or improvement with components of this indicator.

Continued Improvements to Data Systems

States and jurisdictions continued to improve their data systems to allow more in-depth analysis of outcomes data. Fields for additional data elements were added to capture variables that might influence outcomes, such as type of service, total hours of service, and placement. Outcomes data were linked to broader data systems to facilitate linkage with information about demographics. States and jurisdictions also enhanced their data systems to help identify potentially missing data. Examples of activities to improve data systems included the following:

- Worked with the Student Accountability Information System (SAIS) staff to create a process and procedures for interfacing with Teaching Strategies GOLD data.
- Enhancements to the SPP7 online application were introduced prior to the start of the 2009-2010 data collection to ensure greater data integrity. The application validated a child's age at entry and at exit. In addition, the enhancement verified the child was in the program for at least 6 months prior to exiting. A variety of data reports were created and accessible to districts. The reports will allow districts to link other data elements to progress data for complex data analysis. Regions continued to provide technical assistance and training to districts concerning reporting requirements and the enhancements to the SPP7 online application.
- Future enhancements will include a "Red Flag" system to indicate that a child has turned six and needs to be exited from the system.

Review of Policies and Procedures

States and jurisdictions continued to meet with stakeholders to review policies and procedures for collecting and reporting child outcomes data. Improvement activities described the review of policies for the use of specific assessment tools, decisions about "tweaking" forms, aligning outcomes measurement with early learning standards and recommended curricula, as well as integrating outcomes measurement with IEP processes. States and jurisdictions continued to update policy and procedural guidance for dissemination to local programs. Examples follow.

- State conducted “intensive stakeholder and subject matter expert reviews of proposed new assessment (Teaching Strategies GOLD).”
- State began “IEP Outcome Integration” work in developing and implementing a process for assisting LEAs on integrating outcomes measurement with the IEP process to make child outcome measurement more efficient and effective.
- Modifications to the current Child Outcomes Q & A were a main focus of the Child Outcomes Workgroup throughout the 2009-2010 year. The document was reorganized and procedures were updated in response to common questions that are received from county B-3 and LEA staff throughout the year. The policies and procedures were discussed and developed jointly to ensure a Birth-to-Six perspective. Revisions to the current document were completed in the spring of 2010.

Program Improvement

In addition to activities for improving data quality, states and jurisdictions described their efforts to improve programs in FFY 2009. Activities addressed, for example, improved instructional practices, transition, use of content standards, and effective communication with families. Examples of program improvement activities include the following.

- Professional development on the use of developmentally appropriate evidence-based instructional strategies focused on early literacy and math, language and communication, motor development, social-emotional development and behavior.
- Guide By Your Side Program: Second year of expansion to include support around transition from Part C to Part B; family focus and support in identifying child’s unique needs around language, social emotional, literacy and academic development; program served 62 families during 2009-2010.
- The Early Learning Standards (ELS) specify developmental expectations for preschool children. They are grouped around five areas of children’s development including: Approaches to Learning, Social Emotional, Mathematics, Language and Literacy, and Physical Development and Health. They are supported by practice and scientific research and are performance based. This training provided opportunities for participants to thoroughly review and understand the standards; identify their indicators; and use them as a guide for decisions about an integrated curriculum, appropriate materials, and classroom environments that meet the developmental needs of all children in inclusive classrooms. Continue to provide professional development and training in the Early Learning Content Standards, including information on IEP accommodations in relationship to the standards.
- A parent brochure and laminated reference card were disseminated by the Parent Training and Information Center and LEAs. In partnership with the state, the PTI continues to work with families in understanding parental needs for effective communication with education staff.

CONCLUSIONS

Although collecting and reporting child outcomes data for young children with disabilities is a complex undertaking, states are increasingly able to report high quality data for this indicator. The numbers are very stable across the two years suggesting that the national estimates based on states with the highest quality data are credible estimates. Most states are implementing a series of improvement activities that focus on ensuring high quality data including professional development activities and different types of data analysis and monitoring activities. Some states are also beginning to use their data to make decisions about program improvement, thus beginning to implement improvement activities focused on implementing evidence-based practices.

INDICATOR 8: PARENT INVOLVEMENT

Prepared by the National and Regional Parent Technical Assistance Centers (PTACs): National PTAC at PACER Center, Region 1 PTAC at Statewide Parent Advocacy Network, Region 2 PTAC at Exceptional Children's Assistance Center, Region 3 PTAC at Partners Resource Network, Region 4 PTAC at Wisconsin FACETS, Region 5 PTAC at PEAK Parent Center, and Region 6 PTAC at Matrix Parent Network and Resource Center.

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.

This narrative and the Indicator 8 template are based on information from states' FFY 2009 Annual Performance Reports (APRs) and subsequent revisions submitted to the Office of Special Education Programs (OSEP). State Performance Plans (SPPs) and any revisions were also consulted when information was not available in the APR.

For the purposes of this report, the term "states" refers to the 50 states, nine territories, and the District of Columbia (a total of 60 state entities). One state received approval from OSEP to not submit Indicator 8 data for FFY 2009, so the total number of states reporting data is 59. Nine states reported separate performance data for parents of preschoolers (three-five years) and parents of school-age students (6-21 years). Some of these states used the same survey and methodology for both age groups, and others used different approaches. Therefore, totals in some of the tables and charts may equal more than 59. Percentages may not total 100 due to rounding.

SURVEY INSTRUMENTS

Data Summary

Table 1. Survey Instruments Used

Survey Instrument	# of States	% of States
NCSEAM	40	67.8%
State-Developed	10	16.9%
Adapted NCSEAM or ECO	5	8.5%
Combination	2	3.4%
ECO	1	1.7%
Unknown	1	1.7%

Narrative Summary

Forty states (67.8%) used a version of the preschool and/or school-age special education parent involvement surveys developed by the National Center on Special Education Accountability and Monitoring (NCSEAM).

Ten states (16.9%) utilized their own state-developed instrument, either one that had

been developed previously for monitoring or other purposes or a survey created specifically to respond to this APR indicator.

Five states (8.5%) adapted questions from the NCSEAM or Early Childhood Outcomes (ECO) Center parent surveys to develop their own Indicator 8 surveys.

Two states (3.4%) used a combination of surveys. In both these cases the states used the NCSEAM survey for parents of school-age students but a different survey for parents of preschoolers. One state used the ECO survey and the other used an adapted version of the ECO survey.

One state (1.7%) used the ECO survey for its entire population of parents (preschool and school age).

One state (1.7%) did not report sufficient information to determine the survey instrument utilized.

At least one-third of states provided translations of their surveys, sometimes in multiple languages *(translation of surveys was not specifically tracked on analysis table)*. NCSEAM translated their survey into Spanish. Many of the island states and territories translated their surveys into local languages, and several states offered oral translation of survey questions when print or online copies were not available in parents' languages.

SAMPLING

Data Summary

Table 2. Sampling Methodology

Sampling Method	# of States	% of States
Sample	32	54.2%
Census	23	39.0%
PreK Census, K12 Sample	3	5.1%
Unknown	1	1.7%

Narrative Summary

A variety of sampling plans were used to select respondents for the parent involvement surveys.

<u>Sample</u>

Thirty-two states (54.2%) implemented some type of sampling plan. Generally this involved developing rotating cohorts of Local Education Agencies (LEAs) whereby over a two- to six-year period all districts would participate in the survey process. These

cycles frequently corresponded to existing monitoring plans used by the state to evaluate LEAs. Most often all parents in participating districts were invited to complete the survey, although sampling within LEAs was used in some states, especially in larger districts. OSEP requires districts with over 50,000 students to be surveyed annually.

Census

Approximately one third of states (23) utilized a census process where the survey was disseminated to all parents of children ages 3-21 receiving special education services.

Combination

Three states (5.1%) used a combination of census and sampling. In each of these cases the preschool survey was conducted through a census while sampling was used for parents of school-age students.

Unknown

One state (1.7%) did not provide enough information to identify the selection process used to determine the population of parents to be surveyed.

SURVEY DISTRIBUTION

Data Summary

Table 3. Survey Distribution Methods

Distribution Method	# of States	% of States
Varied	24	40.7%
Mail	23	39.0%
In-Person	7	11.9%
PreK In-Person, K12 Mail	2	3.4%
Phone	1	1.7%
Web	1	1.7%
Unknown	1	1.7%

Narrative Summary

Varied

Twenty-four states (40.7%) offered parents a variety of ways to respond to the survey, generally a combination of mail, web, and phone. The “varied” survey distribution method has experienced the most growth with only 15% of states reporting varied distribution methods in FFY 2006.

Mail

Twenty-three states (39.0%) utilized mail as their only form of survey dissemination.

In-Person

Seven states (11.9%) distributed the surveys in-person, either at Individualized Education Program (IEP) meetings or as part of monitoring visits.

Phone

One state (1.7%) conducted phone interviews as their primary method of collecting survey responses.

Web

One state (1.7%) used a web-based questionnaire as the primary modality for conducting the survey.

Unknown

One state (1.7%) did not include enough information in its report to determine the survey distribution method used.

RESPONSE RATE

Data Summary

Table 4. Response Rates*

Response Rate	# of States	% of States
0-9.9%	5	8.5%
10-19.9%	21	35.6%
20-29.9%	11	18.6%
30-39.9%	4	6.8%
40-49.9%	3	5.1%
50-59.9%	3	5.1%
60-69.9%	2	3.4%
70-79.9%	1	1.7%
80-89.9%	1	1.7%
90-100%	1	1.7%
Set N	2	3.4%
Unknown	5	8.5%

*Response rates for states who conducted separate preschool and school-age surveys were combined into an overall percentage.

Narrative Summary

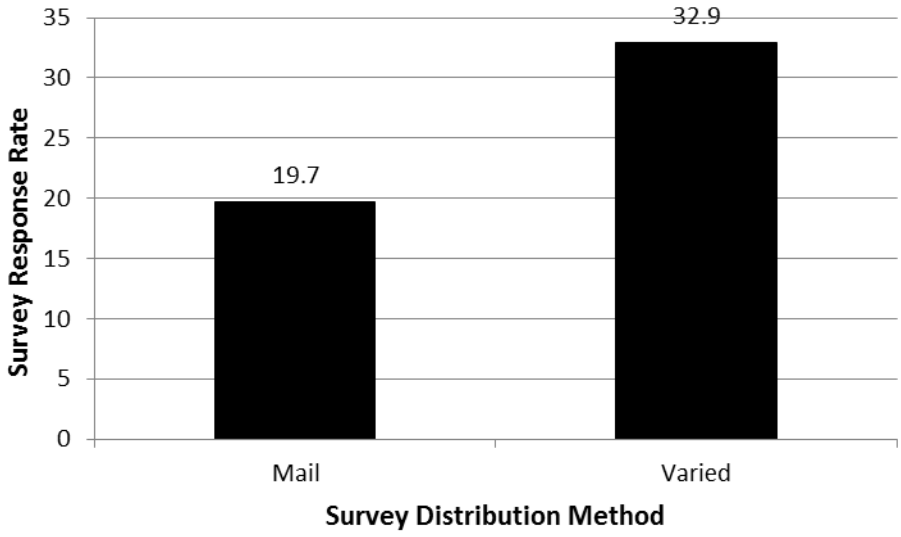
The average response rate across all states was 27.9%. This represents a 4.5% increase from FFY 2008. It should be noted that there is not an expectation of states to have a particular response rate. As long as the sample is representative of the population, a low response rate can still yield statistically valid results.

The most commonly reported response rates (21 states) occurred in the 10-19.9% range. Eleven states reported response rates of 20-29.9%. Two states did not report a response rate but rather determined the sample size (n) needed to achieve the desired confidence interval and margin of error. These states ensured they collected enough surveys to reach the "n" needed. Five states did not report enough information to determine a response rate for their parent involvement surveys.

Generally states reported that surveys received were representative of the population.

The following chart (Figure 1) compares the response rate for the two most highly utilized survey distribution methods. The data demonstrates that states that offered parents a variety of ways to respond to the survey achieved a higher response rate than those just distributing the survey by mail. States who distributed surveys by mail had an average response rate of 19.7% and those who used varied methods (generally a combination of mail, web, and phone) had a significantly higher average response rate of 32.9%.

Figure 1. Response Rate by Most Prevalent Survey Distribution Methods



CRITERIA FOR A POSITIVE RESPONSE

Data Summary

Table 5. Criteria for Positive Response

Criteria for Positive Response	# of States	% of States
Percent of Maximum	21	35.6%
NCSEAM	19	32.2%
Single/Two Question(s)	11	18.6%
Other	5	8.5%
Combination	2	3.4%
Unknown	1	1.7%

Narrative Summary

Percent of Maximum

Twenty-one states (35.6%) used a "percent of maximum" method to determine a positive response.

When using a "percent of maximum" analysis, the survey responses for each respondent are averaged and compared to a pre-determined cut-off value that indicates a positive response. For example, on a six-point scale, a respondent who marked "six - very strongly agree" to all survey items would receive a score of 100%. Someone who marked "one-very strongly disagree" on all items would receive a score of 0%. Someone who marked "four-agree" on all survey items (or whose responses averaged a score of four) would receive a score of 60%.
Not all states using this method had the same "cut-off" for a positive response. For example, many used four (60%) on a six-point scale. Others used 75% (four on a five-point scale) or other criteria.

NCSEAM Standard

Nineteen states (32.2%) utilized the NCSEAM standard for determining a positive response to their parent involvement surveys.

The NCSEAM standard was developed by a group of stakeholders as part of the NCSEAM National Item Validation Study. The standard is based on the Rasch analysis framework. This framework creates an "agreeability" scale with corresponding calibrations (agreeability levels) for each survey item. Survey items with lower calibrations are "easier" to agree with, while questions with higher calibrations are more difficult. A respondent's survey answers are compiled into a single measure.

The calibration levels for the NCSEAM survey ranged from 200-800. The stakeholder team recommended using a measure of 600 as the standard for a positive response.

This corresponds to the survey item, “The school explains what options parents have if they disagree with a decision of the school.” A score of 600 would mean that the parent had a .95 likelihood of responding “agree,” “strongly agree,” or “very strongly agree” to that question. More information about the NCSEAM standard and survey can be found at: http://www.accountabilitydata.org/FamilyInvolvmentNCSEAMMeasures.htm.

Single Question or Two Questions

Eleven states (16.9%) used a response to a single question (10 states) or two questions (one state) to determine whether that parent felt the school facilitated parent involvement as defined in this indicator. Often states used this data analysis method when they were using a state-developed survey that had relatively few questions related to parental involvement. States using the single question method varied with regard to the degree of agreeability needed to count the item as a positive response (i.e., some states required a response of “yes” to a yes/no question; others required a response of “3” or “4” on a 4-point scale).

Other

Five states (8.5%) utilized “other” criteria for determining a positive response.

Three states in the “other” category reported an average survey response across the entire sample of survey questions answered rather than analyzing each parent’s survey individually. Another averaged the lowest individual survey item agreement rate for preschool and school age surveys. One state used a standard setting process similar to NCSEAM to establish a representative question to use for the analysis.

Unknown

One state (1.7%) did not describe the criteria for a positive response in its APR or SPP.

INDICATOR PERFORMANCE

The following tables and charts compare states’ performance on Indicator 8 based on a variety of factors. Although it is helpful to include this analysis, care must be taken when drawing conclusions because of the wide variability in states’ selection of survey instruments used and criteria for positive response.

Data Summary

Table 6. Performance Summary: 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.

Ind. 8 Performance	# of States*	% of States
0-9.9%	0	0.0%
10-19.9%	1	1.5%
20-29.9%	2	2.9%
30-39.9%	12	17.6%
40-49.9%	7	10.3%
50-59.9%	3	4.4%
60-69.9%	7	10.3%
70-79.9%	10	14.7%
80-89.9%	15	22.1%
90-100%	11	16.2%

*This number of states totals 68 because of the nine states reporting separate preschool and school-age data.

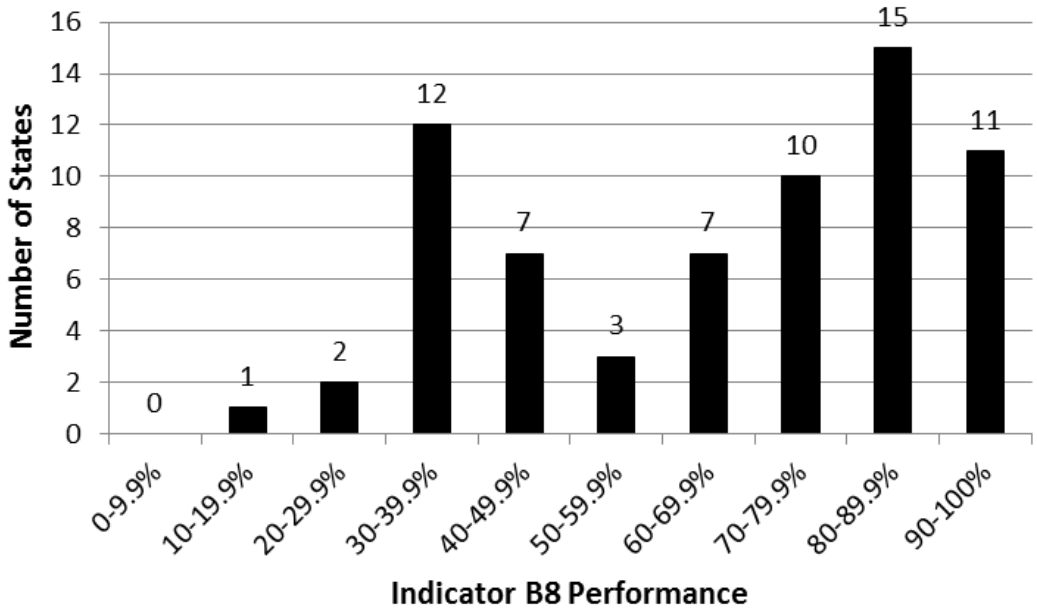
Narrative Summary

The average FY 2009 Indicator 8 performance was 66.1%, a .1% decrease from FFY 2008.

Thirty-two states met their targets, 20 missed their targets, three states met their preschool targets but missed their school age targets, and one state missed its preschool target but met its school age target. Three states re-established baselines for their survey results this year and therefore did not have a target to report.

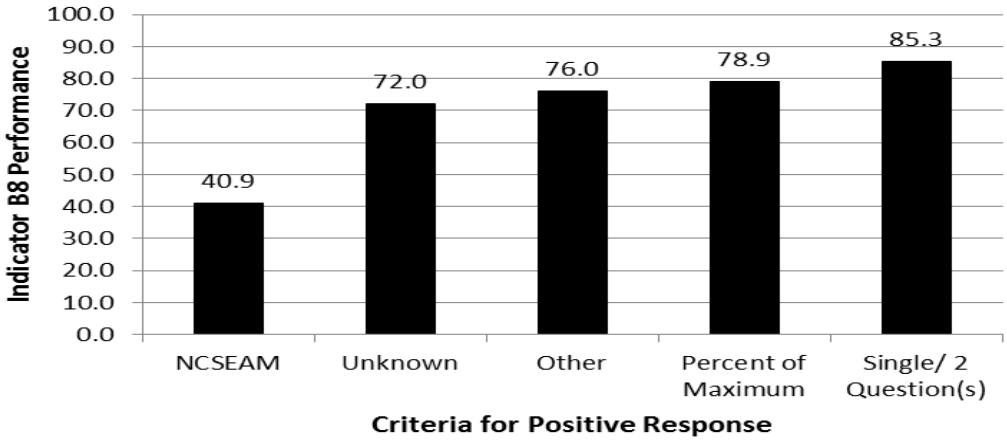
The data distribution for FFY 2009 is similar to previous years.

Figure 2. Performance Data Distribution



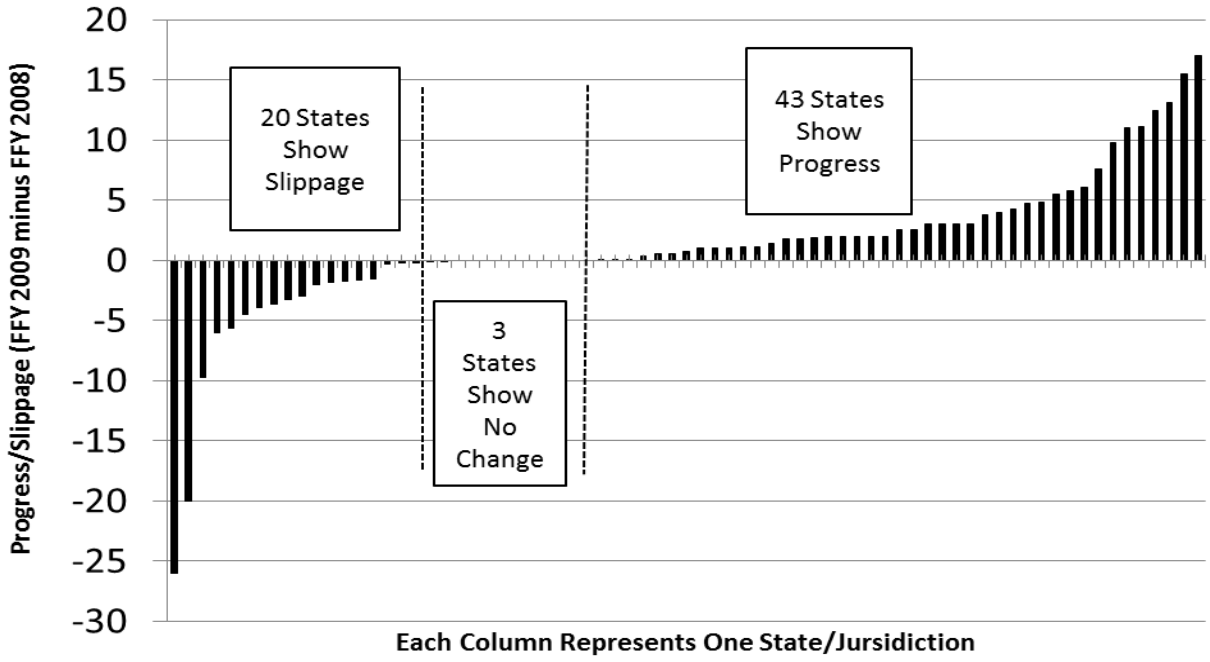
As noted in previous Indicator 8 summaries, there are two distributions of performance data at the lower and higher ends. This data corresponds to the criteria for positive response used by the state. Generally, states using the NCSEAM Standard have a lower distribution of scores while those using "percent of maximum" or other methods reported a higher range of percentages. The following chart represents average Indicator 8 performance data based on criteria for determining a positive response.

Figure 3. Performance by Criteria for Positive Response



The NCSEAM standard of 600 using the Rasch framework appears to be a more rigorous standard than other methods used for data analysis. States using the NCSEAM standard reported an average performance of 40.9% while the average performance of states using other analysis methods ranged from 72.0% to 85.3%.

Figure 4. Indicator 8 Progress/Slippage from FFY 2008 to FFY 2009



The chart above shows progress and slippage made by states from FFY 2008 to FFY 2009. Twenty states demonstrated slippage, six states experienced no change, and 30 states made progress. Data ranges from 7.6% slippage to 31.4% progress.
States primarily attributed slippage to modifications in survey methodology, such as a

new survey instrument, different sampling approach, or a change in distribution method.

PARENT CENTER INVOLVEMENT

Data Summary

Parent Center Listed in Improvement Activities	# of States	% of States
Yes	42	70.0%
No	15	25.0%
N/A	3	5.0%

Narrative Summary

Forty-two states mentioned their state's OSEP-funded Parent Training and Information Center (PTI) or Community Parent Resource Center (CPRC) as playing a role in their Indicator 8 improvement activities. Twenty-five percent (15 states) did not reference their state Parent Center in their report. Three territories do not have federally-funded Parent Centers in their states.

SUMMARY OF IMPROVEMENT ACTIVITIES

States reported a wide variety of improvement activities. Common activities included increasing public awareness of the survey to improve the response rate, training and technical assistance for parents and professionals, posting documents and training modules on websites for families to access, including parents on focused monitoring teams, and supporting parent mentor programs.

Although many states still list activities related to survey administration as part of their improvement activities, overall there is a much greater focus on substantive parent involvement activities than in the first few years that reporting on Indicator 8 was required. A few states changed their sampling plan or survey tool in FFY 2009, but in general parent involvement survey methodologies remained consistent with FFY 2008. States do continue to strive to increase their response rate. Some techniques utilized include having a longer response time, providing copies of the survey at annual IEP meetings, and providing a hotline if parents have questions or need an oral translation of the survey questions.

Parent and professional training is a part of many states' improvement activities. Common content for trainings included literacy, behavior, response to intervention, and general parent involvement strategies. In some cases states contracted with the state PTI or CPRC to conduct the trainings. Making resources available on state department of education websites was another common method used to increase parents' and professionals' knowledge of special education topics. For example, Massachusetts partnered with its PTI to develop online modules in English and Spanish. Connecticut contracted with the PTI to train parents to participate on focused monitoring teams.

Some states, including Kentucky, Indiana, Rhode Island, and Tennessee, conduct in-depth analysis of the Indicator 8 survey results to determine what type of technical assistance is most needed by school districts and parents. Training content is then determined based on lower scoring areas of parent surveys. In some cases, school districts are required to develop improvement plans demonstrating what they will do to increase parent involvement in areas shown by the survey results to need the most improvement.

Very few states described specific activities designed to increase parent involvement of families from underserved communities. Most often the only mention of diversity was translation of the survey or ensuring the representativeness of the survey sample (including oversampling) with respect to race/ethnicity. Maryland, for example, is working with its Special Education State Advisory Committee (SESAC) to identify ways to improve the response rate of African American families. North Carolina also worked with its PTI on completion of surveys by underrepresented populations. Few states reported specific efforts targeted at closing the "parent involvement" gap.

Only a few states mentioned how parent involvement was connected to other Part B Indicators. Some states referenced improvement activities that were listed in other indicators that involved parents or mentioned their belief that improved parent involvement would have a positive effect on the state's performance in other areas. Nebraska reported that Indicator 8 improvement activities and data analysis supported the state's performance on dropout and suspension and expulsion indicators. Other states described crosswalks that had been developed to indicate where major connections occur, and in New Mexico the PTI was responsible for developing the crosswalk. Although there are still a relatively small number of states describing connections among indicators, there does seem to be a small increase each year.

RECOMMENDATIONS

Survey Distribution

As indicated in this analysis, states utilizing varied survey distribution methods reported significantly higher response rates than states using a single method. To achieve maximum response rates, it is recommended that states incorporate an array of data collection methods. Some of the methods that states found to be effective included offering paper and web-based surveys and providing an opportunity for parents to complete the survey during their annual IEP meeting.

Additionally, it is suggested that states reach out to their local PTIs and CPRCs to assist with survey distribution, particularly as it relates to reaching underrepresented populations.

Survey Analysis

As described in this report, the difference in measures for positive response criteria makes it challenging to compare performance data across states. Some states are using methods of calculating positive parent responses which would not be considered valid or reliable for the purposes measuring Indicator 8. These methods, such as the averaging all parent responses or using the results from a single question, are not aligned with the research of NCSEAM or the ECO Center. It is recommended that SEAs, in collaboration with other stakeholders, review their criteria and ensure that the methods are providing valid and reliable results.

Collaboration with Parent Centers

The majority of states reported Parent Center involvement in their improvement activities. It is suggested that these partnerships continue, and also that they become more substantive through ongoing and innovative parent-professional collaboration that is targeted to address LEAs and/or populations with the greatest challenges. Further, effective parent-professional partnerships are key to improving outcomes across all Part B and C indicators, not just Indicator 8. Parent Centers can be valuable partners in developing and implementing improvement activities, providing training to parents and professionals, and conducting outreach to underserved families.

The National and Regional Parent Technical Assistance Centers (PTACs) are another important resource available to states. PTACs have developed extensive resources on effective parent engagement and are knowledgeable about parent-professional partnerships at the individual and systems levels. More information about the PTACs and the Parent Centers can be found at: www.parentcenternetwork.org.

INDICATORS B9, B10: DISPROPORTIONATE REPRESENTATION DUE TO INAPPROPRIATE IDENTIFICATION

Prepared by DAC and NCRTI

INTRODUCTION

The measurement for these SPP/APR indicators is as follows:

B9. Percent of districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification; and

B10. Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.

The Data Accountability Center (DAC) and the National Center on Response to Intervention (NCRTI) worked jointly to review the FFY 2009 APRs for the 50 states, the District of Columbia, and the Virgin Islands. The other territories and the BIE did not report data for B9 and B10, noting that these indicators did not apply to them. For this discussion, all are referred to as states, unless otherwise noted. This review of states' APRs focused on:

- Percentage of districts identified with disproportionate representation;
- Percentage of districts with disproportionate representation that was the result of inappropriate identification;
- Methods used to calculate disproportionate representation;
- Definitions of disproportionate representation;
- Minimum cell size requirements;
- Percentage of districts excluded from the analyses due to sample size requirements;
- Description of how states determined the disproportionate representation was the result of inappropriate identification;
- Description of progress and slippage made by states from FFY 2008 to FFY 2009; and,
- Promising improvement activities implemented by states to address disproportionate representation.

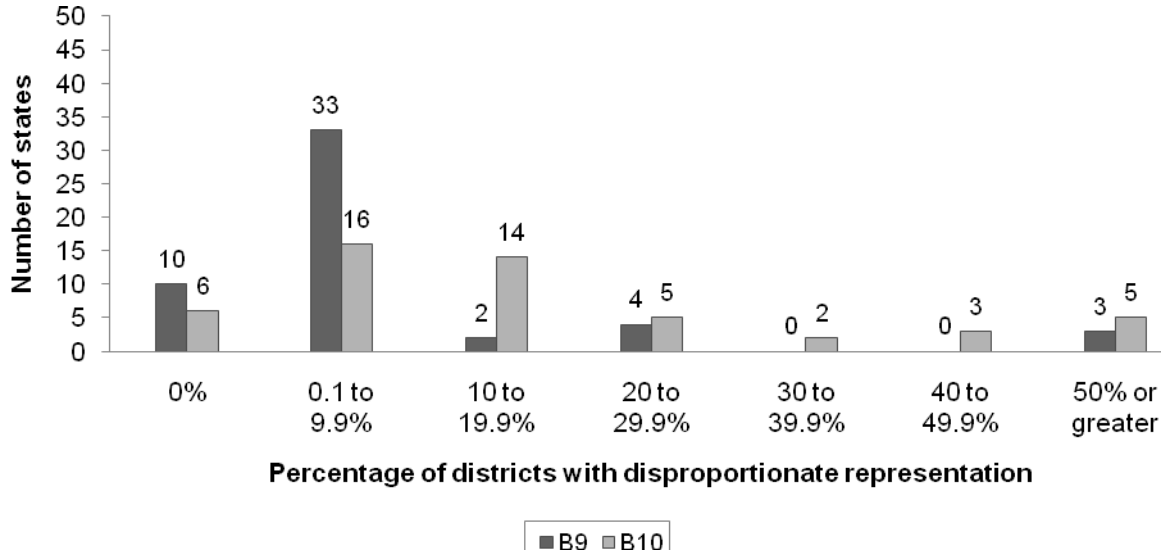
This section ends with a summary and recommendations.

PERCENTAGE OF DISTRICTS WITH DISPROPORTIONATE REPRESENTATION

In their APRs, states reported on the number of districts that were identified with disproportionate representation and subsequently targeted for a review of their policies, procedures, and practices. This information is summarized in Figure 1.

Figure 1

Number of states reporting various percentages of districts with disproportionate representation for B9 and B10: 2009-10



Note: The number of states for B10 does not sum to 52 because one state is not required to report on B10.

- As shown in Figure 1, 10 states (19%) for B9 and 6 states (12%) for B10 reported that they did not identify any districts as having disproportionate representation in 2009-10.
- More than half of the states for B9 (33 states or 63%) and 16 states or 31% for B10 reported that they identified some, but less than 10% of their districts.
- Only 7 states (13%) for B9 and 15 states (29%) for B10 identified 20% or more of their districts as having disproportionate representation.

PERCENTAGE OF DISTRICTS WITH DISPROPORTIONATE REPRESENTATION THAT WAS THE RESULT OF INAPPROPRIATE IDENTIFICATION

Consistent with the definitions and measurement requirements of these indicators, states reported on the percentage of districts that had disproportionate representation that was a result of inappropriate identification for both B9 and B10. This information is presented in Figures 2 and 3 for B9 and B10, respectively. For each indicator, data are presented for 2009-10, as well as for the four previous years.

Figure 2

Number of states reporting various percentages of districts with disproportionate representation that was the result of inappropriate identification for B9: 2009-10, 2008-09, 2007-08, 2006-07, and 2005-06

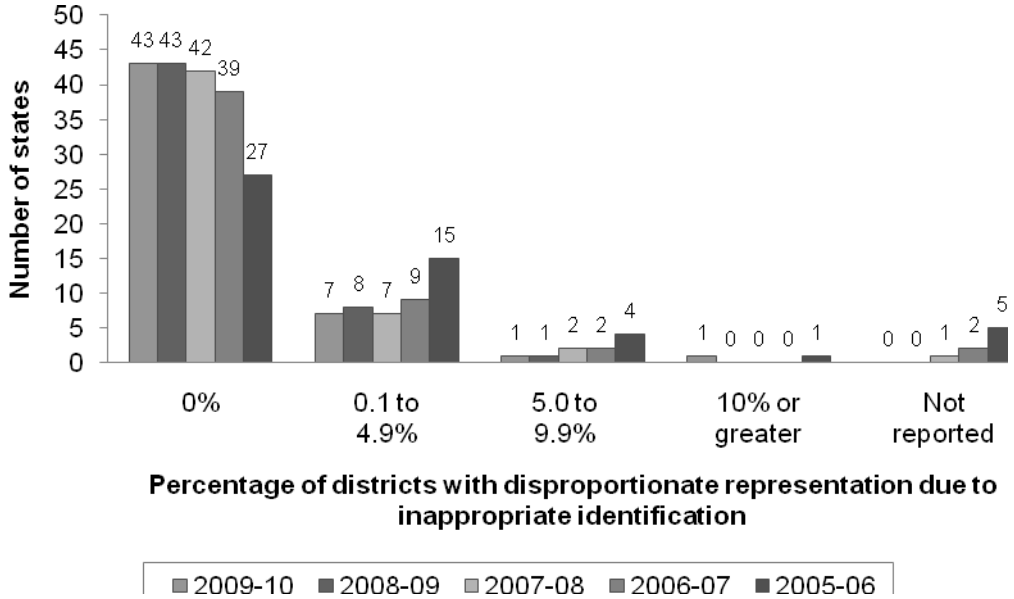
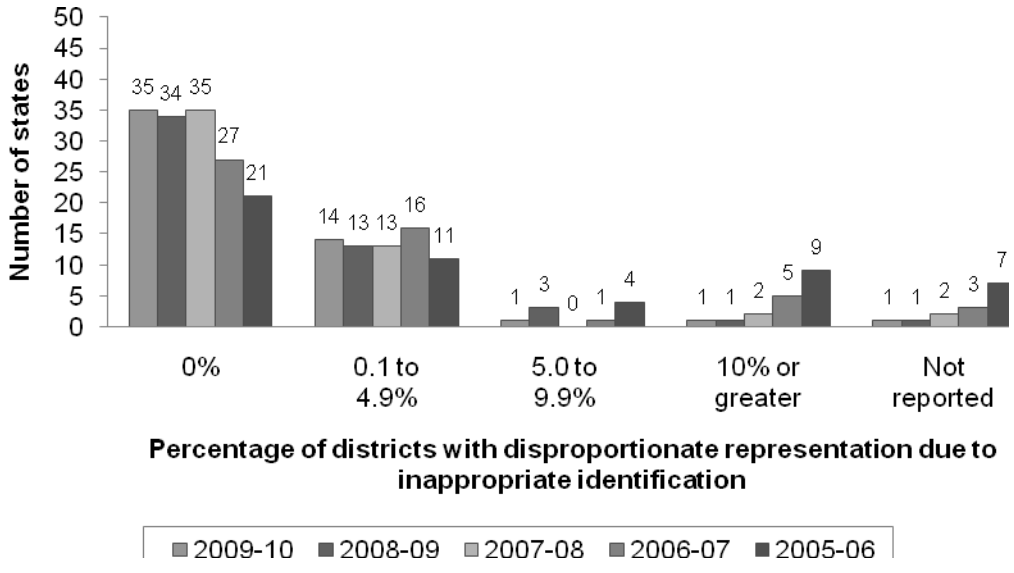


Figure 3

Number of states reporting various percentages of districts with disproportionate representation that was the result of inappropriate identification for B10: 2009-10, 2008-09, 2007-08, 2006-07, and 2005-06



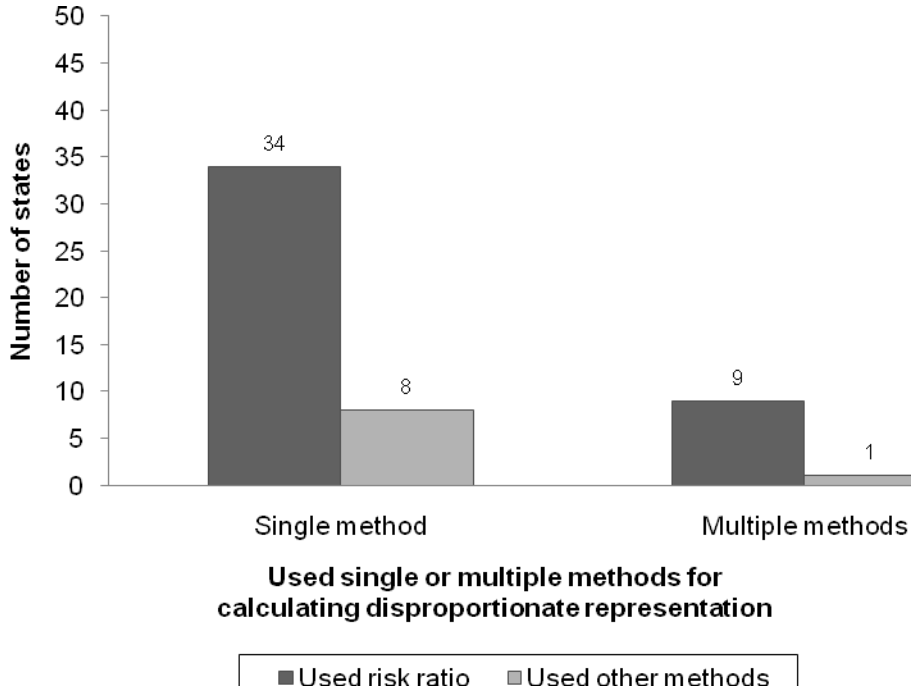
- As shown in Figures 2 and 3, a large majority of states reported in 2009-10 that they did not identify any districts as having disproportionate representation that was the result of inappropriate identification. This was true for both B9 (43 states or 83%) and for B10 (35 states or 67%).
- The number of states reporting that they did not identify any districts as having disproportionate representation that was the result of inappropriate identification increased from 2005-06 to 2007-08, and, for the most part, has remained stable from 2007-08 to 2009-10.
- The number of states not reporting on the percentages of districts with disproportionate representation due to inappropriate identification for B9 and B10 has decreased over the last five years. Most recently, all states reported on B9 and B10; however, one state does not calculate disproportionality for B10 because the state does not report child count data by disability category.

METHODS USED TO CALCULATE DISPROPORTIONATE REPRESENTATION

The APR instructions advised states that they should consider using multiple methods to calculate disproportionate representation to reduce the risk of overlooking potential problems. However, states were not required to use multiple methods or to use a specific methodology to calculate disproportionate representation.

Figure 4

Numbers of states that used the risk ratio or other methods to calculate disproportionate representation, by whether the state used single or multiple methods: 2009-10



States Using One Method

The majority of states (42 states or 81%) used one method to calculate disproportionate representation (see Figure 4).

- Of the states using one method, most (34 states or 83%) used one or more forms of the risk ratio (i.e., risk ratio, alternate risk ratio, weighted risk ratio), as their sole method for calculating disproportionate representation.
- The remaining states (8 states or 20%) used methods other than a risk ratio as their sole method for calculating disproportionate representation. These methods included some form of composition, risk, the E-formula, and expected counts of students.

States Using Multiple Methods

The remaining states (10 states or 19%) used more than one method to calculate disproportionate representation (see Figure 4).

- Of the states using multiple methods, all but one state (9 states or 90%) used the risk ratio in combination with one or more other methods, while the remaining state combined other types of methods.
- As with states using one method, the other methods that states used included some form of composition, risk, the E-formula, and expected counts of students.
- Four states (36%) used different methods either for B9 and B10, for underrepresentation and overrepresentation, or for both.

DEFINITIONS OF DISPROPORTIONATE REPRESENTATION

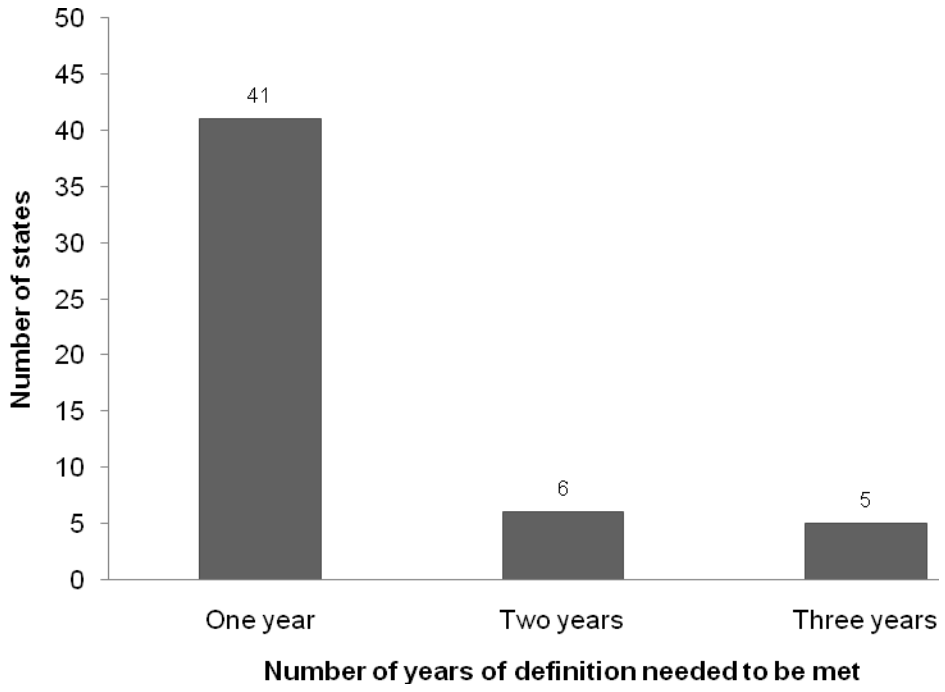
States were instructed to include their definition of disproportionate representation in their APRs. The definitions that states used varied and depended upon the method the state used to calculate disproportionate representation.

Multiple Years of Data

As shown in Figure 5, some states (11 states or 21%) required that a district meet the state's definition of disproportionate representation for multiple years—typically two (6 states) or three (5 states) consecutive years—before the district was identified as having disproportionate representation. In the remaining states (41 states or 79%), a district needed to meet the state's definition for only one year in order to be identified.

Figure 5

Number of states requiring districts to meet the state's definition for one or more years to be identified as having disproportionate representation: 2009-10



Risk Ratio

Most of the states using the risk ratio defined disproportionate representation with a risk ratio cut-point. That is, a district was considered to have disproportionate representation only if the risk ratio for one of its racial/ethnic groups was greater than a cut-point for overrepresentation or less than a cut-point for underrepresentation.

- The most commonly used cut-point for overrepresentation was 3.0 (used for at least one indicator by 17 states).
  - Other cut-points used by more than one state included 2.0 (9 states), 2.5 (6 states), 4.0 (5 states), and 3.5 (2 states).
  - Cut-points used by single states included 2.8, 2.3, and 2.25.

- The most commonly used cut-point for underrepresentation was 0.25 (used for at least one indicator by 17 states).
  - Other cut-points used by more than one state included 0.5 (5 states), 0.33 (6 states), 0.2 (4 states), 0.3 (4 states), and 0.4 (2 states).
  - Cut-points of 0.37, 0.12, and 0.03 were each used by one state.

Some alternatives to cut-points for risk ratios included confidence intervals and chi-square tests; these alternatives were used by three states.

Other Methods

The small number of states that calculated disproportionate representation using other methods defined disproportionate representation in different ways. These included:

- For composition, percentage point differences, relative differences, standard deviation;
- For risk, comparisons to state or national risks;
- For the E-formula, determining upper and lower bounds; and,
- For expected numbers, differences between expected numbers of students and actual numbers of students.

All of the states that reported using multiple methods to calculate disproportionate representation for B9 or B10 required that the district meet the state's definition for disproportionate representation for all of the methods before the district was identified as having disproportionate representation.

MINIMUM CELL SIZE REQUIREMENTS

Overall, 49 states (94%) specified minimum cell size requirements used in their calculations of disproportionate representation. States used a variety of minimum cell size requirements, ranging from 5 to 100 students. States also defined "cell" in many different ways.

Definitions of "Cell"

- A number of states used minimum cell size requirements that involved *students with disabilities,* often from the racial/ethnic group of interest. For example, a state might require that there be 40 African American students with disabilities in the district in order for disproportionate representation to be calculated. In addition, some states used minimum cell size requirements for B10 referring to *students in particular disability categories*. For example, a state might require that there be at least 20 students with autism in the district.
- Other states used minimum cell size requirements that involved the number of *students enrolled in the district.* For example, a state might require that there be at least 30 students enrolled in the district. In other cases, the requirement also referred to the racial/ethnic group of interest (e.g., there must be at least 10 Hispanic students enrolled in the district).
- Several states used minimum cell size requirements that involved the number of *students in the comparison group*. For example, if analyzing African American students, a state might require that there be at least 20 students enrolled in the district from all other racial/ethnic groups combined.
- In several instances, the minimum cell size requirements that states were using were unclear. For example, some states simply stated that they used a minimum cell size requirement of a certain number (e.g., 10 students), but it was not clear

what this number meant (i.e., students enrolled in the district? students with disabilities? students from the racial/ethnic group of interest?).

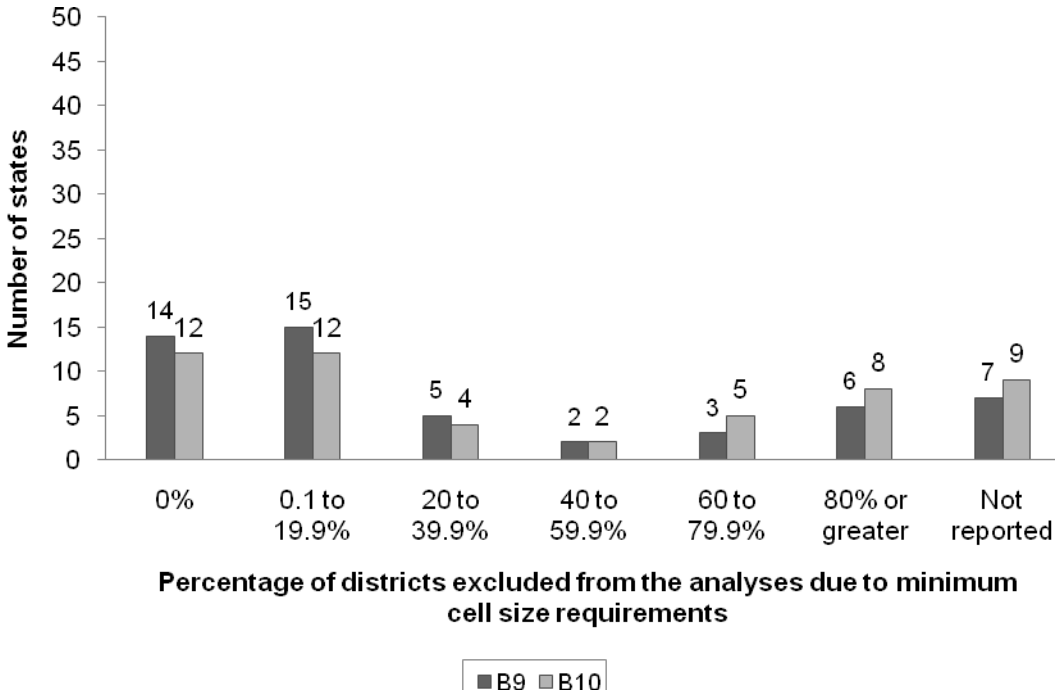
- Seventeen states (33%) had multiple minimum cell size requirements. For example, one state had requirements related to total district enrollment, racial/ethnic group district enrollment, and district special education counts. Other states had different requirements for overrepresentation and underrepresentation and/or for B9 and B10.

Districts Excluded From Analyses

In determining disproportionate representation, states are required to analyze data for each district, for all racial and ethnic groups in the district, or all racial and ethnic groups in the district that meet the minimum 'n' size set by the state. Forty-five states (87%) for B9 and 43 states for B10 (83%) reported on the number of districts excluded from the analyses due to minimum cell size requirements.
This information is presented in Figure 6.

Figure 6

Number of states reporting various percentages of districts excluded from the analyses due to minimum cell size requirements: 2009-10



- Over 20% of states (11 states or 21%) for B9 and nearly 30% of states (15 states or 29%) for B10 reported that they excluded at least 40% of the districts in the state from the analyses.
- Fifteen states (29%) for B9 and 12 states (23%) for B10 reported that they excluded some, but less than 20% of the districts.

- Fourteen states (27%) for B9 and 12 states (23%) for B10 did not exclude any districts from the analyses.

DESCRIPTION OF HOW STATES DETERMINED THE DISPROPORTIONATE REPRESENTATION WAS THE RESULT OF INAPPROPRIATE IDENTIFICATION

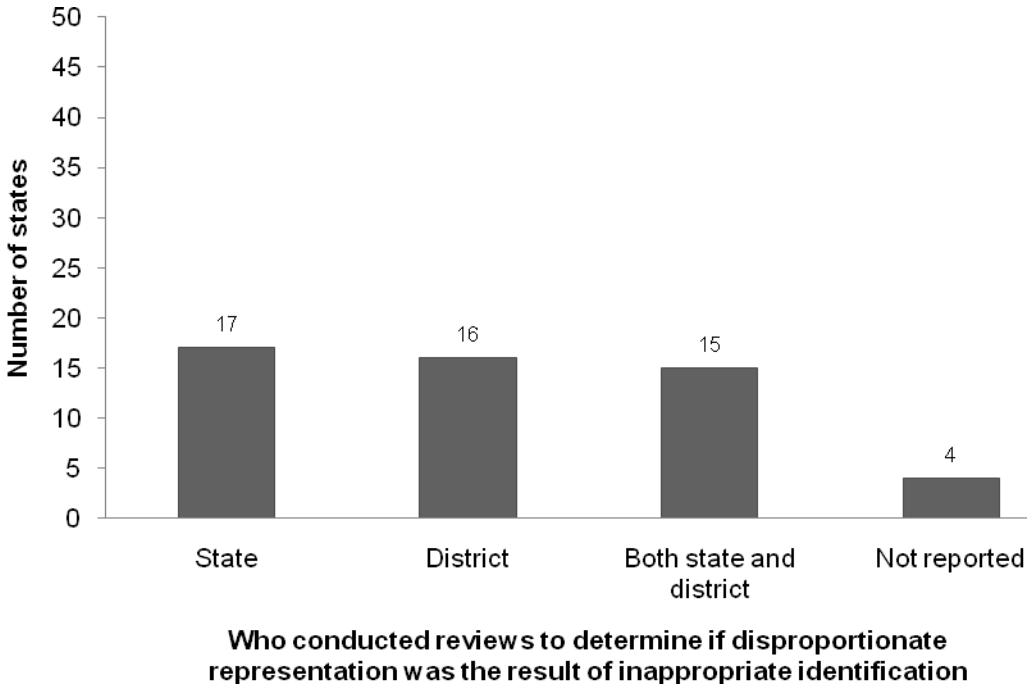
For B9 and B10, states were required to describe how they determined that disproportionate representation of racial/ethnic groups in special education was the result of inappropriate identification. All but four states (8%) included this information.

Who Conducted the Reviews

Figure 7 presents information about who conducted the reviews to determine whether districts had disproportionate representation that was the result of inappropriate identification.

Figure 7

Number of states in which the state, the district, or both conducted the review to determine if disproportionate representation was the result of inappropriate identification: 2009-10



- In 17 states (33%), state-level staff conducted the reviews to determine if the disproportionate representation was a result of inappropriate identification.
- In 16 states (31%), district-level staff conducted the reviews via self-assessments. Eight of these states reported that they provided a tool to help the districts conduct the reviews, and 11 of these states reported that they required

the district to submit the self-assessment to the state for verification. It should be noted that when districts conducted the reviews, the state still made the final determination as to whether the disproportionate representation was a result of inappropriate identification.

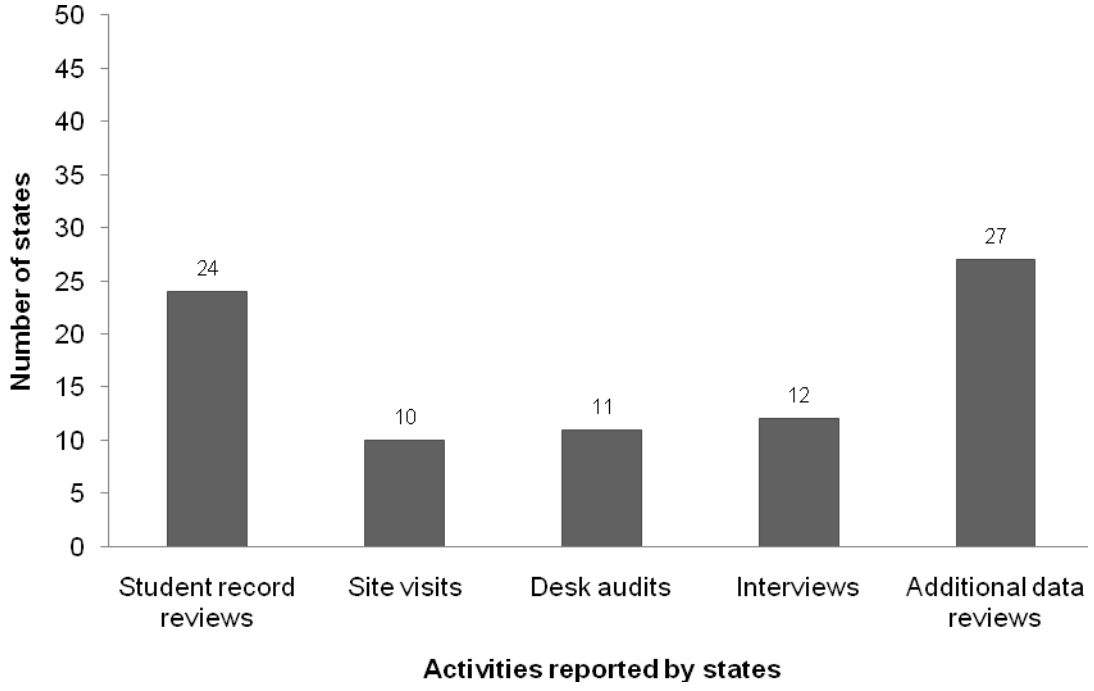
- In 15 states (29%), some aspects of the review were conducted by the state-level staff while others were conducted by the district-level staff.

Specific Activities Used to Conduct Reviews

Figure 8 presents the specific activities reported by states to determine whether there was inappropriate identification. In many cases, the reviews included a combination of two or more of these activities.

Figure 8

Number of states reporting various activities used to determine whether disproportionate representation was the result of inappropriate identification: 2009-10



- Activities frequently reported by states included additional review or analysis of new or existing data (e.g., risk ratio trend data, LRE data, dispute resolution data, monitoring data) (27 states or 52%) and student record reviews (24 states or 46%).
- Other activities that states reported included interviews with district staff (12 states or 23%), desk audits (11 states or 21%) and onsite visits (10 states or 19%).

- Some states (7 states or 13%) described using a different set of activities for B9 versus B10 and/or overrepresentation versus underrepresentation. In addition, a small number of states (4 states or 8%) used different combinations of activities and/or more activities based on the degree of disproportionate representation or the number of consecutive years that the district had been identified.

DESCRIPTION OF PROGRESS AND SLIPPAGE MADE BY STATES FROM 2008-9 TO 2009-10

As indicated in Figures 9 and 10, 48 (92%) and 42 (81%) states reported no change in the number of districts identified as having disproportionate representation due to inappropriate identification for indicators B9 and B10, respectively. Specifically, there were seven states (14%) reporting progress and five states (10%) reporting slippage for indicator B9. For indicator B10, 6 states (12%) reported progress and 12 states (23%) reported slippage.

The improvement activities of states that reported slippage or progress are the substance of this section. Note that, with the exception of one state, whenever improvement activities are discussed, they are exactly the same activities for Indicators B9 and B10. Therefore, the discussion speaks to the indicators in tandem, except where notable improvement activities address only a specific indicator (not all states report improvement activities for both Indicators B9 and B10; some report improvement activities for one indicator in which slippage or progress occurred and not the other).

Figure 9

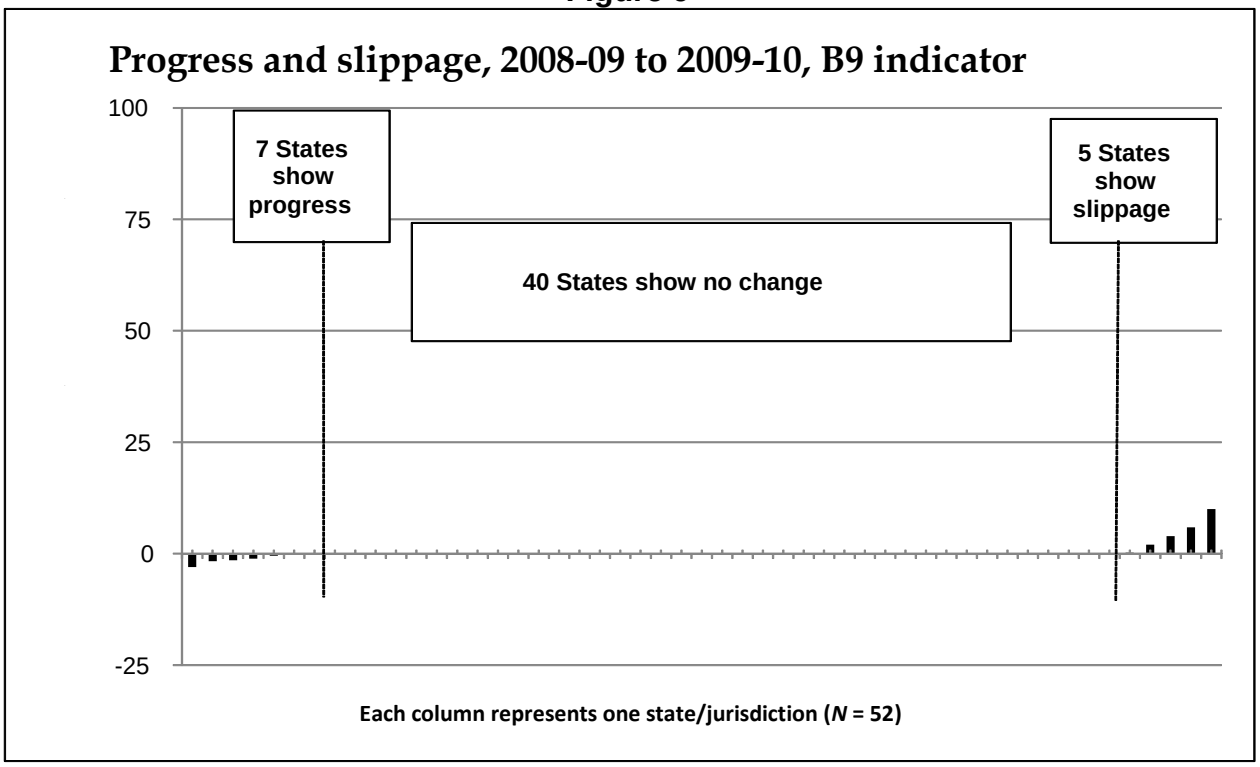
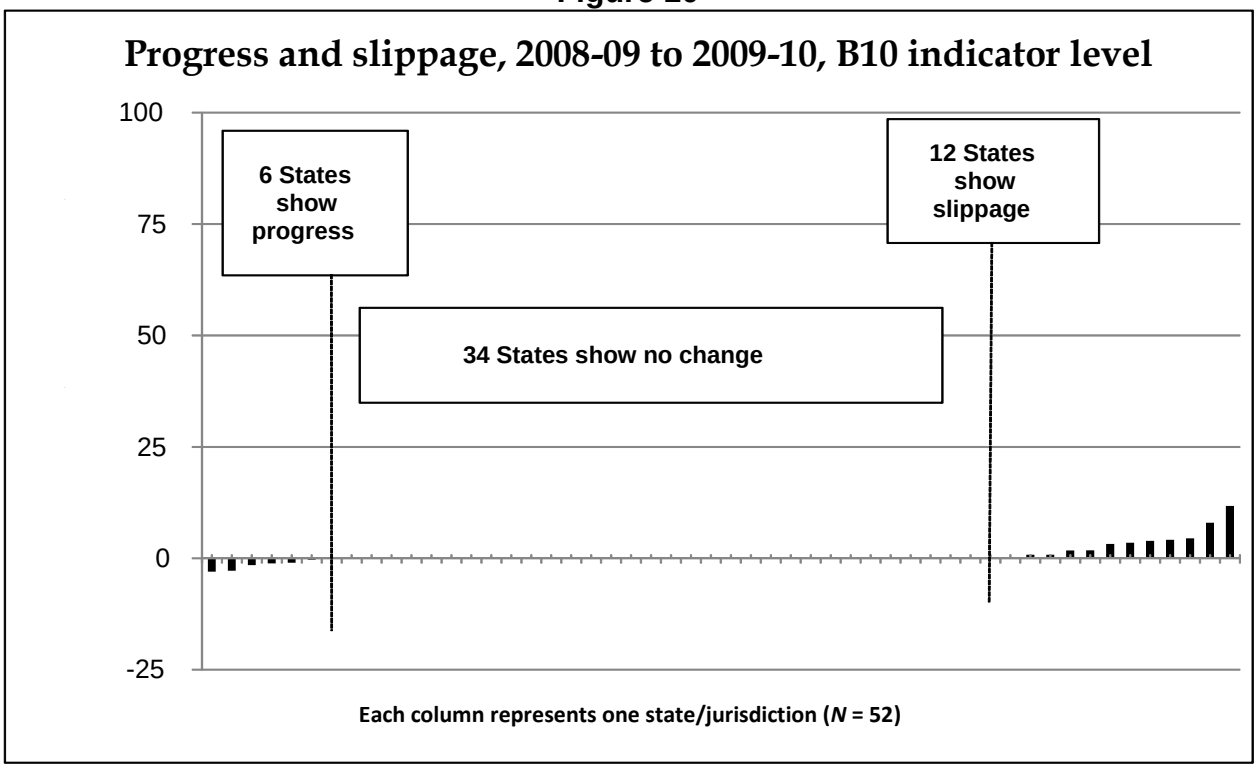


Figure 10



PROMISING IMPROVEMENT ACTIVITIES IMPLEMENTED BY STATES

Table 1 depicts the improvement activities reported by states that experienced slippage or progress in 2009-10.

Table 1

FFY 2009-10 Improvement Activities for Indicators B9 and B10		
Improvement Activity Category	**Indicator B9**	**Indicator B10**
General TA (e.g., statewide and regional conferences; co-funding TA position)	10	14
Increased collaboration (includes Resource Centers, SEA divisions, advisory groups, stakeholders, RELs)	10	14
Self-review, monitoring, and improvement planning	11	10
Review and revise policies, practices, and procedures (including eligibility and identification tools, new protocols)	5	11
General PD (i.e., data collection, systems improvements, consultant training, monitoring, procedures)	6	9
Review and improve data collection	4	6
Targeted TA (e.g., culturally and linguistically diverse (CLD) instruction strategies, English language learners (ELL), expanding bilingual special education TA providers and support, provide forums on disproportionality for districts at 'serious risk')	4	4
RTI (includes expansion of models and tools, implementation, TA center, ongoing support)	4	3
Targeted PD (i.e., cultural competency and responsiveness, bilingual support, PBI, three-tiered model of intervention, ELL, disproportionality, differentiated instruction)	2	4
Develop web pages to disseminate disproportionality information	2	4
Research-based efforts (i.e., study of promising practices, provision of grants to explore research-based activities that address disproportionality, literature review to identify determinants and appropriate interventions)	2	4
Implementation of new initiatives (includes closing the achievement gap, staff development, network liaisons to African American families, literacy for learning)	2	3
Outreach (i.e., parent training and community outreach)	2	3
Capacity building (i.e., identify retired special education directors as capacity builders, develop peer reviewers to provide training)	0	2
Revise calculations (i.e., annual review of calculations used to determine disproportionality, gradual reduction of weighted risk ratio)	0	2

As indicated in Table 1 for 2009-10, the top five improvement activities used by states (by order of frequency) include:

- General technical assistance (TA);
- Collaboration with others (e.g., Resource Centers, RELs, and stakeholders);
- Self-review, monitoring, and improvement planning;

- Review and revision of policies, practices, and procedures (which includes review and revision of eligibility tools, identification tools, and implementation of new protocols); and,
- General professional development.

Reviewing and improving data collection, targeted TA (e.g., culturally and linguistically diverse (CLD) instruction strategies, ELL support), and RTI-related activities (including the expansion of models and tools, implementation, and ongoing support) were also reported by a number of states for both indicators B9 and B10, although with less frequency than the five categories listed above.

In contrast, the top five improvement activities employed by states in 2008-09 (by order of frequency) included:

- Targeted TA (e.g., CLD instruction strategies, ELL support);
- General TA;
- RTI-related activities (including the expansion of models and tools, implementation, and ongoing support);
- Self-review, monitoring, and improvement planning; and,
- Review and revision of policies, practices, and procedures (which includes the review and revision of eligibility tools and identification tools, and the implementation of new protocols).

The most notable difference between improvement activities during 2009-10 and the previous year is that RTI-related activities are no longer in the top five categories for the current year. In 2009-10, three states (6%) reported using RTI-related activities for Indicator B9 and four (8%) for Indicator B10. In comparison, five (10%) states reported using RTI-related activities for Indicator B9 in 2008-09, and six (12%) states reported use of such activities for Indicator B10. There also was a change in the reporting of targeted TA (TA) across both indicators; in 2008-09, 8 states (15%) reported use of targeted TA for Indicator B9, and 12 (23%) for Indicator B10. In 2009-10, four states (9%) reported using targeted TA for each indicator.

Similar to 2008-09, two states (4%) reported improvement activities related to revising their calculation for determining disproportionality in response to progress or slippage (both improvement activities were for indicator B10). Notably, as Table 1 indicates, some improvement activities are often not used; for example, only two states reported use of capacity building for Indicator B10.

Two states (4%) for Indicator B9 and four (8%) for Indicator B10 reported use of improvement activities that were based on research to address disproportionality, which for Indicator B10 was one less state than reported this activity in 2008-09. Finally, two states (4%) for Indicator B9 and three states (6%) for Indicator B10 reported implementation of new initiatives in 2009-10, compared to two (4%) states for each indicator, respectively, in 2008-09.

SUMMARY AND RECOMMENDATIONS

As in past years, the major trend emerging from review of the 2009-10 data is that 48 and 42 states for indicators B9 and B10, respectively, reported that they identified zero percent of their districts as having disproportionate representation as a result of inappropriate identification, with relatively few showing slippage or progress. In 2009-10, 12 states reported progress or slippage for Indicator B9, and 18 states reported progress or slippage for Indicator B10. In comparison, for 2008-08, 10 states reported progress or slippage for Indicator B9, and 19 states reported progress or slippage for Indicator B10. These numbers indicate a change in the number of states reporting progress or slippage for Indicators B9 and B10 from 2008-09 to 2009-10.

Between 2005-06 and 2009-10, the number of states reporting that they identified 0% of their districts increased from 27 to 43 states for B9 (83% of states) and from 21 to 35 states for B10 (67% of states). Furthermore, most of the states that reported no change from 2007-08 to 2008-09 with regard to slippage or progress reported that they identified 0% of their districts with disproportionate representation due to inappropriate identification for both years (37 of 41 states for B9, and 28 of 31 states for B10).

Some form of the risk ratio was used by 43 states, sometimes as part of a combination of two or more methods for calculating disproportionate representation; states using the risk ratio used a variety of cut-points to determine over- and underrepresentation. When determining disproportionate representation, 11 states required that a district meet the state's definition for two or three years before the district was identified.

States used a wide range of minimum cell size requirements that districts needed to meet in order to be included in analyses for determining disproportionate representation; also, there was much variety with regard to how states defined a "cell" for these requirements. Forty-five states for B9 and 43 states for B10 reported on the number of districts excluded from the analyses due to minimum cell size requirements. Eleven states for B9 (21% of states) and 15 states for B10 (29% of states) reported that they excluded at least 40% of the districts in the state from the analyses.

Based on the forgoing descriptive analysis, we recommend the following steps for improving state efforts across indicators B9 and B10:

1) Use guidance for establishing sound definitions of disproportionate representation, including the choice of minimum cell sizes (see www.IDEAdata.org, *Methods for Assessing Racial/Ethnic Disproportionality in Special Education: A Technical Assistance Guide*).
2) Provide guidance from the field on best practices for combining state-level monitoring and district-level review strategies to determine inappropriate identification.
3) For states reporting slippage (i.e., increased disproportionate representation), increase the use of relevant TA and professional development supports, including training on CLD instructional strategies; effective instruction for ELLs; and the use of

differentiated instruction (see www.nccrest.org and www.rti4success.org for resources). In addition, reporting requirements should include a discussion of any outcomes or impact on disproportionate representation due to inappropriate identification stemming from state improvement activities.

INDICATOR B11: TIMELY INITIAL EVALUATIONS

Prepared by DAC

INTRODUCTION

FFY 2009 (2009-10) was the fifth year of required data reporting for Indicator 11. DAC did not use the SPP baseline year FFY 2005 in this analysis; instead, the four subsequent years were used for this report. The 50 states, District of Columbia, and the nine territories reported. For this report, they will be called the 60 states.

This indicator requires the state to collect and report data from the state's monitoring activities or data system. Additionally, the state is required to indicate the established timeline for initial evaluations.

> Percent of children who were evaluated within 60 days of receiving parental consent for initial evaluation or, if the State establishes a timeframe within which the evaluation must be conducted, within that timeframe. [20 U.S.C. 1416(a)(3)(B)]

Part B requirements that are the basis for compliance Indicator 11:

(c) The initial evaluation--(1)(i) Must be conducted within 60 days of receiving parental consent for the evaluation; or (ii) If the State establishes a timeframe within which the evaluation must be conducted, within that timeframe;

(d) The timeframe described in paragraph (c)(1) of this section does not apply to a public agency if--(1) The parent of a child repeatedly fails or refuses to produce the child for the evaluation; or (2) A child enrolls in a school of another public agency after the relevant timeframe in paragraph (c)(1) of this section has begun, and prior to a determination by the child's previous public agency as to whether the child is a child with a disability under §300.8.

(e) The exception in paragraph (d)(2) of this section applies only if the subsequent public agency is making sufficient progress to ensure a prompt completion of the evaluation, and the parent and subsequent public agency agree to a specific time when the evaluation will be completed. [20 U.S.C. 1414(a)(1)(C), 34 CFR §300.301(c), (d), and (e)]

Requirements for initial evaluations. [20 U.S.C. 1414(a)(1)(A)-(C); 34 CFR §300.301(a)-(c)] Child find requirements. [20 U.S.C 1412 (a)(3); 34 CFR §300.111] Specifically, the Part B Measurement Indicator table states:

Data Source

Data are to be taken from state monitoring or state data systems and must be based on actual, not an average, number of days. Indicate if the state has established a timeline and, if so, what is the state's timeline for initial evaluations.

Measurement

a. Number of children for whom parental consent to evaluate was received.
b. Number of children whose evaluations were completed within 60 days (or state-established timeline).

Account for children included in a but not included in b. Indicate the range of days beyond the timeline when the evaluation was completed and any reasons for the delays.

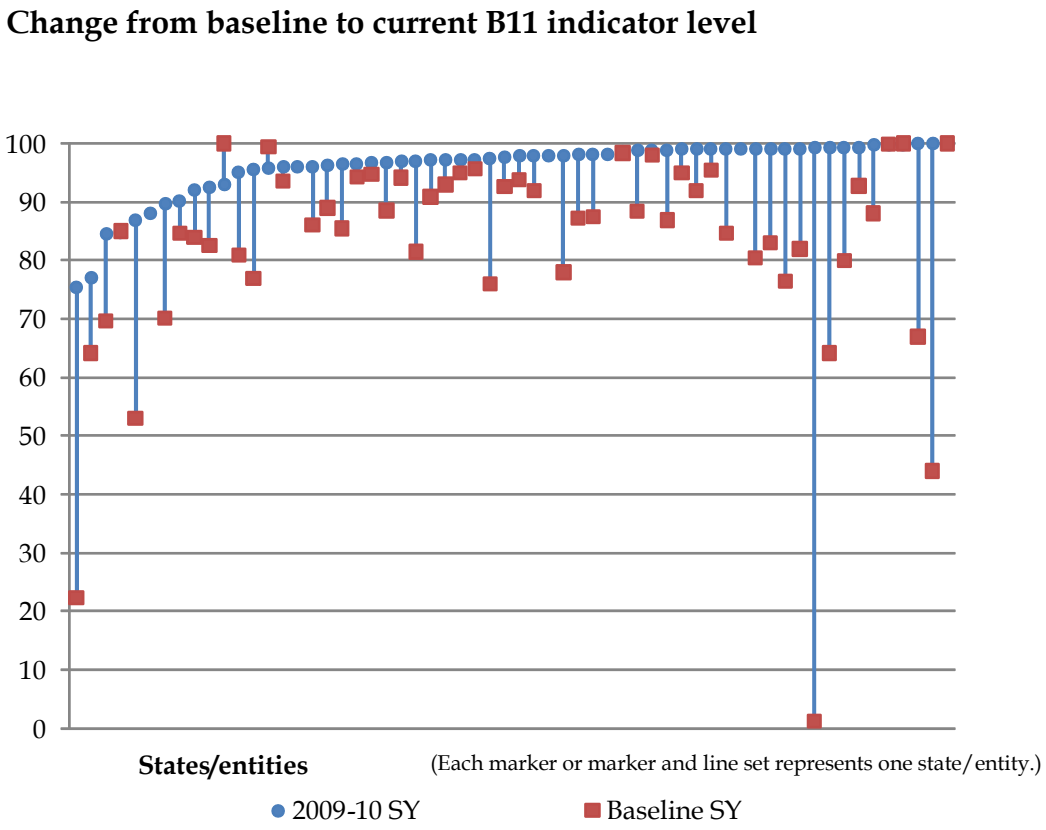
Percent = [(b) divided by (a)] times 100.

The remainder of this analysis focuses on six other elements: (1) states' descriptions of progress and/or slippage, (2) discussion of states' established timelines, (3) method of data collection, (4) range of days beyond the timeline and reasons for delays, (5) timely evaluations, and (6) states' improvement activities. The last section of the report contains observations and conclusions.

PROGRESS OR SLIPPAGE

In FFY 2009, the upward trend seen in previous years did not continue, and the total number of states reporting progress dropped slightly to 47 (78%).The number and percentage of states showing progress had steadily risen from 34 (57%) in FFY 2006 to 46 (77%) in FFY 2007 and to 48 (80%) in FFY 2008. Figure 1 shows the changes that states have made between the baseline (or first year of reporting) and FFY 2009. The one state that went from 0.0% to 100% has only two districts.

Figure 1



In FFY 2009, four states (7%) reported no change, and one state (2%) did not provide the information. However, states reporting slippage continued to drop. In FFY 2009, eight (13%) states reported slippage as compared to 10 (17%) states in FFY 2008, and 11 (18%) states in FY 2007. Figure 2 shows the one-year changes across states.

Among the 47 states reporting progress in FFY 2009, most reported the reasons for their progress. The main reasons cited for progress focused on various aspects of technical assistance provided to the LEAs. Specifically, states attributed progress to (1) providing technical assistance, (2) increasing dedicated resources, and (3) improving their monitoring systems.

Reasons for slippage varied among the eight states that reported it. The reasons provided included changes in data collection methods/ data collection system, a Tsunami, scheduling issues, and changes that were specific to a few LEAs within their state.

Figure 2

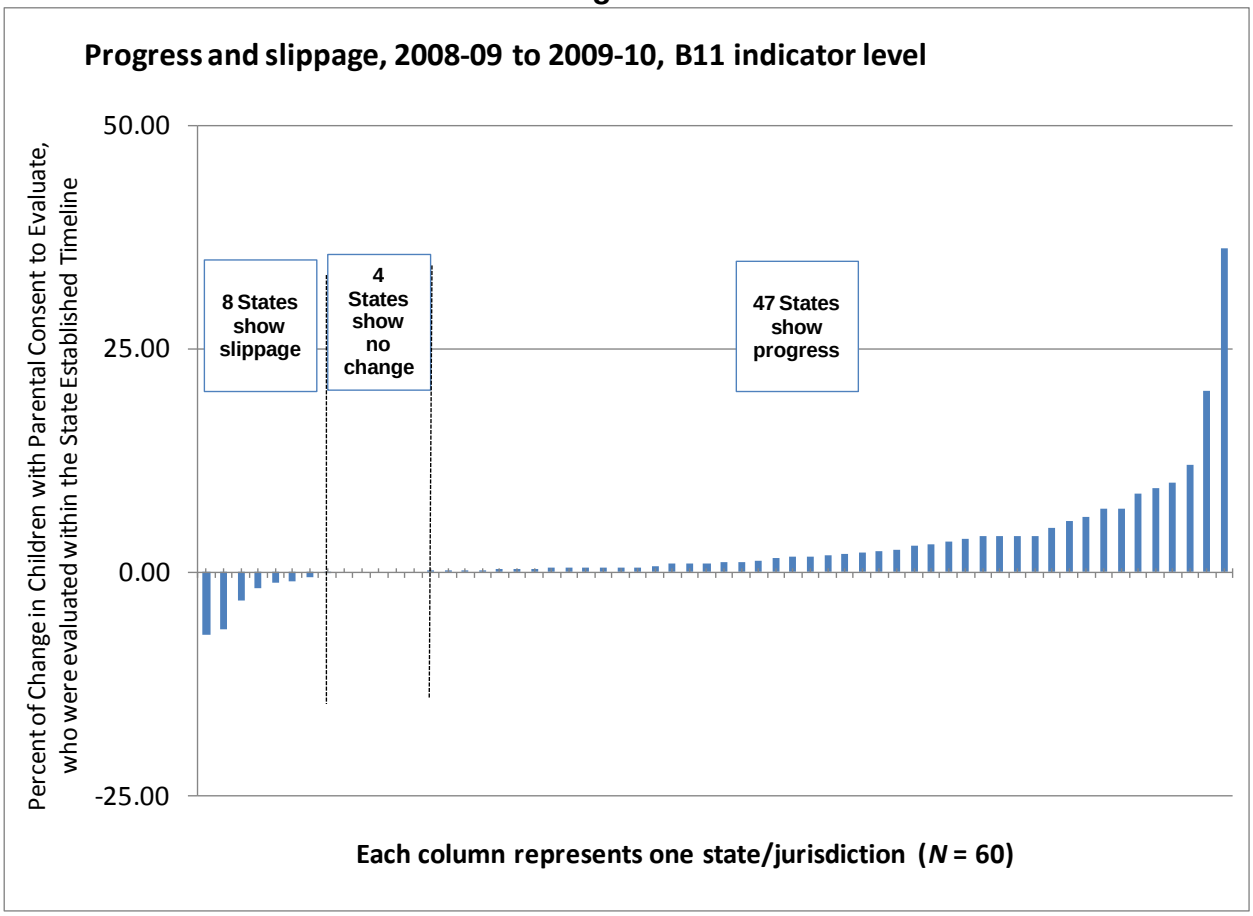
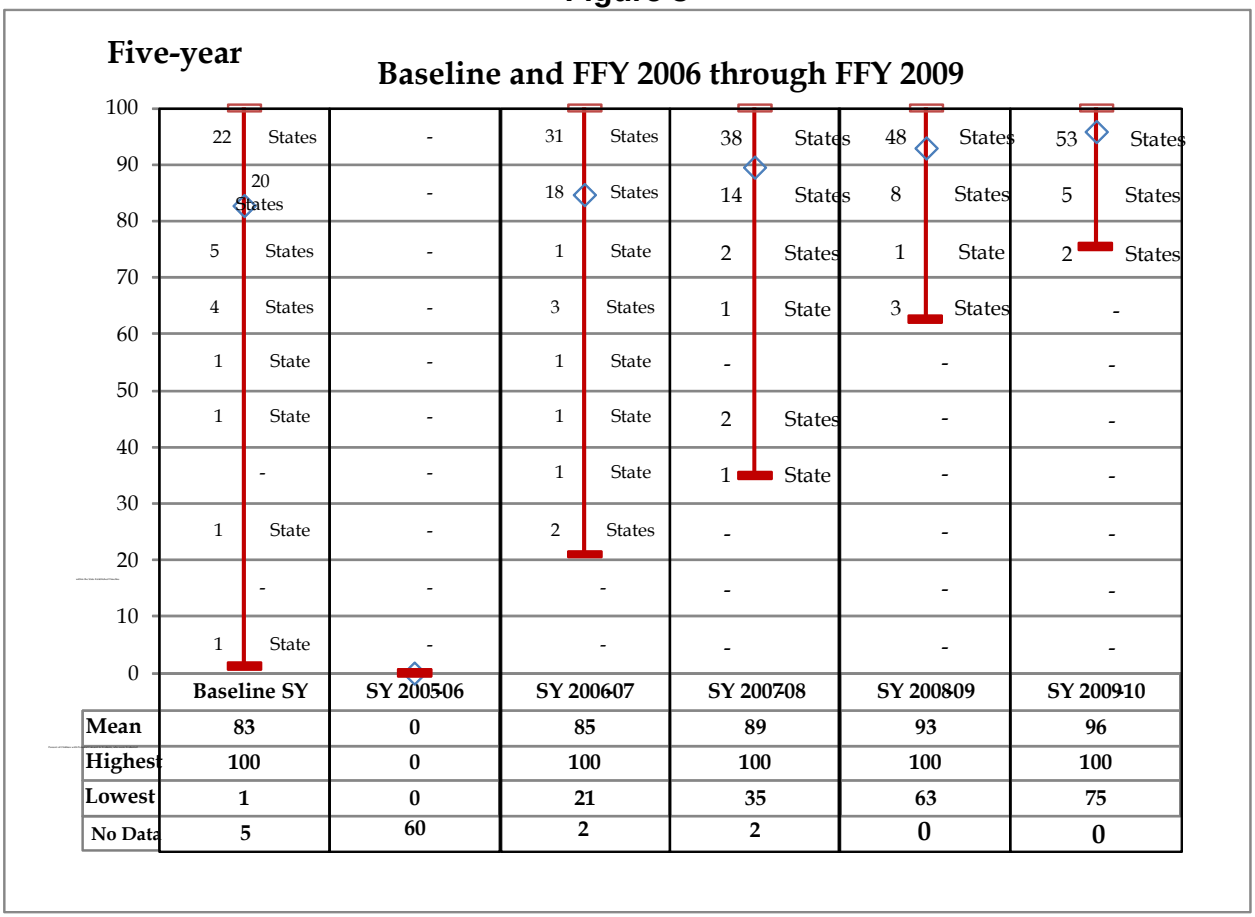


Figure 3 shows the five-year trend in the data for this indicator. It can be noted that the range in performance has narrowed, and the gap between the highest compliance level of 100% and the noncompliant levels has narrowed. The mean has risen from 83% during the baseline year to 96% in FFY 2009, indicating that most states are now nearing compliance.

Figure 3



States are continuing to move toward the 100% target for this indicator. In FFY 2006, 31 (51%) states reported that they had reached at least 90% compliance; in FFY 2007, the number of states rose to 38 (63%); in FFY 2008 it rose again to 48 (80%); and in FFY 2009 it again rose to 53 states (88%).

ESTABLISHED TIMELINE

The indicator stipulates a timeline of "60 days (or state-established timeline)." States' timelines for evaluation ranged from 25 school days to 120 days. There was great variation in the use of the term "days." Across the states, terms used included "school days," "working days," "business days," as well as "calendar days."

- The majority of states (37 states or 62%) used a 60-day timeline. Among this group:
  - 22 states used 60 days but did not define "days";
  - 10 states used 60 calendar days (one state in this group indicated that it could be extended 30 days);
  - 4 states used 60 school days;

- The next most frequently used timeline was 45 days and was used by 9 states. Among this group:
    - 7 states used 45 school days;
    - 2 states used 45 calendar days;
    - 1 state used 45 days but did not define “days;”
- The 14 remaining states used a wide variety of definitions.

DATA COLLECTION METHODS

The majority of states are using some type of web-based/computer-based student management system. One of these states reported using an on-line census. Although not much descriptive information was provided, states did identify checks or flags that were built into the system to identify timelines, missing signatures, and other important data elements.

A few states did not provide any information regarding their data collection method, and the remaining states used a variety of methods to collect data. This included the use of spreadsheets and their onsite work during the continuous monitoring process. It was not possible to determine from the information provided whether these two methods involved entering data into a web or computer-based system. The remaining states described using tracking logs, templates, or manually collecting the data.

RANGE OF DAYS BEYOND THE TIMELINE AND REASONS FOR THE DELAYS

States are required to report the range of days they exceeded the timeline. Five states reported that they stayed in the timelines and achieved 100% compliance. This is an increase of two states from FFY 2008. Only one state did not report a range. The remaining state reported ranges with the minimum and maximum number of days that the timelines were exceeded.

The minimum ranges were:

- 1 day: 39 states;
- 2 days: 6 states;
- 4 days: 3 states; and
- 5-61 days: 7 states.

The maximum ranges were:

- Less than 50 days: 6 states;
- 51-99 days: 7 states;
- 100-200 days: 15 states;
- 201- 485 days: 6 states; and
- Not reported: 20 states. These states reported an upper range from more than 21 days to more than 150 days, but did not provide an upper limit.

Twenty states did not report an upper boundary. The minimum and maximum ranges are almost identical to those reported in FFY 2008.

The largest change in the upper boundary was in the number of states reporting more than 200 days. In FFY 2008, 14 states were above 200 days, and in FFY 2009, the number of states dropped to six. Also in FFY 2008, the upper boundary was 679 days, and in FFY 2009 it dropped to 485 days.

Most states, including states that did not report a range of days, provided reasons for delays in meeting the timelines. The reasons for the delays varied, but can be broadly grouped as follows:

- *School- or District-Level Issues:* These include staff shortages or turnovers, scheduling conflicts, timeline errors that did not incorporate weekends or school breaks, inadequate tracking and scheduling systems, improper documentation, and staff errors.
- *Student and/or Family Delays*: These include student illness, student absence for reasons other than illness, student incarceration, parent cancellations or no shows, unsigned evaluations or forms, custody issues, and district or state transfer issues;
- *Medical Issues*: States mentioned delays in receiving medical reports or evaluations and the need for further testing or glasses;
- *Weather-related delays, natural disaster, and/or power outages*.

TIMELY EVALUATIONS

States are required to report the number of children who did not receive a timely initial evaluation upon the district's receipt of parental consent. To determine the number of children, the following formula is used: The number of children for whom parental consent to evaluate was received (Part A of the formula) minus the number of children whose evaluations were completed within the state established timeline (Part B of the formula).

Number of states with:

- Fewer than 50 children who did not receive timely evaluations: 22 states;
- 51- 200 children who did not receive timely evaluations: 14 states;
- 201-1000 children who did not receive timely evaluations: 16 states;
- More than 1000 children who did not receive timely evaluations: 8 states.

IMPROVEMENT ACTIVITIES

Among the 47 states that reported progress, most attributed their progress to specific activities that were accomplished during the year. Two themes predominated:

- *Technical Assistance:* Examples of the types of technical assistance described included (1) states worked with LEAs to determine the root causes of the delays and set up corrective action plans, (2) LEAs implemented the guidance strategies that OSEP provided, (3) DAC and RRCs provided technical assistance, and (4) states increased the clarity of their guidance documents.
- *Improved Monitoring Systems:* This included (1) creating new monitoring systems and (2) adding new data fields to capture information more accurately.

Information provided by Alabama, Delaware, and Vermont highlight the theme of technical assistance echoed by many states.

- Alabama used a two-pronged technical assistance approach. First, the State gave intensive targeted assistance to LEAs with the goal of correcting noncompliance; and second, the State identified and corrected local practices that resulted in noncompliance in order to sustain improvements. For example, the State implemented weekly or monthly data reviews or developed strategic improvement plans to help LEAs correctly implement regulatory requirements.
- Delaware focused its improvement activities on increasing LEAs' awareness of data collection requirements through written guidance and the subsequent review by the State to ensure compliance. The improvement activities have contributed to LEAs' reporting more precise data and increased focus on conducting initial timely evaluations within the required timeframe.
- Vermont provided LEAs with a variety of technical assistance activities, including a newsletter that explained regulatory requirements associated with B11, a training module, self-assessment checklists, and targeted technical assistance to LEAs with specific areas of noncompliance.

Information provided by California, Indiana, and Tennessee highlight the improvements made to monitoring systems.

- California added an additional field to its data collection system. The new field records information about the reasons students' evaluations appeared to be late, but were actually on time.
- Indiana developed a monitoring system prior to FFY 2008 to monitor all of the State's progress and compliance with IDEA. This monitoring system emerged as a result of intensive dialogues with LEAs and findings of noncompliance at that time. All LEAs with noncompliant timelines during FFY 2009 are now in the process of completing root-cause analyses of noncompliance.
- Tennessee implemented a more robust data collection system and provided additional technical assistance regarding the data system.

OBSERVATIONS AND CONCLUSIONS

The upward trend seen in the previous years did not continue during FFY 2009, decreasing by one state. However, the number of states reporting slippage did continue to decrease, indicating that the change in progress may be related to the number of states that showed no change or that did not report on progress or slippage.

The number of states with at least 90% compliance rose from 31 in FYY 2006 to 48 in FYY 2008 to 53 states in FFY 2009. Many of those states were at or above the 95% compliance level. Numerous states attributed their general progress to either the technical assistance they provided their local LEAs or the technical assistance they received at the state level from either OSEP or OSEP-funded TA centers. Technical assistance was again this year the most widely used improvement activity.

The maximum number of days beyond the timeline varied widely. The largest change was in the reports of the maximum number of days beyond the timeline. In FFY 2008, 14 states were above 200 days, and in FFY 2009, the number of states dropped to six. The reasons for the delays were largely attributed to: (1) school- or district-level issues (2) student and/or family delays, (3) medical issues, and (4) weather-related delays, natural disaster, and/or power outages.

States varied greatly in the number of children who did not receive timely evaluations. Approximately 37% of the states had less than 50 children who did not receive timely evaluations, while 23% of the states had 51-200 children; 27% had 201-1000 children; and 13% had more than 1000 children who did not receive timely evaluations.

INDICATOR 12: EARLY CHILDHOOD TRANSITION

Prepared by NECTAC

PART B INDICATOR 12: Percent of children referred by Part C prior to age three and who are found eligible for Part B, and who have an IEP developed and implemented by their third birthday.

INTRODUCTION

The Individuals with Disabilities Education Improvement Act (IDEA) specifies that in order for a state to be eligible for a grant under Part B, it must have policies and procedures ensuring that, "Children who participated in early intervention programs assisted under Part C, and who will participate in preschool programs assisted under this part [Part B] experience a smooth and effective transition to those preschool programs in a manner consistent with §637(a)(9). By the third birthday of such a child an individualized education program has been developed and is being implemented for the child" [§ 612(a)(9)].

The Part B Indicator 12 analysis is based on a review of the FFY 2009 Part B Annual Performance Reports (APRs) from 56 states and jurisdictions. Indicator 12 does not apply to all jurisdictions in the Pacific Basin as not all are eligible to receive Part C funds under the IDEA. For the purpose of this report, all states and territories are referred to collectively as "states."

In responding to this indicator, states were required to report actual FFY 2009 performance data, discuss completed improvement activities, give an explanation of progress or slippage, and describe data collection processes, improvement activities, and timelines. States were also asked to provide the reasons for delay when IEPs were not developed and implemented by a child's third birthday.

A new measurement element in this year's reporting is the number of children who were referred to Part C less than 90 days before their third birthday.

DATA SOURCES AND MEASUREMENT APPROACH

Since the FFY 2005 report, there has been significant improvement in the capacity of states to include transition measurement requirements in statewide data systems. Early reporting was sometimes comprised of aggregate child data (numbers of children transitioning) or Local Education Agency (LEA) sampling, rather than a census reporting of each individual child who transitioned from Part C to Part B. In many states a comparative match of individual child level data supplied directly by Part C is now cross-referenced with Part B data, ensuring an accounting of each child, regardless of the data source used.

Table 1 provides a count of the number of states by the type of data collection source used for this indicator. The total number of states varies across years due to missing data in some years.

Table 1

Comparison of Types of Data Sources Reported Over Time					
Data Collection Source	**Number of States**				
	FFY 2005	**FFY 2006**	**FFY 2007**	**FFY 2008**	**FFY 2009**
State data system	24	33	34	33	44
State data system and monitoring	0	1	3	0	0
Monitoring, includes system wide file review	16	8	2	5	6
Other	6	7	13	15	2
Not reported or unclear	8	7	4	2	4
Total	*54*	*56*	*56*	*55*	*56*

Of the 56 states, the vast majority (49 states, 88%) provided census data on all children reported by Part B that experienced transitions in FFY 2009. Twenty-one of these states described a state level capacity to compare child specific transition data from Part C to child specific data in Part B via a shared C and B data base, transferred data elements, or other mechanisms.

Of the 56 states reporting on this indicator, the majority of states (44 states, 79%) used state census data systems as the data source for this indicator, detailing all Part B reported children transitioning within the reporting year. In this analysis, the term 'state data system' represents state level capacity to collect census data for all children who transitioned throughout the entire reporting year. The term 'state data system' includes child specific data that is supplied electronically from LEAs in an ongoing or real time application, as well as periodic or annual submission of data compiled at the state level. In order to report on all elements required for this indicator, many states must supplement state data elements and/or integrate data from multiple data systems. 'Student management' or 'student information systems' refers to state level structures that capture data specific to all children. The data collected and the processes used within these systems vary greatly across states, from complex systems which collect comprehensive individual student information to simple reporting of basic student information, as highlighted below:

- Three states operate student information systems that are web-based, operate in real time and have some level of integrated C to B components. Several additional states reported enhancement of their data systems to add shared elements while other states mentioned C and B shared data, though the

mechanism for sharing was not clear. Additional states described a type of web-based, real-time state student data information system in which LEAs enter individual child data on line, or collect data gathered through electronic IEPs or other mechanisms throughout the year. Data from these systems are generally accessible at the state level at any time. Other states utilizing student management or student information systems also appear to have some level of this capability, but did not provide detail in their reporting.

- Eighteen states described data systems involving periodic LEA submission of data to the state via a spreadsheet, workbook, or electronic end of year submission report. This data is submitted according to varying schedules (i.e., monthly, quarterly, biannually, or annually).

Six of 56 states (11%) used a monitoring or file review system as the source for Indicator B12 data. Five of these were a subset of LEAs monitored within the FFY 2009 reporting year, and one a file review process of all children's files. Monitoring for this indicator often included a review of information contained in a data system. The number of states reporting monitoring as the sole data source has decreased over time, representing a trend toward reporting census data for the entire reporting year.

Two states (4%) used a sampling or cohort process to gather data, both collecting the sample data from a database source. This process is coded in the 'other' category of state reporting for this indicator.

The data source for four states (7%) was not given or was not clear, though the numbers reported would suggest that census data collection was utilized in at least three of those states.

ACTUAL PERFORMANCE

Of the 56 states that reported on this indicator, the mean percent of children referred by Part C, eligible for Part B, and who have an IEP developed and implemented by their third birthday was 94.7%. Eighty percent (45 states) of the 56 states reported the performance at 95% or above. Nine of those states demonstrated 100% compliance. All but three states reported compliance percentages of 80% or more.

Reasons for Delay

Information provided by many states detailed the circumstances under which IEPs for children who transitioned from Part C to Part B were not in place by a child's third birthday. While some states provided numbers of children by reasons for delay, others did not. An analysis of across multiple states' data revealed a variety of common factors causing delays reported. In order of frequency, delays were typically categorized into four general clusters of circumstances: (a) Part B, (b) family/child circumstances, (c) Part C, or (d) 'other'.

In general, delays attributed to Part B were reported by states to be most often related to combinations of procedural and/or staff capacity issues (e.g. staff shortages); scheduling problems (i.e. summer/holiday staff availability, child's birthday) or evaluation issues; and general LEA circumstances dealing with lack of understanding, awareness, communication, tracking, or documentation. Delays attributed to family/child circumstances centered primarily on family availability and consent. These included family rescheduling or missing meetings, family refusal to respond or provide consent, failing to make the child available (illness of child or family member), inability to locate family, or incomplete residency information. Custody issues were also mentioned by one state. Delays attributed to Part C were all related to late referrals. The 'other' category, infrequently used, included reasons such as weather and time line extensions.

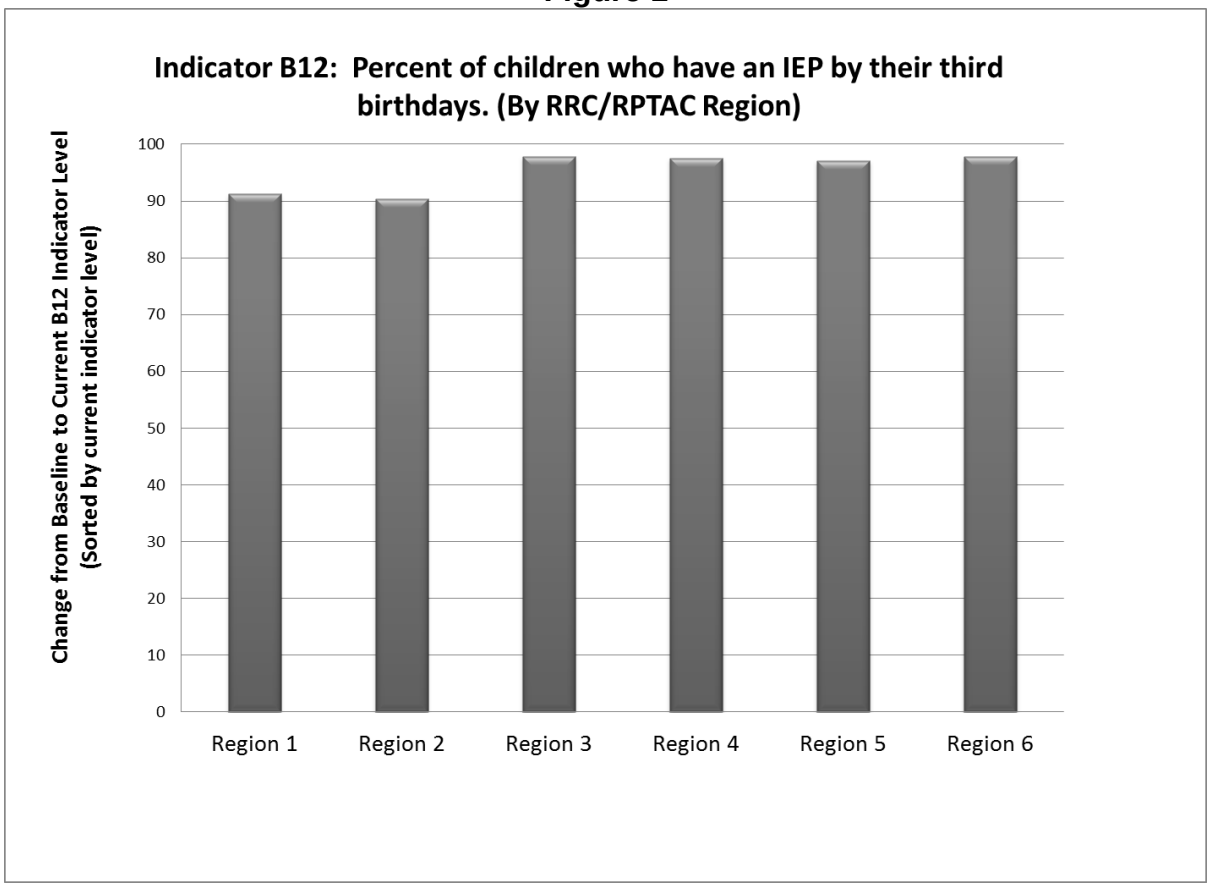
States gave the following explanations for their FFY 2009 data.

- Eleven states (20%) reported performance lower than 95% on this indicator. The two lowest performing states did not report reasons of late IEPs for transitioning children. An analysis of the nine states with performance under 95% revealed that all (100%) reported LEA capacity issues, most notably personnel shortages, often around evaluations and scheduling. Five of these nine states performing below 95% also reported that late referrals from Part C impacted their performance. Five states also reported family issues affecting performance, such as failure to keep appointments, family/child illness, or lack of residency information.
- Thirty-six states reported performance in the range of 95 to 99.7%, with 27 states providing reasons for late IEPs. General LEA capacity issues, including scheduling and staff availability, often around holiday and summer were most often mentioned, followed by family circumstance, including lack of consent, inability to locate or contact families, and/or families missing appointments. Additional factors less often cited were late referrals to and from Part C and weather issues. It was not always clear when reasons for late IEPs were attributed to family circumstances, Part C, or other issues, or if they remained in the calculation as late or were factored out.
- Two high performing states provided information on reasons for late IEPs, presumably factored out of the calculation. Reasons reported for not meeting timelines were weather, parent and LEA agreements to extend timelines, parents failing to make the child available, or in one instance, parent hospitalization.

The circumstances cited for late transition and IEP development are inconsistently counted within measurement categories across states. For example, a family who moved or could not be located might have been counted by some states in category "d" (parent refusal to provide consent) and factored out of the percentage of late transitions. Other states did not exclude these children from the calculation and, therefore counted them as not having an IEP in place by their third birthdays. In some cases it was not clear which specific circumstances were routinely included in specific measurement categories within states.

Because there was so little variation in the data across states (50 states reported more than 90% compliance), there were no significant differences found among states related to child count or percent served. As shown in Figure 1, states in regions 1 and 2 were slightly lower than other regions in the comparison across RRC/RPTAC regions

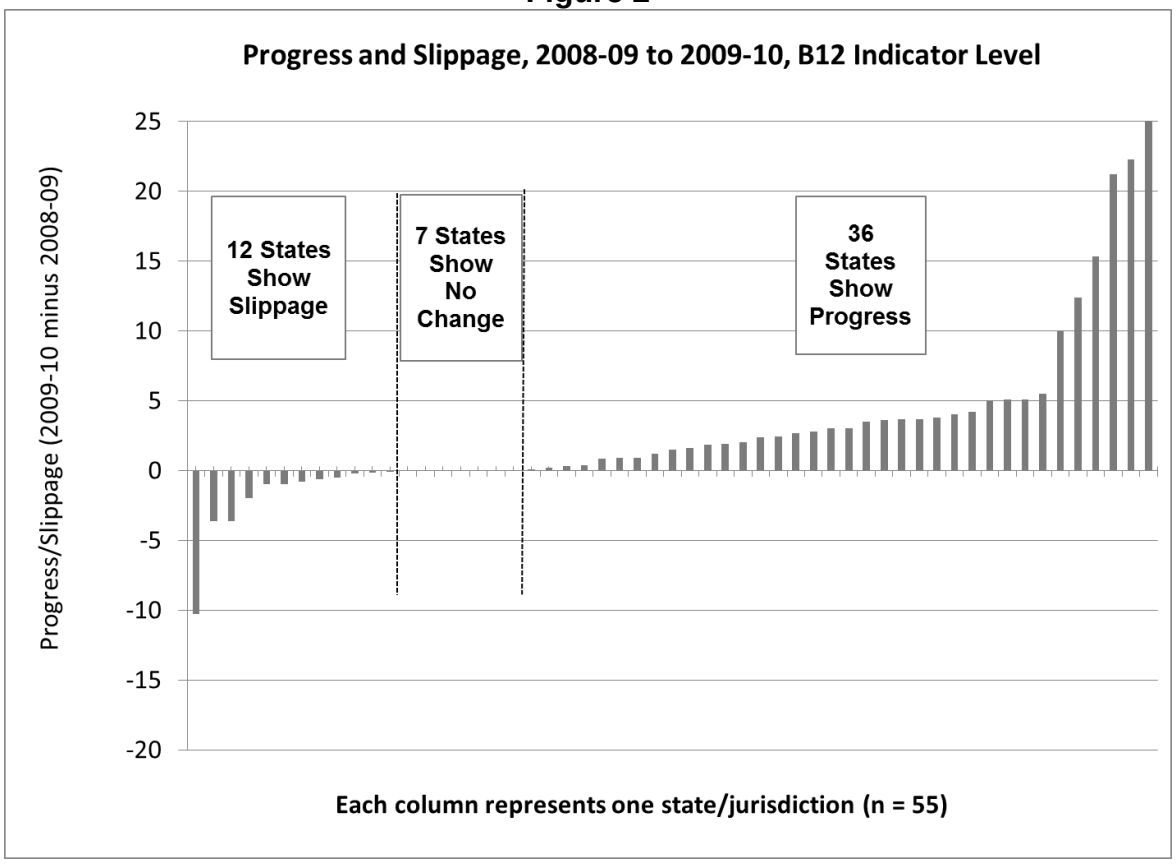
Figure 1



PROGRESS AND SLIPPAGE

Of the 55 states providing progress and slippage data in FFY 2009, 36 states (65%) reported progress, seven states (13%) reported no change, and 12 states (21%) reported slippage. It was not possible to calculate progress or slippage for one state due to lack of data. States reporting no change in performance were all performing above 98%, with five states maintaining 100% compliance. Of the 12 states reporting slippage, eight reported minimal slippage of 1% or less and were performing at 97% or higher. Four states reported more significant slippage. The degree of progress and slippage is displayed in Figure 2.

Figure 2



Explanation of Progress

Thirty-six of 55 states (65%) demonstrated progress on this indicator, ranging from 0.1 to 22% change. Six states made progress of ten percentage points or more, and an additional four states improved at least five percentage points. Themes most often associated with states' progress included training and technical assistance, at times in conjunction with clarified policy/guidance, new data enhancements, and monitoring. Many activities were done collaboratively across Part C and B systems and could be sorted into multiple categories. Reasons cited for improvement, often attributed to varying combinations of the following activities, are listed by frequency of reporting:

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- Professional development, trainings and technical assistance, including collaborative training regarding data or policy
- Policy, guidance and procedural updates and focus
- Data improvements including more complex data systems, tools, tracking logs, forms and additional data elements
- Monitoring, often involving review and analysis of data, as well as corrective action plans and provider accountability
- Collaborative systems focus or processes

Integrated Part B and Part C data sharing mechanisms, processes, and/or analysis for effectiveness and subsequent updating of data elements were often utilized in high performing states. Varying elements of child specific data were shared, compared, and/or analyzed at the state level in at least 21 states. States reported using data to jointly track and compare local performance on timelines, develop policy guidance and to determine technical assistance needs. Collaborative data sharing activities included development and use of child identifiers and mechanisms to share data elements across both Part C and Part B. These elements typically included child specific information such as Part C referral information, relevant dates, and reasons for delay. In many states, Part B and Part C data sharing involved methods to collaboratively analyze trends, evaluate data system effectiveness, determine joint data verification processes and develop shared procedures for technical assistance and training. Highlights of data sharing include:

- Unique child identifiers were used in six states, all demonstrating compliance of 98.5% performance or above. Other states mentioned development of unique child identifiers or other mechanisms to share child specific information from Part C to Part B, though in some states operational implementation has been described as a multi-year undertaking.
- Twenty one states provided a state level data comparison of child specific data supplied by Part C for each exiting child, with individual child level data generated by Part B. States utilizing this process reported high percentages of compliance for children transitioning from Part C to Part B, with most (16 states) demonstrating 98 to 100% performance.

A new measurement element was required in this year's reporting- the number of children who were referred to Part C less than 90 days before their third birthday. This data was submitted by 53 states, with three states unable to provide data. Of the 53 states providing data for this element, the numbers of children reported as late referrals were generally very low, most less than 5% of total referrals, though eight states reported late referrals ranging from 6% to 24%. Nine states reported zero, or no late referrals, these generally being very small states or jurisdictions. It is not clear in every instance if those reporting zero represent an accounting that no children were late referrals to Part C or the inability of states to collect that data. For FFY 2008, reporting this component was optional and reported on by fewer than half of the states.

Explanation of Slippage

Slippage was reported by 12 states, eight reporting minimal slippage of one percentage point or less, and all eight maintaining performance in the upper quadrant of 97% compliance or above. Four states experienced more significant slippage, three states dropping between 2% and 3.6%, and one falling 10.3%. Slippage in one state was attributed to an improved data capability yielding a more accurate, but slightly lower percentage of performance. In the other three states with the highest slippage, the most often cited explanations related to LEA capacity or procedural issues, namely:

- Staff changes and shortages, especially in evaluation and specialty evaluation staff
- General evaluation delays
- Scheduling difficulties, including staff availability, cancellations, missed appointments, weather and illness
- Delays in transition conferences
- Staff errors, inaccurate dates
- Large number of referrals
- Late referrals from C that could not be documented
- Incomplete residency information
- The influence of a single large LEA with poor performance

The single state experiencing significant slippage attributed the slippage to a combination of factors including evaluation delay, scheduling, inaccurate dates and shortages of evaluation staff. In addition, they reported that performance of one large district negatively impacted state compliance as a whole.

Comparison of Baseline and Actual Performance

Most states demonstrated significantly improved performance since establishing baselines, with only three states dropping below baseline performance. For some states not reporting at baseline or having missing or unreliable data, this information could not be provided. Figure 3 illustrates the trajectory of states' performances from baseline through the FFY 2009 reporting period.

Figure 3

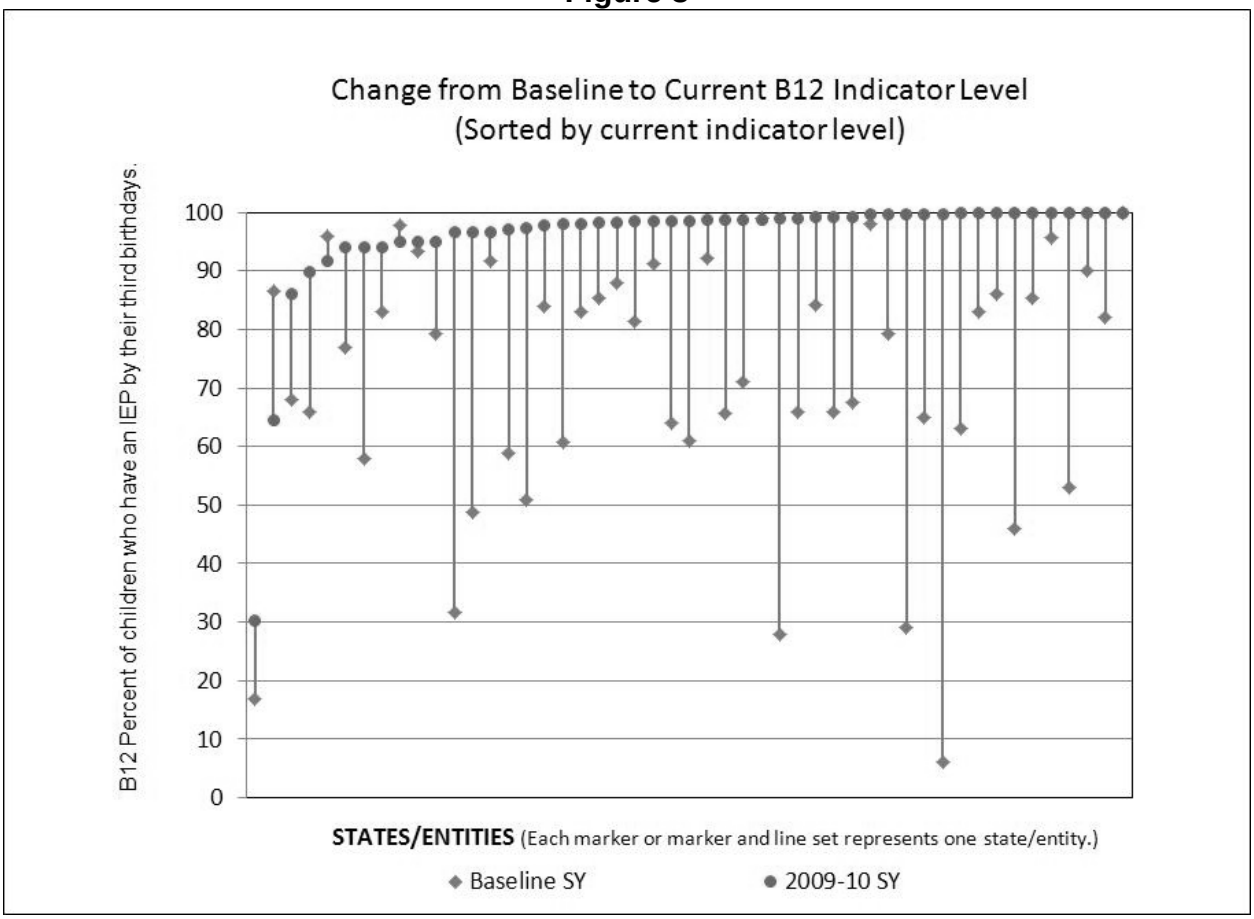
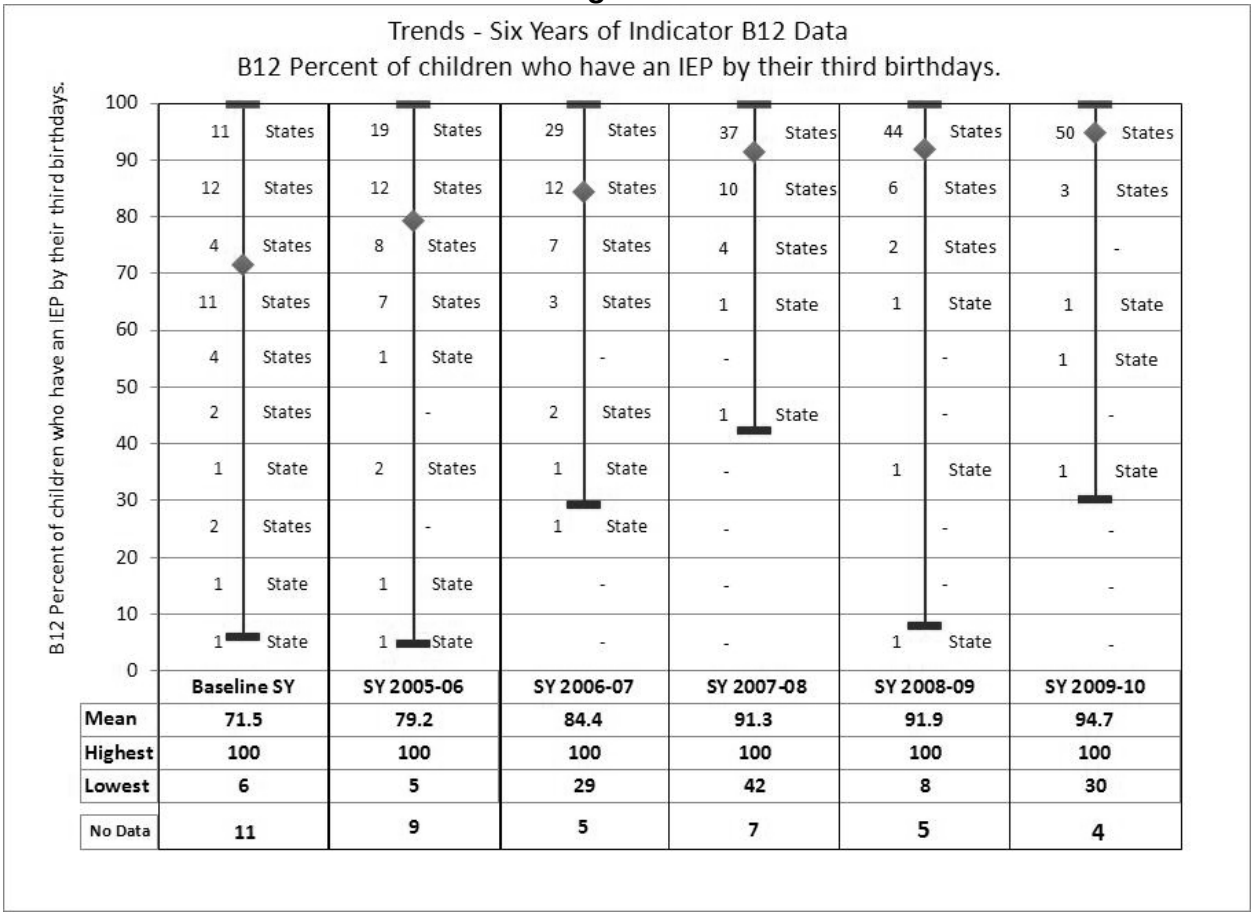


Figure 4 illustrates the upward movement in state performance over time from baseline through subsequent reporting periods through FFY 2009. The six-year trend in performance is very positive with the majority of states (50) reporting 90% compliance or above, as compared to just 11 states in that category at baseline. The mean performance has risen from 7.5% at baseline to 94.7% in FFY 2009. In addition, the number of states reporting percentages below 80% has significantly decreased over time from 26 states at baseline to only 3 states in this reporting year, FFY 2009.

Figure 4*



	Baseline SY	SY 2005-06	SY 2006-07	SY 2007-08	SY 2008-09	SY 2009-10
	11 States	19 States	29 States	37 States	44 States	50 States
	12 States	12 States	12 States	10 States	6 States	3 States
	4 States	8 States	7 States	4 States	2 States	-
	11 States	7 States	3 States	1 State	1 State	1 State
	4 States	1 State	-	-	-	1 State
	2 States	-	2 States	1 State	-	-
	1 State	2 States	1 State	-	1 State	1 State
	2 States	-	1 State	-	-	-
	1 State	1 State	-	-	-	-
	1 State	1 State	-	-	1 State	-
Mean	71.5	79.2	84.4	91.3	91.9	94.7
Highest	100	100	100	100	100	100
Lowest	6	5	29	42	8	30
No Data	11	9	5	7	5	4

*Numbers of states reported in trend figures in previous years may vary from this figure due to revised rounding protocols.

IMPROVEMENT ACTIVITIES

Overall, most states demonstrated great improvement over time and within this reporting period, or have reached and maintained high performance attributed to a combination of activities. Improvement activities were very often collaborative in nature, as documented by 48 states. It was difficult within some state reports to clearly understand the timeframe of the improvement activities as many were listed as ongoing, having no clear starting or ending date.

Improvement activities generally clustered in three main areas: (1) collaborative activities, (2) systems administration/monitoring and (3) professional development, training and technical assistance, with the theme of collaboration woven throughout. In addition, a number of states specifically mentioned activities regarding data capacity, policy and procedural guidance, and activities to include and support families in the transition process.

The nine states reporting 100% compliance on this indicator detailed collaborative activities with few other activities cited, effectively treating their approach to this indicator as a Part C, Part B unified effort.

Featured Improvement Activities

State examples within the three primary categories of improvement activities are featured below.

Collaborative Activities

Collaborative activities encompassed a variety of interwoven activities that were both comprehensive and coordinated, some strategically designed to address specific elements of transition, others more broadly crafted. Activities included varying participants: families and/or family groups, Part C and other community agencies and partners. Collaborative activities most often mentioned, in varying combinations, were: improved communication between systems; the use of memoranda or agreements of understanding (MOAs or MOUs); training, policy and procedure guidance; data improvements and analysis; and joint or coordinated monitoring. Specific examples include:

- Collaboration with Part C to develop a web-based method to share data between the two agencies based on analysis of the process and new data elements, allowing easier tracking of children as they transition. Professional development was provided in conjunction with the new data system.
- Continued implementation of a project 'Supporting Successful Early Childhood Transitions' using ARRA funds. Technical assistance was provided to parents, early intervention providers and school personnel around transition and quality practices, including:
    - analysis and feedback regarding barriers and success within local districts
    - aggressive supports to assist with the implementation of regional interagency agreements
    - intensive review of district policies and procedures
    - development of corrective action plans
- One State Department of Education, through the use of permissive state legislation, provides funding for teachers in LEAs that choose to provide educational services to children with disabilities aged birth through two.
- Part B and C encourage Birth to Three programs, as appropriate, to begin the transition process by delivering a child's Individual Family Service Plan (IFSP) services at a school site and/or in a classroom program before the child exits Part C.

Technical Assistance, Training and Professional Development

Training and technical assistance activities were routinely mentioned in conjunction with the introduction of new data systems or elements, clarification of policies or procedures, and/or to promote collaborative processes. Examples include:

- Model assessment centers, improving the efficiency of the evaluation process and influencing transition practices, were instituted in one state. A professional development model was developed to assist with building the state's capacity to conduct play-based, trans-disciplinary, developmentally and culturally appropriate assessments of young children. Training of assessment teams continues using regional supports, including:
    - Facilitated trainings for diagnostic teams
    - Follow up and on-site demonstrations
    - Technical assistance and coaching
- Weekly 'Lunch & Learn' sessions, webinars and 12 contracted technical assistance specialists focused on improving transition were implemented with ARRA funds.

Systems Administration and Monitoring

Many states utilized administrative policies, focus and monitoring to emphasize the importance of early childhood transition, including using performance on this indicator in local determinations, random performance reviews, focused monitoring and tiered Corrective Action Plans (CAPs). Specific examples include:

- Transition procedural expectations and timelines for employees and contracted providers are clearly documented by one state that records employee and provider transition performance. For employees who do not meet the timelines, this deficiency becomes part of their personnel file. Contracted providers who do not provide the evaluation 15 days prior to the scheduled meeting (extraordinary circumstances are honored) were not paid for the evaluation.
- LEAs were contacted individually to reiterate the importance of this indicator and review their levels of compliance. LEAs performing at 100% were recognized, and the remaining LEAs were divided into two categories: those making progress and those with significant compliance issues. All LEAs were required to submit corrective action plans; those LEAs with significant compliance issues received technical assistance.
- In one state, new model state forms were developed to provide districts with templates that meet the requirements of IDEA; these were translated into seven languages.

Future Activities

States planning new activities are anticipating revisions to transition guides and handbooks designed for families and/or professionals, improving data capacity including

the integration of Part C data through the use of unique identifiers and/or alert systems, improved monitoring and/or verification activities, and collaboratively analyzing transition processes. Training was cited as a future activity, often in coordination with and specific to planned improvement activities. Future activities included:

- Collaboration with Part C to establish a longitudinal data system that shares and tracks information across the states many systems of child information is in the communication stage in one state. Head Start, Family and Social Services Administration, and the Department of Health are also involved in the discussions and efforts to develop a comprehensive plan to link longitudinal Early Childhood data across state systems. Establishment of a longitudinal data system to share and track info across state systems and departments, including Part C, Head Start, social services, and health.
- One state is planning to provide training through educational television on transition requirements, roles and responsibilities.

CONCLUSIONS

Most states demonstrated significantly improved performance on this indicator over time. A wide range of collaborative activities have clearly been the mechanism responsible for the considerable improvement states have attained on this indicator over time. Regardless of the specific activities undertaken, actions appear to lead to more significant and sustainable change when transition processes have been analyzed and improvements planned and implemented, collaboratively with families, Part C and other key community partners.

States have made significant progress in building capacity within state level data systems to capture the information needed to report on this indicator, particularly in the ability to share Part C and Part B child specific data. In many states, supplemental data mechanisms have been necessary in order to provide required information.

The data elements of this indicator allowed for the analysis of several related factors impacting timely transition. Comparing the percentage of children referred from Part C to Part B, but not found eligible showed great variability across states. This ranged from all children eligible for Part B (zero not eligible) to 38% of referred children not eligible, with an average percentage across states of 12%. Based on a calculation of state submitted measurement numbers for this indicator, eight states had percentages of non-eligible children ranging from 20% to 38%. Information on the percentage of referred children found eligible for Part B services may provide insight to states in determining definitions for Part C children deemed potentially eligible and referred for Part B services, and/or in refining transition and evaluation procedures.

Another factor impacting this indicator is the percentage of parent refusal of consent for evaluation reported by states. The range of parent refusal based on a calculation of submitted measurement numbers for this indicator ranged from no parent refusals in several states to 21% of parents refusing to provide consent in one state. Six states

had rates of parent refusal above 16%. Reporting on parent refusal was also extremely inconsistent across states. State definitions of what is considered as parent refusal for consent, as well as the process used to gather that information might provide useful information on how this data element is interpreted.

INDICATOR 13: SECONDARY TRANSITION

Prepared by NSTTAC

INTRODUCTION

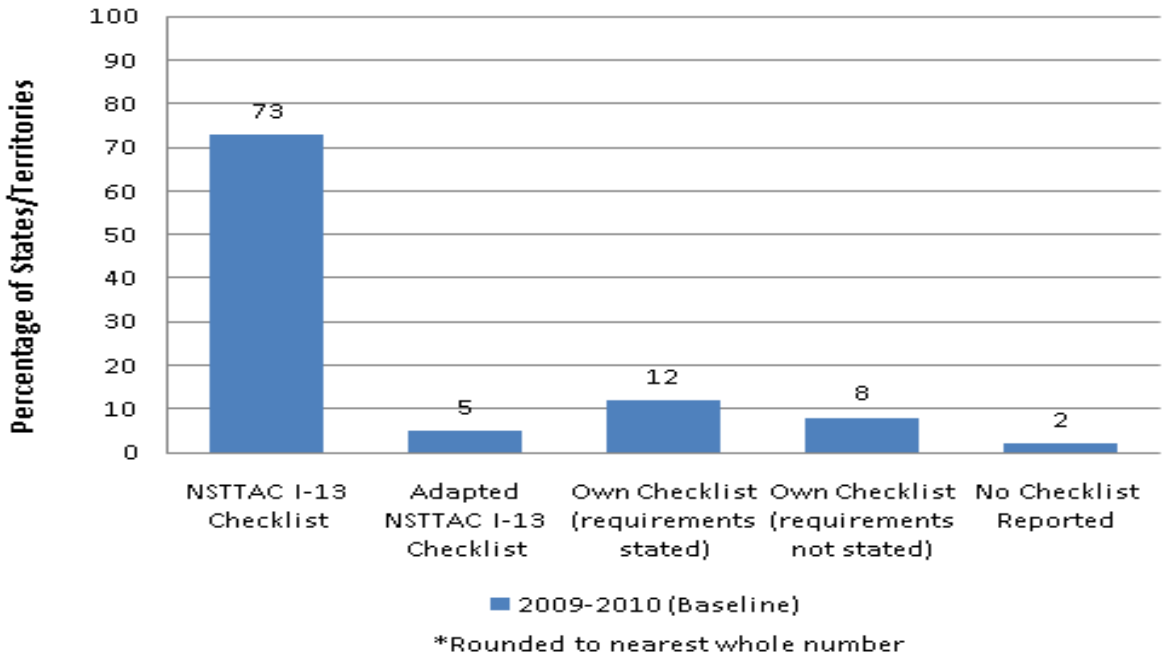
In February 2009, Indicator 13 was revised to require states to report data on "*Percent of youth with IEPs aged 16 and above with an IEP that includes appropriate measurable postsecondary goals that are annually updated and based upon an age appropriate transition assessment, transition services, including courses of study, that will reasonably enable the student to meet those postsecondary goals, and annual IEP goals related to the student's transition services needs. There also must be evidence that the student was invited to the IEP Team meeting where transition services are to be discussed and evidence that, if appropriate, a representative of any participating agency was invited to the IEP Team meeting with the prior consent of the parent or student who has reached the age of majority*."(20 U.S.C. 1416(a)(3)(B))

For the sake of convenience, in this report the term "states" is inclusive of the 50 states, the commonwealths, and the territories, as well as the BIE.

DATA SOURCES / MEASUREMENT APPORACHES

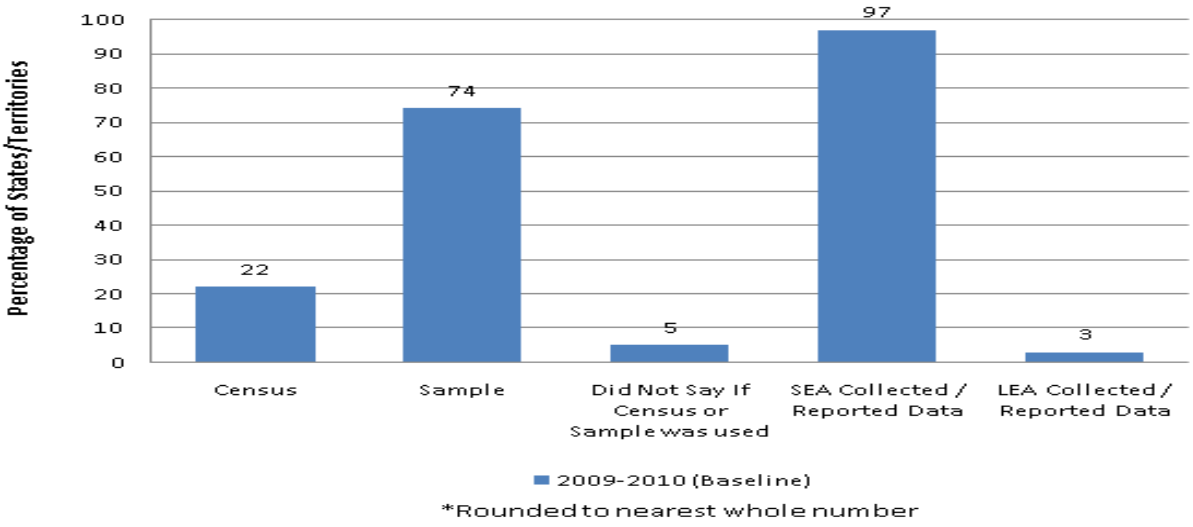
States used a variety of checklists to measure Indicator 13 including the NSTTAC Indicator 13 Checklist or their own checklist. Figure 1 summarizes the type of checklists used by states to measure Indicator 13.

Figure 1. Type of Checklist Used to Collect Indicator 13 Data*



Fifty-seven states reported that they used either a sample or census method to collect Indicator 13 data. Additionally, 97% of the states reported that their State Education Agency collected the data used to report Indicator 13. Figure 2 summarizes the type of method used to collect data.

Figure 2. Method Used to Collect Indicator 13 Data



ACTUAL PERFORMANCE (Baseline Data)

The FFY 2009 submission is the first using the new language for Indicator 13. Because of this, these data serve as new baseline data. Of the 60 states, 100% reported new baseline data.

Figure 3 summarizes the baseline data that ranged from 3% to 100% with a mean of 80.3% and a median of 87.4%.

Figure 3. Baseline Data for Indicator B13 Level (Sorted by current indicator level)

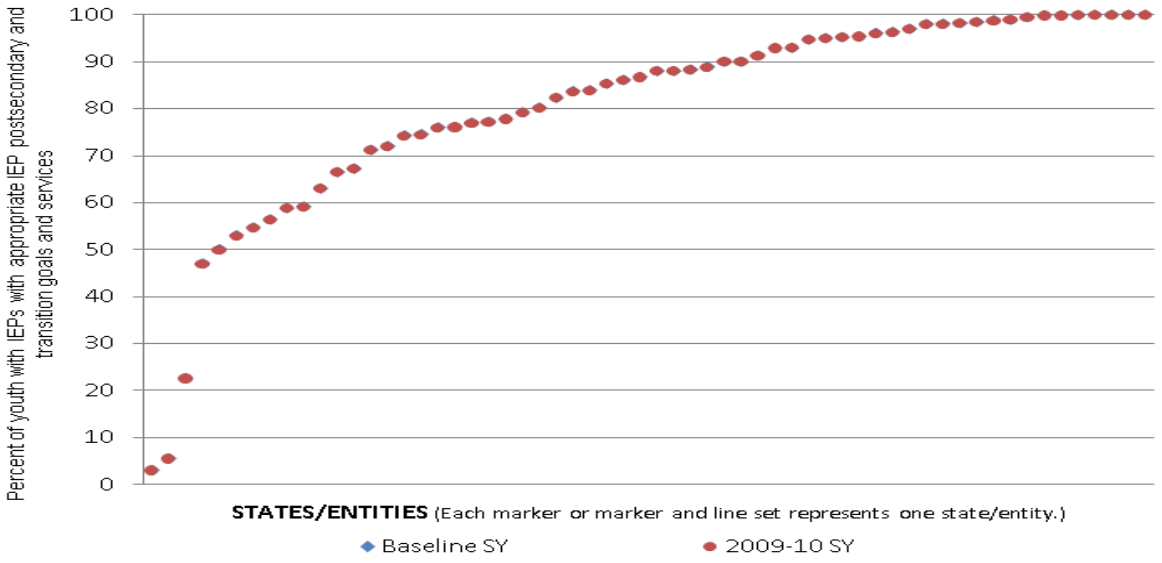
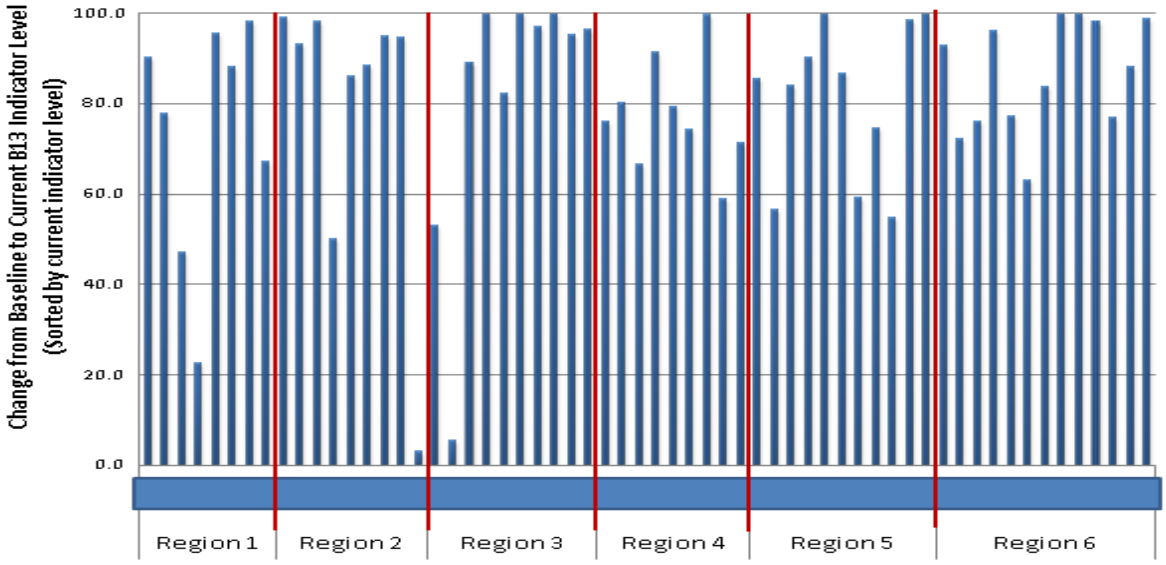


Figure 4 indicates the cross-region comparison data for Indicator 13. Percentage of states in each region that scored above 80% were: Region 1 = 50.0%, Region 2 = 77.8%, Region 3 = 80.0%, Region 4 = 22.2%, Region 5 = 63.6%, Region 6 = 61.5%.

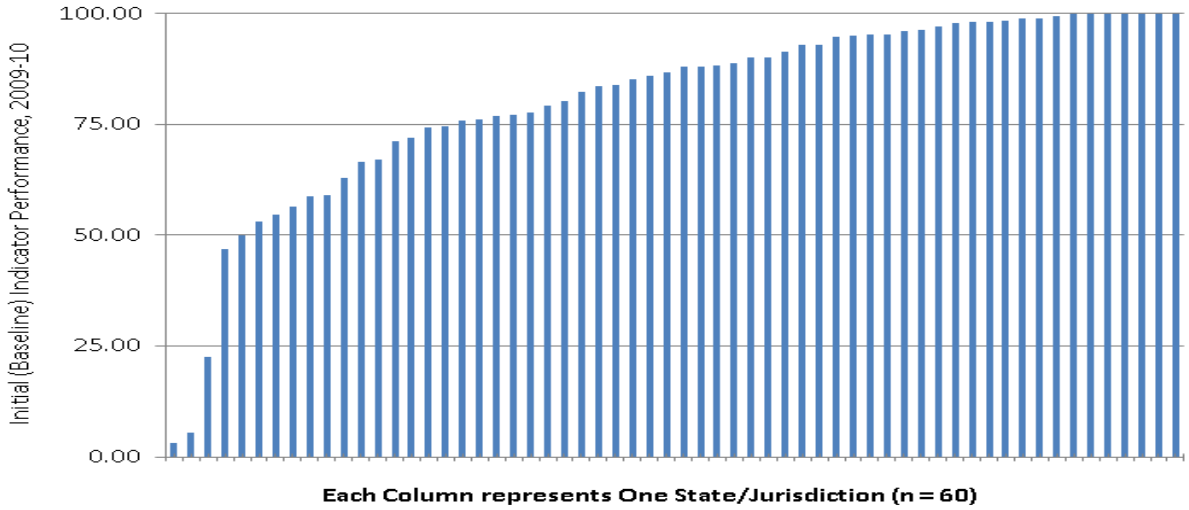
Figure 4. Indicator B13: Percent of youth with IEPs with appropriate IEP postsecondary and transition goals and services (By RRC/RPTAC Region)



PROGRESS AND SLIPPAGE

Figure 5 summarizes trends from this year's data. The current data show wide variability, with four states reporting 100% compliance. Since these are baseline data, progress or slippage data could not be calculated.

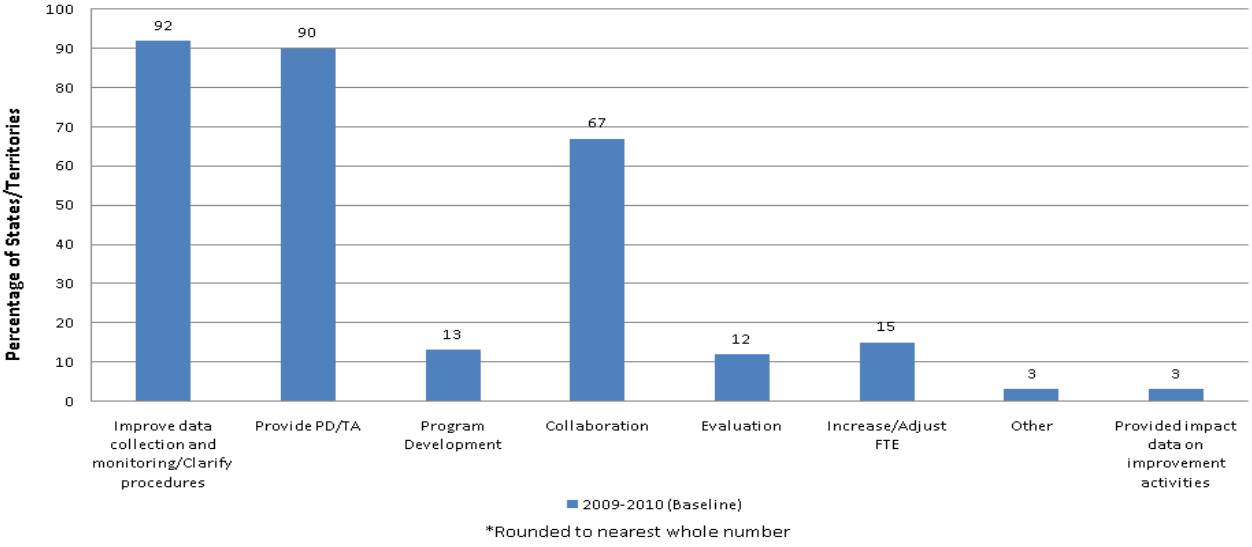
Figure 5. Distribution of States, 2009-10, B13 Indicator Level



IMPROVEMENT ACTIVITIES

Of the 60 states reporting Indicator 13 data for 2009-2010, 59 (98.3%) included improvement activities. Figure 6 provides a summary of the Improvement Activities stated.

Figure 6. Summary of Improvement Activities*



- The two most frequently stated Improvement Activities continued to be to provide training/professional development/technical assistance and improve data collection and reporting/examine policies and procedures.
- Although Improvement Activities continued to be written around data collection and monitoring, the largest increase was in collaboration/coordination. While it may be too early to call this a trend, this could be explained by the possibility that states are reaching the point where their data collection system is becoming more routine, so they now have time to focus on other Improvement Activities.
- Only 2 (3.3%) states provided data on the impact of their Improvement Activities. This included evaluating effects of technical assistance/professional development by collecting pre-post data on content presented (e.g., improved transition components of IEPs) or analyzing survey data to determine training effectiveness. The following are examples from each state:

    - Arizona
        - Post-training data analysis of 134 PEAs trained in secondary transition during FFY 2009 showed a 92.5% average for compliance with the eight items for Indicator 13
        - Paired Samples T-Tests indicated a statistically significant increase in knowledge from the beginning to the end of Year 1 training
        - 44% of STMP participants rated entry knowledge as a 4 or 5 compared to 95% at exit
        - 12% indicated "low" at entry compared to 0% at exit
        - Of the five PEAs with spring Annual Site Visit data, average compliance increased from 57% (from fall 2008 ASV data used for STMP eligibility) to 99%
        - Anecdotal information provided by STMP training participants and ESS program specialists indicated significant improvement in PEA knowledge and compliant practices

    - Arkansas
        - Pre- and post-test scores from the Transition Class: Getting the Job revealed a 76% increase in knowledge and skills as an outcome of training
        - Pre- and post-test scores from the Transition Class: Integrating Ideas revealed a 71% increase in knowledge and skills as an outcome of training
        - Pre- and post-test scores from the Customized Training: Writing Transition Plans revealed a 70% increase in knowledge and skills as an outcome of training
        - Pre- and post-test scores from the Transition Class: Getting Started revealed a 66% increase in knowledge and skills as an outcome of training
        - Pre- and post-test scores from the Transition Toolkit Training revealed a 53% increase in knowledge and skills as an outcome of training

HIGHLIGHTS OF 2009-2010 APR INDICATOR 13 DATA

- All states provided baseline data for 2009-2010
- 4(6.7%) states met the compliance criteria of 100%
- 36(60%) states reported data between 80% and 100%
- Overall, data ranged from 3% to 100% with a mean of 80.3% and a median of 87.4%
- 54 (90%) states stated the requirements used to measure Indicator 13. Since all the requirements were related to the language used in the Indicator, we concluded that these were *valid* instruments. Other the other hand, 6 (10%) states did not state the requirements used to measure Indicator 13. Therefore, it was impossible to determine if they used a valid instrument
- The two most frequently stated Improvement Activities continued to be (a) improve data collection and reporting/examine policies and procedures, and (b) provide training/professional development/technical assistance
- Only 2 (3.3%) states provided data on the impact of their Improvement Activities

RECOMMENDATIONS FOR COLLECTING FUTURE INDICATOR 13 DATA

- In order to ensure data are *valid*, require states to include a copy of their checklist in the APR. This could be done by requiring states to provide an item x item summary of their checklist. This year 18.3% (n=11) of states reported item x item data.
- In order to ensure data are *reliable* (accurate), require APRs to describe the process used to collect reliable data. This means verifying that all data were collected, checking to determine that data entered are accurate (would be agreed upon by a second person) and providing the interobserver reliability score.
- Require states to provide data on the impact of their Improvement Activities. To assist with this process, provide them with a list of possible methods they can use to determine the impact of their Improvement Activities. This year, 3.3% (n=2) of states reported data on the impact of their improvement activities.

INDICATOR 14: POST-SCHOOL OUTCOMES

Prepared by NPSO

INTRODUCTION

Indicator 14 requires states to report the "*percent of youth who are no longer in secondary school, had IEPs in effect at the time they left school, and were:*

A. Enrolled in higher education within one year of leaving high school.
B. Enrolled in higher education or competitively employed within one year of leaving high school.
C. Enrolled in higher education or in some other postsecondary education or training program; or competitively employed or in some other employment within one year of leaving high school". (20 U.S.C. 1416(a)(3)(B))

Indicator 14 is a new Indicator for the 2011 (FFY 2009) reporting submission to the Office of Special Education Programs (OSEP). As such, states were to establish new baselines and measurable, rigorous targets for each separate measure (i.e., A, B, & C) and, as appropriate, improvement activities. This report summarizes the states' data as analyzed by the National Post-School Outcomes (NPSO) Center. We refer to the 50 states, nine territories, and District of Columbia as the 60 states in this report. Percentages are based on a total number of 60 and may exceed 100% due to rounding. When the actual number of states is less than 60, numbers of states are provided, not a percentage.

DATA SOURCES/MEASUREMENT APPROACHES

This section summarizes the methods states used to collect post-school outcome (PSO) data for Indicator 14. Specifically, we describe (a) definitions specific to the measures, (b) whether the state used a census or sample, (c) the method used to collect PSO data, (d) who the respondents were, and (e) who collected PSO data in the state.

Measure Specific Definitions

A new requirement for FFY 2009 reporting was that states use the following definitions for the measures A, B, and C:

<u>Measure A</u>

Percent enrolled in higher education within one year of leaving high school. Higher Education is defined as enrollment on a full- or part-time basis in a community college (2-year program), or college/university (4- or more year program) for at least one complete term, at any time in the year since leaving high school.

In total, 73% of states (n = 44) reported using the above definition for higher education. An additional 13% of states (n = 8) did not define higher education and 13% of states (n = 8) used a different definition. When using a different definition, states commonly excluded one or more elements of the definition for higher education, e.g., excluding *one complete term*, or they included other postsecondary education or training opportunities as higher education.

Measure B

Percent enrolled in higher education or competitively employed within one year of leaving high school. Competitive employment is defined as youth working for pay at or above the minimum wage in a setting with others who are nondisabled for a period of 20 hours a week for at least 90 days at any time in the year since leaving high school. This includes military employment.

In total, 75% of states (n = 45) reported using the above definition for competitive employment. An additional 12% of states (n = 7) did not define competitively employed, and 13% of states (n = 8) used a different definition of competitively employed. When using a different definition, states either (a) excluded an element of the required definition, e.g., being employed for at least 90 days; or working in a setting with nondisabled peers, or (b) used a completely different definition, (e.g., the vocational rehabilitation definition, training program to prepare for gainful employment, or working in the competitive labor market).

Measure C

Percent enrolled in higher education, or in some other postsecondary education or training program; or competitively employed or in some other employment

Other postsecondary education or training is defined as enrollment on a full- or part-time basis for at least one complete term at any time in the year since leaving high school in an education or training program (e.g., Job Corps, adult education, workforce development program, or vocational technical school which is less than a 2-year program).

In total, 75% of states (n = 45) reported using the above definition for other postsecondary education or training program. An additional 5% of states (n = 3) used a different definition of other postsecondary education or training program and 20% of states (n = 12) did not define the term.

Some Other Employment is defined as youth who have worked for pay or been self-employed for a period of at least 90 days at any time in the year since leaving high school. This includes working in a family business (e.g., farm, store, fishing, ranching, catering services, etc.).

In total, 77% of states (n = 46) reported using the above definition for other postsecondary education or training program. An additional 20% of states (n = 12) did not define the term and 3% of states (n = 2) used a different definition of "other postsecondary education or training program". The two states using a different definition excluded some portion of the required definition.

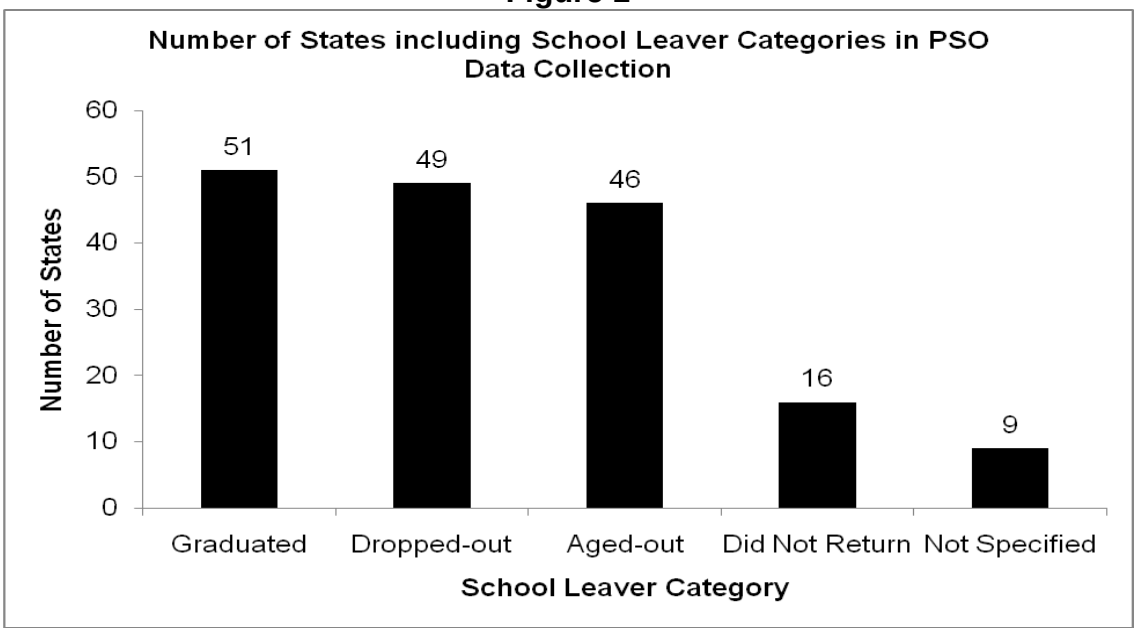
Census versus Sample

To address Indicator 14, states had the option of conducting either a *census* of all students with an IEP or a *representative sample* of students with an IEP leaving high.

Of the 60 states reporting data, 57% of states (n = 37) reported collecting PSO data from a census of all leavers with an IEP and 32% of states (n = 21) reported collecting data from a representative sample of leavers; two states did not report whether they used a census or sample. Of the 21 states conducting a sample, nine states reportedly defined their sample of youth based on the demographic categories of disability, race/ethnicity, and gender; three additional states included age as a demographical variable when establishing their representative sample. The remaining nine states reported using fewer than three demographic categories when defining their sample of youth. Of the 21 states that sampled, four explicitly stated they revised the sampling plan to accommodate the extended years of the SPP.

Whether a census or sample was used data were to be gathered on the school leaver group including students who (a) graduated with a completion document (regular, modified diploma), (b) dropped out, (c) aged out of school, or (d) were expected to return but did not for the current school. As seen in Figure 1, *Number of States including School Leaver Categories in PSO Data Collection*, 51 states included graduates in the school leaver group; 49 states included youth who dropped out, and 46 states included youth who aged-out of school in the data collection efforts. Only 16 states specified that they included youth who were expected to return but did not in the school leaver group, while nine states did not define the school leaver group.

Figure 1

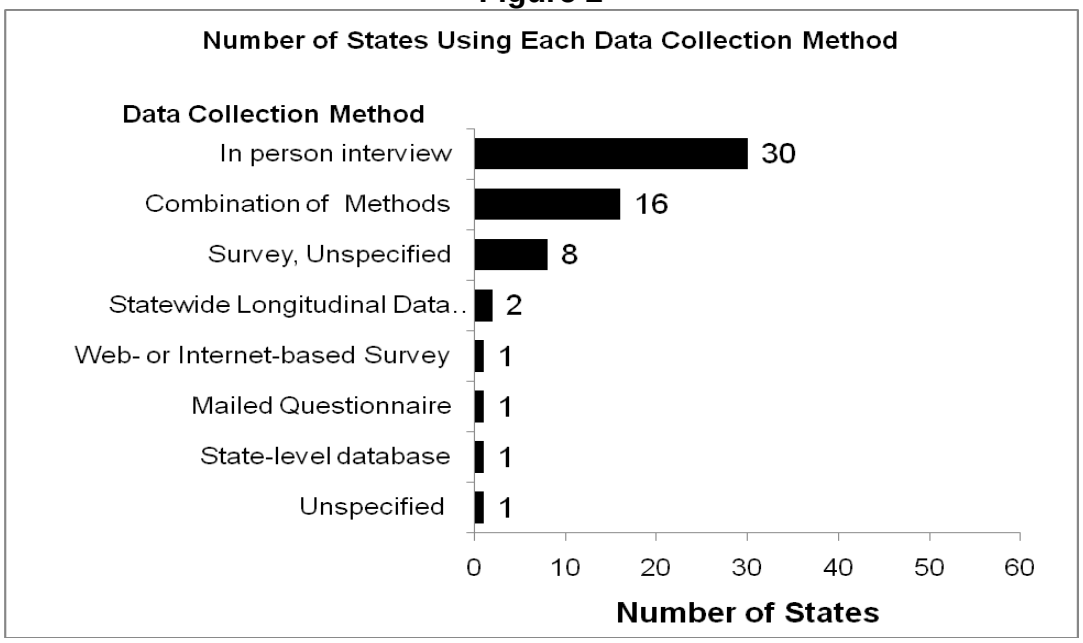


States conducting a sample of school leavers were to describe how the sampling methodology would yield valid and reliable estimates. Specifically, states were to describe: (a) the sampling procedures (e.g., random, stratified, etc.); (b) the methods used to test the similarity or difference of the sample from the population of students with IEPs; and (c) how the State Education Agency addressed problems with response rates, missing data and selection bias. Additionally, states were to describe their data collection method, including the: (a) type of data collected; (b) method of collection (e.g., an extant data set or survey); and (c) "representativeness" of the data collected by gender, disability type, and race/ethnicity.

Method of Data Collection

States had the option of how PSO data are collected from youth who have been out of school for at least one year. This year 97% of states (n = 58) reported the method used to collect PSO data. As seen in Figure 2, *Number of States Using Each Data Collection Method*, survey methodology continues to be the dominate method used by states (n = 56) to collected PSO data. Specifically, in-person interviewing (i.e., phone or face-to-face) was used by 50% of states (n = 30) and 13% of states (n = 8) did not specify a method. Only 2% of states (n = 1) reported using a mailed questionnaire, and 2% of states (n = 1) used only a web or Internet-based survey for data collection. A total of 27% of states (n = 16) used some combination of methods to collect PSO data. Further examination of the 16 states using a combination of methods revealed that 15 states used in-person interview; 14 states used mailed questionnaire, six used a web or Internet-based survey, three states used a state level administrative database as the method used for PSO data collection.

Figure 2



Respondents

Of the 60 states reporting their data collection method, 87% of states (n = 52) reported the respondents were parents and/or former students, and 2 % of states (n = 1) reported former teachers as the respondent for PSO data. The respondent was not described by 8% of states (n = 5). Identifying a respondent was not applicable for the 3% of states (n = 2) using only a statewide longitudinal data system for data collection.

Who Collects Post-School Outcome Data

Of the 60 states, 52% (n = 31) reported PSO were collected by personnel from either the state or local district. An organization (e.g., external contractor) hired by either the state or local district was used to collect these data by 37% of states (n = 22).

ACTUAL PERFORMANCE

FFY 2009 data

As noted previously, Indicator 14 is a new indicator for this reporting period and therefore, states were to submit a State Performance Plan in which they established new baseline data for three separate measures (A, B, & C) and identify any problems related to response rate, missing data, and or selection bias. To analyze potential problems areas, NPSO staff examined states' (a) response rates, and (b) respondent groups to determine whether respondents were representative of the total leavers based on key categories of disability, race/ethnicity, age, gender, and exit status. This section summarizes findings regarding states' (a) response rates, (b) representativeness, (c) missing data, and (d) baseline data for each measure.

Response Rate

In survey research, response rate refers to the number of people who answer the survey. The response rate for PSO data collection is calculated by dividing the number of youth contacted and who completed the survey by the total number of youth with an IEP who left in the year, less any youth ineligible for the survey. Youth ineligible for the survey are those who returned to school or deceased. Only 80% of states (n = 48) reported a response rate for Indicator 14. The reported response rates ranged from 4.68% to 94.66% with the median response rate of 47.2% (*sd* = 21.77).

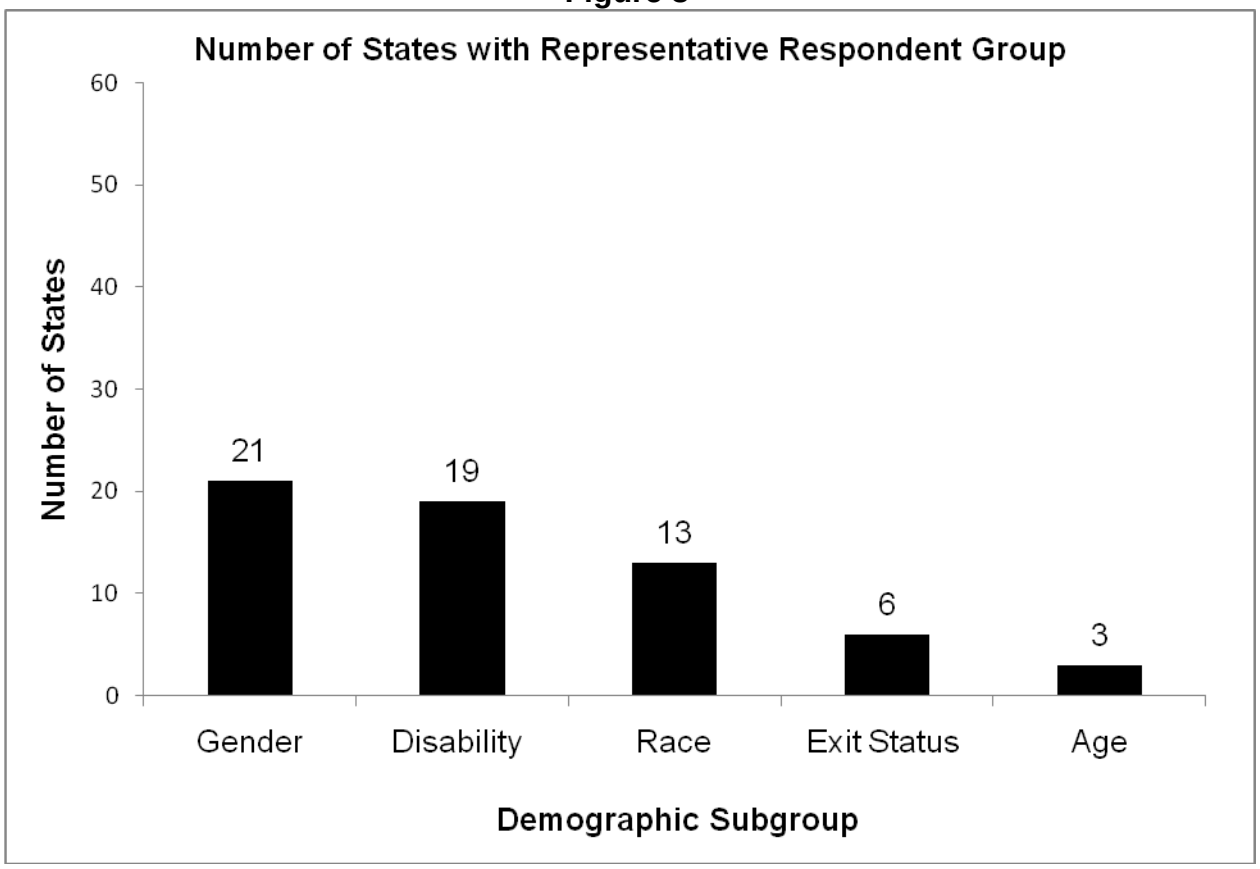
Representativeness

When using survey methods it is important to understand how similar or dissimilar the respondents are to the target population as a measure of confidence that the results reflect all students who left school. When examining whether the respondent group is representative of the target leaver group, five subgroups are examined: (a) disability category, (b) gender, (c) race/ethnicity, (d) exit status, and (d) age. NPSO Center staff relied on the guideline of "important difference", set at ±3%, to determine whether the respondents represented the target leaver group. A ±3% difference between the proportion of youth in the respondent group and the proportion of youth in the target group in each subgroup was sufficient enough to say the respondent group was not representative of all students who left school in that subgroup. Applying a ±3% difference between the respondent group and the target leavers is consistent with the NPSO Response Calculator approved by OSEP.

Only 65% of states (n = 39) described whether the respondent group represented the target population. Of these 39 states, 21 states reported the respondents represented the target population and 18 reported the respondents did not represent the target population. An additional 35% of states (n = 21) did not describe whether the respondent group represented the target group.

Using the ±3% criterion to determine representativeness, NPSO staff found only one state had a respondent group representative of the target leavers based on all five subgroup categories – disability, gender, race/ethnicity, age, and exit status. Excluding the subgroup of age, three additional states were found to have a representative respondent group based on the subgroup categories – disability, gender, race/ethnicity, and exit status. Figure 3, *Number of States with Representative Respondent Group*, shows the number of states within the ±3% difference for each subgroup.

Figure 3



Missing Data

When examining states' description of how representative the respondent group is to the target leavers, NPSO Center staff qualitatively examined potential problems related to response rate, missing data, selection bias, and representativeness of the target group. Our analysis reports the following themes:

- States reported the lack of contact information for leavers as a contributing factor for low response rates leading to under-representation of various sub-groups.
- States that examined representativeness found youth were underrepresented in the categories of (a) method of exit - drop out, (b) disability category - emotional disorder, and (c) race/ethnicity -- black youth were underrepresented in the respondent groups.
- States did not routinely report the amount of missing data or what strategies were being utilized to address missing data.

Baseline

As stated previously, Indicator 14 is a new Indicator for this reporting period; as such, states were to establish a new baseline. To calculate baseline for each measure A, B, and C, states were given the following formula:

First, calculate the following:

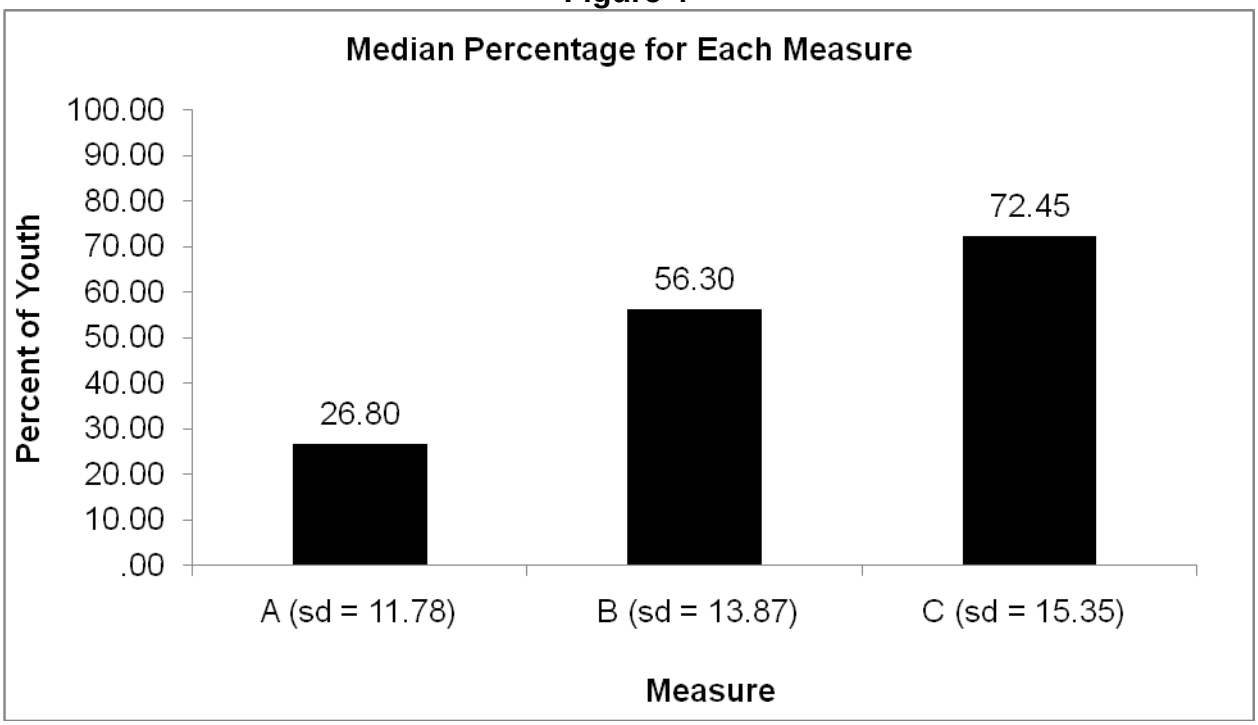
1 = # of respondent leavers enrolled in "*higher education.*"
2 = # of respondent leavers in "*competitive employment*" (and not counted in 1 above).
3 = # of respondent leavers enrolled in "*some other postsecondary education or training*" (and not counted in 1 or 2 above).
4 = # of respondent leavers in "*some other employment*" (and not counted in 1, 2, or 3 above).

Second, calculate the measure percentages using the following calculations:

A = 1 divided by total respondents
B = 1 + 2 divided by total respondents
C = 1 + 2 + 3 + 4 divided by total respondents

All 60 states reported baseline data for FFY 2009. Figure 4, *Median Percentage for Each Measure*, shows the median percent of youth engaged in each measure A, B, and C. The median percent of youth reported in measure A, enrolled in higher education one year after high school, was 26.80 (*sd* = 11.78). The median percent reported in measure B, enrolled in higher education or competitively employed, was 56.30%, (*sd* = 13.87). The median percent of youth reported in measure C, enrolled in higher education or some other postsecondary education or training program, or competitively employed or in some other employment, was 72.45% (*sd* = 15.35).

Figure 4



Figures 5, 6, and 7**, o**n the following pages, display the range of percentages for each separate measure reported by each state. For the reader's convenience, the definitions of each measure are provided again with each measure. The bold vertical line indicates the median percentage for the measure.

As seen in Figure 5, *State Percentage for Measure A*, the percentages for youth enrolled in higher education, measure A, range from zero percent to 56%. The bold vertical line indicates the median of 26.80% (*sd* = 11.78). Measure A is the percent enrolled in higher education. Higher Education means youth have been enrolled on a full- or part-time basis in a community college (2-year program), or college/university (4- or more year program) for at least one complete term, at any time in the year since leaving high school.

Figure 5

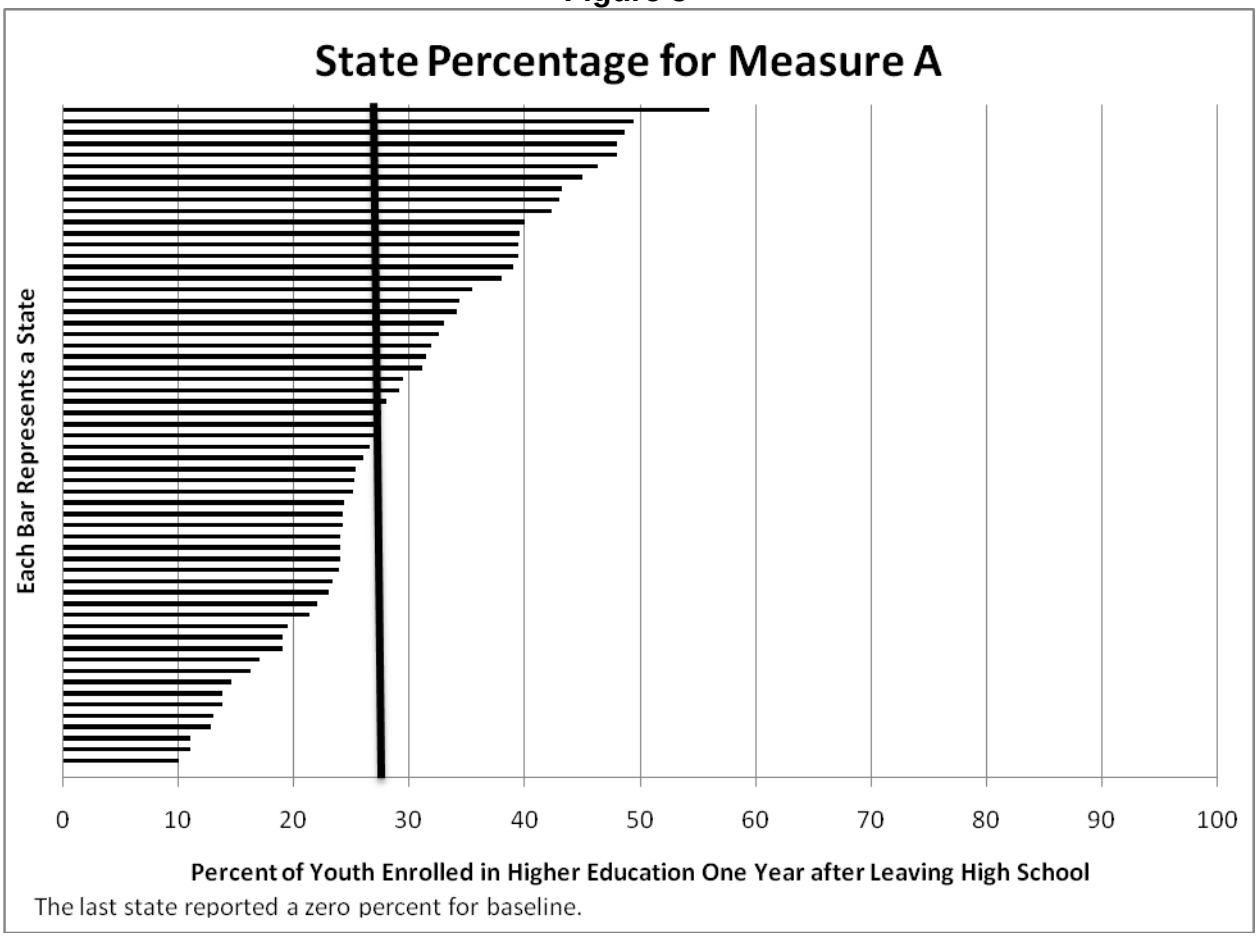

State Percentage for Measure A
Each Bar Represents a State
0
10
20
30
40
50
60
70
80
90
100
Percent of Youth Enrolled in Higher Education One Year after Leaving High School
The last state reported a zero percent for baseline.

Figure 6, *State Percentages for Measure B*, shows the range of percents for youth enrolled in higher education or competitively employed. In measure B the percentages range from zero percent to 92%. The bold vertical line indicates the median of 56.30% (*sd* = 13.87). Measure B is the percent enrolled in higher education or competitively employed within one year of leaving high school. Competitive employment means youth have worked for pay at or above the minimum wage in a setting with others who are nondisabled for a period of 20 hours a week for at least 90 days at any time in the year since leaving high school. This includes military employment.

Figure 6

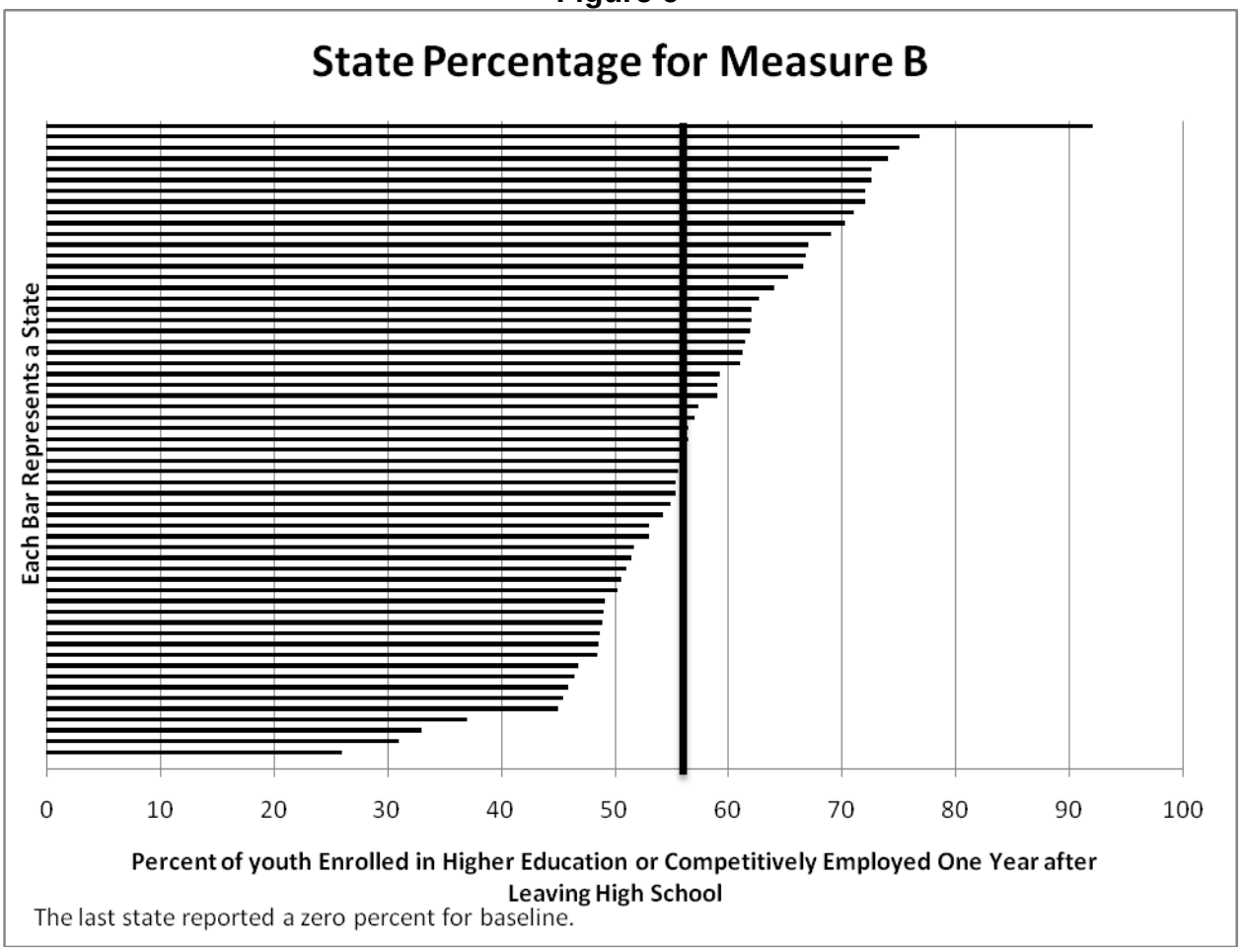
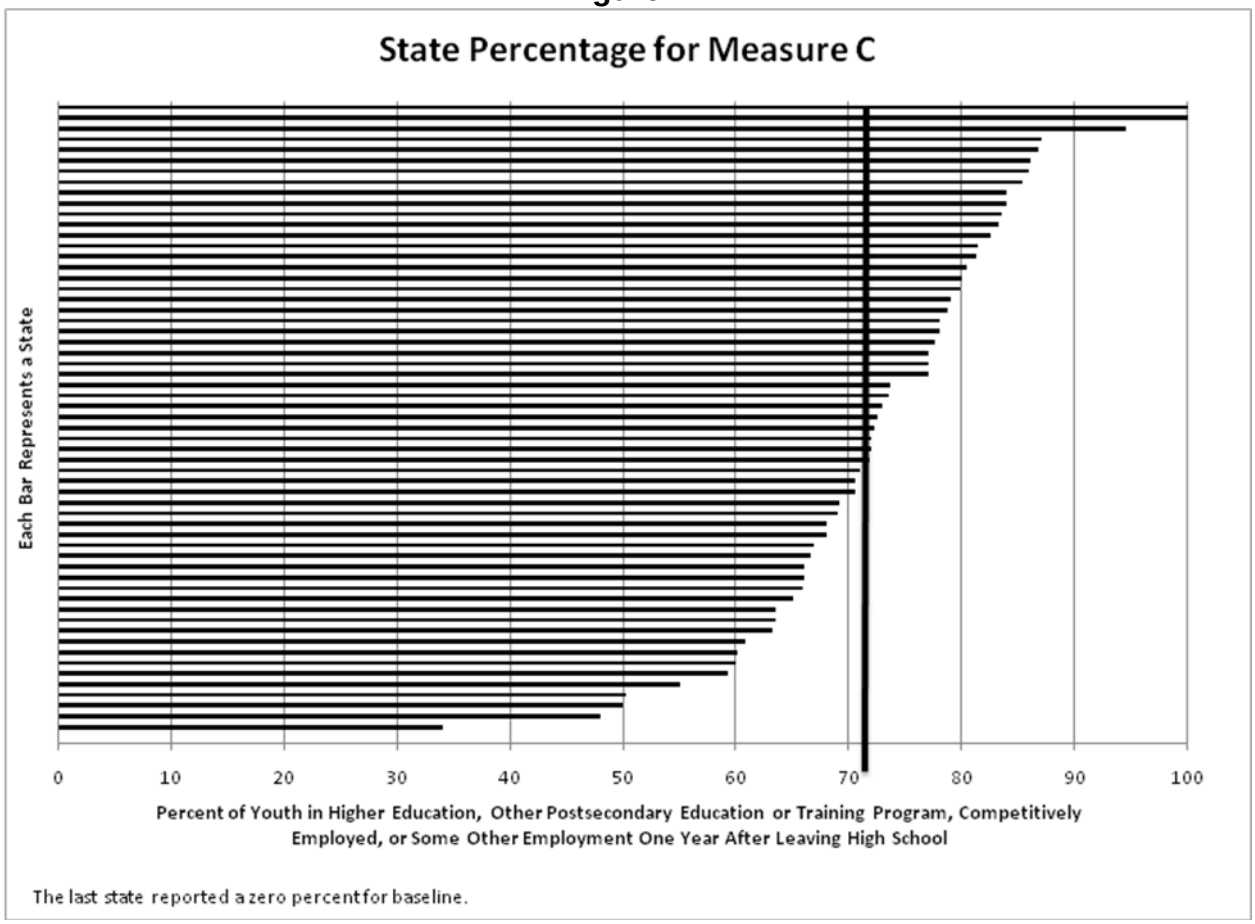


Figure 7, *State Percentages for Measure C*, shows the range of percents for youth enrolled in higher education, or in some other postsecondary education or training program; or competitively employed or in some other employment. For measure C the percentages range from zero percent to 100%. The bold vertical line indicates the median of 72.45 % (*sd* = 15.35).

Measure C is the percent enrolled in higher education, or in some other postsecondary education or training program; or competitively employed or in some other employment *Other postsecondary education or training* means youth enrolled on a full- or part-time basis for at least one complete term at any time in the year since leaving high school in an education or training program (e.g., Job Corps, adult education, workforce development program, or vocational technical school which is less than a 2-year program). *Some other employment* means youth have worked for pay or been self-employed for a period of at least 90 days at any time in the year since leaving high school. This includes working in a family business (e.g., farm, store, fishing, ranching, catering services, etc.).

Figure 7



MEASURABLE RIGOROUS TARGETS

States were instructed to establish measurable rigorous targets through FFY 2012 for each measure A, B, and C. In total, 93% of states (n = 56) reported targets for each measure A, B, and C through FFY 2012. An additional 5% of states (n = 3) reported at least one target for at least one FFY through 2012; 2% of states (n = 1) did not report targets for any of the three separate measures. To examine the percent of change states anticipated from baseline to the FFY 2012 target, the change in percent was computed for each measure. Table 1, *Median Change in Percentages from Baseline to FFY 2012 Targets*, shows the median change in percentage, standard deviation, and range of change for each measure. The percentage of change was calculated by subtracting the baseline reported in the SPP from the FFY 2012 Target for the 56 states with complete data.

Table 1

	Percent of Change from Baseline to FFY 2012 Target Measure A	Percent of Change from Baseline to FFY 2012 Target Measure B	Percent of Change from Baseline to FFY 2012 Target Measure C
Median change in percentage (standard deviation)	1.02 (4.43)	1.00 (2.59)	1.05 (2.07)
Range of change	.03% to 31.90%	-.30 to 12.00	-.50% to 9.00

IMPROVEMENT ACTIVITIES

States were asked to revise their Improvement Activities (IA) as needed for the new Indicator. OSEP specifies nine categories of IA; the categories and descriptors are:

A. Improve data collection and reporting– improve the accuracy of data collection and school district/service agency accountability via technical assistance, public reporting/dissemination, or collaboration across other data reporting systems. Developing or connecting data systems.

B. Improve systems administration and monitoring – refine/revise monitoring systems, including continuous improvement and focused monitoring. Improve systems administration.

C. Build systems and infrastructures of technical assistance and support – develop Statewide or regional infrastructures to maximize resources.

D. Provide technical assistance/training/professional development – provide technical assistance and/or training/professional development to State, LEAs

and/or service agencies, families and/or other stakeholders on effective practices and model programs, etc.

E. Clarify /examine/develop policies and procedures – clarify, examine, and or develop policies or procedures related to the indicator.

F. Program development – develop/fund new regional/statewide initiatives.

G. Collaboration/coordination – Collaborate/coordinate with families/agencies/initiative.

H. Evaluation – conduct internal/external evaluation of improvement processes and outcomes.

I. Increase/Adjust FTE – add or re-assign FTE at State level. Assist with the recruitment and retention of LEA and service agency staff.

This section summarizes the Improvement Activities reported by states and the NPSO Center's efforts relative to technical assistance.

State Improvement Activities

In all, 98% of states (n = 59) reported IA through FFY 2012. Improvement Activities reported by the states for Indicator 14 spanned all nine categories of activities. The three primary categories of IA states reported using were (a) providing technical assistance/professional development, (n = 48); (b) improving data collection and reporting, (n = 38); and, (c) collaboration/coordination with families or agencies (n = 27). The majority of states (n = 48) do not provide sufficient detail to identify trends or promising strategies. NPSO Center staff judged 12 states as having described their IA in detail and in such a way as to indicate that they will, potentially, have a positive effect on the sampling and or data collection systems, and or post-school outcomes for youth. States judged to have IA containing sufficient detail generally described the purpose for the IA, or what need or problem area was being addressed by the IA. Examples of IA describing the purpose are: "To improve the number of youth with emotional disabilities who are engaged in meaningful activities after exiting high school, [state] will work with [agency] to improve transition activities…"; or "*Provide technical assistance and training to enhance the capacity of general and special educators to implement research based practices that will improve post-school outcomes for students through…".* In both examples, the intent of the IA is clearly stated, the behavior or what the state will do is clearly stated, and, although not explicitly stated, it would be likely that an evaluation method could be identified to measure the effectiveness of the IA.

Technical Assistance

In total, 87% of states (n = 52) reported having received some type of technical assistance in the past or planned to receive technical assistance (TA) in the future. Of

these 52 states, 45 specified having received or planning to receive at least one type of TA from the NPSO Center. Table 2, *Types of NPSO Technical Assistance Received or Planned*, shows the types of TA states reported receiving or planning to receive. States may be counted in more than one category.

Table 2

Types of NPSO TA Received or Planned	Number of States
On-site Consultation	1
Teleconference	3
Phone Consultation	4
Accessed Website	8
Conference Presentation	9
TA Not Specified	20
Specific NPSO Tools & Products	27

The category, Specific NPSO Tools and Products, was examined further to determine which tools and products states reported using. Table 3, *Specific NPSO Tools and Products*, shows the number of states that reported using each item.

Table 3

NPSO Specific Tools & Products	Number of States
Stage 1: Data Collection Protocol	16
Response Calculator	16
Data Use Toolkit	5
Sampling Calculator	4
Data Display Templates	4

Based on NPSO records, we have provided some type of TA to all 60 states since January 1, 2010. On average, states have received 8 technical assistance contacts with NPSO, with the range being between 1 and 33 contacts for TA.

CONCLUSION(S) AND RECOMMENDATION(S)

The language of Indicator 14 was revised by OSEP in February 2009 and May 2010 providing states with definitions for four specific outcomes for youth who had an individualized education program in effect at the time they left high school. The outcome categories – enrolled in higher education, competitively employed, enrolled in some other postsecondary education or training program, and some other employment – are aggregated into three separate measures A, B, and C. As a new indicator for this reporting period states were instructed to report a new baseline and rigorous measureable targets for each measure and, as needed, improvement activities on the State Performance Plan. The SPPs were analyzed by NPSO Center staff and summarized in this report.

From this analysis and the work of the NPSO Center, states continue to demonstrate a good faith effort to design and implement rigorous, yet practical, systems to collect, analyze, and use post-school outcome data. All states have established a data collection system. We continue to see wide variation across states relative to: (a) methodologies for collecting data, (b) response rates and representativeness, and (c) percent of youth reported as being engaged in each measure.

States have begun to analyze the representativeness of their respondent group compared to the target leavers, although this remains an area where improvement is needed as evident by only four states being judged as having respondent groups that were representative of the target leavers. In general, states need to focus improvement activities on increasing response rates by: (a) collecting better student exiting contact information, and (b) defining strategies to collect post-school outcome data on subgroups demonstrating poor representativeness (e.g., dropouts, students with emotional/behavioral disabilities).

We continue to see some states making errors in the mathematical calculations required for Indicator 14. Errors appear to have been made when calculating the response rate, basing the denominator on the number of youth who could be contacted or for who contact information was available rather than the total number of leavers in the census or sample. Calculation errors also seemed apparent in the calculation of the measure, although the lack of sufficient information (e.g., actual numbers) reported in the SPP/APR prohibited the recalculation or verification of what the state reported. Although most states list a variety of Improvement Activities in the SPP, in general, there was insufficient information to determine the purpose of the IA or what it was intended to improve. As important, the lack of details makes it impossible to evaluate the actual or intended effectiveness of the IA.

NPSO staff will continue to provide general, targeted, and intensive TA to states to address issues of response rates, representativeness, and Improvement Activities. We welcome the opportunity to support states' efforts to build capacity for coordinated efforts and data use to improve programs for youth in transition.

INDICATOR B15: TIMELY CORRECTION OF NONCOMPLIANCE

Prepared by DAC

INTRODUCTION

Indicator B15 requires states to determine whether their "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." States must meet a target of 100% measured by the "the percent of noncompliance corrected within one year of identification" using the following formula:

> Percent of noncompliance corrected within one year of identification = # of findings of noncompliance divided by # of corrections completed as soon as possible but in no case later than one year from identification times 100.

The measurement of this indicator requires that the state "for any noncompliance not corrected within one year of identification, describe what actions, including technical assistance and/or enforcement that the state has taken." The APR instructions require that state education agencies describe the process for selecting local programs for monitoring. Additionally, states are to describe the results of the calculations as compared to the target, reflect monitoring data collected through the components of the general supervision system, and group areas of noncompliance by priority areas and other topical areas.

DAC reviewed 60 APRs for this summary. These included the 50 states, the District of Columbia, the territories, and the Bureau of Indian Education. For purposes of this summary, the term "state" will be used to include all or any of these 60 entities.

PROGRESS OR SLIPPAGE

Based on the B15 data reported in the APR, OSEP is able to determine whether each state has shown progress or slippage from the previous year. Included in this report are three charts that reflect the progress states have made in meeting the 100% requirement.

Figure 1, a trajectory chart, depicts the national progress toward meeting the required 100%. "Trajectory" is defined as a path, progression, or line of development. Given the circle that represents the 2009-10 data compared to the diamond that represents the baseline 2005-06 data for all 60 states, one can predict that over time states will continue to improve and ultimately meet the B15 100% requirement. It is noteworthy, however, that three states reported performance in 2009-10 lower than the 2005-06 baseline. While one state did not provide an explanation of slippage, the other two states reported slippage was due to changes in their monitoring systems as a result of clarifications provided in the OSEP 09-02 memo.

Figure 1

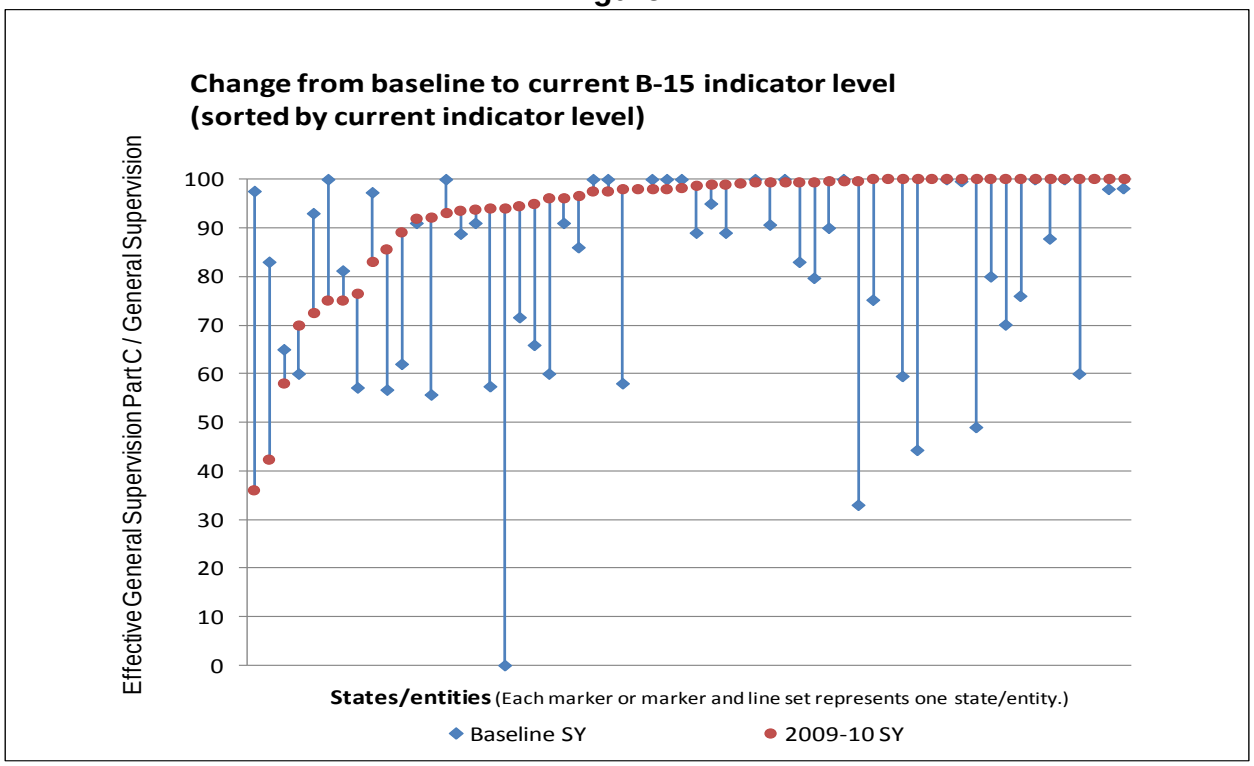


Figure 2 demonstrates the progress in the number of states that have made gains in meeting the 100% requirement over the last several years. From 2005-06 to 2009-10, the mean has increased from 80 to 93. This trend would support the trajectory outlined in Figure 1.

Figure 2

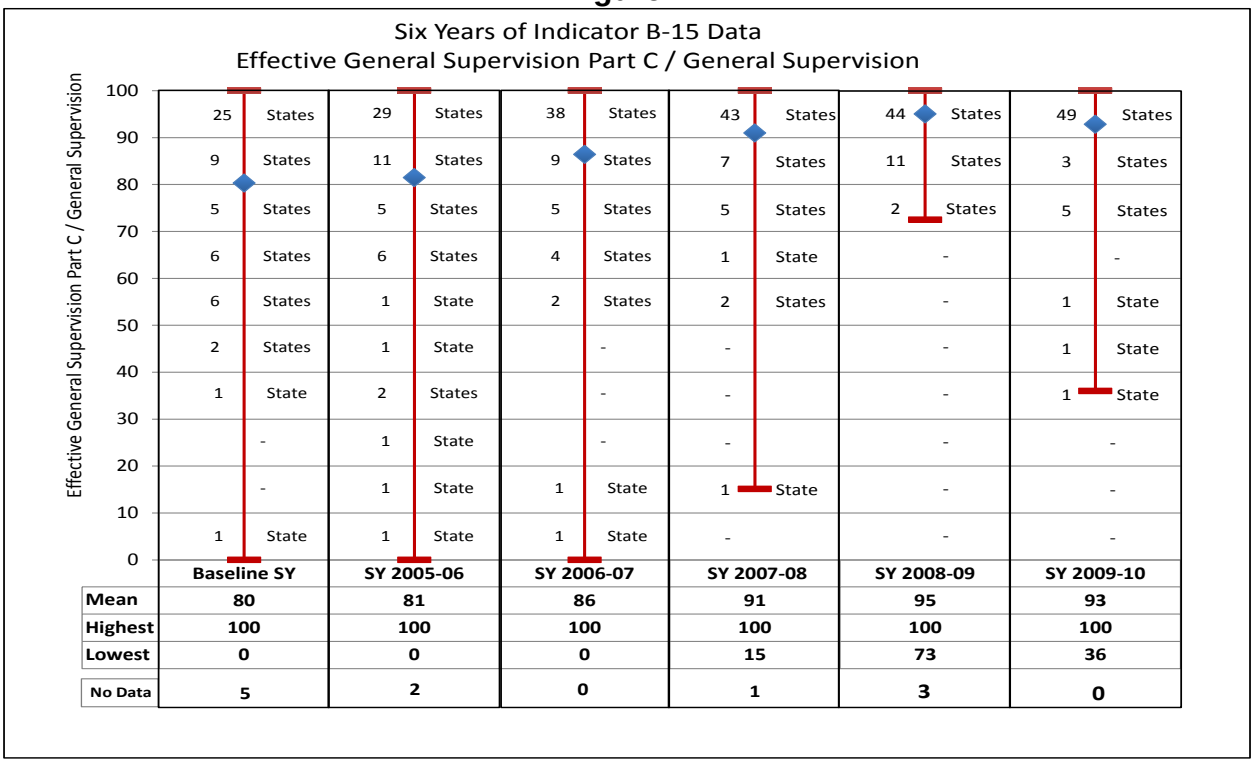
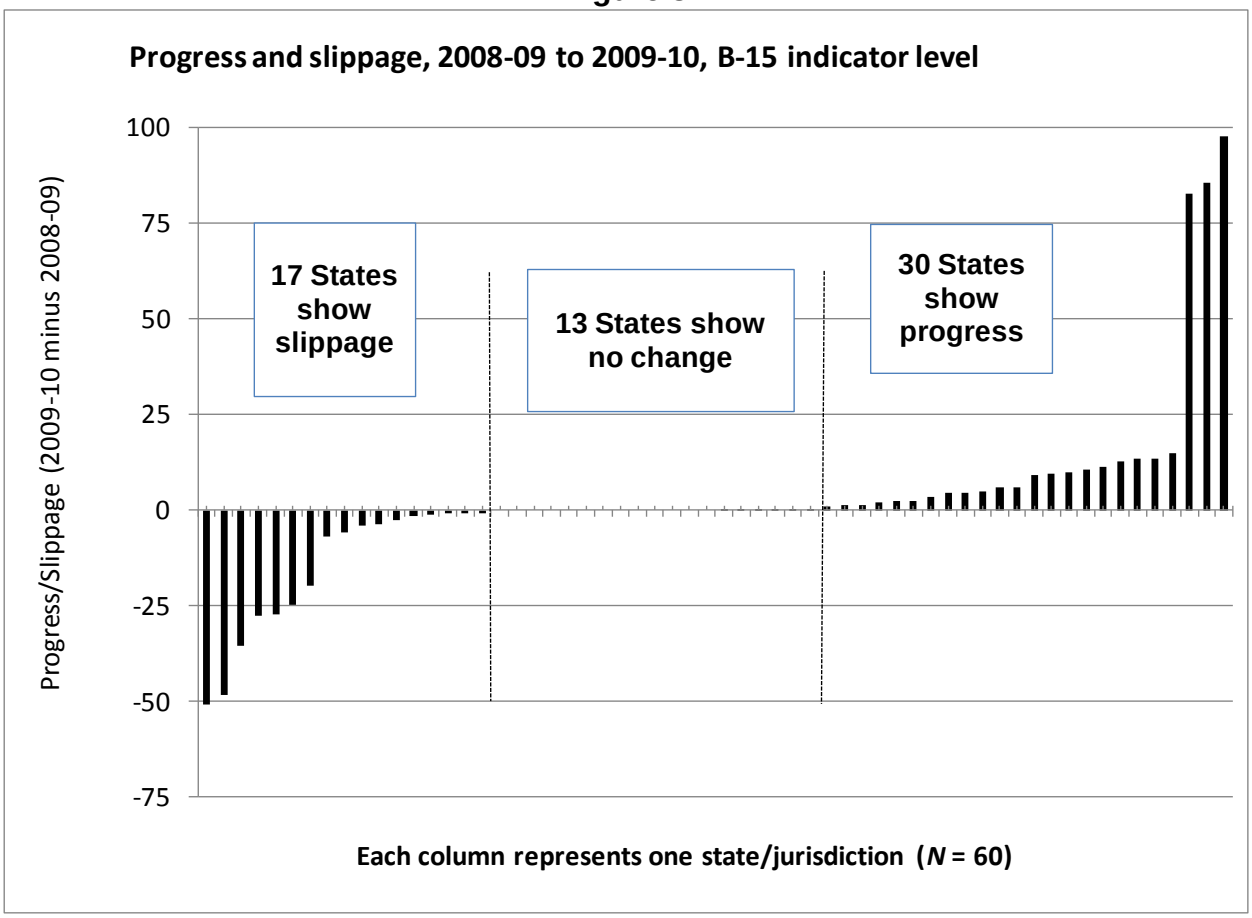


Figure 3 portrays the number of states that showed slippage in meeting the 100% target, the number that showed no change and the number that showed progress. Many of the states indicating no change were states that maintained 100%. The number of states showing progress is larger than the number of states showing slippage.

Figure 3



The APR instructions directed states to report "the explanation of progress or slippage that occurred for FFY 2009 (2009-2010)." Forty-two percent of the states did not specify progress or slippage in the APR. This is a change from 47% of the states not reporting progress or slippage for federal fiscal year 2008 (2008-09).
Of those states reporting progress (40%), the most common explanations included:

- Incorporating web-based monitoring;
- Continuing to outline a general supervision system including a monitoring system;
- Providing training and support to local districts to ensure correction;
- Implementing the improvement activities outlined in the state APR;
- Setting clear expectations with local districts that noncompliance must be corrected as soon as possible but in no case later than one year;
- Conducting regular followups with local districts to determine progress in correcting noncompliance;
- Creating strict adherence to timelines; and
- Adhering to the OSEP Memorandum 09-02.

Of the 17% of states reporting slippage, most common reasons included:

- Noncompliance concerning a particular LEA;
- Staff and budget cuts; and
- Changes in defining “correction” as defined in OSEP Memorandum 09-02.

One state could not report progress or slippage as this was the first year it was able to report B15 data. States reporting they maintained 100% compliance from one year to another most often attributed it to implementing the improvement activities and providing targeted technical assistance to local agencies.

METHODS USED TO COLLECT MONITORING DATA

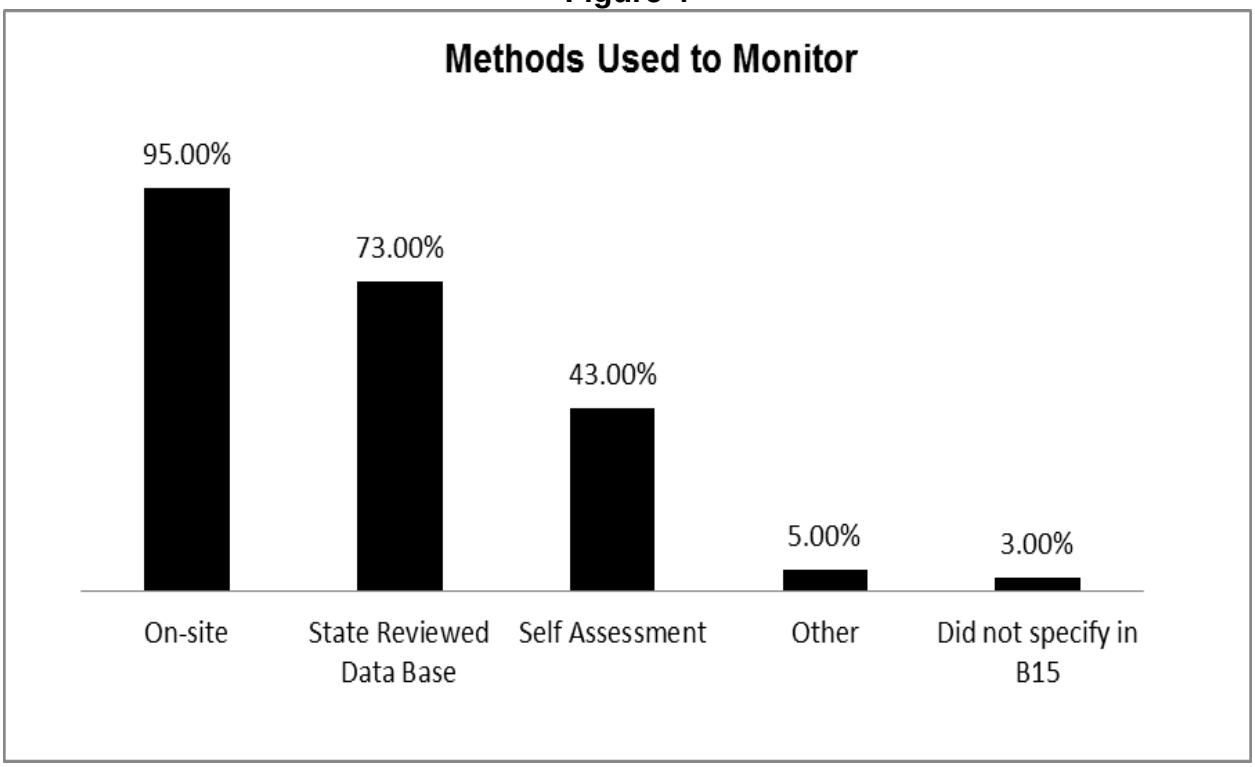
OSEP defines a “finding” as a written notification from the state to an LEA that contains the state’s conclusion that the LEA is in noncompliance and that includes the citation of the regulation and a description of the quantitative and/or qualitative data supporting the state’s conclusion of noncompliance with the regulation.

DAC reviewed the APR to identify the methods the state used to collect monitoring data. All but two states described the methods they used to collect monitoring data. DAC categorized the methods into four areas:

1. On-site – refers to instances where the state physically goes to the district to determine performance.
2. Review of State Database - refers to opportunities the state has to conduct desk audits or data reviews in the state office from a state database.
3. Self Assessment – refers to instances whereby the LEA does the actual monitoring with the state verifying the results.
4. Other – those methods beyond 1 – 3.
5. State Did Not Specify Methods to Collect Data in the APR.

While many states reported more than one monitoring method or activity, the following represents the percentages of states by data collection method:

Figure 4



Two states (3%) reported methods of collecting monitoring data that were unique to their state, causing those data collection activities to be coded as "other." In one case, the state reported monitoring very specific to nonpublic schools, whereas in the other state, it included fiscal audits.

METHODS USED TO VERIFY B15 DATA – CORRECTION OF NONCOMPLIANCE

OSEP Memorandum 09-02 defines "correction" as the state requiring the LEA to revise any noncompliant policies, procedures, and/or practices, and the state verifies through follow-up review of data, other documentation, and/or interviews that the noncompliant policies, procedures, and/or practices have been revised and the noncompliance has been corrected. The state should notify the LEA in writing that the noncompliance is corrected. For purposes of the SPP/APR reporting, timely correction occurs when noncompliance is corrected as soon as possible but no later than one year from the identification of noncompliance.

OSEP Memorandum 09-02 further describes correction as having two prongs
Prong 1 – LEA has corrected each individual case of noncompliance, and Prong 2 – LEA is correctly implementing the specific regulatory requirements (i.e., achieved 100% compliance), based on the state's review of updated data.

In other words, in verifying the correction of noncompliance, states must meet both prongs of OSEP Memo 09-02, by verifying that the LEA (1) has corrected each individual case of noncompliance and (2) is correctly implementing the specific

regulatory requirements (i.e., achieved 100% compliance), based on the state's review of updated data.

DAC also reviewed the APR to identify the methods states used to verify the correction of noncompliance: prong 1 and prong 2. The methods were categorized into five areas:

1. Review of State database - refers to opportunities the state has to conduct desk audits or data reviews in the state office from a state database.
2. On-site – refers to instances where the state physically goes to the district to determine performance.
3. State Reviewed Local Correction Data – refers to instances whereby the LEA submits documents to the state demonstrating the correction of noncompliance (e,g., a corrected IEP).
4. State Did Not Specify Methods to Collect Data in the APR.
5. Other – refers to other methods not reflected in 1 – 4.

While many states reported more than one verification method or activity, Figures 5 and 6 represent the percentages of states by data collection method.

Figure 5

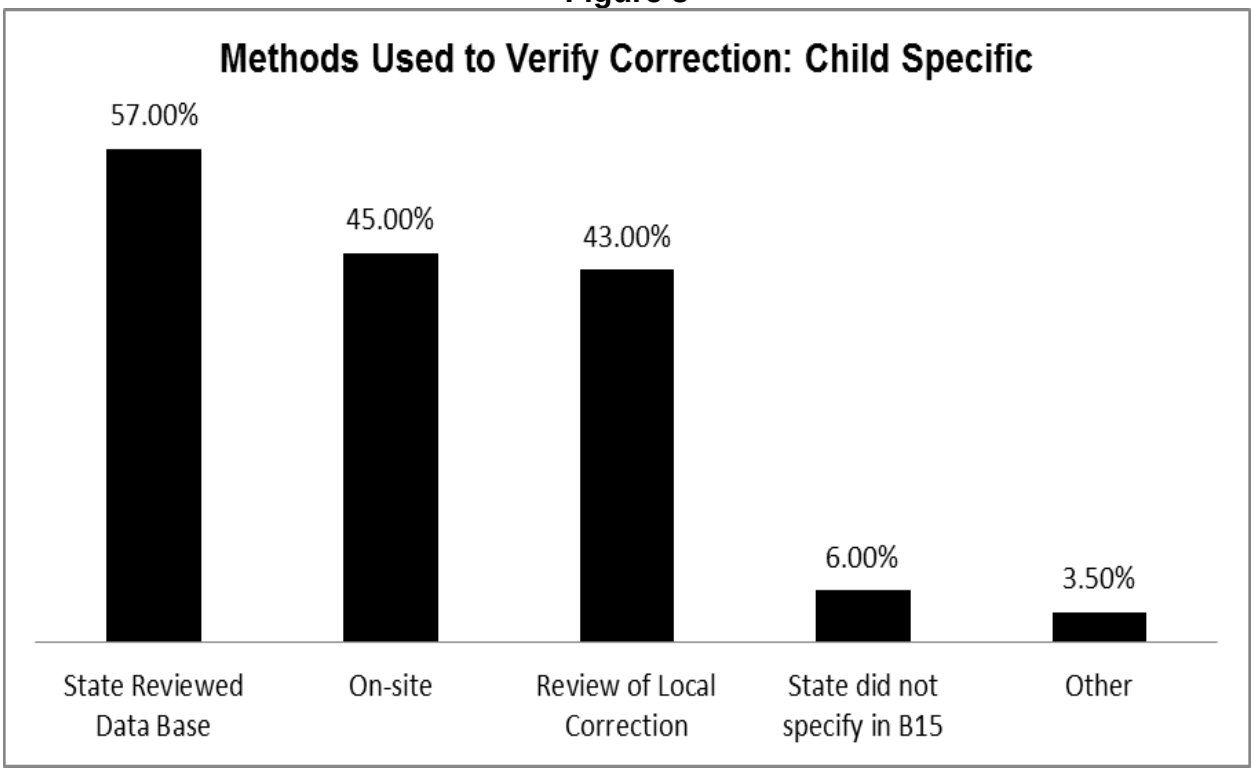
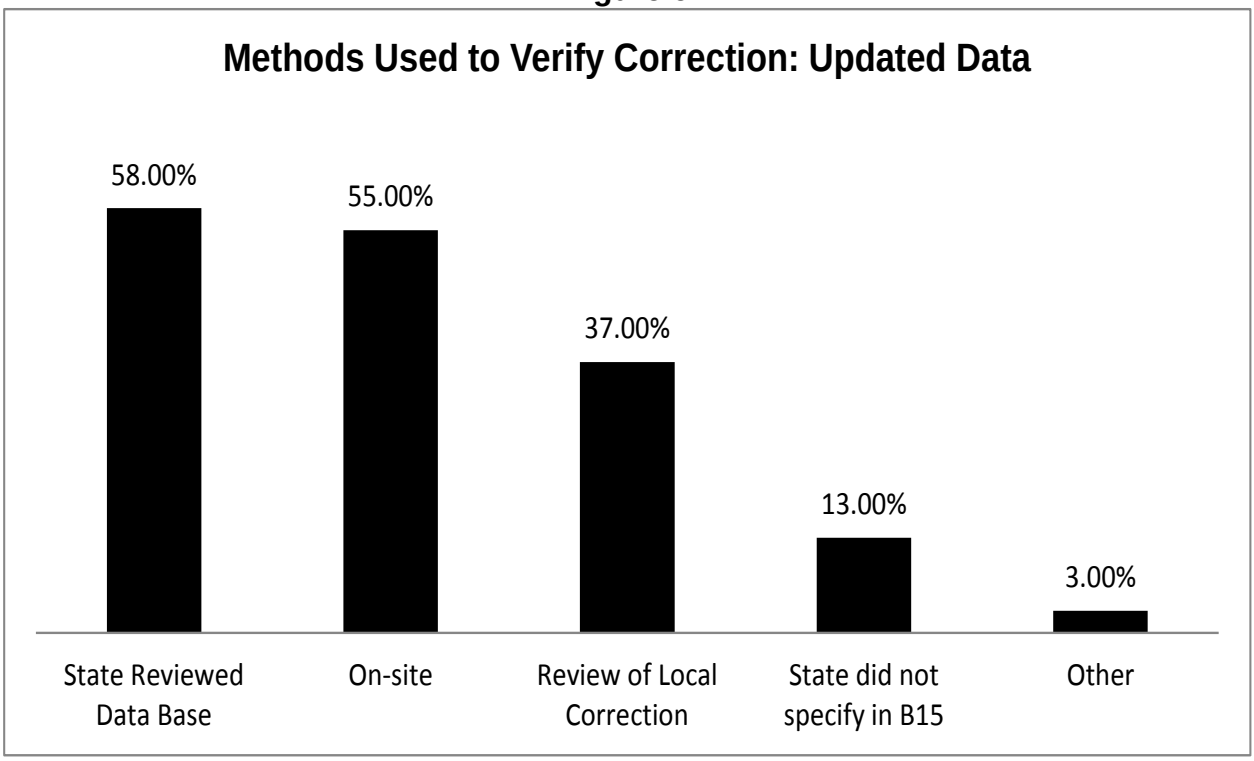


Figure 6



Other methods used to verify correction included facilitated self-assessments. Of the five states that did not specify in B15, one state reported it did not understand that the state was responsible for Prong 1. Three of the eight states that did not specify the method used to verify Prong 2 reported the state did not understand it was responsible for Prong 2.

IMPROVEMENT ACTIVITIES

For the review of improvement activities identified by states in their APR, the reviewers were asked to record information on state improvement activities during FFY 2009 that seem to be making a difference or appear to be promising. While most states reported progress by continuing to implement improvement activities for several years, there were states that did report improvement activities that appear *promising*.

Arizona reported progress due to the ongoing involvement by the monitoring director with the Corrective Action Plans (CAPs). The director reviewed the CAPs on a weekly basis to check each Public Education Agencies (PEA's) progress and scheduled follow-up visits and desk audits by the specialist assigned to the PEA. The director communicated with the specialist for detailed updates if the CAP closeout did not progress at a reasonable pace. Additionally, the monitoring director sent a monthly CAP Progression Report to the specialists and ESS directors that identified timelines toward the one-year closeout for each open monitoring. This alerted specialists to the remaining days for one-year closeouts. The director asked specialists to respond if

difficulties existed that would impede timely closeout. Strategies were then identified to assist the PEAs to close out the monitoring within the one-year timeline.

Connecticut distributed grant funds to the district that were part of focused monitoring. These funds were meant to support the implementation of district focused monitoring plans and progress reporting.

Maryland conducted frequent reviews to monitor progress toward the target, prevent slippage, and ensure that compliance becomes part of the everyday practices of the school system.

The Minnesota Department of Education (MDE) worked internally with the technology staff to disaggregate findings of noncompliance by grade level, setting, and disability area to identify greatest areas of need in order to focus efforts in training. MDE completed an analysis of the data and shared them with the Special Education Advisory Panel (SEAP). Data were disaggregated by geographic region and disability area. Reports were generated that provided MDE with information on specific areas of noncompliance, which helped guide training efforts. MDE staff continued to define reports in order to provide the most useful information.

Missouri strongly encouraged districts to submit all documentation at least 3 months prior to the end of the 12-month timeline. The Compliance Supervisors received monthly updates of districts still in CAP status and the indicators that remained out of compliance. Through phone calls and hands-on assistance, the districts were reminded often of the requirement for correction of all noncompliance within the 12-month timeframe.

In New York, the Comprehensive Special Education Information System (CSEIS) was enhanced to increase the capacity of the compliance monitoring reports that CSEIS generates to be aggregated in different ways to facilitate strategic interventions. The newly designed management reports allow, for example, the identification of “hot spots,” where the resolution of noncompliance might be going too slowly, at the geographic or institution level. The State used CSEIS to disseminate periodic electronic notices to LEAs with identified noncompliance, as a reminder of the noncompliance that needs to be corrected and the next steps that will be taken by the Office of Special Education should timely correction not occur. The State’s monitoring staff also received copies of the electronic notices and took appropriate follow-up actions.

The Wisconsin Department of Public Instruction validated through onsite visits in a sample of LEAs that the Procedural Compliance Self-Assessment was conducted as specified, and the data provided were valid and reliable. WDPI reviewed the data reported, and selected a reasonable sample of IEPs to determine if the self-assessment was properly conducted and that noncompliance was correctly identified and reported.

CONCLUSIONS

The majority of states again this year reflected that the OSEP 09-02 Memorandum was a turning point in the design of their monitoring system. They reported that the memorandum provided considerable guidance in the specific requirements concerning defining a "finding," timelines, and particular assistance with describing the necessary steps for verifying the correction of noncompliance.

States seem to be striving for a higher level of sophistication in collecting and verifying monitoring data and improving the validity and reliability of those data. There is no doubt that the use of technology (e.g., web-based monitoring) has assisted in improving the quality of monitoring data. This is also supported by 73% of the states reporting using improved state database systems to monitor local districts as compared to 60% last year.

The number of states reporting slippage in FFY 2009 (17 states) decreased from the percentage reporting slippage in FFY 2008 (19 states), while the number reporting 100% increased from 44 to 49. The guidance provided by the OSEP 09-02 Memorandum has had a significant effect on the attention paid to verifying the correction of noncompliance. States describe the negative impact of state budget and capacity but also the positive impact when states provide technical assistance and support to LEAs during the correction time. Given this shift in attention to not only finding but also correcting noncompliance, there is little doubt that the trajectory presented in Figure 1 is accurate and that states will continue to make progress in meeting the 100% target in the future.

INDICATORS 16, 17, 18 AND 19: DISPUTE RESOLUTION UNDER PART B
Prepared by the Center for Appropriate Dispute Resolution in Special Education (CADRE)

This summary addresses state performance on the dispute resolution (DR) processes required under the Individuals with Disabilities Education Improvement Act (IDEA), as well as information provided by the states on early resolution options. CADRE'S orientation to technical assistance and performance improvement is systemic and integrated – focusing on all DR options and emphasizing early dispute resolution and conflict management processes to alleviate the need for more formal and contentious processes. That orientation is reflected in this combined report on the four required DR indicators. While specific details on improvement strategies are beyond the scope of this document, readers should note that there are many examples of states successfully improving their performance in each of the four dispute resolution areas. Past or current problematic performance does not predict future performance, especially where state leadership and resources are directed toward specific improvements.

INTRODUCTION

IDEA requires that states, in order to be eligible for a grant under Part B, must provide four dispute resolution options to assist parents and schools to resolve disputes: written State complaints, mediation, and due process complaints (hearings). The 2004 reauthorization of IDEA expanded the use of mediation to allow parties to resolve disputes involving any matter under IDEA. IDEA also added a new fourth "resolution process" whenever a parent files a due process complaint, to allow parents and schools a more informal setting in which to reach a settlement and resolve the due process complaint without a hearing. These additions to the statute reflect the Congressional preference expressed at 20 U.S.C. 1401(c)(8) for the early identification and resolution of disputes: "Parents and schools should be given expanded opportunities to resolve their disagreements in positive and constructive approaches." In addition to these required procedures, many states offer informal "early dispute resolution" processes (e.g., IEP Facilitation, ombudsperson) intended to diffuse and resolve disagreements before they reach a level requiring a formal process.

States are also required to report annually to the Office of Special Education Programs (OSEP), U.S. Department of Education, on their compliance with and performance in key areas of the Law. This document is a summary and analysis of the FFY 2009 State Annual Performance Reports (APRs) for the dispute resolution indicators under Part B. These include:

- Indicator 16: Percent of signed written complaints with reports issued that were resolved within 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint, or because the parent (or individual or organization) and the public agency agree to extend the time to engage in mediation or other alternative means of dispute resolution, if available in the State.

- Indicator 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.
- Indicator 18: Percent of hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements.
- Indicator 19: Percent of mediations held that resulted in mediation agreements.

DATA SOURCES AND METHODOLOGY

Sources for this report include the FFY 2009 (2009-10) APRs submitted to OSEP on February 1, 2011, APR clarifications submitted by states as of April 2011, OSEP summaries of the indicators used for U. S. Department of Education Determination Letters on State Implementation of IDEA (June 2011), and other CADRE information on state DR activities. This report also draws on state DR data from prior years.

Beginning in 2002-03, states have reported DR activity to OSEP, first as "Attachment 1" and later as "Table 7" in their APRs. CADRE maintains a national longitudinal dispute resolution database using these reported data. IDEA required that, as of FFY 2006 (2006-07), these data be reported under Section 618 of the IDEA to the Westat/Data Accountability Center (DAC). CADRE receives DR data from the DAC after it has been verified for publication in OSEP's Annual Report to Congress. Since complete Table 7 data are no longer uniformly reported in the APRs, the current APR documents can be used only to generate summaries of changes in the indicator values but not summaries of broader dispute resolution activity. Summaries of longitudinal data from 2003-04 through 2008-09 are included here in order to demonstrate change over time in state compliance and performance related to these indicators. Otherwise, the data used in this report are drawn from state APRs. Note: "States" and "states/entities", unless otherwise clear from context, are used interchangeably to refer to all eligible recipients of Part B state grants, including the 50 United States, and the other "entities" (i.e., District of Columbia, Puerto Rico, Bureau of Indian Education, Virgin Islands, American Samoa, Guam, the Northern Mariana Islands, and the Freely Associated States (Republic of Palau, The Marshall Islands, Federated States of Micronesia).

Three CADRE analysts compiled performance data from the 60 APRs submitted by states. Performance data gathered by OSEP in its reviews was compared to that recorded by CADRE. In a few instances, CADRE elected to use corrected figures for an indicator where there were clear and confirmable mistakes made by the state in the report (for example, indicator values, in a few cases, did not match reported data used to make the calculation), or the calculation was simply in error. In those cases, OSEP may follow the state's submitted indicator or may register a concern about the reliability and validity of the state's data. Where possible, CADRE used corrected data, in some cases checking with the state to ensure that the correction was accurate. Each report was reviewed for information about improvement activities. Where relationships between state characteristics and performance could be identified, these are reported as well.

SUMMARY BY INDICATOR: PERFORMANCE AND IMPROVEMENT ACTIVITIES

This section is a summary by dispute resolution indicator of the states' actual (2009-10) performance, progress and slippage, trends, significant improvement activities, and any relationships identified among state characteristics and performance.

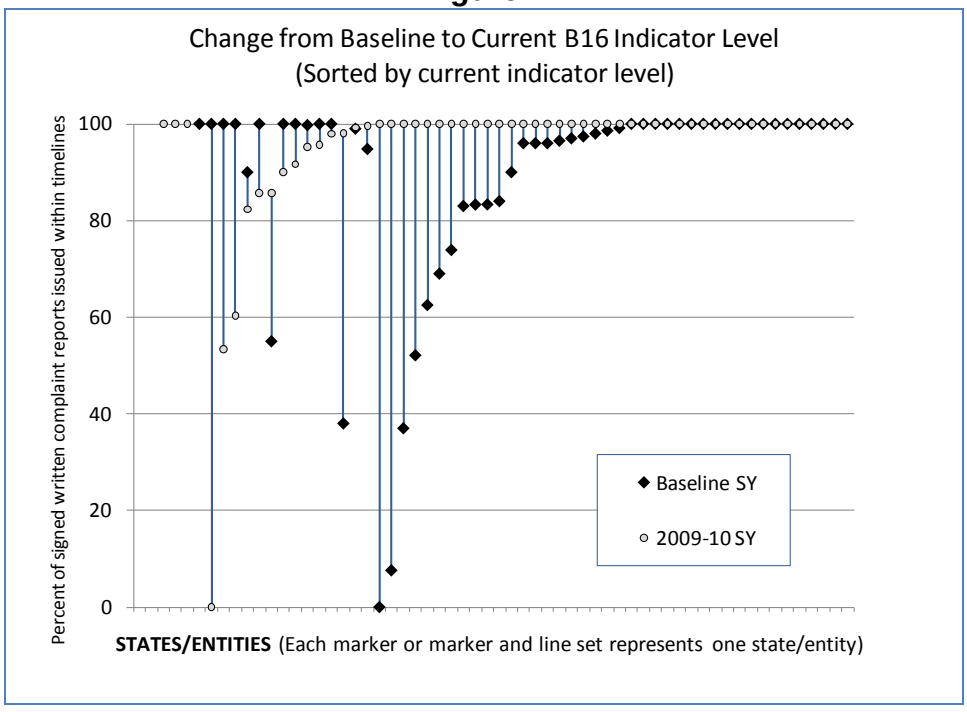
Indicator B16: Percent Signed Written Complaints Issued Within Timelines

The timeline requirements for completing investigations and reports of signed written complaints are statutory: "within 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint." B16 is a "compliance" indicator – states must meet this standard for all complaint reports issued. In 2009-10, 43 states met this 100% target; three states (outlying entities of the Pacific) reported no complaint activity, while 14 states did not meet this target. There is a slight negative relationship between performance on this indicator and the percent of students served in special education: the states serving the larger proportions of their school population in special education failed to achieve compliance slightly more often.

Indicator B16 Actual Performance

Figure 1 is a display of the range of current performance on Indicator B16 and change from the baseline year (2004-05) to the current year (2009-10). "Hi-lo lines" show the change; if the baseline marker (diamond) is below the 2009-10 marker (circle), that state showed positive change from baseline; if above, those states declined from baseline to the current year.

Figure 1



Most states have shown progress and achieved compliance. In the baseline year, 28 states had B16 levels of 100%, while 39 states were above 95% ("substantial compliance"). For 2009-10, 43 states were at 100%, while 49 were above 95%. This indicates overall progress across states toward achieving compliance. However, some states continue to struggle: two states were below compliance levels for both years and six states that had reported compliant indicator levels in 2004-05 were unable to do so for 2009-10. Other comparisons reflected in Figure 1:

- Two states had no activity in either the baseline or current year
- One additional state had activity in the baseline year, but not in 2009-10
- Three states (all smaller entities) had activity only in 2009-10
- Ten states in 2009-10 were below baseline
- 25 states in 2009-10 were above baseline
- 19 states were compliant (100%) both years
- 32 states were above 95% (substantial compliance) for both years

States are doing substantially better in achieving compliance in 2009-10 than they did during their baseline year.

Indicator B16 Progress and Slippage

Seven states showed slippage in Indicator B16 from 2008-09 to 2009-10; 38 states experienced "no change" from 2008-09 and 2009-10; 15 states showed progress. Other slippage information:

- Two states had no activity in either 2008-09 or 2009-10
- Three states had no activity (shown in the figure below as "no data") in 2009-10
- Three states (all smaller entities) had activity only in 2009-10
- Four states evidenced 100% change (one showing slippage and three progress) – three of these states had only one or two complaints in 2009-10
- Five states had no activity in 2008-09
- 35 states achieved 100% compliance both years
- 41 states were above 95% (substantial compliance) for both years

One of the 100% progress states was a large state that overcame a lack of valid and reliable data (0% in 2008-09) to demonstrate 100% compliance in 2009-10. This state investigated and reported on almost 100 complaints in the current year (some problems may reflect more technical data quality and tracking issues than systemic complaint procedural performance).

States did not always provide "explanations" for progress or slippage. Many states simply restate that they met or did not meet the target in this section without attributing their performance to anything specific. Others simply indicate "implementation of improvement activities" as an explanation. Of those 29 states that attributed their progress or their meeting compliance to one or more particular strategies, the reasons in order of most frequent mention included:

- Data tracking and frequent monitoring of timelines by leadership or by a team
- Stakeholder collaboration and engagement, often including a public process for publicizing DR options, clarifying processes, and reporting results
- Team engagement through frequent meetings to review progress on complaints
- Other ADR - active promotion of alternative dispute resolution to reduce demand for more formal processes
- Leadership engaged through active priority setting and monitoring of timelines
- Training of and guidance to staff and other stakeholders on procedures
- Communication with and technical assistance (TA) to LEAs to provide guidance, encourage early resolution
- Increasing staff to address backlogs and adjust staff assignments to address demand

Ten states provided explanations for not achieving compliance. Six states indicated that the primary reason for failure to achieve compliance was the result of one or few reports slipping past the 60 day timeline by a few days, sometimes over a weekend. Loss of key staff was the next most common reason given for failure to meet timelines.

While the occasional process error and staff loss can be particularly difficult in any system, some states appear to aim their procedures too much at the end of the 60 day timeline or may require reviews that cannot be reliably provided by leadership in times of competing demands. Several states noted that they complete draft reports within 30 to 45 days, allowing time at the end of the process for review and refinement of the report before issuance. If the report is not drafted until near the end of the 60 days, failure to issue it on time will be more frequent.

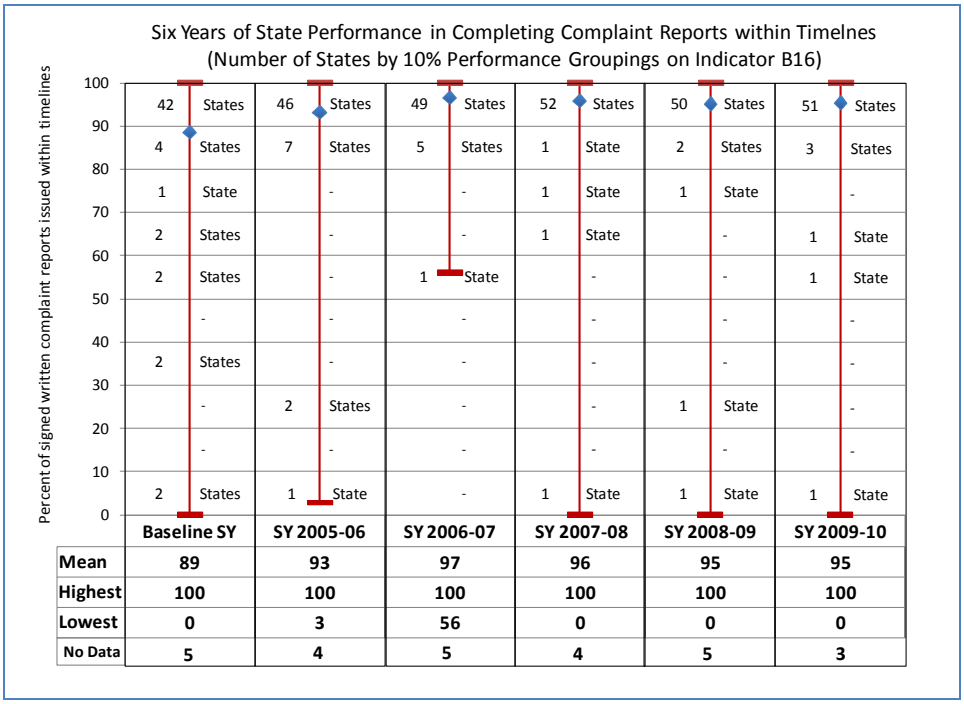
Indicator B16 Trends

The performance "bands" (rows) in Figure 2 reflect, in the uppermost band, the number of states with performance on this indicator ≥ 90%. The next band shows the number of states with performance in the range of 80% to <90%, while each remaining band covers a 10% range (e.g., 70% to <80%, 60% to <70%). Again, three states had no activity during the 2008-09 year and all states provided valid and reliable data.

Table 1 summarizes states demonstrating full compliance (100%) and substantial compliance (≥95%) for these six years.

Many states report that they now apply rigorous criteria for the use of extensions in complaint investigations, ensuring that extensions are granted strictly in compliance with regulatory standards in exceptional circumstances with respect to a particular complaint or when the parties involved agree to engage in mediation. It may be that individually applying these formal standards had the initial effect of decreasing on time report completion (in 05-06 and 06-07). However, growth in the number of states completing their complaint investigations and reporting within timelines is evident in these data.

Figure 2



[Note: "No data" indicates no reported complaints reports issued.]

Table 1

Number of States Achieving Substantial or Full Compliance on Indicator B16

	Baseline (04-05)	05-06	06-07	07-08	08-09	09-10
100%	28	36	36	42	42	43
≥95% to 100%	39	46	42	47	47	49

Indicator B16 Improvement Activities

APRs often lack detail on how a state approaches dispute resolution management. "Annual training", or "data tracking system" are general descriptions. In many states, the information on improvement strategies is "boilerplate" language, usually brief and sometimes the same wording for all four dispute resolution indicators. In a number of states, activities other than what is required by IDEA are not reported. For example, many states promote early resolution strategies aimed at preventing or resolving conflicts before the formal processes are fully invoked, but may not report on these optional processes even though the state may consider those activities essential parts of their dispute resolution system.

Featured Elements of State Processes and Improvement Activities

There are, without doubt, states with effective activities that are not described in their APRs or SPPs. Here (and in later parts of this chapter) observations are offered on improvement activities and processes emphasized by some states (AK, AR, AZ, DC, FL, GA, MA, MN, MS, MT, ND, NM, SD, TX, WI) and that stood out in the FFY 2009 reports. These mentions are not endorsements of a particular approach (states generally do not provide sufficient information for such a judgment). Nor does a state's mention suggest that their performance is compliant, or is compliant as a result of a particular activity. The activities described, however, are frequently mentioned in APRs as parts of effective systems.

Timelines Tracking. Integrated tracking system (used by investigators; tracked by supervisors or reviewed by "team" regularly; monthly or frequent review meetings to ensure timelines are addressed and common issues can be identified and focused on.)

Procedural Clarity. Procedures or guidance that lay out the steps on a timeline from complaint filing to report delivery help clarify the process to investigators, LEA staff and parents. Key elements mentioned by several states: first draft of complaint report submitted early (one to four weeks prior to the end of the 60 day timeline) to allow time for review, polishing, signing, and delivery on time, and follow-up procedures to ensure that corrective actions have been implemented. [A caution from one state about overcomplicating the review process: "In retrospect, new review procedures that relied on the availability of the division chief delayed six complaint reports."]

Using External Expertise. Many states contract for external expertise to bring in an independent perspective for system review, as well as for periodic training of staff.

Evaluation Monitoring. Using integrated data tracking systems, some states comment that they use issues identified through informal and formal dispute resolution to inform improvement activities and monitoring across special education, and to identify hot topics for staff training.

Staff/Stakeholder Training. States providing more detail on their training describe frequent events (as often as twice a month), based on needs and issues assessment. States that have corrected repeated timeline problems have invested in both extra staff training and in tracking (including "tickler" notices about timelines) and feedback to staff (e.g., report reviews, performance evaluation).

LEA Communications and TA. Training for SEA DR and LEA staff helps familiarize them with DR processes. Frequent communication (form letters, standard protocols) in the event of a complaint helps keep the process moving.

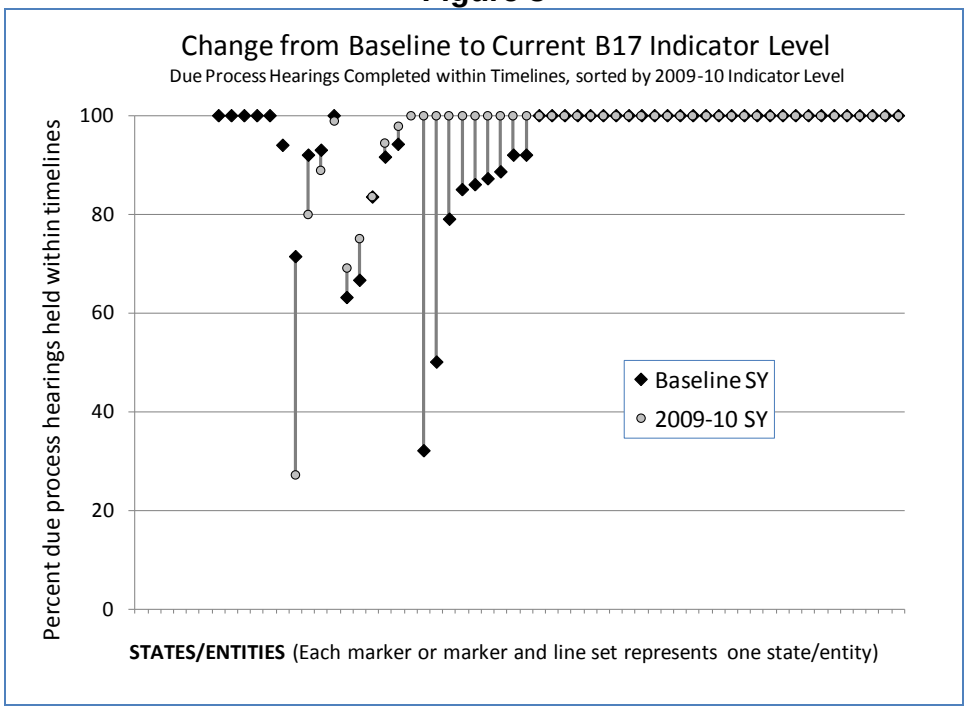
Indicator B17: Hearings Held and Decisions Issued Within Timelines

The timeline requirements for conducting hearings and issuing hearing officer decisions are statutory. Under B17, hearings decisions must be issued "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." This is another "compliance" indicator – states must meet this standard for all due process hearings held and decisions issued. In 2009-10, 39 states held hearings and met the 100% target; 12 states reported no due process hearings held; and nine states held hearings but failed to meet this target.

Indicator B17 Actual Performance

Figure 3 is a display of the change in state B17 performance from the baseline year (2004-05) to the current year (2009-10). The vertical lines show change; if the diamond marker (baseline) is below the circle marker (2009-10), that state showed positive change from baseline; if above, the state declined from baseline to the current year.

Figure 3



Change from baseline performance on indicator B17 is overwhelmingly positive:

- Four states had 2009-10 performance less than baseline
- One state showing no change reported 83.5% for both years
- 13 states showed improvement from baseline to 2009-10
- 12 states held no due process hearings in 2009-10
- Six states held no due process hearings in either year

- Seven states had no activity in the baseline year
- One state had activity only in 2009-10
- 39 states were compliant in 2009-10 compared to 29 states in the baseline year
- Two additional states were substantial compliance (Indicator values >95%)
- 28 achieved 100% compliance in both years

It is clear that state systems are getting better at managing the complexities of tracking and managing hearing timelines.

Indicator B17 Progress and Slippage

Four states showed slippage, 43 showed “no change” and 13 showed progress between 2008-09 and 2009-10. Of the 35 "no change" states/entities, only two reported no due process complaint activity for both 2008-09 and 2009-2010, six states held a hearing in only one of these years, while 35 states achieved 100% compliance both years.

Of the 43 "no change" states: 23 reported 100% on time for both 2008-09 and 2009-2010; 12 held no hearings in 2009-10; 17 held no hearings in 2008-09; and nine held no hearings in either year. As noted above, 39 states that held hearings reported achieving 100% compliance in contrast to only 29 states in 2008-09. Of the 13 states showing progress, eight achieved full compliance (100%), while two more states had indicator B17 levels between 95% and 100%.

Explanations for progress fell into predictable areas, largely focused on the timeline requirements:

- Tracking systems that provide information to the hearing system, to the parties in the complaint, to hearing officers (including “ticklers”), and to SEA dispute resolution managers about each due process complaint and where it is in the process.
- Agreements and joint tracking of timelines by the SEA and a state office of Administrative Hearings (when the SEA did not directly supervise a hearing panel).
- Focused training (in some states up to eight days a year) on hearing procedures, including timelines, legal issues, etc.
- Hearing officer evaluation systems that included feedback and guidance regarding timelines.
- Use of outside expertise (e.g., national experts as trainers).

Explanations for slippage (and for failure to reach compliance) were most often cited as failure to mail a decision before rather than after a weekend when the timeline ran out on a Saturday or Sunday and other relatively easy-to-fix clerical or technical issues. For some states, vacations and staffing issues may represent a larger systemic issue in meeting regulatory timelines. Of the four states that showed slippage, three were the result of a single hearing not being completed within timelines. Had those hearings

been completed, all three states would have achieved 100% compliance. The largest slippage (67%) was the result of a finding during an OSEP verification visit: the state had failed to include both the new date of the hearing and the date of the decision when communicating to the parties about extensions. The state reports that this noncompliance has been corrected by a change in a letter template.
As might be expected, states with more hearing activities are more likely to have problems reaching 100% compliance. Table 2 provides a quick view of "break points" for the number of hearings held and the number of states failing to meet compliance.

The more hearings that states hold, the more difficult it may become to complete them all within timelines; more active systems are less likely to achieve 100% compliance. However, two of the three states that held in excess of 100 hearings in 2009-10 achieved between 95% and <100% on this indicator, suggesting that even with high levels of activity these systems can achieve substantial compliance.

Table 2

Number and Percent of States Holding Hearings and Noncompliance Status

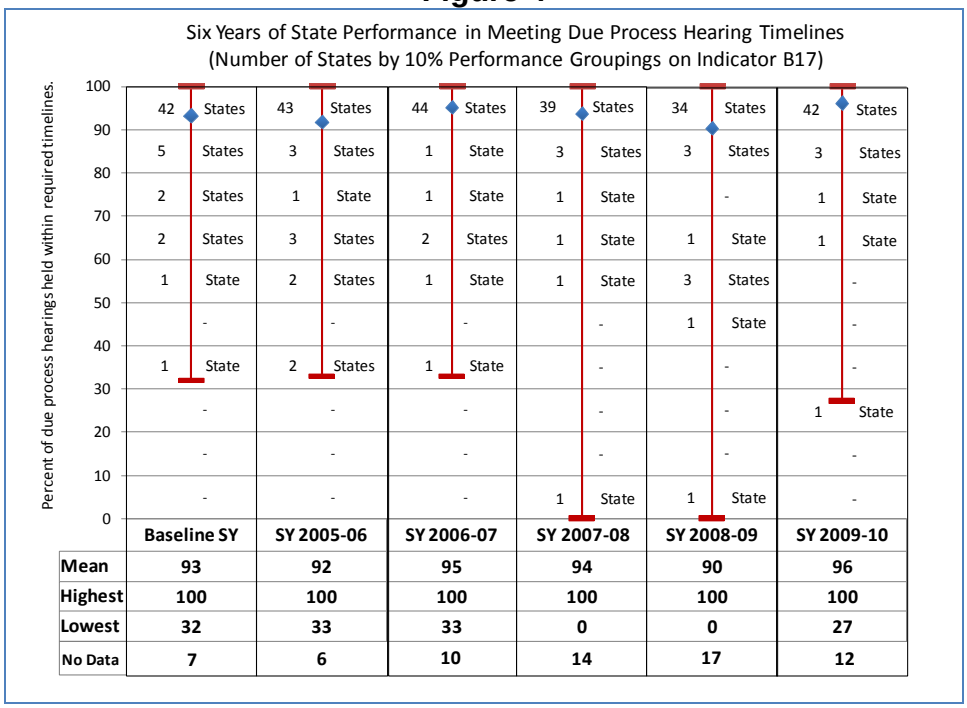
	Number of States		
# Hearings Held	Total	States with B17 <100%	% Noncompliant
None	12	NA	NA
1-3	22	0	0%
4-17	15	3	20%
18-99	8	4	50%
>100	3	3	100%

A significant unknown in the APR data reported is the number and proportion of hearings pending as of June 30 each year. For 2009-10, 12 states provided at least partial information about the number of due process complaints filed, hearings held and hearings pending. In six states that reported both complaints filed and pending, from 14% to 75% of due process requests were pending as of June 30 (the total number of complaints pending was almost 700 and the average was 33% pending). In eight states that reported both due process complaints and hearings held, the percentage of due process complaints resulting in a full hearing ranged from 0% (in the state with 75% pending) to 13% with an average reported rate of 5%. These states accounted for 161 hearings held. In 2008-09 (the year for which consistent Section 618 data are currently available), pending due process complaints (2,602) were 14.4% of all filed; by contrast, state written complaints pending (72) were 1.4% of all filed. The addition of the resolution meeting process has resulted in more of those due process complaints filed late in the year remaining pending as of the close of the reporting period. High levels of "pending due process complaints" in some states may distort summaries and comparisons with other states that have a relatively low proportion of pending.

Indicator B17 Trends

The performance "bands" (rows) in Figure 4 reflect, in the uppermost band, the number of states with performance on this indicator ≥ 90%. Again, 12 states held no due process hearings during the 2008-09 year and all states reported valid and reliable data. While the past two years saw some decrease in both the number of states with due process hearing activity and states reaching compliance, in 2009-10 fewer states with due process activity fell below 90% on Indicator B17 than in any past year.
The single state in the "20% to 30%" band was, again, the state with noncompliance regarding extensions. That issue may be present in other states as well and also may be as easily addressed by a change in the form letter used for communications regarding extensions. The overall trend toward compliance is further demonstrated in Table 3 which shows how many states achieved full compliance or that fell within the range of 95% to <100% ("substantial compliance").

Figure 4



[Note: "No data" indicates no reported due process hearings held.]

In contrast to Figure 4, the 35 states (Table 3) in the baseline year achieving 95% to 100% means that seven of the 42 states (in the top band of Figure 4) had Indicator values between 90% and 95%. It is not entirely clear why 2006-07 appeared to be a more successful compliance year, but full implementation of the resolution process and its implications for hearing timelines may not have been fully reflected in the data until 2007-08.

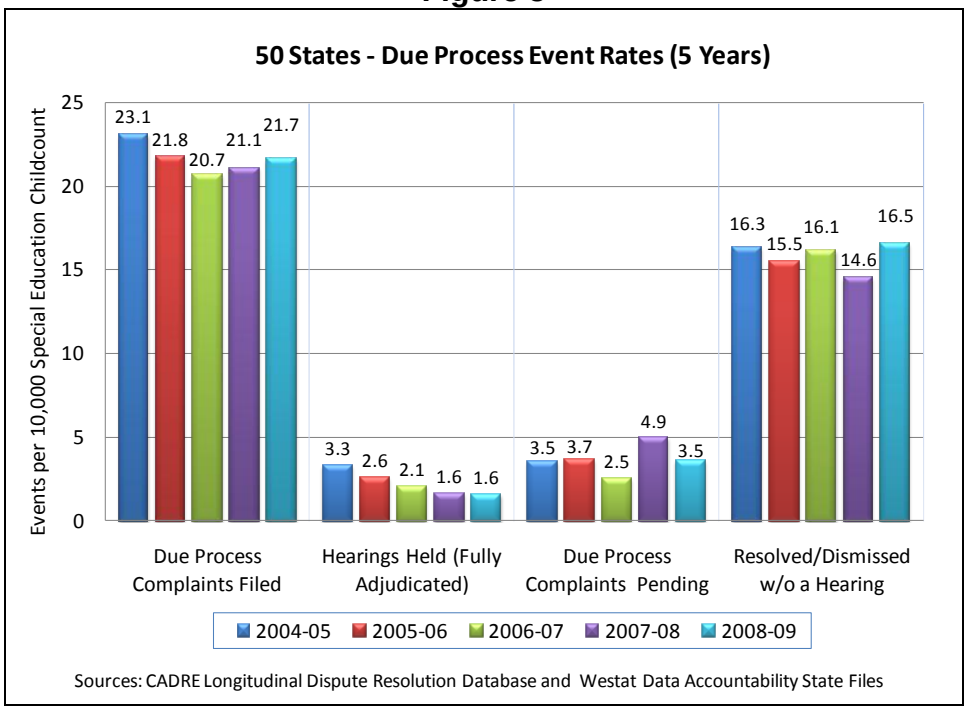
Table 3

Number & Percent of States Achieving Substantial or Full Compliance on Indicator B17

	Baseline (04-05)	05-06	06-07	07-08	08-09	09-10
100%	35	37	41	35	29	39
≥95% to <100%	-	4	2	-	2	2
Total (95% to 100%)	35	41	43	35	31	41
Percent of States that Held Hearings with Ind. B17 ≥95%	66%	76%	86%	76%	72%	85%

Figure 5 displays data not available through the APR – the average national rate of due process hearings per 10,000 special education child count. These data come from the Section 618 Table 7 reports (currently submitted to the DAC and no longer included in the APRs) and from earlier APRs (prior to 2006-07, APRs included Table 7).

Figure 5



While the rate of due process complaints filed over this five year period (2004-05 through 2008-09) decreased and then rose again somewhat, the rate of "hearings held" has decreased substantially. "Pending" due process complaints remain higher than hearings held but may have stabilized at pre-resolution meeting levels. "Resolved without a hearing" has been remarkably stable – the use of resolution meetings to resolve due process complaints may not have changed the rate of complaints resolved

with a hearing, but may have formalized some resolutions that were previously occurring but without any particular standards.

Indicator B17 Improvement Activities

The following description of the elements of what appear to be effective systems (either in achieving compliance, or representing active systems that have established practices that led to improved performance) is a compilation of APR entries by these states: AK, CA, CT, DC, FL, GA, IL, MN, MT, ND, NM, NV, PA, TX, UT, and WY.

Featured Elements of State Processes and Improvement Activities

Policy/Procedure/Guidance. Several states describe policy and guidance documents for participants, system managers, and hearing officers. The contents of guidance address, for example: timeline elements of the due process complaint system (notice, Hearing Officer [HO] assignment, resolution meeting process, hearing/decision timelines, and extensions), hearing procedures and conduct, appropriate HO behavior, report writing style and standards, HO evaluation, and the use of settlements when agreeable to the parties to avoid hearings.

Assignment of Hearing Officer (HO) Supervision and Evaluation. An increasing number of states report HO evaluation systems. Where the State Office of Administrative Hearings provides the HOs, the evaluation systems are based on collaborative agreements with the SEA. These evaluations address timelines, an essential area of HO performance, as well as feedback from participants and other areas described above under policy/procedure/guidance. Sanctions in many states involve required retraining and TA for HOs who fail to meet timeline or other standards; at least two states (NY and PA) report decertifying HOs for repeated failure to improve performance.

Hearing Officer Training and Technical Assistance. The scope of training can mirror the policy/procedure/guidance described above, plus IDEA regulations and issues specific to special education programming (e.g., research-based Interventions, Learning Disabilities, Autism). In many states, the amount of training is substantial – several days a year – and in one state (CT), eight days a year for Hearing Officers.

Timeline Tracking and Docketing Database. Many states refer to data systems that support docketing (the scheduling of various elements of each due process complaint from resolution process through decision, including “ticklers” to the HO and the parties regarding critical points in the process). The more sophisticated of these systems also support organization of documents resulting from the process (e.g., forms for tracking resolution meeting planning and conduct, notices to participants, documentation of extensions, HO orders and final decisions). Disaggregation of data from these systems by HO is crucial to monitoring, evaluation, training, and TA.

Monitoring Due Process Complaints and Timelines. While a tracking system can provide the essential information for monitoring, the *work* of monitoring (that is, acting on the information) must still be done. States report specific monitoring strategies, including: a hearings system coordinator (full or part-time) or a contracted external agent (in smaller systems) responsible for tracking all cases; collaborative agreements with the State Office of Administrative Hearings for joint access to the database and joint tracking of cases; team approaches involving regular meetings (e.g., every other week) to review the status of individual cases and ensure timely progress.

Early Resolution. At least six states credit alternate dispute resolution with reducing due process complaints and/or increasing due process complaints that were resolved without a hearing. States mention these "early resolution" processes: parent hotline (SEA or PTI operated); school-parent training on working collaboratively; IEP facilitation; encouragement by HOs to use the resolution meeting process, mediation, or to reach other settlement agreements. A few states suggest that involving HOs in activities other than the direct preparation and conduct of a hearing, risks role confusion and conflict of interest. Different states report that such involvement may range from advocating that parties explore these options to actively facilitating resolution negotiations. Generally, hearing officers to do not serve directly as mediators.

Indicator B18: Percent Resolution Meetings Resulting in Written Settlement Agreements

Indicator B18 Actual Performance

Forty-nine (49) states held resolution meetings in 2009-10. Based on the numbers that these states reported in their calculations for Indicator B18, a total of at least 9,803 resolution meetings were held nationally and 2,975 written settlement agreements were reached in 2009-10 – a "national" agreement rate of 30.3%. The average state reported rate was 53.7%. The difference between these values reflects the disproportionate impact of one very active state with very low agreement rates.

Figure 6

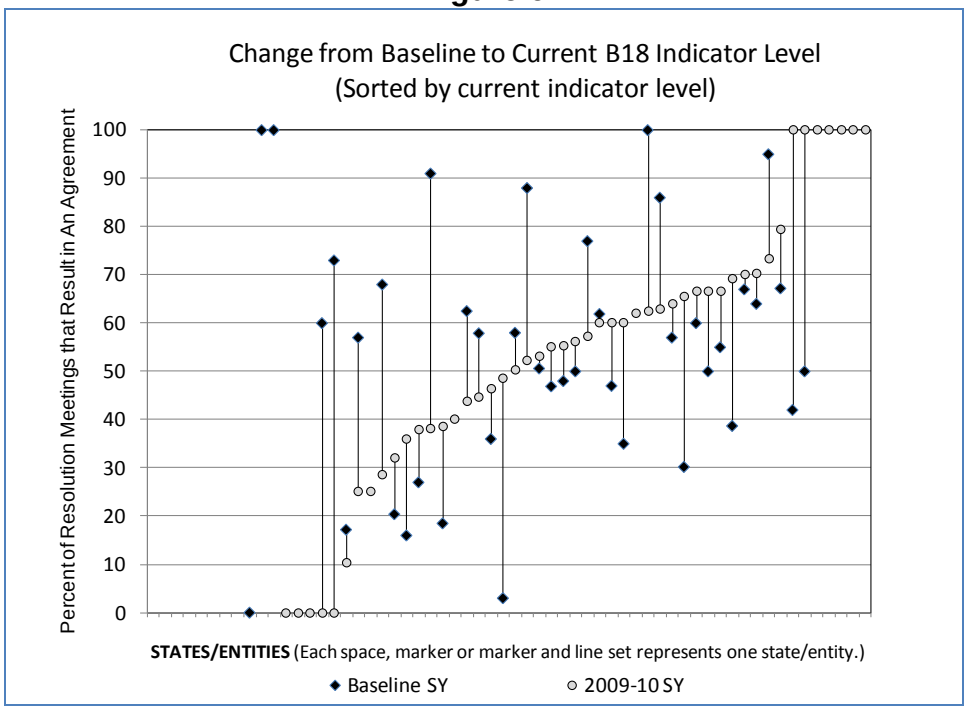


Figure 6 is a display of state performance on Indicator B18, "written resolution agreement rate." The distribution of these state reported rates is almost a straight line between 25% and 75%, with five or more states at each extreme (0% and 100%). Thirty-three (33) states held ten or more resolution meetings; 29 of them had agreement rates of more than 35%. The distribution of indicator performance for these more active states is also a remarkably straight line between 30% and 75%. While two of the seven states that reported 100% on this indicator held only one resolution meeting, the other five held between seven and ten resolution meetings each. For some of these states, this may reflect a problem in capturing information on resolution meetings held where parties did not reach agreement. At least two of the 100% states actively promote resolution meetings for every due process complaint and report that parents and schools are willing to reach agreements.

There is a modest relationship (r = .38) between the 2009-10 targets that states set for Indicator B18 and their performance. This may reflect as much the practice of adjusting targets to performance as the other way around. The average performance on B18 for states with resolution meeting activity in 2009-10 and the established targets (42 states) average about 50% (see Table 4). States with fewer than ten resolution meetings must still report their B18 performance but are not *required* to set a target, although many did.

Table 4

Written Settlement Agreement Targets

B18 Target	# States
<30%	6
30% to <50%	10
50% to <60%	10
60% to <70%	7
70% to <80%	4
>80%	5

Indicator B18 Progress and Slippage

Twenty-two (22) states showed slippage, 22 showed no change, and 16 showed progress. All 22 states that showed "slippage" (< - 1%) held at least two resolution meetings in 2009-10. The 16 states showing progress (>1%) held at least one resolution meeting in both years. Forty-seven (47) states held resolution meetings in both 2008-09 and 2009-10.

The "national" agreement rate in 2009-10 of 30.3% (see above) contrasts favorably with 2008-09, when states held 7,938 resolution meetings and reached agreement 2,090 times (26.3%). Overall, resolution meeting activity increased by 23% between these two years, while agreements increased by 42%.

These summary numbers, however, hide the wide variability in resolution meeting activity among states: one very active state accounts for almost 54% of all resolution meetings held, but only 18.2% of all written resolution agreements. Leaving out this state, the other 20 "slippage states" held 722 resolution meetings and reached 397 agreements (the aggregate B18 level = 55.0%), while the 17 "progress states" held 3,487 resolution meetings and reached 1,898 agreements (B18 = 54.4%).

Other observations about B18 progress and slippage:

- Eight states did not hold any resolution meetings in either year
- Five states held resolution meetings in one year but not the other
- Of the 22 states with "no significant change," 11 held no resolution meetings in 2009-10 and three more held none in 2008-09 (these states are included with the "no change" states since their "progress" or "slippage" against no activity would be misleading)

Explanations for Progress and Slippage

As with other indicators, about half the states offer no "explanation" for their performance, whether stable or changing. That is, they do not attribute their performance to anything they do, but simply describe how their performance changed. For those states where reasons are offered, explanations for progress (or for good

performance) or slippage (or for poorer performance) on Indicator B18 follow a clear pattern. Most often noted as the reasons for lower rates are:

- B18 indicator doesn't capture other resolutions; a low rate on B18 may mean that parties are finding other ways to resolve issues.
- The outcome depends on the parties (this is used as a reason by different states both for higher and for lower resolution agreement rates).
- Resolution meetings are a local responsibility the SEA cannot impact.
- Some attorneys resist participation.
- Fewer due process complaints and a higher percentage of those going to hearing mean that the issues are harder, therefore less subject to resolution outside a hearing.

While there may be some validity to each of these explanations, a consistent message from those states explaining their progress or satisfactory performance suggests that SEAs do have the capacity to impact this largely LEA-driven resolution opportunity. Most frequent explanations for improved or good performance on this indicator were:

- Improved data collection directly from LEAs on their responsibility for the process and timelines
- More guidance, training, web resources, consumer brochure, etc., about resolution meetings
- Continuous positive message about the potential of resolution meetings
- Monitored more actively, especially the 15 day timeline
- More upstream resolution options, including facilitation
- Some attorneys are very receptive and use the resolution meeting to reach agreements rather than proceed to a hearing

States with the highest resolution agreement rates present a common picture. Table 5 displays the number of resolution meetings held and results for the five states with significant activity that had the highest written settlement agreement rates.

Table 5

States with High Written Resolution Agreement Rates (B18)

State	Res Meetings Held	Written Settlement Agreements	Indicator B 18 (2009-10)
CT	78	62	79.5
OK	30	22	73.3
MD	111	78	70.3
PA	335	235	70.1
NH	13	9	69.2

These five “high performing states” states have actively focused on making resolution meetings work. They report common strategies that appear to contribute significantly to their success in using resolution meetings to resolve due process complaints:

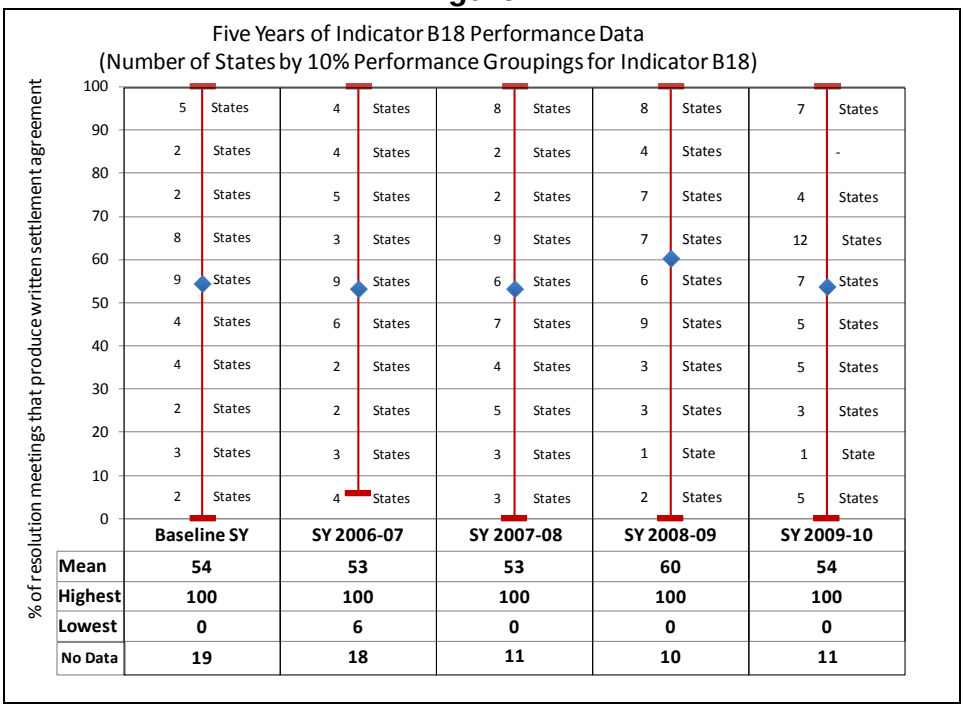
- All collect data on the resolution meeting process, timelines and outcomes from LEAs (or through Hearing Officers).
- All report that they promote resolution meetings to LEAs and parents (positive messaging).
- All provide active guidance and training to LEAs on their effective use.
- Four of these states offer or universally provide resolution meeting facilitation and/or other alternate and early dispute resolution options.

Indicator B18 Trends

There is much more variability in the success states had in resolving issues through the resolution meeting process. Figure 7 is a display of the number of states in each of ten performance bands on this indicator for five years. In 2009-10, 49 states held at least one resolution meeting. The apparent lack of much change since this requirement was first tracked (2005-06) may be deceptive. The first two years of data collection for this indicator may be suspect – many states may have had difficulty collecting data on resolution meeting activity so that the only instances of activity they could report were when an agreement was reached (inflating the agreement rates).

In 2009-10, the differences between states with higher B18 performance appear to be related to state orientation/culture and to the aggressiveness of the state in trying to make resolution meetings work. The nine states with the lowest B18 rates more often describe the resolution meeting process as a local responsibility for which they have minimal responsibility and they cite “resolved without a hearing” as a better measure of LEA-parent resolutions. Some states note that they collect more detailed information on resolutions reached outside the formal processes. Where that is not the case, however, “resolved without a hearing” may cover a wide range of undocumented outcomes, making helpful analysis of this indicator more difficult.

Figure 7



	Baseline SY	SY 2006-07	SY 2007-08	SY 2008-09	SY 2009-10
Mean	54	53	53	60	54
Highest	100	100	100	100	100
Lowest	0	6	0	0	0
No Data	19	18	11	10	11

[Note: "No data" indicates no reported resolution meetings held.]

Indicator B18 Improvement Activities

The variable performance on this indicator makes it difficult to identify which activities appear to contribute to higher performance on Indicator B18. The "improvement activities" of few high performing states suggest what matters (previewed above in the "progress/slippage" section). In this section are listed improvement activities to which states positively attributed performance.

Featured Elements of State Processes and Improvement Activities

Data Collection & Monitoring. Many states (AL, AZ, CA, IL, TX) report having improved their data systems in the past several years and now collect more detailed data on the resolution meeting process, satisfaction of parties with the process, and outcomes. Some states (e.g., AL, DC, ME, SC) have assigned the Hearing Officer to track and report on the resolution process; other states have placed responsibility for the process and for reporting on it with the LEA. SEAs, the PTI or another contracted organization, or the Hearing Officer may carry the responsibility for encouraging the parents and LEA to pursue the resolution process. As a part of reaching a written settlement agreement, some states collect a form, signed by both parties, confirming whether or not an agreement was reached that addresses the basis of the complaint. Aspects of SEA monitoring for many states now include:

- Immediate reminders of the resolution meeting process to the LEA when a complaint is filed

- Check points with the LEA to ensure that they are pursuing the resolution process (e.g., a reminder on day ten that the meeting must occur by day 15; contact on day 16 to assess whether the meeting occurred, etc.)
- Documentation of the resolution process outcomes (whether an agreement was reached)
- If an agreement has not been reached by day 15, follow-up to encourage resolution throughout the 30 day resolution period

Policy Guidance. Several states (CA, DT, IN, ME) reported that they made significant efforts to improve guidance on the resolution meeting process. They focus on, for example, revisions to laws and rules, web resources, outreach to families and students, consumer brochures, parent procedure manuals, improved handbooks to guide the process (forms, documents, scheduling procedures), and staff/LEA/parent training about the opportunity to resolve conflicts through resolution meetings.

Outreach and Communication. Several states (CT, FL, IN) report that consistent messaging about the value of the resolution process and ongoing communication with LEAs about the importance of doing resolution meetings has contributed to positive results in this area.

Support of a Range of Upstream DR Options. Upstream options are inconsistently reported, but include parent hotlines which are staffed either through another organization (IN) or by directing calls to SEA staff (FL). Wisconsin reports that facilitation training can help both with difficult IEPs and with resolution meetings. Three states provide early resolution options that help create a climate of cooperation and resolve problems early or before a more formal process is invoked.

Indicator B19: Percent Mediations that Resulted in a Mediation Agreement

Indicator B19 Actual Performance

Figure 8 displays change from baseline year (2004-05) to the current year (2009-10) on Indicator B19, mediation agreement rate. Most state performance clustered between 60% and about 90%. Most states (31) maintained or improved mediation agreement rates from baseline to 2009-10. Half as many states (16) had lower mediation agreement rates in 2009-10 than during baseline. Eight states had mediation activity only in 2009-10, while one state had mediation activity only in the baseline year (for most states, the baseline year was 2004-05). Six states had no mediation activity in either year.

Figure 8

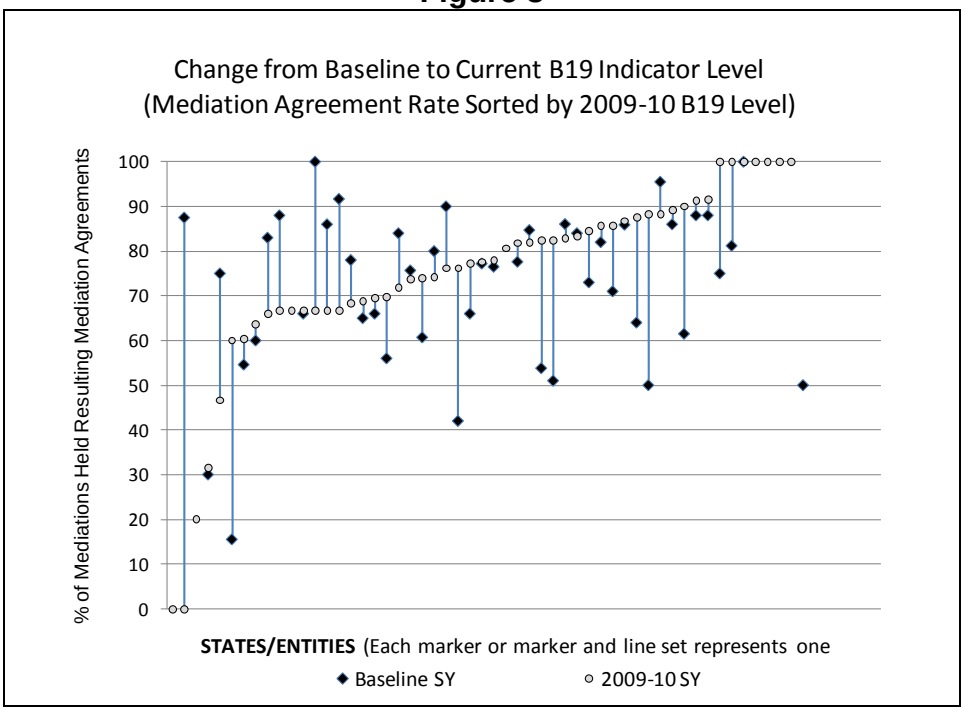


Table 6 displays the distribution of B19 targets set by states. When states set a range (e.g., 75% to 85%), the lower value was used. The majority of states (27) had targets between 75% to 85%, the recommended range for this indicator.

Table 6

The Range of Mediation Agreement (B19) Targets

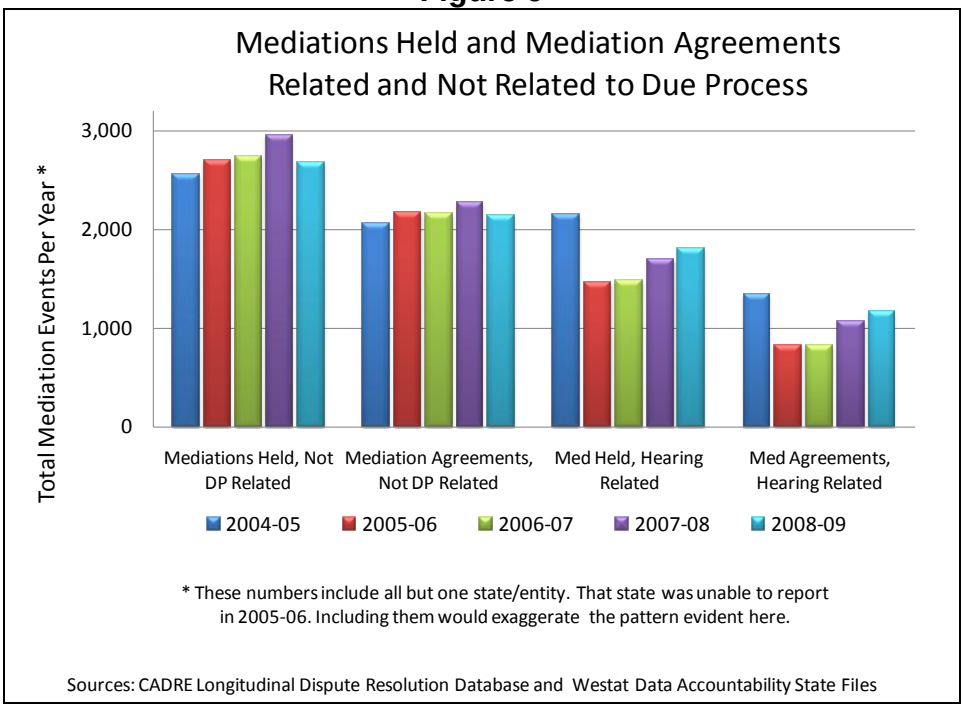
Mediation Target	# states
<50%	3
50% - <75%	10
75%	12
>75% - 85%	15
>85%	7

Figure 9 is a display of mediation activity for 49 states (not including DC or any outlying areas, and one state with inconsistent mediation data). Mediation and mediation agreements not related to due process grew until 2008-09. The dip in due process related mediation and mediation agreements may reflect a substitution in 2005-06 of resolution meetings for due process related mediation.

As was noted under the summary for B18, resolution meeting activity and agreements increased between 2008-09 and 2009-10, as did due process related mediations. This suggests that more due process complaints are being resolved through formal

agreements and that both mediation and resolution meetings are accounting for a larger percentage (albeit not most) “resolved without a hearing” outcomes.

Figure 9



Indicator B19 Progress and Slippage

Seventeen (17) states showed slippage from 2008-09 to 2009-10. The largest examples of slippage (30% and 33%) were in states that each conducted only 15 mediations. For these states, there are differences from year to year, but they are relatively small. In many instances this indicator can be influenced by an increase or decrease of a few cases in either the numerator (mediation agreements) or the denominator (mediations held). Since this is not a compliance indicator, states may be more interested in longer trends in mediation than in one year of mediation activity.

The reasons for progress and slippage in mediation rates are similar to those for resolution meeting agreements (B18). The increased use of alternate dispute resolution is offered as an explanation for both progress (creates a culture of agreement) and slippage (hard cases are now going to mediation after early resolution efforts solve the easy ones). Both may be valid explanations. The increased availability of some “upstream” conflict resolution options (e.g., IEP facilitation) has decreased demand in some states for mediation while other states suggest that training in parent/school collaboration (e.g., “Creating Agreement”) has helped create the culture of collaboration that makes participants more willing to use mediation to reach agreement.

Other reasons offered for progress include:

- Highly qualified and capable mediators (in states with significant training to qualify and regular update and advanced skill training)
- Monthly contact (conference calls) with mediators to problem solve, provide on line training, and offer on-line tutorials
- Case preparation – some states invest heavily in preparing participants for participation in mediation
- Parent/SEA collaboration and stakeholder involvement can model good parent-professional relationships

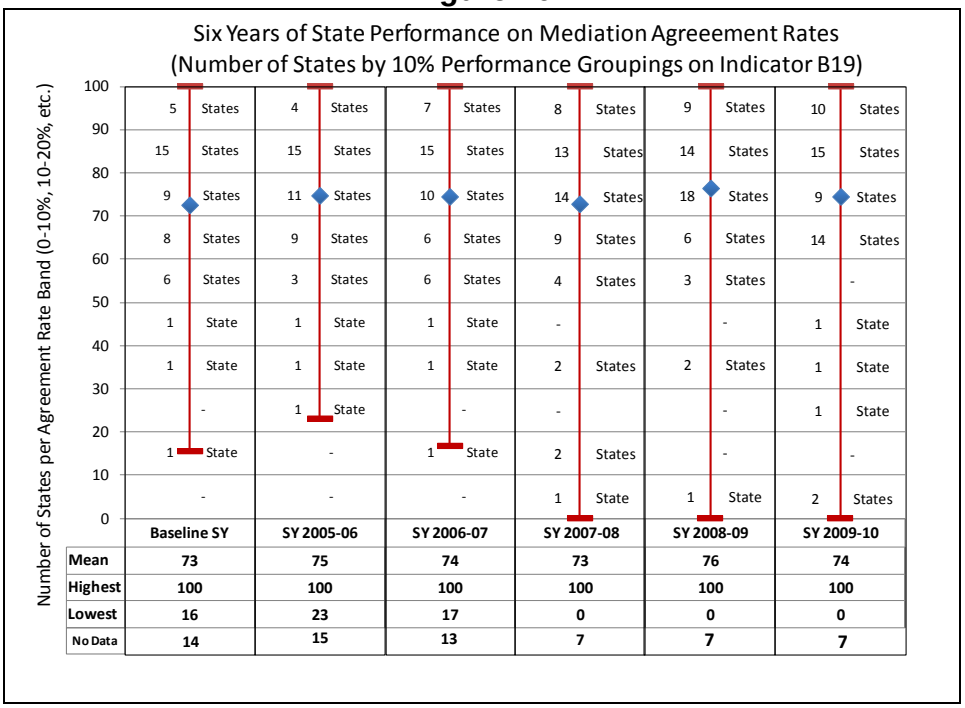
Explanations that states offer for slippage are similar to those for B18:

- More use of mediation for complaints ("harder issues")
- Can't control participants in mediation – they control the outcome
- Too few cases to judge progress or slippage
- Increasing use of due process related mediations drive down the agreement rates (generally lower for due process related mediation)
- Pending mediations are not reflected – if they were, rates could be higher

Indicator B19 Trends

Figure 10 displays the number of states at 10% bands for mediation rates across six years. The most striking thing about this figure may be the stability of the average reported mediation agreement rate. There is also an evident shift in the number of states using mediation (only seven states/entities in the past three years have had no mediations) and the increase in the number of states in the higher mediation agreement levels (only five states fall below 60% in 2009-10).

Figure 10



[Note: "No data" indicates no reported mediations held.]

Indicator B19 Improvement Activities

The most frequently mentioned improvement activity for mediation continues to be training. Other features of states with well-performing mediation systems worth noting include contracting out the mediation system, stakeholder participation/collaboration, and evaluation.

Highly qualified and trained mediators. Many states (e.g., AZ, AL, IL, MI, MN, WI) emphasize initial training and preparation of mediators (a minimum of 40 hours of basic training, often following by a period of mentoring with an established mediator). Regular communications (e.g., monthly conference calls for shared problem solving among mediators) and mandatory annual or more frequent training (e.g., in advanced mediation skills) can help mediators maintain and sharpen skills. States are increasingly using on-line resources and tutorials to extend training.

Contracting out the mediation system. At least 16 states contract with an outside expert entity (e.g., community mediation center, university mediation program, State Office of Administrative Hearings). Contracting with an outside agency may provide access to expertise and may be perceived as a more "neutral" than a state operated system.

Stakeholder participation/collaboration. Many mediation systems reflect stakeholder involvement and parent-professional participation in their design and operation (PA, WI) and through joint parent, mediator, and school personnel training (AR, ID, NY, PA, WI).

Evaluation. States find valuable information in assessing participant satisfaction, conducting internal evaluations (AR), evaluation of unsettled cases (PA), and participating in external evaluation efforts (ND and other states are part of a pilot evaluation by the University of Northern Colorado).

CONCLUSIONS

Dispute resolution systems are working, especially in states where they have the leadership and capacity to support investment in: effective state administration and monitoring of dispute resolution options, upstream (preventative) dispute resolution options, substantial and effective training, stakeholder collaboration, and systematic evaluation and improvement. Larger systems face challenges in managing large volume (e.g., more than 100 events per year), but even in many of the most active systems, the level of "substantial compliance" is impressive. The vast bulk of states are in compliance with Indicators B16 and B17, while most states have acceptable to excellent performance on Indicators B18 and B19.

On the whole, the picture of change in dispute resolution systems over time is positive. Most states have improved their performance (or maintained high performance) across all indicators since the baseline year (for most indicators and states, 2004-05). Policy, procedure and practice have tightened to address regulatory requirements in many states leading to more professionalized operations that produce more consistent compliance and performance.

Cultural conditions impact dispute resolution. In many smaller, tight-knit communities the idea of bringing conflict to the table is just not accepted. Several states noted this in their reports. Whatever the predisposition of potential participants toward formal processes, SEAs can be sensitive to and collect information as systematically as possible on the issues that arise in their systems, how they are dealt with and whether the resolutions are effective and durable.

RECOMMENDATIONS

An Organizing Taxonomy for Improvement Activities

OSEP has created a taxonomy of improvement activities that serve to describe what any system would have in place in order to administer and manage the work necessary to any indicator area. These improvement activity areas are outlined below as they apply to capable dispute resolution system management (the final three have been added by CADRE):

- Data collection and reporting (issues, process and outcome tracking)
- Systems administration and monitoring (tracking timelines, ensuring timeliness)
- Systems and infrastructures of technical assistance and support (assignment or contracting of personnel and resources to deliver training, TA and support)

- Provision of technical assistance/training/professional development (to state staff, local education agencies, practitioners, partners)
- Policies and procedures (process guidance for practitioners, local education agencies, participants in dispute resolution options)
- Program development (state initiatives, implementation of new processes)
- Collaboration/coordination with other organizations (PTI and other organization collaboration, joint training)
- Evaluation of improvement processes and outcomes (participant satisfaction with process/outcomes, durability of agreements)
- Staffing/resource allocation/recruitment and retention (capacity to adjust assignments based on demand)
- Public Awareness/Outreach (print materials, web support; to parents/families, local education agencies, practitioners)
- Support of "upstream" DR options (e.g., prevention, early resolution processes)
- Stakeholder engagement (in design, implementation, evaluation of DR systems)

States as a group report more or less on all these areas in their APRs and SPPs. Whether or not an individual state reports on any of these "improvement strategies," in order to have a capable "system of dispute resolution," they *should* have some kind of activity relating to each of the management functions represented in the above areas.

A CADRE DR System Perspective

Based on reviewing APRs and on working with states, CADRE recommends that states adopt an orientation to their dispute resolution systems that includes:

- Integration across processes, whether by internal design of the SEA, or through collaborative agreements and engagement with the other agencies that operate portions of the state's dispute resolution system. The dispute resolution processes are used by the same population as different avenues to resolving conflict and much can be learned by viewing them as complementary aspects of a single system.
- Organizational resources and support for upstream, early resolution options for dispute resolution. Ideally, this should include alternate dispute resolution processes that obviate the need for a formal filing of any kind (e.g., parent hotlines, "Creating Agreement" training, IEP facilitation). Emphasis on and support of early resolution options once a formal process has been invoked can also divert conflict into more collaborative arenas and help protect and heal relationships (e.g., early written complaints resolution through a telephone intermediary or an ombudsperson, resolution meeting facilitation, promotion of settlement agreements at any point in the due process timeline).
- Data collection, timeline, process, and outcome tracking for all dispute resolution options. The collection, frequent review (monthly or more often) and use of data to improve system performance is crucial.
- Inclusion of stakeholders in the design, planning, implementation and evaluation of dispute resolution options. Effective dispute resolution benefits from the

expertise and respect of the groups who participate in the system. Transparency and genuine opportunities for diversity of input, while at times challenging, can meaningfully improve the quality and performance of special education dispute resolution systems.

- Engagement with external resources to help improvement efforts. States that have effective systems use external resources to help them. This can include using national experts for training their hearing officers, contracting with mediation expertise, etc. It also means joining in a working community with colleagues from other states to learn from one another. CADRE's charge is to compile and make available resources on state dispute resolution systems. Many states use those resources in their planning and improvement efforts. CADRE also supports three highly active ListServs for dispute resolution coordinators/mediation managers, written complaints system managers and hearing system managers.

CADRE welcomes inquiries for information, training or technical assistance that could help improve state Part B dispute resolution system performance. Access us through:

Website: http://www.directionservice.org/cadre/
Email: cadre@directionservice.org
Phone: 541-686-5060

INDICATOR B20: TIMELY AND ACCURATE DATA

Prepared by DAC

INTRODUCTION

Indicator B20 measures the timeliness and accuracy of state-reported data (Section 618 and Section 616). The data sources for this indicator are state selected and include data from the state data and assessment systems, as well as technical assistance and monitoring systems.

Measurement of this indicator is defined in the SPP/APR requirements as:

State-reported data, including Section 618 data and annual performance reports, are: (a) Submitted on or before due dates (February 1 for child count, including race and ethnicity, placement, and assessment, and November 1 for exiting, discipline, personnel, and dispute resolution, and February 1 for the APR); and (b) Accurate (describe mechanisms for ensuring error free, consistent, valid and reliable data and evidence that these standards are met).

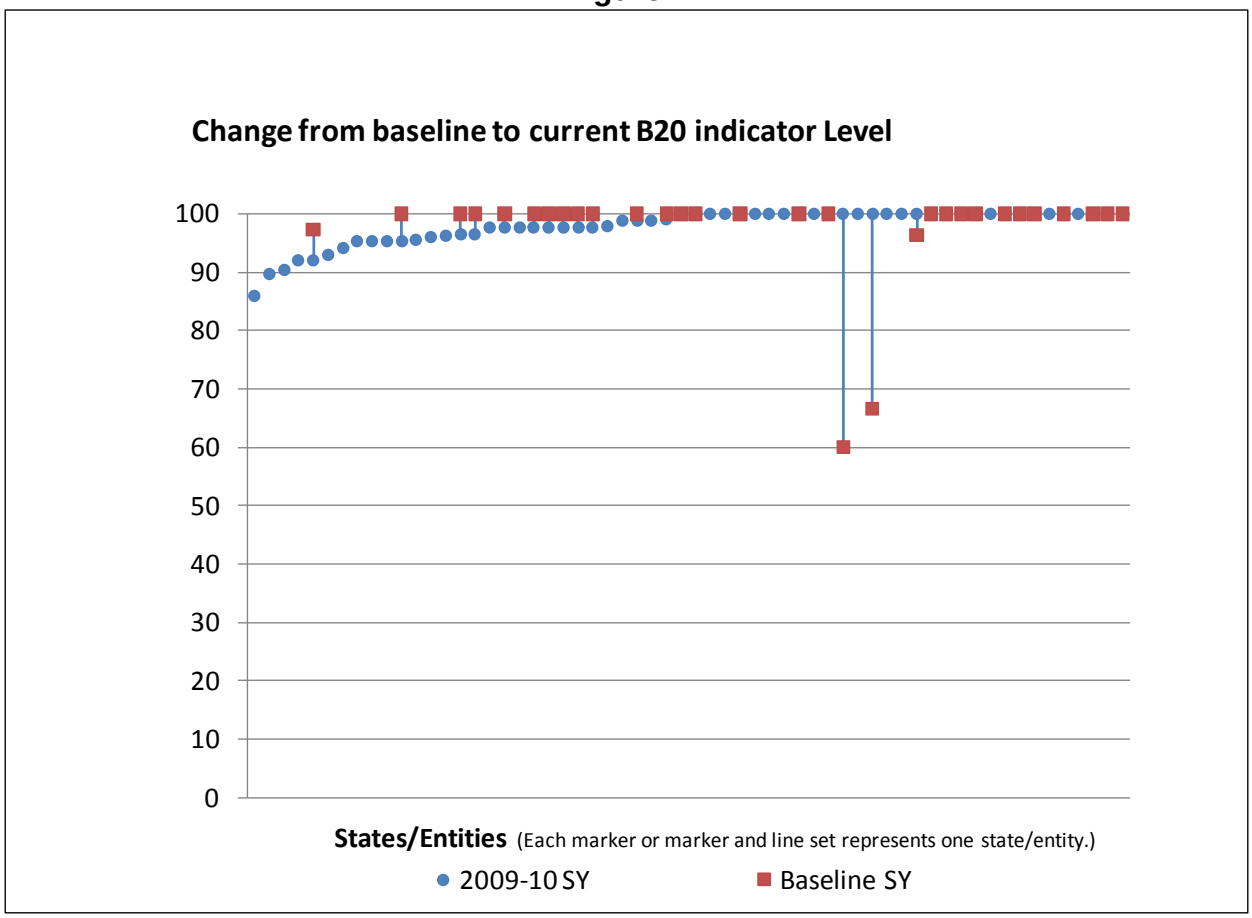
OSEP has developed a rubric to measure the timeliness and accuracy of Section 616 and Section 618 data submitted by states. Use of this rubric was required for FFY 2009 APR submissions.

The Data Accountability Center (DAC) reviewed a total of 60 FFY 2009 APRs. These included the 50 states, the District of Columbia, the territories, and the Bureau of Indian Education (BIE). For this discussion, all of these will be referred to as states, unless otherwise noted. Analysis of the actual target data as reported by states indicates:

- Thirty-one (52%) states reported that their data were 100% accurate.
- Twenty-nine (48%) states reported accuracy other than 100%.
- Of these 29 states, 27 reported a percentage between 90 and 99%.

The majority of states continued to make progress toward the target of 100%. Please see Figure 1 below.

Figure 1

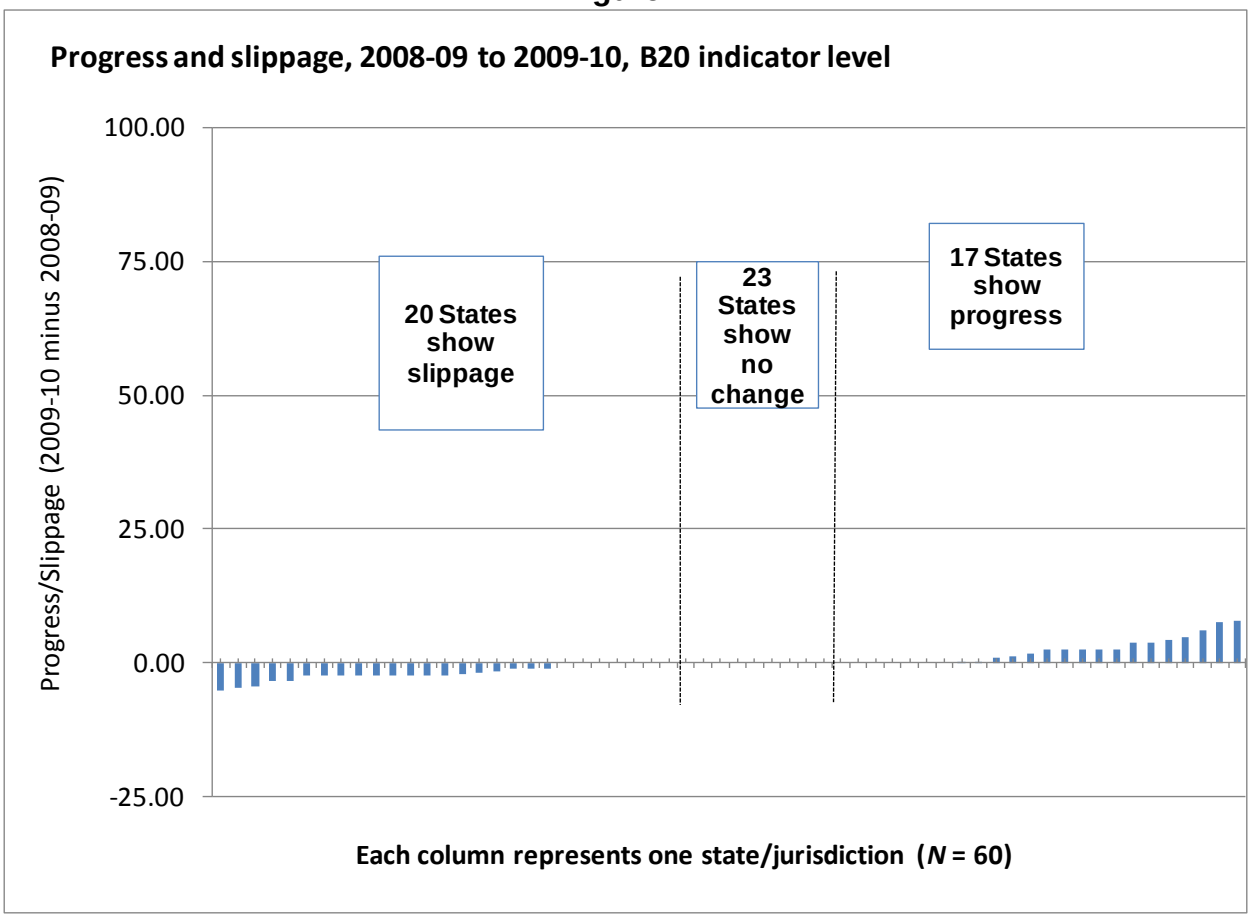


The remainder of this analysis focuses on three elements: (1) states' descriptions of progress and/or slippage, (2) descriptions of how states ensured timely and accurate data, and (3) states' improvement activities.

PROGRESS OR SLIPPAGE

Seventeen states (28%) reported progress; 20 states (33%) reported slippage, while 23 states showed no change (38%) (see Figure 2).

Figure 2



States attributed progress to a variety of factors, including (listed from highest to lowest frequency):

- Receiving targeted technical assistance from OSEP-funded technical assistance providers (i.e., DAC and RRCs);
- Providing training to local districts; and
- Responding to data notes.

States reported that using OSEP-funded technical assistance providers and training local districts would lead to continued progress. States reported that training districts allowed for the SEA to receive more accurate data.

States attributed slippage to:

- Inability to submit Section 618 tables in a timely and accurate manner;
- Specific districts in the state;
- Difficulties with the *EDFacts* file specifications; and
- Loss of personnel.

DESCRIPTION OF METHODS OF ENSURING TIMELY AND ACCURATE DATA

The majority of states, 45 (75%), provided some description of how they ensured that their data were timely and accurate. Many states relied on their data systems to provide timely and accurate data. Seventeen states (28%) had built-in edit checks and validations to ensure that the data were valid. This is 10 percentage points more than the number of states that reported using edit checks in FFY 2008. More states, 29 (48%) for FFY 2009, relied on technical assistance to help ensure timely and accurate data. Some states also used onsite monitoring, database manuals, and review of the data by state- and district-level personnel.

IMPROVEMENT ACTIVITIES

One of the requirements of this indicator is the implementation of improvement activities that will increase compliance. All 60 states and territories reported improvement activities in their FFY 2009 APR. Updating or establishing new data systems was the most widely reported activity, while increasing/adjusting FTE was the least reported. The most frequent improvement activities were improving data collection and/or reporting (93%); providing technical assistance, training, or professional development (83%); and improving system administration and monitoring (67%).

Most states reported improving data collection or reporting practices as an improvement activity. Many states that used this improvement activity were using their database to help provide technical assistance. Fifty states (83%) were creating or revising reports that LEAs could access on a monthly or quarterly basis. Thirty-three states (55%) reported that they held monthly or quarterly trainings to inform the providers of the required data collection elements.

TECHNICAL ASSISTANCE PROVIDED TO STATES

DAC reviewed technical assistance logs and records to determine the number of states receiving specific levels of technical assistance from us in FFY 2009. The levels of technical assistance listed below are defined by DAC and are not precisely aligned to those in the OSEP draft Conceptual Model. The percentages of states that received technical assistance from DAC related to this indicator are reflected using the following three codes:

A. National/regional technical assistance – 100%;
B. Individual state technical assistance – 60%; and
C. Customized technical assistance – 20%.

DAC provides national technical assistance support to all states through www.IDEAdata.org. Individual technical assistance was provided primarily through email and telephone contact based on individual state requests. DAC also provides customized technical assistance to several states specifically related to this indicator.

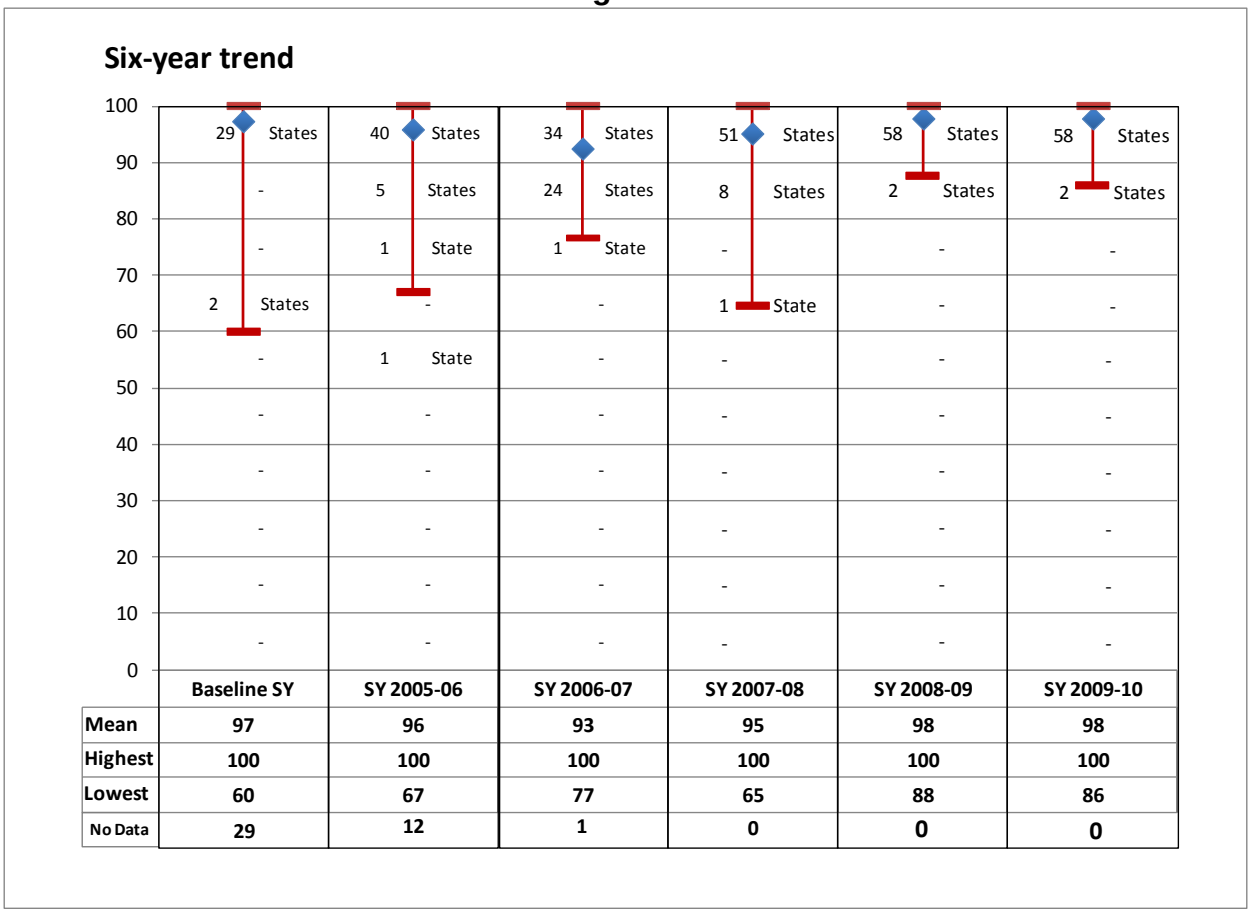
One state (1%) reported receiving technical assistance from its RRC, which helped it make progress or meet the target. Three states (5%) reported receiving technical assistance from DAC, which helped them make progress or meet the target.

OBSERVATIONS AND CONCLUSIONS

It is important to note that certain problems came up when trying to analyze these data. Most states did not describe the reasons for progress or slippage and did not provide many details about how their programs ensure timely and accurate data. A few states did not specify which activities they considered their improvement activities in this SPP/APR. In addition, many states did not specify whether their activities for ensuring quality data were used for Section 618 and/or Section 616 data.

Based on this analysis, states seem to have a better understanding of the requirements for Indicator 20. In FFY 2006, the mean percentage reported was 93, with the lowest being 77%. This has increased to between 98% and 84% for FFY 2009 (see Figure 3 below).

Figure 3



	Baseline SY	SY 2005-06	SY 2006-07	SY 2007-08	SY 2008-09	SY 2009-10
Mean	97	96	93	95	98	98
Highest	100	100	100	100	100	100
Lowest	60	67	77	65	88	86
No Data	29	12	1	0	0	0

Additionally, and perhaps more importantly, most states reported improved data collection methods. This was clear from the number of states that had either updated or implemented a new data system.

A final observation is that many more states are beginning to use technical assistance and training activities on the district level. They are providing assistance to districts on how to provide valid and reliable data. They are also assisting the districts in analyzing their own data.