

**PART B SPP/APR 2008 INDICATOR ANALYSES
(FFY 2006-2007)**

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INDICATOR 1: GRADUATION

Prepared by NDPC-SD

INTRODUCTION

The National Dropout Prevention Center for Students with Disabilities (NDPC-SD) was assigned the task of analyzing and summarizing the data for Indicator 1—Graduation—from the 2006–07 Annual Performance Reports (APRs) and amended State Performance Plans (SPPs), which were submitted by States to OSEP in February of 2008. The text of the indicator is as follows.

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

In the APR, each State reported its graduation rate for special education students, compared its current graduation rate with the State target rate for the 2006-07 school year, discussed reasons for its progress or slippage with respect to the target rate, and described any improvement activities it had undertaken during the year.

In the amended SPP, States revised their baseline data, measurement of the indicator, targets for improvement, and improvement strategies/activities, as was deemed necessary by the State or by OSEP. A breakdown of those revisions is shown in Table 1.

Table 1 Revisions to the State Performance Plans, as submitted in February 2008

Type of revision made	Number of States
Baseline data	9
Measurement of graduation rate	9
Improvement targets	18
Improvement activities	33
None	15

This report summarizes the NDPC-SD's findings for Indicator 1 across the 50 States, DC, PR and 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, DC, PR and the territories, as well as the BIE.

The evaluation and comparison of graduation rates for the States was confounded by several issues, which are described in the context of the summary information for the indicator.

The definition of graduation

The definition of graduation remains inconsistent across States. Some States offer a single "regular" diploma, which represents the only true route to graduation. Other States offer two or more levels of diplomas or other exiting document, (for example, some States offer a Regular Diploma, a High School Certificate, and a Special Education Diploma). Some States include General Education Development (GED)

candidates as graduates, whereas the majority of States do not. Until a consistent definition of graduation can be established and effected, making meaningful comparisons of graduation rates from State to State will be difficult, at best.

COMPARING GRADUATION RATES – CALCULATION METHODS

Comparisons among the States are not easily made because the method of calculation varies from State to State. The graduation rates included in the APRs generally were calculated using one of three methods: an event rate calculation, a leaver method or a true cohort method.

Event rate

Event rate calculations used by States generally followed the form below.

of special education graduates receiving a regular diploma

Total special education enrollment (usually from 618 Table 4)

Leaver rate

The leaver rate calculation provides a graduation rate that takes into consideration students who exited by receiving a regular diploma, a certificate, or GED; dropped out; reached the maximum age to receive services; or died. Leaver rate calculations used by States generally follow the form below.

of graduates receiving a regular diploma

of graduates + # of GED + # of certificates + # of dropouts + # that maxed out in age + # deceased

Cohort rate

The cohort rate calculation provides a graduation rate for a 4-year cohort of students. It considers transfers in and out of the cohort. This method, as applied in the APRs, generally followed the form below.

Sp Ed graduates receiving a regular diploma who entered HS as 1st time 9th graders in 2003

Sp Ed students who entered HS as 1st time 9th graders in 2003 + transfers in – transfers out

Graduation rates calculated using these three methods cannot properly be compared with one another. Event rates tend to over-represent the graduation rate, providing a snapshot of the graduation rate for a particular year that ignores attrition over time; leaver rates provide a good measure of a graduation status rate in the absence of individual student data; whereas the cohort method provides a more realistic description of the number of students who made it through four years of high school and graduated.

Twenty States (33%) used the cohort method for calculating their special-education graduation rates. Fifteen States (25%) used the event method and twenty-three States (38%) computed a leaver rate. One State (2%) did not specify how this rate

was calculated; and the Bureau of Indian Education used the methods employed by States in which their schools are located.

Some States adopted the use of a cohort rate several years ago and were able to report a cohort rate for 2007-08. Other States, however, reported that they were in the process of adopting a cohort-based graduation calculation and would not have their first complete set of cohort data until one or more years from now.

2006-07 GRADUATION RATES

Across the 60 States, the highest reported graduation rate for special education students was 100% and the lowest was 0%. It should be noted that these extremes occurred in States in which there were very few students with disabilities eligible to graduate.

Figure 1 shows the special education graduation rates for all of the States. Note that States are grouped by the method used to calculate their graduation rate. Additionally, the States for which a rate is not shown did not have data available at the time of this reporting.

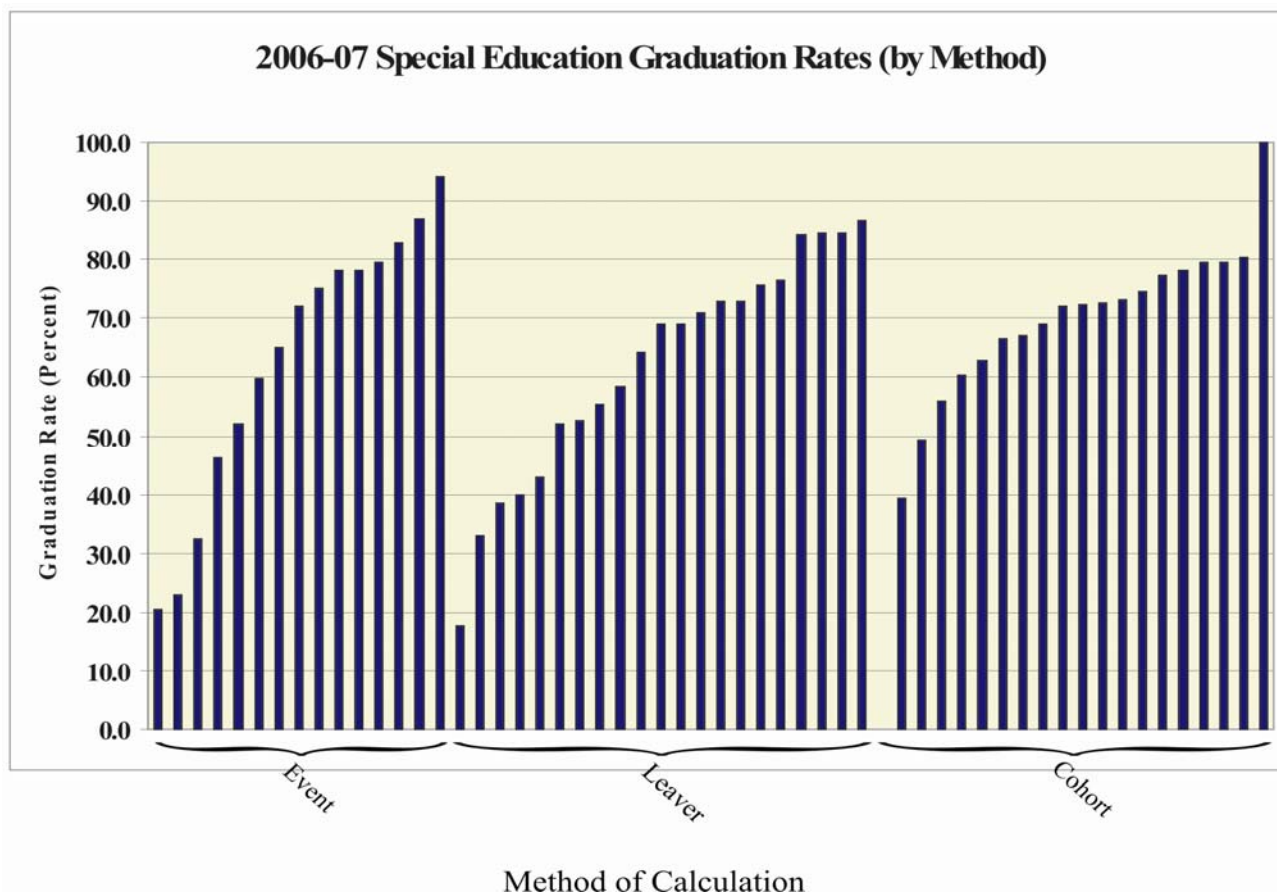


Figure 1

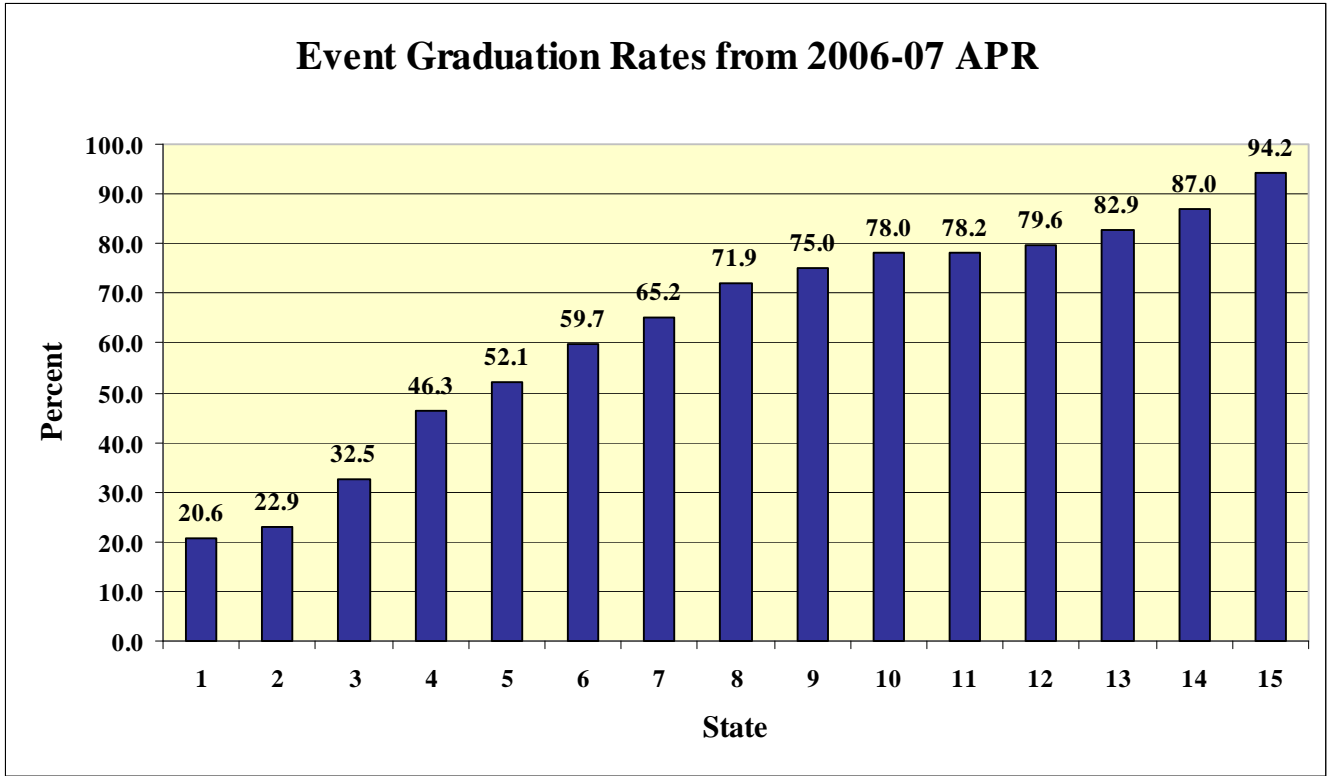


Figure 2

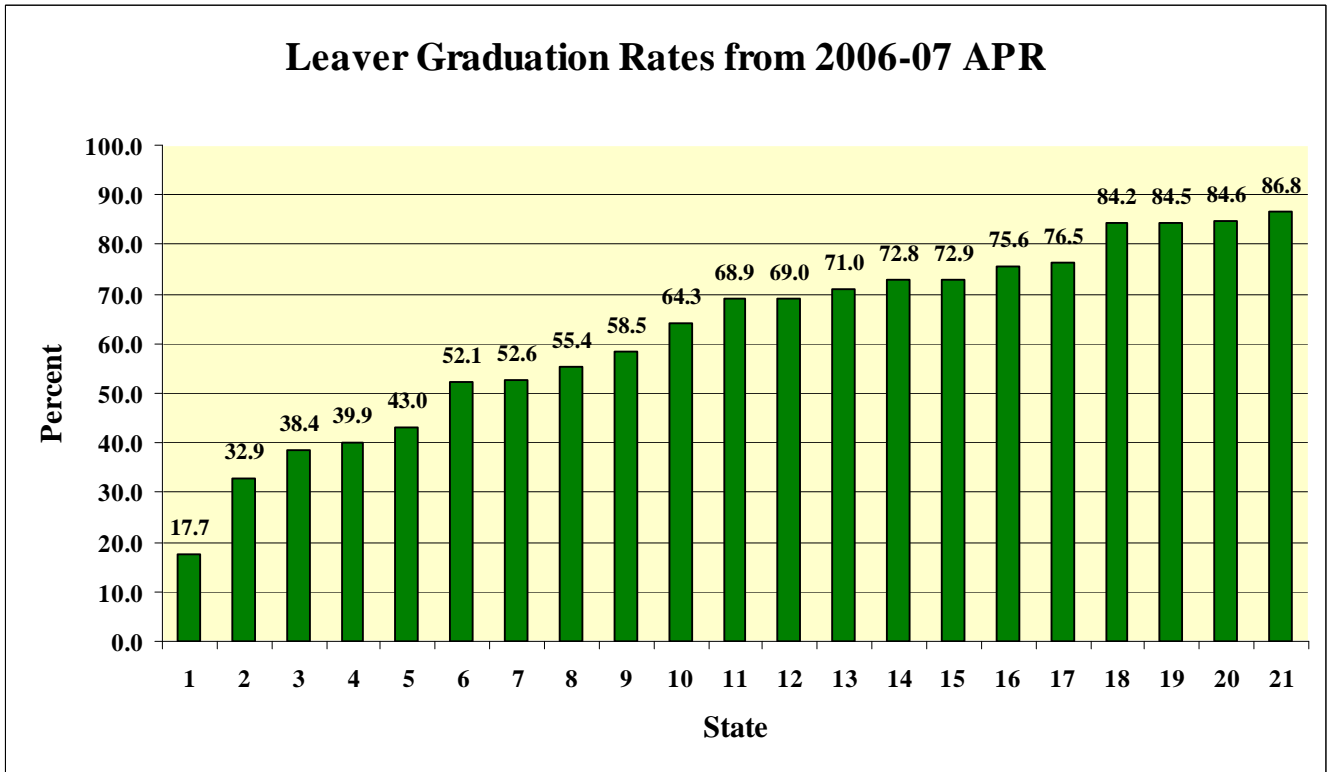


Figure 3

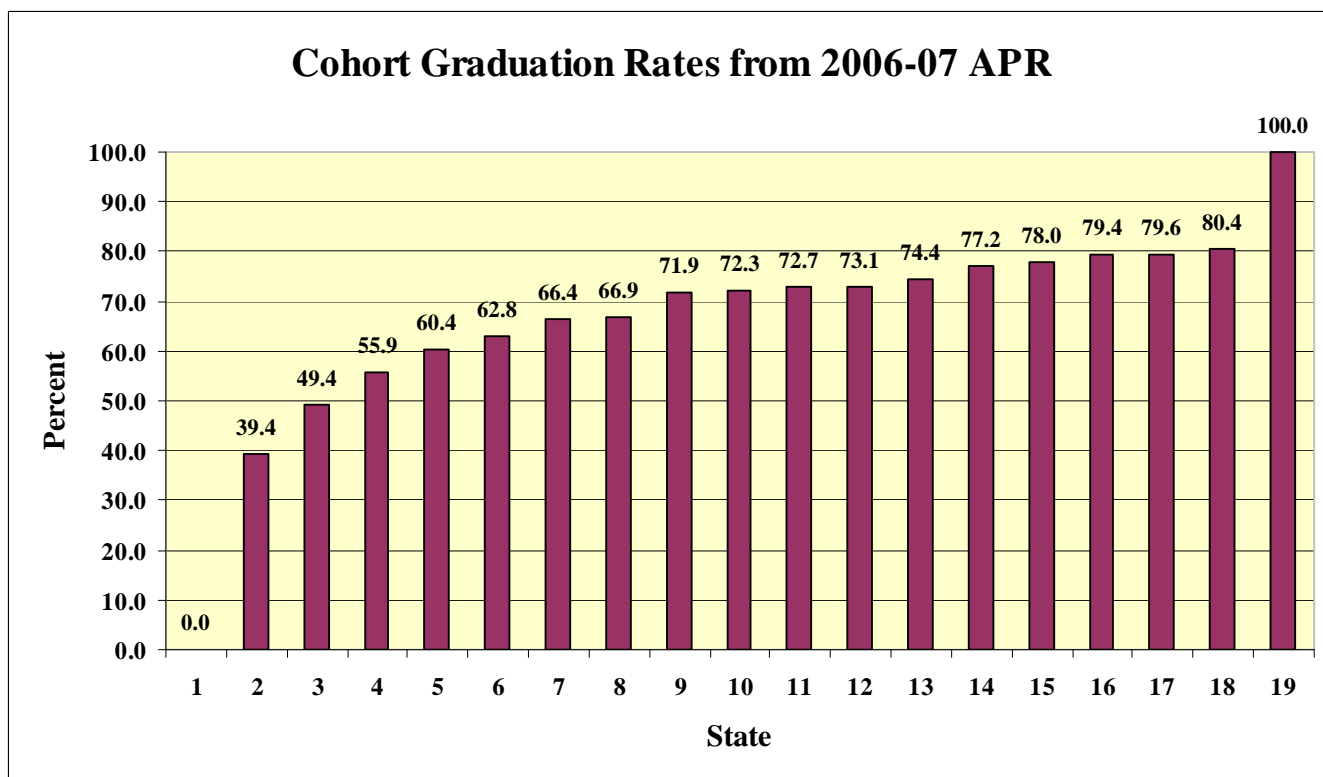


Figure 4

Three States lacked current data and were unable to calculate a rate. Another State that has an extremely small number of students with disabilities did not graduate any students with disabilities last year and, therefore, reported a legitimate rate of zero. The BIE's graduation rates are calculated using the method favored by each State in which its schools operate.

GRADUATION RATE TARGETS

Twenty-five States (42%) achieved their targeted graduation rate for students with disabilities in 2006-07 and 32 States (53%) did not. Two States did not have current data, thus could not determine whether they had achieved their targets. Given the various State targets under which BIE schools operate, it was not included in these calculations. Overall, more States achieved their targets than was reported in the 2005-06 APRs.

Thirty-two States (53%) made progress from their rates reported in the 2005-06 APR. Twenty-three States (38%) experienced slippage during the year. Five States (8%) lacked some of the data necessary to determine progress or slippage for 2006-07. Figure 5 shows these changes from last year's rates.

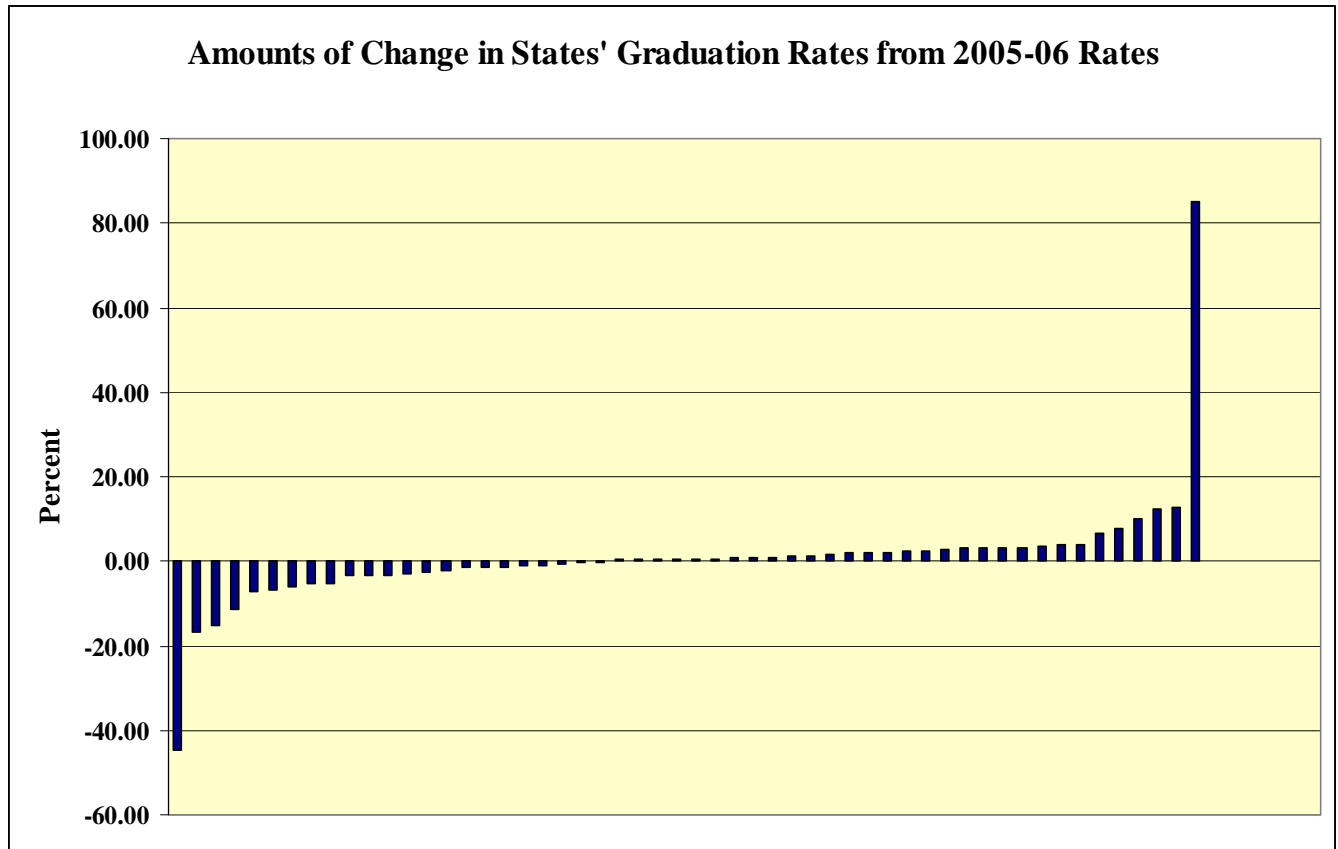


Figure 5

CONNECTIONS AMONG INDICATORS

Forty-four States (73%) identified a strong connection between Indicators 1 and 2, saying that the two indicators are so tightly intertwined that combining the efforts made sense. Many States combined their efforts to address multiple indicators, including Indicators 1, 2, 3, 4, 13, and 14.

NDPC-SD INTERACTIONS WITH STATES

All 60 States received some form of technical assistance from NDPC-SD during the 2006-07 school year. Twenty-six States (43%) indicated that they had used materials from NDPC-SD or received direct technical assistance from NDPC-SD (conference presentation or direct consultation). NDPC-SD is working actively in four States (7%) to establish model dropout-prevention initiatives at an LEA level. These results represent an increase from the figures reported in the 2005-06 APR. Table 3 shows a breakdown of these interactions using the categories specified in the OSEP template for this report.

Table 3 NDPC-SD Interactions with States during the 2006-07 School Year

Nature of interaction	Number of States
A. NDPC-SD provided information by mail, telephone, teleseminar, listserv, or Communities of Practice to State	60
B. State attended a conference sponsored by NDPC-SD or received direct on-site TA from NDPC-SD	24
C. NDPC-SD is providing ongoing, intensive, on-site TA to the State toward the end of developing model demonstration sites	4

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. Many States are implementing evidence-based interventions to address their needs. Table 4 shows the number of States employing various evidence-based practices.

Table 4 Evidence-based practices listed in improvement activities of the 2006-07 APR

Nature of interaction	Number of States
One or more evidence-based practices	44
Positive Behavior Supports	20
Literacy Initiatives	13
Response to Intervention	10
Mentoring Programs	8

Forty-four States (73%) listed one or more evidence-based improvement activities in their APR, while the remaining 16 States (27%) did not propose any evidence-based improvement activities. There are a limited number of evidence-based programs that have demonstrated efficacy for students with disabilities; however, there are a number of promising practices.

Using the 9 categories listed in Table 5, NDPC-SD coded each State's improvement activities. Figure 6 shows the number of States engaging in each of the categories.

Table 5 Activity categories for the 2006-07 APRs

Code	Activity
A	Improve data collection and reporting
B	Improve systems administration and monitoring
C	Build systems and infrastructures of technical assistance and support
D	Provide technical assistance/training/professional development
E	Clarify/examine/develop policies and procedures
F	Program development
G	Collaboration/coordination
H	Evaluation
I	Increase/Adjust FTE
J	Other

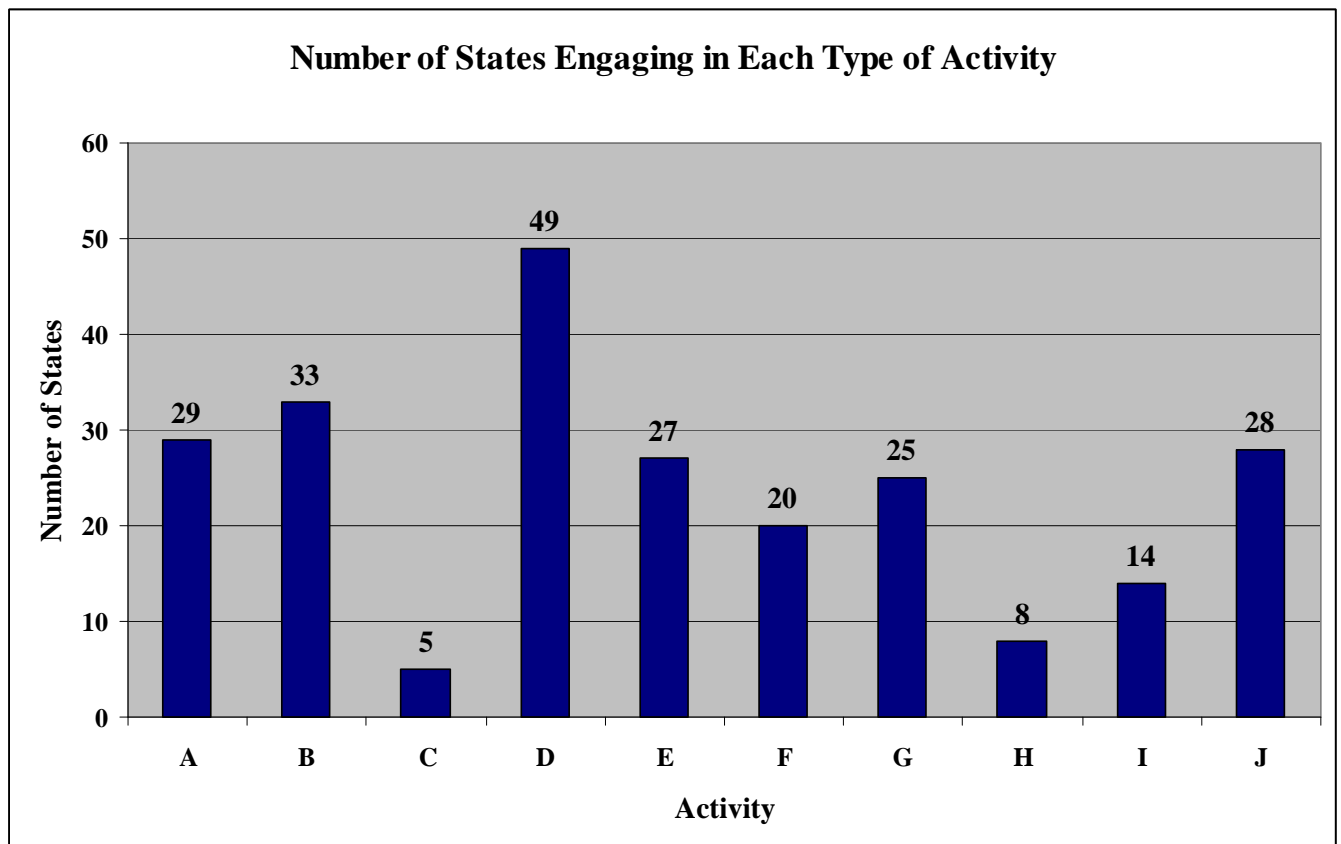


Figure 6

Figure 6 shows that the majority of States (49 States, or 82%) are engaging in one or more technical assistance, training or professional development activities (D). This followed by thirty-three States (55%) working to improve their monitoring (B) and twenty-nine States (48%) working to improve their data or reporting (A). Review and/or clarification of policies and procedures (E) was undertaken by 27 States (45%). Twenty-five States (42%) carried out some form of collaborative activity (G). Twenty States (33%) worked on development of statewide programs or initiatives (F). Fourteen States (23%) added or reassigned staff to work on school-completion efforts (I). Only eight States (13%) engaged in some form of program evaluation to determine the efficacy of their activities (H). Despite the large amount of technical assistance that occurred, only a handful (8%) of States said that they increased their TA infrastructure and support for this indicator last year (C). Many States described one or more improvement activities that were unique to their specific needs and programs (J). These activities occurred in 47% of all States.

In general, the collections of activities listed in States' APRs seem improved over last year. More States appear to be recognizing the benefit of combining activities across indicators to minimize waste and maximize effect. A substantial number of States described a group of activities that would work well to address their students' needs across the transition indicators (Inds. 1, 2, 13, and 14). Several other States included activities that addressed Indicators 3, 4, and 5 in addition in their mix of improvement activities to support school-completion.

NOTES

- While the comparison of special education graduation rates to all-student rates has been removed from the Indicator, we would hate to see States lose sight of the importance of this relationship. In order to continue the push for progress in closing the gap between rates of school completion for students with disabilities and those of their non-disabled peers, it is imperative that we remain aware of how students with disabilities are doing in relation to all students. While there are various data-related barriers to making such comparisons easily, keeping such comparisons in mind may help us avoid complacency in this area. This said, we were pleased to note that several States continue to provide data for their students with disabilities and their entire student population.
- Several States cited improvements in their procedures around data collection as well as the newly gained ability to follow individual students' progress and movement among districts as having impacted their graduation rates. Some of those States credited their improvement in graduation rate to this, whereas others blamed it for their decreased rates.
- Activities that raise States' awareness of the interconnectivity among the Part B Indicators and assist States in understanding and managing data related to those activities will continue to be beneficial to States.

Over the last year and a half, six States participated in the pilot program of the *Making the Connection Among Indicators 1, 2, 13 and 14 Institutes*, sponsored jointly by the National Dropout Prevention Center for Students with Disabilities, the National Secondary Transition Technical Assistance Center, the National Post

School Outcomes Center, and the Regional Resource Centers. Since the three pilot sessions, the centers have held one regional meeting for States in the Northeast and Mid-South regions, and have scheduled two additional meetings for fall 2008 to address States in the remaining regions. The 1½ -day-long process exposes States to strategies for collecting, reporting and using data across Part B Indicators 1, 2, 13, and 14 of the SPP/APR for program improvement. Using their own data, States work through a series of guided questions and activities that help them understand and identify strengths and needs around these Indicators.

IN SUMMARY

In general, we have seen an improvement in the overall quality and organization of the APRs as well as a trend toward improvement in the nature of the data States submitted. States' activities are generally more concerted and focused than in previous years. Additionally, more States are moving toward the use of better measures of school completion. While the slight majority of States missed their graduation rate targets last year, more States made progress over last year's rates than showed slippage. There is a recognized lag between the time at which implementation of an intervention begins and the point at which it shows measurable results. Despite this lag and the once-a-year nature of the measurement of this indicator, it appears that things might gradually be improving with Indicator 1.

INDICATOR 2: DROPOUT

Prepare by NDPC-SD

INTRODUCTION

The National Dropout Prevention Center for Students with Disabilities (NDPC-SD) was assigned the task of summarizing and analyzing the data for Indicator 2—Dropout—from the 2006–07 Annual Performance Reports (APRs) and the revised State Performance Plans (SPPs), which were submitted to OSEP in February of 2008. The text of the indicator is as follows.

Percent of youth with IEPs dropping out of high school.

In the APR, each State reported its dropout rate for special education students, compared its current dropout rate with the State target rate for the 2006-07 school year, discussed reasons for its progress or slippage with respect to the target rate, and described any improvement activities it had undertaken during the year.

In the amended SPP, States revised their baseline data, measurement of the indicator, targets for improvement, or improvement strategies/activities, as was deemed necessary by the State or by OSEP. A breakdown of the revisions made is shown in Table 1.

Table 1 Revisions to the State Performance Plans, as submitted in February 2008

Type of revision made	Number of States
Baseline data	7
Measurement of dropout rate	9
Improvement targets	9
Improvement activities	31
None	16

This report summarizes the NDPC-SD's findings for Indicator 2 across the 50 States, DC, PR and 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, DC, PR and the territories, as well as the BIE.

The evaluation and comparison of dropout rates for the States was confounded by several issues, which are described in the context of the summary information for the indicator.

The definition of dropout

Some of the difficulties associated with quantifying dropouts can be attributed to the lack of a standard definition of what constitutes a dropout. Several factors complicate our arrival at a clear definition. Among these are 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 include students from ages 14-21 in the calculation, whereas other States include students of ages 17-21. Still other States base inclusion in calculations on students' grade levels, rather than on their ages. Some States count students that participated in a General Education Development (GED) program as dropouts, whereas other States include them in their calculation of graduates. As long as such variations in practice continue to exist, comparing dropout rates across States will remain in the realm of art rather than in that of science.

Timing of data collections

The timing of data collections is another factor that has the potential to hinder comparisons of States' dropout rates. Most States use data from the 618 data collection, which occurs on December 1, though some States use data gathered at other times during the school year.

COMPARING DROPOUT RATES – CALCULATION METHODS

Comparison of dropout rates among States is further confounded because multiple methods exist for calculating dropout rates and different States employ different ones. With one exception, the dropout rates reported in the 2006-07 APRs were calculated using one of three methods: an event rate calculation, a leaver rate or a true cohort rate calculation. The exception was a single State that calculated a synthetic cohort rate.

In general, States employing an event type of calculation reported the lowest dropout rates, although there were a few exceptions. States that used a cohort method generally reported higher dropout rates than these States. Those States employing a leaver calculation reported the highest dropout rates.

The event rate yields a very basic snapshot of a 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. The synthetic cohort method provides a reasonable estimate of a cohort rate in the absence of true cohort data. The leaver rates reported this year were higher than those calculated using other methods. This is attributable to circumstances specific to the States using this calculation as well as to the broadly inclusive nature of the calculation.

Event rate

As reported in the APRs, 46 States (77%) calculated special education dropout using some form of an event rate. Calculations of this type were generally stated in the following form.

$$\frac{\text{\# Sp Ed dropouts from Grades 9 – 12}}{\text{Total Sp Ed enrollment in Grades 9 - 12}}$$

Leaver rate

Six States (10%) calculated leaver dropout rates for their special education students. These rates are calculated using an equation that generally follows the form below.

of dropouts 14-21+ in year A

dropouts age 14-21+ in year A + # grads age 18+ in year A + # grads age 17 in year A-1 + # grads age 16 in year A-2 + # grads age 15 in year A-3 + # grads age 14 in year A-4 + # certifs age 18+ in year A + # certifs age 17 in year A-1 + # certifs age 16 in year A-2 + # certifs age 15 in year A-3 + # certifs age 14 in year A-4 + # age 18+ who maxed in age in year A + # age 17 who maxed in age in year A-1 + # age 16 who maxed in age in year A-2 + # age 15 who maxed in age in year A-3 + # age 14 who maxed in age in year A-4)

Cohort rate

Only five States (8%) used a true cohort method to calculate their special education dropout rates; though only four of them had data at the time the APRs were submitted to OSEP. One of these four States, which has extremely few students with disabilities, reported a dropout rate of zero. These calculations generally follow the form of the equation shown below.

dropouts from Sp Ed who entered HS as 1st time 9th graders in 2003

Sp Ed students who entered HS as 1st time 9th graders in 2003 + transfers in – transfers out

A number of States reported that they are in various stages of moving from the use of an event or leaver rate to using a cohort rate. Most of these added a caveat about the potential necessity of adjusting their dropout targets in years to come. In this submission, 19 States revised their targets, updated their rate calculation, changed their baseline year data, or engaged in some combination of these activities.

2006-07 DROPOUT RATES

Across the 60 States, the highest special education dropout rate reported for the 2006-07 school year was 33.6% and the lowest rate was 0%. It should be noted that the State with the dropout rate of zero has an extremely small number of students in special education.

Figure 1 shows the special education dropout rates for all of the States. Note that States are grouped by the method used to calculate their special education dropout rates. The State labeled “Syn” was the one that calculated a synthetic cohort rate. Additionally, the other State for which a cohort rate is not plotted had not provided OSEP with data for the 2006-07 school year by the time of this report.

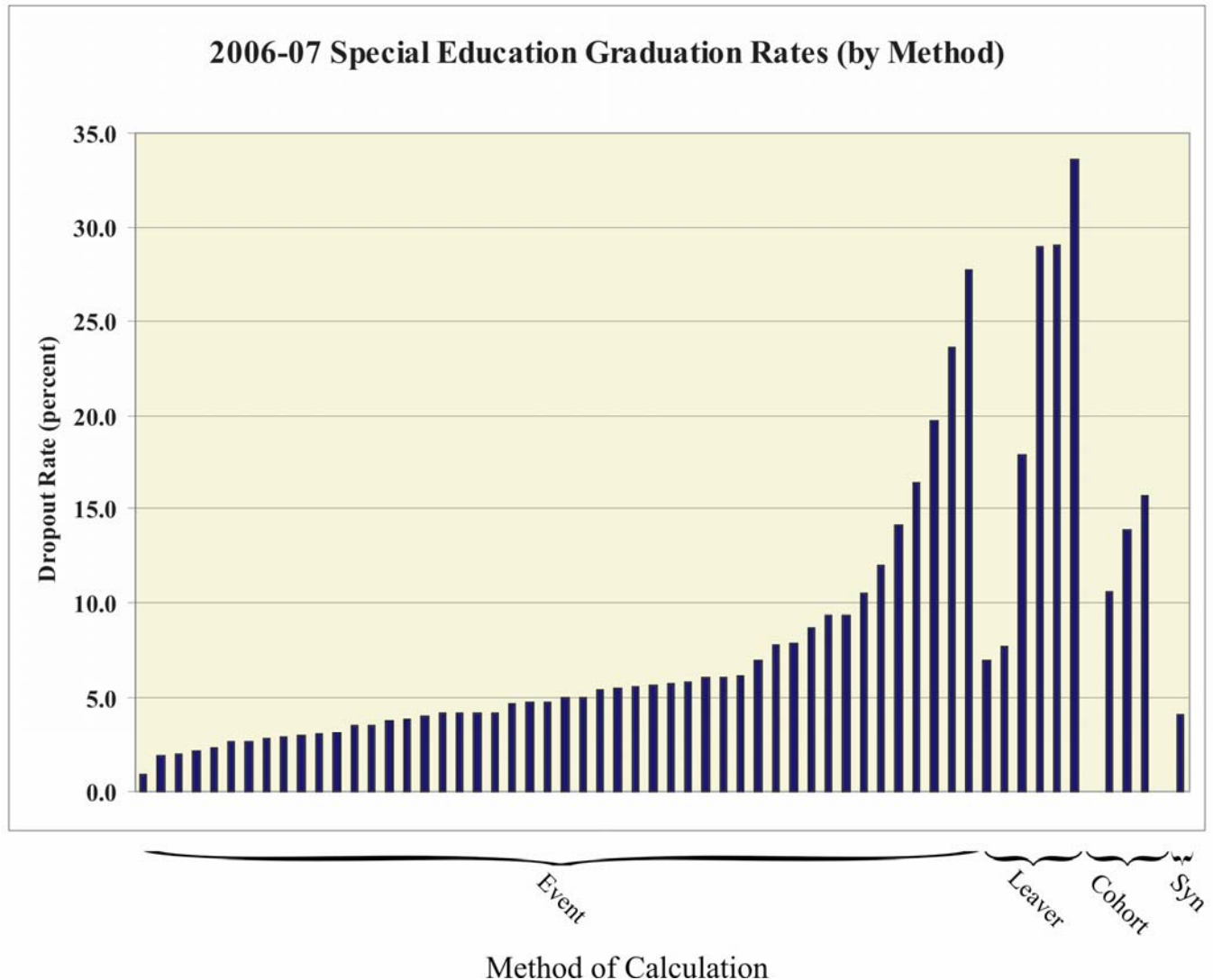


Figure 1

The States were sorted by the method employed in calculating their special education dropout rates. The sorted data were then plotted as Figures 2 – 4. Figure 2 shows the special education dropout rates for States that used an event method; Figure 3 shows the data for States that calculated a leaver rate; Figure 4 shows the data for States that used the cohort method of calculation.

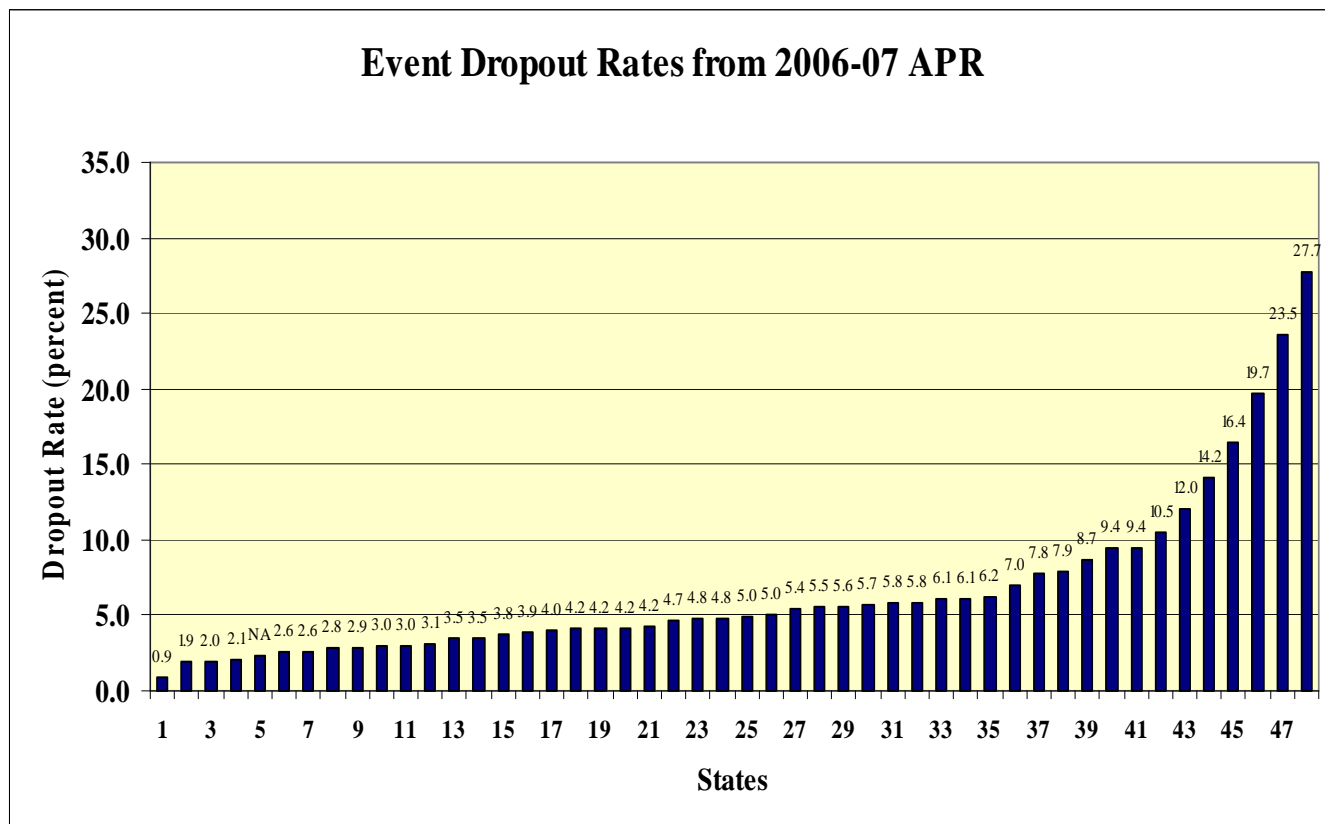


Figure 2

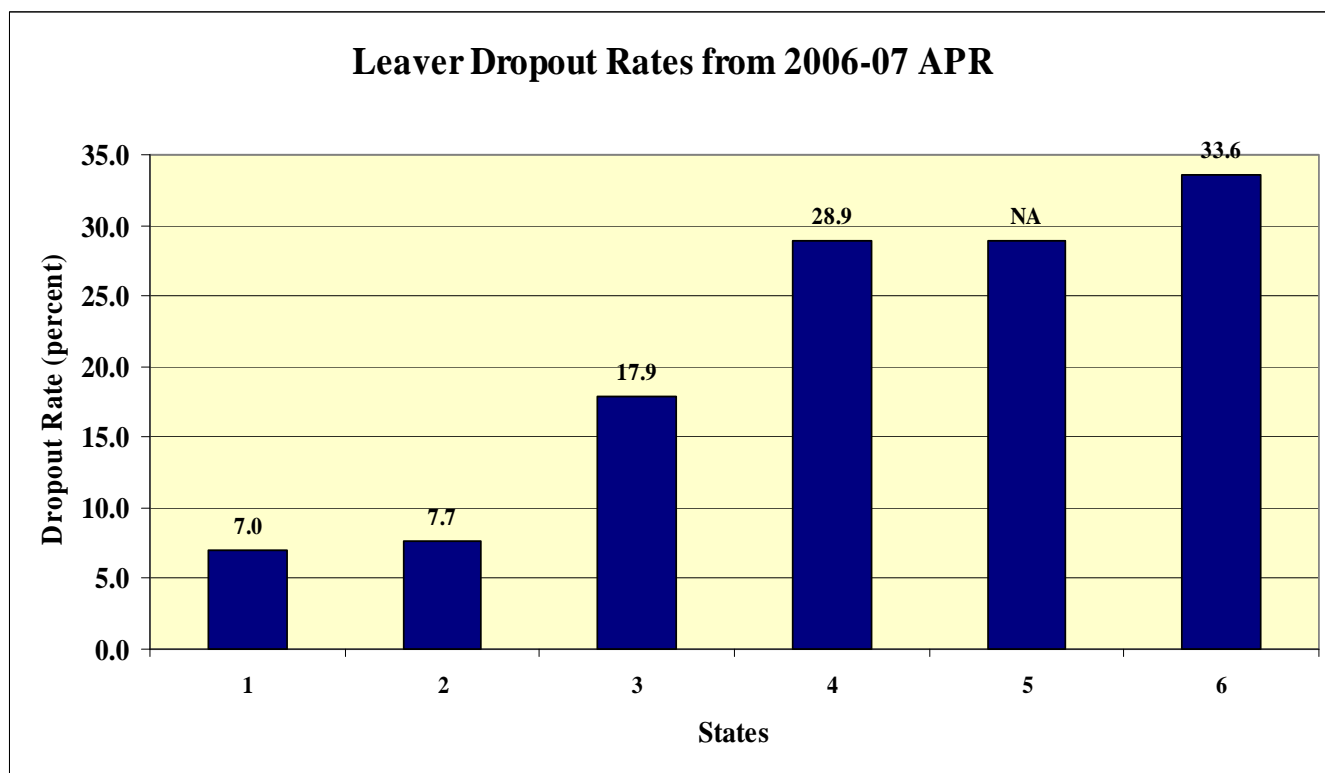


Figure 3

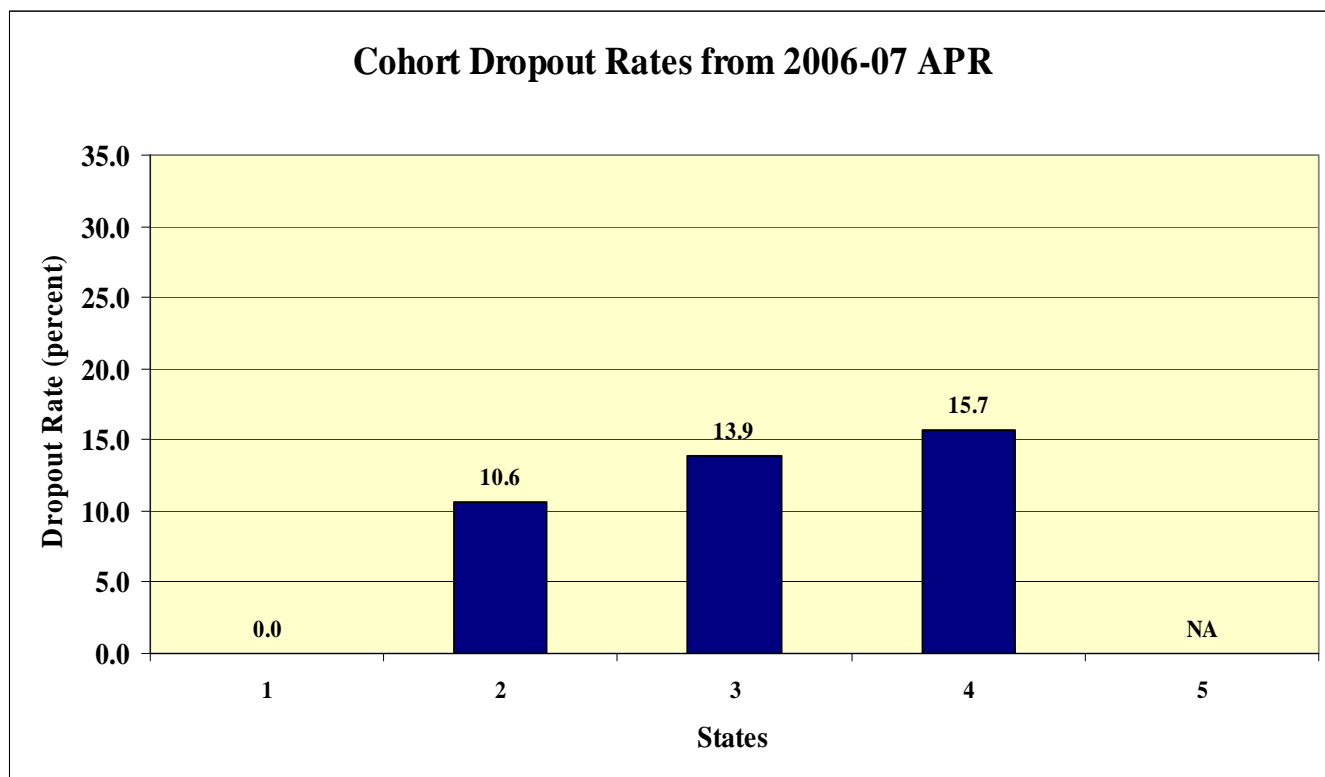


Figure 4

DROPOUT RATE TARGETS

Twenty-five States (42%) achieved their targeted dropout rate for students with disabilities and 34 States (57%) did not. The remaining one State (2%) was missing data and was not able to determine whether it had met its targets. This was an improvement of three States over the number reported in the 2005-06 APRs.

Thirty-one States (52%) made progress from their rates reported in the 2005-06 APR and lowered their dropout rates. Twenty-seven States (45%) experienced slippage during the year, showing increased dropout rates. One State's (2%) rate remained unchanged from the previous year. One other State (2%) lacked data to determine progress or slippage for 2006-07. Figure 5 shows these changes from last year's rates. Note that a **negative** change in the dropout rate is good.

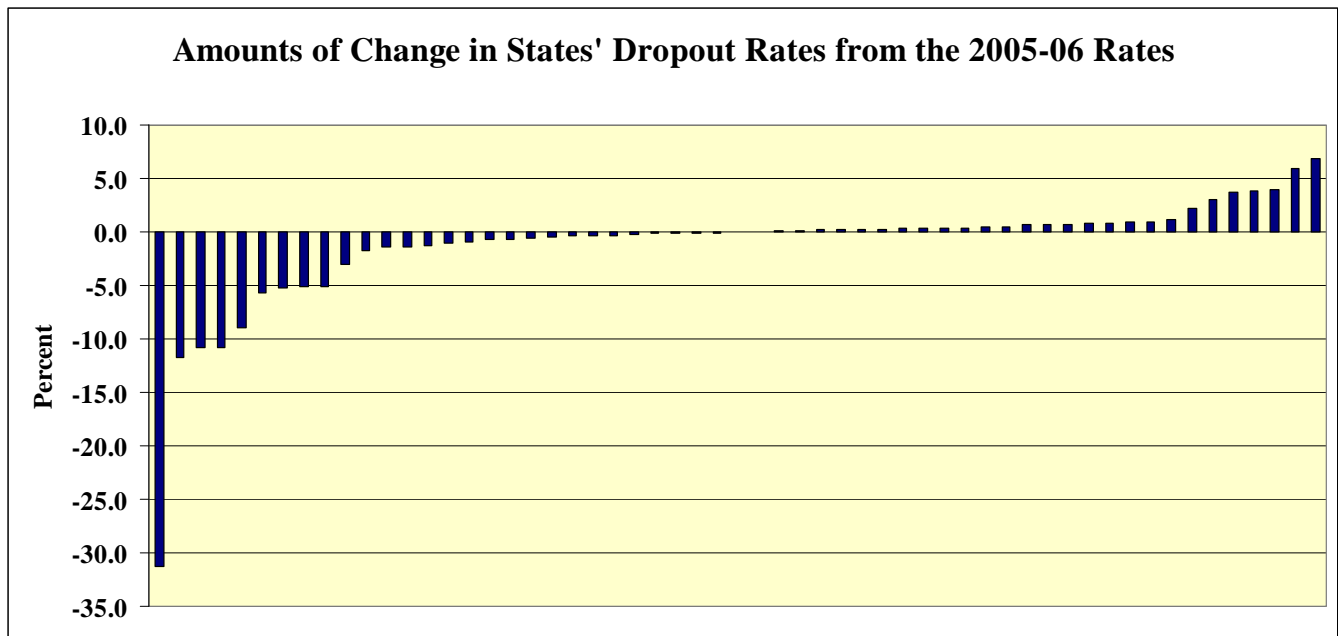


Figure 5

CONNECTIONS AMONG INDICATORS

Forty-four States (73%) identified a strong connection between Indicators 1 and 2, saying that the two indicators are so tightly intertwined that combining the efforts made sense. Many States combined their efforts to address multiple indicators, including Indicators 1, 2, 3, 4, 13, and 14.

NDPC-SD INTERACTIONS WITH STATES

All 60 States received some form of technical assistance from NDPC-SD during the 2006-07 school year. Twenty-six States (43%) indicated that they had used materials from NDPC-SD or received direct technical assistance from NDPC-SD (conference presentation or direct consultation). NDPC-SD is working actively in four States (7%) to establish model dropout-prevention initiatives at the LEA level. These results represent an increase from the figures reported in the 2005-06 APR. Table 3 shows a breakdown of these interactions with States.

Table 3 NDPC-SD Interactions with States during the 2006-07 School Year

Nature of interaction	Number of States
A. NDPC-SD provided information by mail, telephone, teleseminar, listserv, or Communities of Practice to State	60
B. State attended a conference sponsored by NDPC-SD or received direct on-site TA from NDPC-SD	24
C. NDPC-SD is providing ongoing, intensive, on-site TA to the State toward the end of developing model demonstration sites	4

IMPROVEMENT STRATEGIES AND ACTIVITIES

States were instructed to report the strategies, activities, timelines, and resources they employed in order to improve the special education dropout rate. The range of proposed activities was considerable. Many States are implementing evidence-based interventions to address their needs. Table 4 shows the number of States employing various evidence-based practices.

Table 4 Evidence-based practices listed in improvement activities of the 2006-07 APR

Nature of interaction	Number of States
One or more evidence-based practices	44
Positive Behavior Supports	20
Literacy Initiatives	13
Response to Intervention	10
Mentoring Programs	8

Forty-four States (73%) listed one or more evidence-based improvement activities in their APR, while the remaining 16 States (27%) did not propose any evidence-based improvement activities. There are a limited number of evidence-based programs that have demonstrated efficacy for students with disabilities; however, there are a number of promising practices.

Using the 9 categories listed in Table 5, NDPC-SD coded each State's improvement activities. Figure 6 shows the number of States engaging in each of the categories.

Table 5 Activity categories for the 2006-07 APRs

Code	Activity
A	Improve data collection and reporting
B	Improve systems administration and monitoring
C	Build systems and infrastructures of technical assistance and support
D	Provide technical assistance/training/professional development
E	Clarify /examine/develop policies and procedures
F	Program development
G	Collaboration/coordination

H	Evaluation
I	Increase/Adjust FTE
J	Other

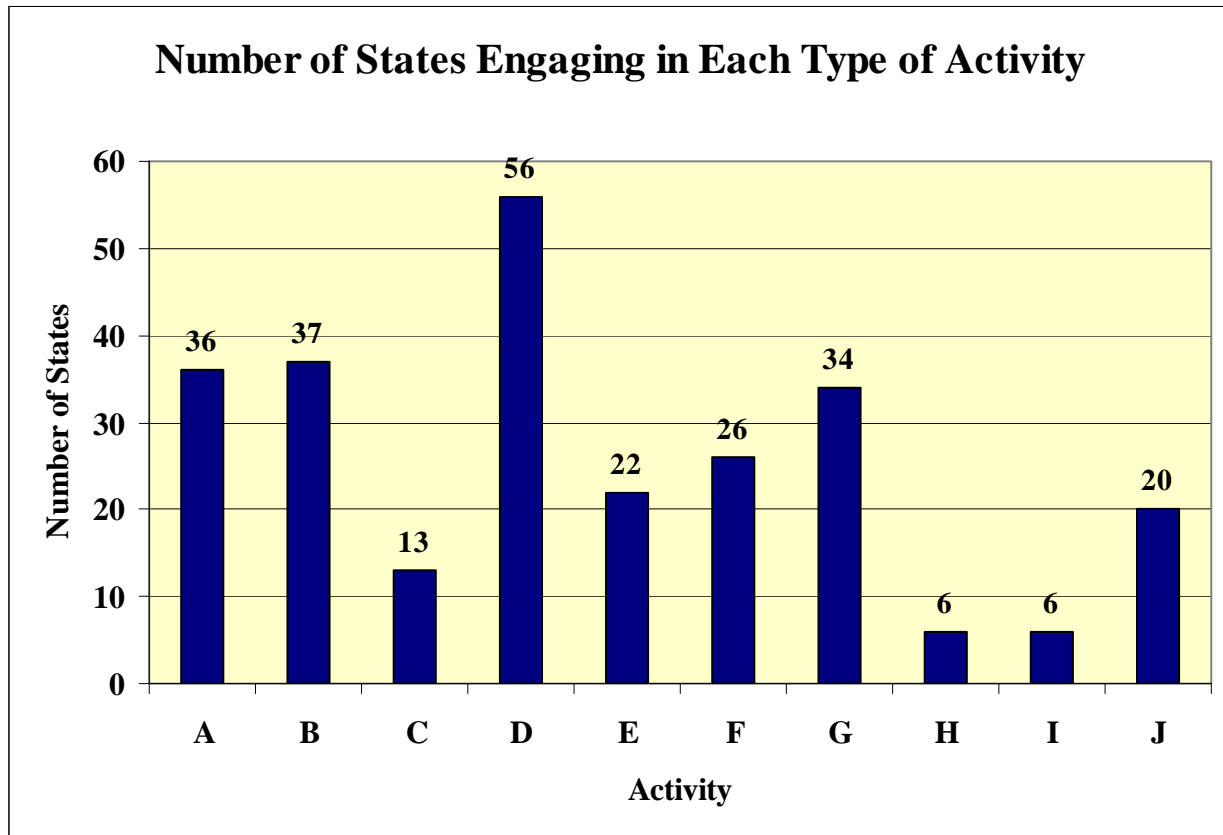


Figure 6

Figure 6 shows that the vast majority of States (56 States, or 93%) are engaging in one or more technical assistance, training or professional development activities (D). This followed by thirty-seven States (62%) working to improve their monitoring (B) and thirty-six States (60%) working to improve their data or reporting (A). Thirty-four States (57%) carried out some form of collaborative activity (G). Twenty-six States (43%) worked on the development of statewide programs or initiatives (F). Review and/or clarification of dropout-related policies and procedures (E) was undertaken by 22 States (37%).

In support of additional technical assistance, 13 States (22%) increased their TA infrastructure and support last year (C). Surprisingly, only six States (10%) engaged in some form of program evaluation to determine the efficacy of their activities (H). Six States (10%) added or reassigned staff to work on school-completion efforts (I). Additionally, many States described one or more improvement activities that were unique to their specific needs and programs (J). These activities occurred in 33% of all States.

In general, the collections of activities listed in States' APRs seem improved over last year. More States appear to be recognizing the benefit of combining activities across indicators to minimize waste and maximize effect. A substantial number of States described a group of activities that would work well to address their students' needs across the transition indicators (Inds. 1, 2, 13, and 14). Several other States included activities that also addressed Indicators 3, 4, and 5 in their mix of improvement activities to support school-completion and dropout prevention.

NOTES

- While the comparison of special education dropout rates to all-student rates has been removed from the Indicator, we would hate to see States lose sight of the importance of this relationship. In order to continue the push for progress in closing the gap in dropout rates between students with disabilities and their non-disabled peers, it is imperative that we remain aware of how students with disabilities are doing in relation to all students. While there are various data-related barriers to making such comparisons easily, keeping such comparisons in mind may help us avoid complacency in this area. This said, we were pleased to note that several States continue to provide data for their students with disabilities and their entire student population.
- Several States cited improvements in their procedures around data collection as having impacted their dropout rates. Some of those States credited their improvement in dropout rate to this, whereas others blamed it for their increased rates.
- Activities that raise States' awareness of the interconnectivity among the Part B Indicators and assist States in understanding and managing data related to those activities will continue to be beneficial to States.

Over the last year and a half, six States participated in the pilot program of the *Making the Connection Among Indicators 1, 2, 13 and 14 Institutes*, sponsored jointly by the National Dropout Prevention Center for Students with Disabilities, the National Secondary Transition Technical Assistance Center, the National Post School Outcomes Center, and the Regional Resource Centers. Since the three pilot sessions, the centers have held one regional meeting for States in the Northeast and Mid-South regions, and have scheduled two additional meetings for fall 2008 to address States in the remaining regions. The 1½ - day-long process exposes States to strategies for collecting, reporting and using data across Part B Indicators 1, 2, 13, and 14 of the SPP/APR for program improvement. Using their own data, States work through a series of guided questions and activities that help them understand and identify strengths and needs around these Indicators.

IN SUMMARY

In general, we have seen an improvement in the overall quality and organization of the APRs as well as a trend toward improvement in the nature of the data States submitted. States' activities are generally more concerted and focused than in previous years. While the slight majority of States missed their dropout rate targets

last year, more States made progress over last year's rates than showed slippage. There is a recognized lag between the time at which implementation of an intervention begins and the point at which it shows measurable results. Despite this lag and the once-a-year nature of the measurement of this indicator, it appears that things might gradually be improving with Indicator 2.

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, as well as a measure of the extent to which districts in a state are meeting the 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 2006-07 state assessments. States submitted their data in February 2008 using baseline information and targets (unless revised) that were submitted in their State Performance Plans (SPPs) submitted 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. It also presents information on Improvement Activities and how they related to state data.

This report includes an overview of our methodology, followed by findings for each component of Part B Indicator 3 (AYP, Participation, Performance). For each component we include: (a) findings, (b) challenges in analyzing the data, and (c) examples of well-presented data. We conclude by addressing Improvement Activities and their relationship to progress.

METHODOLOGY

APRs used for this report were obtained from the RRFC Web site in March, April, and May 2008. In addition to submitting information in their APRs for Part B Indicator 3 (Assessment), states were requested to attach Table 6 from their 618 submission. Although AYP data are not included in Table 6, other data requested in the APR for Part B Indicator 3 should be reflected in Table 6. For the analyses in this report, we used only the information that states reported for 2006-07 assessments in their APRs. We will soon be analyzing the consistency between the data in the APR and Table 6.

Three components comprise the data in Part B Indicator 3 that are summarized here:

- 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 objectives for progress for the disability subgroup (AYP)
- 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 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 ALTERNATE achievement standards

State AYP, participation, and performance data were entered into a Microsoft Excel spreadsheet and verified. For this report, data for each component are reported overall, and by whether the target was met for regular and unique states, and by RRC Region for regular states. We have chosen to keep these analyses separate due to the differing policies and expectations between regular states and unique states. A regional analysis of unique states was not performed due to the grouping of the majority of unique states within Region 6.

For Improvement Activities, states were directed to describe these for the year just completed (2006-07) as well as projected changes for upcoming years. The analysis of 2006-07 Improvement Activities used the OSEP coding scheme consisting of letters A–J, with J being “other” activities. The Improvement Activities coders used 12 subcategories under J (“other”) to capture specific information about the types of activities undertaken by states (see Appendix 3-A for examples of each of these additional categories). These 12 categories were essentially the same as those identified in 2007 to code 2005-06 data; a few definitions were expanded slightly to accommodate coding of new activities. The list of states was randomized and each of two coders independently coded five states to determine inter-rater agreement. The coders discussed their differences in coding and came to agreement on criteria for each category. An additional five states were then coded independently by each rater and compared. After determining 80% inter-rater agreement, the two coders independently coded the remaining states and then met to compare codes and reach agreement on final codes for each Improvement Activity in each state. As in the previous year, many Improvement Activities were coded in more than one category. Coders were able to reach agreement in every case. This process was somewhat more time-intensive than that used in the previous year.

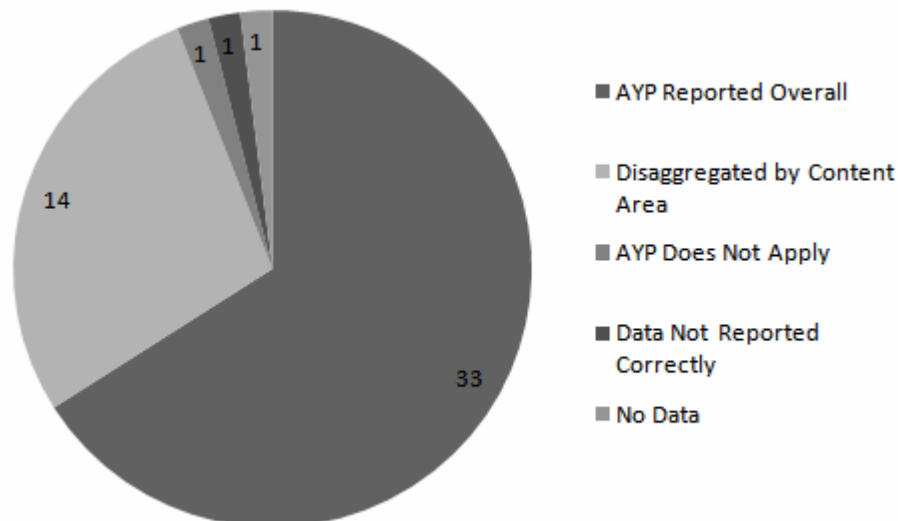
PERCENT OF DISTRICTS MEETING STATE’S ADEQUATE YEARLY PROGRESS OBJECTIVE (COMPONENT 3A)

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 states provided AYP data on their APRs. Forty-eight regular states had data available (one state is a single district and thus is not required to provide data for this component; another state did not report AYP data because it used a new test and had obtained permission not to compare results from the new test to previous results). However, only 33 states (up from 31 last year) reported AYP data in their APR in such a way that the data could be combined with data from other states. Sixteen states either provided data broken down by content area, computed data incorrectly, or did not provide data.

Figure 1. Ways in Which Regular States Provided AYP Data for 2006-07



AYP determinations were not provided for the unique states. As noted 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).

AYP FINDINGS

Table 1 shows information about states' AYP baseline and target data reported in their SPPs (or revised) and actual AYP data obtained in 2006-07. Six of the 33 regular states that had usable 2006-07 AYP data lacked either baseline (n=3) or target data (n=3). Table 1 shows data for the remaining 27 states that had complete data. No unique states had complete data for reporting in Table 1.

The 27 states with sufficient data had an average baseline of 43.7% of eligible districts (those meeting minimum n) making AYP; their average target for 2006-07 was 51.5%. Actual AYP data for 2006-07 showed an average of 54.4% of LEAs in these 27 states making AYP. Thus, across those states for which data were available, the average percentage of districts making AYP was slightly higher than the average target. This is a change from past years when the average percentage was slightly lower than the target. Twelve of the 27 states met their AYP targets. Fifteen states did not meet their target for the AYP indicator for the 2006-07 school year.

Table 1. Average Percentage of Districts Making AYP in 2006-07 for States that Provided Baseline, Target, and Actual Data

	N	Baseline (Mean %)	Target (Mean %)	Actual Data (Mean %)
Regular States	27	43.7%	51.5%	54.4%
Unique States	0	---	---	---
TARGET (Regular States)				
Met	12	43.8%	46.6%	67.7%
Not Met	15	43.6%	55.4%	43.8%
TARGET (Unique States)				
Met	0	---	---	---
Not Met	0	---	---	---

Comparing data for states that met their targets with those that did not reveals a striking finding for the second consecutive year. The 12 states that met their targets showed an average target of 46.6%, just slightly more than their average baseline of 43.8%. Their actual 2006-07 data showed an average of 67.7% of districts making AYP, which was well over the baseline and target percentages. In contrast, the 15 states that did not meet their targets had an average baseline of 43.6%, target of 55.4%, and actual data of 43.8%. This is the second consecutive year that the difference in targets between the two groups was at least 5% (and in this case 12%). It is notable that the states that did not meet the targets for districts meeting AYP had a lower baseline, on average, but set a higher average target. Further examination of these data is warranted.

Data are also presented by RRC Region for regular states in Table 2. These data show the variation in baseline data (with some regions showing a decrease and others showing an increase). Overall, in three of the six regions, average actual data equaled or exceeded targets set for 2006-07.

Table 2. By Region: Percentage of Districts Making AYP Within Regular States that Provided Data Across Baseline, Target, and Actual Data

RRC Region	N	Baseline (Mean %)	Target (Mean %)	Actual Data (Mean %)
Region 1	4	27.8%	58.3%	60.0%
Region 2	5	33.8%	43.6%	34.8%
Region 3	3	55.7%	60.4%	82.1%
Region 4	5	64.6%	64.8%	68.6%
Region 5	5	42.6%	45.1%	52.1%
Region 6	5	39.4%	41.8%	41.2%

CHALLENGES IN ANALYZING AYP DATA

The data submitted by states for the AYP component did not significantly improve in quality over data submitted for the APR one year ago. The major challenge that remains is to ensure that states provide overall AYP data, rather than only disaggregated data (e.g., by content or grade). For a district to meet AYP, it must meet AYP for all grade levels and content areas. Meeting AYP is summative across

grade levels and content areas, and an overall number for the district CANNOT be derived from numbers provided by grade or content. Fourteen states provided data by grade or content rather than overall. This means that state confusion about which data to report for AYP remains a major challenge to be addressed by technical assistance. In contrast, states generally used the minimum “n” instruction in the correct manner this year. Few states incorrectly calculated an overall AYP using the incorrect denominator. Also, no states provided only the percent of districts for which AYP was NOT met. Generally states provided the AYP data in a table, rather than embedding the data in text, which improves the usability of the data.

EXAMPLE OF WELL-PRESENTED AYP DATA

Examples of well-presented AYP data are data presented in a table or list in a way that clarifies (a) the number of districts in the state overall, (b) the number of districts meeting the state designated minimum “n” for the disability subgroup, and (c) the number of those districts meeting the minimum “n” that met the state’s AYP objectives. States that provided reading and math AYP information, or AYP information by grade, could be included in the desired analyses only if they provided the overall data requested by the data template.

A number of states provided very effective presentations of AYP data that had all the desired information. Table 3 is a mock-up of an AYP table similar to what these states presented. Important characteristics reflected in the table are:

- School year
- Number of districts overall
- Number of districts meeting the minimum “n” designated by the state
- Number of districts meeting AYP

The clear presentation of AYP data in Table 3 indicates whether actual target data met the target for the year in question. It is important to note that if the table or text does not include overall AYP data (i.e., districts meeting AYP on both reading/English Language Arts and math), it is not possible to calculate this critical information. Separate content area information cannot be added together or averaged to obtain an overall AYP number.

Table 3. Example of Potential AYP Table Listing All Important Elements

FFY	Measurable and Rigorous Target
2006 (2006-07)	<p>This state has 243 LEAs of which 176 meet minimum “n” size requirements. Of these LEAs meeting minimum “n”, 80 met AYP overall.</p> <ul style="list-style-type: none"> • Target: 53 out of 176 (31%) • Actual Data: 80 out of 176 (45.5%) met AYP overall • Actual Data: 88 out of 176 (50.0%) met AYP for math* • Actual Data: 96 out of 176 (54.5%) met AYP for reading*

*Note: It is not necessary for AYP purposes to provide content information; however, states may find this information useful.

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, and in the alternate assessment based on alternate achievement standards. Component 3B (participation rates) is calculated by obtaining 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); and
- e. # 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'
- Provide an Overall Percent: ('b' + 'c' + 'd' + 'e') divided by 'a'

Forty-nine regular states reported 2006-07 assessment participation data in some way. Forty-four of these states either provided appropriate data by content area or provided adequate raw data to allow for content area calculations (this is up from 43 a year ago). Five states provided data broken down by content area and grade level but did not provide raw numbers. One state did not provide participation data of any kind (down from three in 2005-06). Nine of the ten unique states reported 2006-07 assessment participation data.

PARTICIPATION FINDINGS

Table 4 shows the participation data for math and reading, summarized for all states, and for those states that met and did not meet their participation targets.

A total of 42 regular states and 8 unique states provided adequate participation data for baseline, target, and actual target data (shown in table as actual data) for 2006-07. These states provided appropriate overall data for math and reading (not broken down by grade), or data that allowed NCEO to derive an overall number for actual data. For participation (but not for performance), NCEO accepted one target participation rate for both math and reading content areas. This was the presentation style for a number of states. For both math and reading, average targets for participation for all states were the same (96.3%) and average baseline data for all states were similar (96.6 for

math, 97.1% for reading). Actual data reported by these states were 97.8% for math and 97.7% for reading, both of which were slightly above baseline. It should be noted that on average states established targets that were below baseline values.

The eight unique states that provided all necessary data points saw slippage from an average baseline of 85.5% for math and 85.4% for reading to a 2006-07 average rate of 85.2% for math and 83.9% for reading. Both rates fell below the average target participation rate of 90.5% for math and 90.3% for reading.

Table 4. Average Participation Percentages in 2006-07 for States that Provided Baseline, Target, and Actual Data

	N	Math			Reading		
		Baseline (Mean %)	Target (Mean %)	Actual Data (Mean %)	Baseline (Mean %)	Target (Mean %)	Actual Data (Mean %)
Regular States	42	96.6%	96.3%	97.8%	97.1%	96.3%	97.7%
Unique States	8	85.5%	90.5%	85.2%	85.4%	90.3%	83.9%
TARGET (Regular States)							
Met	30	96.7%	95.7%	98.3%	96.9%	95.7%	98.3%
Not Met	12	96.5%	98.2%	96.2%	97.8%	98.0%	96.1%
TARGET (Unique States)							
Met	2	88.5%	93.5%	101.7%	89.0%	93.5%	101.5%
Not Met	6	84.5%	89.5%	79.7%	84.2%	89.3%	78.1%

An analysis of state data by target status (either met or not met) was completed. States that met their target for BOTH content areas were classified as “met.” States that did not meet their target for either target area and states that met their target for one content area but not the other were classified as “not met.” Thirty regular states and two unique states met their participation targets in both math and reading in 2006-07; 12 regular states and 6 unique states did not meet their targets for participation. The remaining states did not provide appropriate baseline data, or did not provide target data, or did not provide actual data. These states were not classified as “not met” for either the participation or performance subcomponents.

Across regular states that met their targets in both content areas, an average of 98.3% of students participated in math and reading assessments. In states that did not meet their targets, 96.2% of students with disabilities participated in both content area tests. States that did not meet their target had higher targets (98.2% for math and 98.0% reading), on average, than states that did meet their targets (95.7% for both). This is the second consecutive year that this finding of different targets was identified. For both content areas, states that met their targets had a lower average value for baseline data.

Eight unique states provided adequate participation information to enable determination of whether they met targets. An average of 101.6% of students with disabilities participated in the state math and reading assessments for the two unique states that met their targets in participation. A participation rate of more than 100% is possible if the denominator count was not performed on the day of testing, and there

was an increase in the number of students with IEPs by the time testing occurred. In the six states that did not meet their targets, 79.7% of students with disabilities participated on the math assessment, and 78.1% in reading. The targets set by the two unique states that met their targets were more challenging than those for states that did not meet their targets in 2006-07.

Data presented by RRC region for regular states in Table 5 show that for both math and reading, the average 2006-07 participation rates vary little, ranging from 96.1% to 99.5%. Regions 3 and 6 showed participation rates in the 96% range, slightly trailing averages seen in the other regions. Region 3 was the only region to show average actual data that were lower than the average target for the region; this was true for both math and reading. Five of the six regions had 2006-07 data that surpassed 2006-07 targets. All regions except Region 1 had targets that were lower than (or in one case, equal to) their baseline data. For one of the six regions, the average 2006-07 targets for the states within the region surpassed the average baseline data for those states.

Table 5. By Region: Average Participation Percentages in 2006-07 for Regular States that Provided Baseline, Target, and Actual Data

RRC Region	N	Math			Reading		
		Baseline (Mean %)	Target (Mean %)	Actual Data (Mean %)	Baseline (Mean %)	Target (Mean %)	Actual Data (Mean %)
Region 1	5	92.4%	97.2%	98.0%	95.4%	97.2%	98.0%
Region 2	6	96.8%	95.8%	99.5%	97.0%	95.8%	99.3%
Region 3	7	97.7%	97.3%	96.1%	97.7%	97.3%	96.1%
Region 4	7	97.3%	95.5%	98.0%	97.1%	95.5%	97.7%
Region 5	10	96.5%	96.5%	98.5%	97.1%	96.4%	98.6%
Region 6	7	98.0%	95.8%	96.8%	97.9%	95.9%	96.5%

CHALLENGES IN ANALYZING PARTICIPATION DATA

The data submitted by states for the Participation component were improved over those submitted for SPPs (2004-05 data), and moderately improved over the data included in APR 2005-06 submissions. It appears that states used the correct denominator in calculating participation rates (i.e., number of children with IEPs who are *enrolled* in the assessed grades) and did not report participation rates of exactly 100% without information about invalid assessments, absences, and other reasons why students might not be assessed.

One challenge that remains from 2005-06 is the failure of some states to provide targets by content area. States should report targets by content area so that readers are not required to assume that participation targets provided in an overall form are meant for both content areas. Another challenge is to ensure that states report raw numbers as well as percentages derived from calculations. Only in this way are the numbers clear and understandable to others who read the report. Providing information this way also allows others to average across grades or content areas, if desired, by going back to the raw numbers.

EXAMPLE OF WELL-PRESENTED PARTICIPATION DATA

Participation data that were presented in tables, with raw numbers, and that accounted for students who did not participate, formed the basis for examples of well-presented data. In this format and with this information, it was easy to determine that the data had been cross-checked, so that rows and columns added up appropriately, and it was easy to determine what the denominator was and what the numerator should be in various calculations. Several states presented their participation data in this manner.

Table 6 is an adaptation of a state table showing the desired information. Numbers are presented for the math content area for each of the subcomponents (a-e) in each of the grade levels 3-8 and 11, with overall totals near the bottom and on the right. This table also presents in a clear and usable manner information regarding those students who were not tested on the state assessment in math, and the reasons for non-participation.

Table 6. One State's Well-Presented Participation Data for Math^a

Statewide Assessment – 2006-2007		Math Assessment								
		Grade 3	Grade 4	Grade 5	Grade 6	Grade 7	Grade 8	Grade 11	Total	
									#	%
a	Children with IEPs	2056	2207	2268	2316	2340	2414	1730	15331	
b	IEPs in regular assessment with no accommodations	830	779	723	718	846	970	933	5799	37.8%
c	IEPs in regular assessment with accommodations	1118	1346	1520	1575	1389	1317	671	8936	58.3%
d	IEPs in alternate assessment against grade-level standards	State does not have an alternate assessment that tests children against grade level standards.								
e	IEPs in alternate assessment against alternate standards	79	63	Not Assessed	Not Assessed	66	81	48	337	2.2%
f	Overall (b+c+d+e) Baseline	2027	2188	2243	2293	2301	2368	1652	15072	98.3%
Children included in a but not included in the other counts above										
Absent								26	26	0.3%
Other Reasons		29	19	25	23	39	46	52	233	3.0%

^aAdaptations were made to the original state table to increase clarity of data presentation.

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

The performance of children 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, and the alternate assessment based on alternate achievement standards. Component 3C (Proficiency Rate) is calculated by obtaining several numbers and then computing percentages:

Proficiency Rate numbers required for equations are”

- 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); and
- e. # 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).

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’ above
- Provide an Overall Percent = ‘b’ + ‘c’ + ‘d’ + ‘e’ divided by ‘a’

Forty-eight regular states reported 2006-07 assessment proficiency data in some way. Two states did not provide performance data of any kind. Four of the states that reported data provided only overall performance percentages for the two content areas and did not provide raw numbers of any kind. Seven of the ten unique states also reported performance data.

PROFICIENCY FINDINGS

Table 7 shows proficiency data for math and reading for the 33 states that provided usable baseline, target, and actual 2006-07 proficiency data. Data are disaggregated also for those states that met and those states that did not meet their performance targets.

Average targets for these 33 regular states for math and reading were 42.8% and 46.3%, respectively, across all states that provided analyzable data points for baseline, target, and actual data. These targets were more than five percentage points higher for both math and reading in 2006-07 than they were one year earlier. The actual data that states reported were, on average, 38.8% for math and 40.7% for reading.

Average targets were 28.3% for math and 28.3% for reading across the four unique states that provided analyzable data points for baseline, target, and actual data. The proficiency data these four unique states reported were, on average, 5.5% for math and 8.5% for reading. These four unique states did not meet their performance targets.

Table 7. Average Proficiency Percentages for States that Provided Baseline, Target, and Actual Data

		Math			Reading		
	N	Baseline (Mean %)	Target (Mean %)	Actual Data (Mean %)	Baseline (Mean %)	Target (Mean %)	Actual Data (Mean %)
Regular States	33	34.7%	42.8%	38.8%	36.5%	46.3%	40.7%
Unique States	4	13.3%	28.3%	5.5%	13.3%	28.3%	8.5%
TARGET (Regular States)							
Met	8	32.8%	33.9%	42.3%	35.1%	36.9%	41.8%
Not Met	25	35.3%	45.6%	37.7%	36.9%	49.3%	40.3%
TARGET (Unique States)							
Met	0	---	---	---	---	---	---
Not Met	4	13.3%	28.3%	5.5%	13.3%	28.3%	8.5%

An analysis of state data by target status (either met or not met) also was completed. States that met their target for BOTH content areas were classified as “met.” States that did not meet their target for either target area and states that met their target for one content area but not the other were classified as “not met.” Eight regular states and two unique states met their targets in math and reading for proficiency in 2006-07; 25 regular states and 4 unique states did not meet their targets for proficiency in either or both content areas. The remaining states either did not provide appropriate baseline data, or did not provide actual target data.

Across the eight regular states that met their targets in both content areas, an average of 42.3% of students scored as proficient on math assessments and 41.8% of students scored as proficient on reading assessments. In states that did not meet their targets, 37.7% of students were proficient in math, and 40.3% were proficient in reading. States that are meeting and states not meeting their targets appear to be progressing in student proficiency at roughly the same rate. Regular states that did not meet their target had higher targets (45.6% for math, 49.3% for reading), on average, than those that did meet their targets (33.9% for math, 36.9% for reading). For math and reading, states that met their targets had set lower average targets. It appears, then, that a finding is that states starting out with lower target values were the ones meeting their targets. None of the four unique states providing usable data met its target for performance for the 2006-07 school year.

Data presented by RRC region for regular states for math and reading show considerable variability in the average baselines and in the targets that were set for both content areas. Two of the six regions for math and none of the six regions for reading met 2006-07 performance targets. For all six regions, the average 2006-07 targets for the states within the region surpassed the average baseline data for those states.

Table 8. By Region: Average Proficiency Percentages in 2006-07 for Regular States that Provided Baseline, Target, and Actual Data

RRC REGION	N	Math			Reading		
		Baseline (Mean %)	Target (Mean %)	Actual (Mean %)	Baseline (Mean %)	Target (Mean %)	Actual (Mean %)
1	4	29.3%	55.3%	36.3%	26.5%	55.3%	36.5%
2	4	48.8%	49.8%	43.2%	54.0%	54.5%	48.6%
3	8	36.3%	40.0%	41.1%	38.1%	43.1%	41.5%
4	6	28.8%	39.1%	39.2%	30.3%	43.9%	36.1%
5	7	34.7%	43.0%	39.9%	37.9%	46.4%	44.6%
6	4	31.8%	34.1%	30.1%	32.3%	39.0%	35.5%

CHALLENGES IN ANALYZING ASSESSMENT PERFORMANCE DATA

The data submitted by states for the performance component were greatly improved over those submitted for the SPP (2004-05 data), and moderately improved over data reported in the 2005-06 APR. Still, not all states used the correct denominator in calculating proficiency rates (i.e., number of children with IEPs who are *enrolled* in the assessed grades). Several states made the mistake of using the number of students assessed as the denominator for proficiency rate calculation. The denominator used in all calculations performed by NCEO for these states was changed to the number enrolled.

States presenting only overall performance data for math and reading was a limiting factor for our analysis. Several states did not provide data for subcomponents (i.e. a-e, as explained above, which covered the different types of assessments).

One challenge that remains for proficiency data (as for participation data) is the failure of some states to report overall targets and actual proficiency rates by content area as well as by grade. Targets cannot be averaged across grades to an overall number because there are different denominators for each grade level. Reporting proficiency rates for math and reading for grades 3-8 and high school is needed to ensure that the numbers are clear and understandable to others. Reporting this way allows numbers to be added and averaged appropriately.

EXAMPLE OF WELL-PRESENTED PROFICIENCY DATA

Well-presented proficiency data are those provided in tables, with both raw numbers and percentages, and that accounted for all students participating in assessments. Table 9 is an adaptation of a performance table showing all of the appropriate raw numbers and percentages for one content area. In this table, raw numbers and percentages for all performance indicators are presented by grade level, with totals on the right. Overall proficiency is clearly indicated in the bottom row. It is easy to find the across-grades overall proficiency by looking at the cell at the bottom right.

Table 9. One State's Presentation of Performance Data for the Math^a

Statewide Assessment 2006-2007	Math Assessment								
	Grade 3	Grade 4	Grade 5	Grade 6	Grade 7	Grade 8	Grade 11	Total	
								#	%
Children with IEPs	2056	2207	2268	2316	2340	2414	1730	15331	
IEPs in regular assessment with no accommodations	344	286	264	189	165	198	150	1596	10.4%
IEPs in regular assessment with accommodations	214	244	288	213	131	115	71	1276	8.2%
IEPs in alternate assessment against grade- level standards*	State does not have an alternate assessment that tests children against grade level standards.								
IEPs in alternate assessment against alternate standards	69	51	Not Assessed	Not Assessed	54	69	40	283	1.8%
Overall (b+c+d+e) Baseline Proficient	627	581	552	402	350	382	261	3155	20.6%

^aAdaptations were made to the original state table to increase clarity of data presentation.

IMPROVEMENT ACTIVITIES

States identified Improvement Activities for Part B Indicator 3, revising them if needed from those that were listed in their previous SPPs and APRs. These were analyzed using OSEP-provided codes plus additional codes within category J (Other) (see Methodology). Although states generally listed their Improvement Activities in the appropriate section of their APRs, sometimes we found them elsewhere. When this was the case, we identified the activities in the other sections and coded them.

IMPROVEMENT ACTIVITIES FINDINGS

A summary of Improvement Activities is shown in Table 10. The data reflect the number of states that indicated they were undertaking *at least one* activity that would fall under a specific category. A state may have mentioned several specific activities under the category, or merely mentioned one activity that fit into the category. Some activities fit into multiple categories.

Table 10. State Improvement Activities Identified in 2006-07

Description (Category Code)	Number Indicating Activity	
	Regular States (N=50)	Unique States (N=10)
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)	17	6
Improve systems administration and monitoring – refine/revise monitoring systems, including continuous improvement and focused monitoring. Improve systems administration. (B)	21	4
Provide training/professional development – provide training/professional development to State, LEA and/or service agency staff, families and/or other stakeholders. (C)	42	9
Provide technical assistance – provide technical assistance to LEAs and/or service agencies, families and/or other stakeholders on effective practices and model programs. (D)	37	5
Clarify/examine/develop policies and procedures – clarify, examine, and or develop policies or procedures related to the indicator. (E)	19	3
Program development – develop/fund new regional/statewide initiatives. (F)	20	2
Collaboration/coordination – Collaborate/coordinate with families/agencies/initiatives. (G)	15	6
Evaluation – conduct internal/external evaluation of improvement processes and outcomes. (H)	10	1
Increase/Adjust FTE – Add or re-assign FTE at State level. Assist with the recruitment and retention of LEA and service agency staff. (I)	6	2
Other (J) See J1-J12		
Data analysis for decision making (J1)	19	1
Scientifically-based or research-base practices (J2)	13	1
Implementation/development of new/revised test (Performance or diagnostic) (J3)	20	5
Pilot project (J4)	14	3
Grants, state to local (J5)	13	0
Document, video, or web-based development/dissemination/framework (J6)	32	2
Standards development/revision/dissemination (J7)	7	4
Curriculum/instructional activities development/dissemination (e.g., promulgation of RTI, Reading First, UDL, etc.) (J8)	31	3
Data or best practices sharing, highlighting successful districts, conferences of practitioners (J9)	16	1
Participation in national/regional organizations, looking at other states' approaches (J10)	6	3
State working with low-performing districts (J11)	28	0
Implement required elements of NCLB accountability (J12)	21	3

The activities reported most often by a majority of regular states were training/professional development (C); technical assistance (D); document, video, or web-based development/dissemination/framework (J6); curriculum/instructional activities development/dissemination (J8); and state working with low-performing districts (J11).

The activity reported most often by a majority of unique states was implementation/development of new/revised test (J3). This category included either performance-based or diagnostic assessments.

State-reported Improvement Activities that were coded as curriculum/instructional activities development/dissemination (J8) revealed that many states were identifying specific curricula and instructional approaches in an effort to improve student performance and meet AYP. In several instances, these were explicitly identified as scientifically-based practices. Among the more frequently reported curricula and instructional approaches were: Response to Intervention, Positive Behavioral Supports, Reading First, Universal Design for Learning, Strategic Instructional Modeling, Kansas Learning, and various state-developed interventions.

An analysis of the relationship of the identified Improvement Activities with states meeting AYP was conducted using data from the 27 regular states that provided information on whether their targets were met. This analysis failed to find any significant relationship using Fisher's exact test (p-values). However, an odds ratio analysis designed to measure the direction and magnitude of association between activities and meeting AYP goals was conducted, and this analysis identified the following categories of activities as most strongly associated with states' success in meeting their AYP goals:

- Document, video, or web-based development/dissemination/framework (J6)
- Improve data collection and reporting (A)
- Clarify/examine/develop policies and procedures (E)

Although a causal claim cannot be made, this analysis suggests that states engaging in these three categories of activities generally were more effective than other states in their efforts to establish and meet targets.

An unexpected finding was that states that used improvement activities categorized as "C" – providing training/professional development – were not more likely to meet 2006-07 performance targets. However, this finding could be related to the fact that most states used this improvement activity, so there was little variation among states.

CHALLENGES IN ANALYZING IMPROVEMENT ACTIVITIES

Many states' descriptions of Improvement Activities were vague. Summarizing them required a "best guess" about what the activity actually entailed. Sometimes activities were too vague to categorize. In addition, in some cases it was difficult to determine whether an activity actually occurred in 2006-07, or was in a planning phase for the future.

Several activities fell in two or more categories. These were coded and counted more than once. For example, a statewide program to provide professional development and school-level implementation support on the Strategic Instruction Model would be coded as professional development, technical assistance, and curriculum/instructional strategies dissemination. When there was doubt, data coders gave the state credit for having accomplished an activity. As in previous examinations of Improvement Activities, counting states as having activities in a category did not allow for differentiation among those that had more or fewer activities in the category. For

example, if one state had five technical assistance activities and another had one, both states were simply identified as having technical assistance among their Improvement Activities. An analysis taking into account the frequency of each Improvement Activity would result in a different conclusion about relationships between activities and meeting targets. The level of detail provided in the reports, however, varied widely, making this level of detail difficult. Some states seemed to be referring to the same activity in multiple statements, and others noted details within activities that triggered coding in additional categories. Because of the wide range in level of detail and repetition, the coders did not have confidence that an analysis based on frequency of each Improvement Activity within a state would be more informative than the approach that was taken.

CONCLUSION

States continue to improve in meeting reporting requirements for Part B Indicator 3. Still, there remain indications that not all states understand the importance of clearly communicating information in their Annual Performance Reports (APRs). There is also some indication that some states still are not clear about exactly how to prepare their data (e.g., what is the appropriate denominator) for inclusion in their APRs. An analysis (which will be completed in the future by NCEO) of the relationship between APR data and Table 6 of 618 data will be helpful in possibly pinpointing the sources of some of the lack of understanding about how to prepare data for the APR. It is possible that some states may still have difficulty obtaining the required information because it is collected and stored by different divisions in their education agencies. After NCEO conducts its analysis of APR-Table 6 congruence, technical assistance efforts may need to be adjusted to include a focus on addressing any mismatch. A template for ensuring congruence may be developed.

For AYP data, only 27 regular states provided all the elements needed to examine the data. Unique states did not provide AYP data; this is consistent with the fact that most of these states are not required to comply with AYP requirements (although some are). Of the 27 regular states that provided all elements, over half did not meet their AYP targets. The difference between these states in baseline was negligible; in terms of targets, those states that did not meet had on average a target that was considerably higher than those states that did meet their AYP targets.

As in the past, most states providing data are meeting their participation targets. On the whole, both regular states and unique states are providing the data needed to determine whether targets are being met. Unique states, at this point, are not meeting their targets as often as regular states. This finding is based on only those states that had baseline, target, and actual data in their reports. This included 42 regular states and 8 unique states.

For performance data, many fewer states provided all the elements needed to examine the data. Only 33 regular states and 4 unique states provided baseline, target, and actual data in their reports for this component. The majority of states did not meet their performance targets in both content areas; more than 75% of regular states and all of the unique states that provided all data elements did not meet their targets.

The relationship between baselines and targets for those states that met or did not meet their targets appeared to vary by component. For AYP, states that met their targets tended to have slightly higher baselines and lower targets, but the average target value was above the average baseline value. For participation, those states that met their targets tended to set targets that were below their baselines. For performance, states that met their targets tended to have lower average values for baseline (and targets, but these were above the average baseline value). The findings do not appear to be as straightforward as they did for 2005-06, when there was a general finding that states that met their targets often had higher baselines, and lower targets, yet exceeded those targets by a considerable amount – often beyond what was done by those states that did not meet their targets (which generally had set higher targets). Continued attention to these relationships in future APRs will be important. Particularly important is the need to explore the nature of changes that states are making to their targets. This will help us to understand better the relationships in findings.

In considering the relationships between Improvement Activities and whether targets are met, Fisher's exact test and the odds ratio were used. These showed that three categories of activities were strongly associated with the state's success in meeting AYP goals (document, video, or web-based development/dissemination/framework; improve data collection and reporting; clarify/examine/develop policies and procedures). For 2005-06, different Improvement Activity categories were identified (training/professional development; regional/statewide program development; and increase/adjust FTE). It is not clear why the previously identified categories no longer emerge as associated with meeting targets, or why these categories of Improvement Activities have taken their place. Continued attention to the Improvement Activities that seem to be related to meeting targets, nevertheless, is important.

The data provided in 2006-07 for the Annual Performance Reports were much more consistent and clear than those provided for 2005-06, which in turn were clearer than those provided in the 2004-05 State Performance Plans. With improved data, it is possible for NCEO to better summarize the data to provide a national picture of 2006-07 AYP, participation, and performance indicators as well as states' Improvement Activities. We look forward to providing technical assistance in the coming months as we prepare for the 2007-08 submission of Annual Performance Reports.

APPENDIX #3-A. EXAMPLES OF IMPROVEMENT ACTIVITY CATEGORIES

A: Improve data collection and reporting

Example: Implement new data warehousing capabilities so that Department of Special Education staff have the ability to continue publishing LEA profiles to disseminate educational data, increase the quality of educational progress and help LEAs track changes over time.

B: Improve systems administration and monitoring

Example: The [state] DOE has instituted a review process for schools in need of improvement entitled Collaborative Assessment and Planning for Achievement (CAPA). This process has established performance standard for schools related to school leadership, instruction, analysis of state performance results, and use of assessment results to inform instruction for all students in the content standards.

C: Provide training/professional development

Example: Provide training to teachers on differentiating instruction and other strategies relative to standards.

D: Provide technical assistance

Example: Technical assistance at the local level about how to use the scoring rubric [for the alternate test].

E: Clarify/examine/develop policies and procedures

Example: Establish policy and procedures with Department of Education Research and Evaluation Staff for the grading of alternate assessment portfolios.

F: Program development

Example: The [state] Department of Education has identified math as an area of concern and has addressed that by implementing a program entitled “[State] Counts” to assist districts in improving math proficiency rates. “Counts” is a three-year elementary math initiative focused on implementing research based instructional practices to improve student learning in mathematics.

G: Collaboration/coordination

Example: A cross-department team led by the Division of School Standards, Accountability and Assistance from the [state DOE] in collaboration with stakeholders (e.g. institutions of higher education, families) will plan for coherent dissemination, implementation, and sustainability of Response to Intervention.

H: Evaluation

Example: Seventeen [LEAs] that were monitored during the 2006-2007 school year were selected to complete root cause analyses in the area of reading achievement in an effort to determine what steps need to be taken to improve the performance of students with disabilities within their agency.

I: Increase/Adjust FTE

Example: Two teachers on assignment were funded by the Divisions. These teachers provided professional learning opportunities for district educators on a regional basis to assist them in aligning activities and instruction that students receive with the grade-level standards outlined in the state performance standards.

J: Examples (edited for brevity and clarity)**J1: Data analysis for decision making (at the state level)**

Example: State analyzed aggregated (overall state SPED student data) of student participation and performance results in order to determine program improvement strategies focused on improving student learning outcomes.

J2: Data provision/verification state to local

Example: The DOE maintains a Web site with updated state assessment information. The information is updated at least annually so the public as well as administrators and teachers have access to current accountability results.

J3: Implementation/development of new/revised test (performance or diagnostic)

Example: State Department of Education developed a new alternative assessment this year.

J4: Pilot project

Example: Training for three pilot districts that implemented a multi tiered system of support were completed during FFY2006. Information regarding the training was expanded at the secondary education level. Project SPOT conducted two meetings for initial secondary pilot schools with school district teams from six districts. Participants discussed the initial development of improvement plans.

J5: Grants, state to local

Example: Forty-seven [state program] incentive grants were awarded, representing 93 school districts and 271 elementary, middle and high schools. Grants were awarded to schools with priorities in reading and math achievement, social emotional and behavior factors, graduation gap, and disproportionate identification of minority students as students with disabilities.

J6: Document, video, or web-based development/dissemination/framework

Example: The Web-based Literacy Intervention Modules to address the five essential elements of literacy developed for special education teachers statewide were completed.

J7: Standards development/revision/dissemination

Example: Align current grade level standard with alternate assessment portfolio process.

J8: Curriculum/instructional activities development/dissemination

Example: Provide information, resources, and support for Response to Intervention model and implementation.

J9: Data or best practices sharing, highlighting successful districts, conferences of practitioners, communities of practice, mentoring district to district

Example: Content area learning communities were developed SY 06-07 as a means to provide updates on [state/district] initiatives and school initiatives/workplans in relation to curriculum, instruction, assessment and other topics.

J10: Participation in national/regional organizations, looking at other states' approaches, participating in TA Center workgroups (e.g. unique state PB)

Example: The GSEG PAC6 regional institute provided technical support to all the jurisdictions in standard setting, rubric development, and scoring the alternate assessment based on alternate achievement standards. During the one-week intensive institute, {state} was able to score student portfolios gathered for the 2006-2007 pilot implementation, as reported in this year's assessment data.

J11: State working with low-performing districts

Example: The Department of Education has developed and implemented the state Accountability and Learning Initiative to accelerate the learning of all students, with special emphasis placed on districts with Title I schools that have been identified as "in need of improvement."

J12: Implement required elements of NCLB accountability

Example: Many strategies are continually being developed to promote inclusion and access to the general education curriculum.

INDICATOR 4A: RATES OF SUSPENSION AND EXPULSION

Prepared by DAC

INTRODUCTION

Indicator B4A measures the percentage districts within a State that have significant discrepancies in the rate of suspension and expulsion of students with disabilities greater than 10 days during a school year.

B4A is measured as:

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

This indicator requires States to use the data collected for reporting under Section 618 (i.e., the data that were reported for Table 5, in Section A, Column 3B). States were also required to specify which comparison they used to determine possible discrepancies. The State's examination must include one of the following comparisons:

- Among local educational agencies within the State, or
- To the rates for children without disabilities within the agencies.

States were required to both define significant discrepancies and explain method(s) used to identify them. Then, States were required to explain how they completed a review of policies, procedures, and practices related to suspension and expulsion of students with disabilities within identified districts. Last, States were required to report progress or slippage on this indicator and improvement activities related to their results.

The Data Accountability Center (DAC) reviewed a total of 60 FFY 2006 APRs for this summary, including the 50 States, the District of Columbia, the territories, and the Bureau of Indian Education (BIE). (For purposes of this summary, we will refer to all as States unless otherwise noted.) Throughout this analysis and summary table for B4A, "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. In some instances States do not use expulsion, and that is noted. Although States vary in the terms they use to identify educational agencies, the term district is used to discuss results in this summary for ease of interpretation.

The next section of the report summarizes the information States reported for B4A. States were not required to report data for B4B during the FFY 2006 reporting period.

Type of Comparison and Method to Identify Significant Discrepancy

The following comparisons were described by States:

- Most, 68% (41 of 60 States), compared differences in suspension and expulsion rates for students with disabilities between districts or across a territory.
- The remaining 19 States (32%) compared rates for children with disabilities to rates for children without disabilities within a district.

Method to Identify Significant Discrepancy

All States described the method they used to determine possible discrepancies in the suspension and expulsion rates of students with disabilities. Measurement strategies applied by States to calculate significant discrepancies in the rates of suspension and/or expulsion of students with disabilities varied. These methods are summarized in Table 1 below.

Table 1. Type of Comparison and Methods Used To Examine Discrepancies in Suspension and Expulsion Rates for Students with Disabilities

Type of Comparison	Methods	Number of States
Compared among local agencies within the State for children with disabilities	percent or number of students with disabilities suspended or expelled	5
	differences from the State defined rate	8
	differences from the statewide average or baseline	18
	differences calculated using a chi square statistic	1
	differences using a risk ratio	1
	differences using multiple methods	7
	difference in rates based on students with disabilities within each district	1
	<i>Subtotal</i>	<i>41</i>
Compared to the rates for children without disabilities within agencies	percent or number of students with disabilities suspended or expelled	6
	differences from the statewide average or baseline	3
	risk ratio	3
	differences in rates or relative rate	5
	differences using multiple methods	2
	<i>Subtotal</i>	<i>19</i>
<i>Total number of States</i>		<i>60</i>

States used a variety of methods to examine differences in suspension and expulsion rates for students with disabilities within their State. It can be noted that among States that compared for students with disabilities, the most frequently used (18 of 41 or 44%) method was differences from the statewide average. Differences from the State-defined rate and differences using multiple methods were next in frequency. There is less noticeable variation in methods used when comparisons are made for students with disabilities and those without disabilities. As shown in the table above, the two

most frequently identified methods are a percent or number of students and differences in rates or relative rate.

Definition of Significant Discrepancy

States were required to provide their definitions of significant discrepancy. A total of 55 States (92%) included this information in the APR. Of the States that did not report this information, most were territories.

States varied in the criteria used to identify districts with significant discrepancies in their suspension/expulsion rates. A summary of criteria applied by States follows:

- States that compared differences using a statewide average suspension/expulsion rate identified discrepancies using criteria ranging from any rate that was higher than the statewide average rate to 25% above the statewide average rate.
- States that compared the percentages of students suspended/expelled defined significant discrepancies as those districts that had suspension/expulsion rates for students with disabilities between 2% and 5% or more.
- States that compared differences in the rates or relative rate of suspension/expulsion among students with and without disabilities used a variety of rates to identify discrepancies.
- States that compared differences using risk ratios identified districts with discrepancies between 2 and 5 times the risk of students without disabilities.
- A small number of States required districts to meet the State's definition of significant discrepancy for a certain number of years, typically 2 or 3 consecutive years, before being identified.

Minimum Cell Sizes

Although not required to describe minimum cell sizes for this indicator, 21 States (35%) did provide a description of the criterion applied within their APR. Minimum cell sizes applied by States ranged from 2 to 75 students suspended or expelled. Of the 21 States describing the minimum cell size, a few stated that it was applied to help reduce the over identification of districts with small populations of students with disabilities due to minimal differences in suspension and expulsions from year to year. The remaining 39 States did not describe applying a minimum cell size in their APR.

Review of Policies, Procedures, and Practices

When significant discrepancies were identified, the majority of States (57 or 95%) described how they reviewed and revised policies, procedures, and practices, relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports and procedural safeguards to ensure that these policies, procedures, and practices complied with the Act (34 CFR §300.170(b)). Many States used multiple types of activities in their review process. The types of activities States described included:

- Self-assessments,
- Focused monitoring visits,
- Completion and State review of corrective action plans,

- Desk audits,
- Submission of determinations, functional behavior analyses, and behavior intervention plans or corrective action plans,
- Root cause analyses, and
- Ongoing monitoring and/or submission of suspension and expulsion data.

Progress or Slippage

The majority of States (33 or 55%) reported progress. A smaller number reported slippage (13 or 22%), and an even smaller group (8 or 13%) reported no change. A total of five States (8%) did not provide information on slippage or progress. One State reported both progress (in suspension rates) and slippage (in expulsion rates).

Changes in baseline data or improvements in data collection methods contributed to slippage in some States and progress in others. For example, a number of States identified changes in the way they collect and report student-level suspension and expulsion data. Others described changes in data verification procedures, while others reported they recalculated targets and changed criterion they used to identify districts with significant discrepancies. Many noted that changes implemented changed their results and affected their ability to compare change in suspension and expulsion rates over time.

Progress was commonly attributed to factors such as:

- Professional development and/or technical assistance activities to increase awareness and use of positive behavioral supports and interventions,
- Improvement in data collection methods and verification strategies,
- Targeted and/or statewide technical assistance in data collection, reporting, and federal requirements, and
- Root cause analysis activities.

Slippage was commonly attributed to factors such as:

- An increase in the identification of significant discrepancies based on changes in State definitions, targets, or policies,
- Improved data collection, reporting, or verification procedures,
- Implemented improvement strategies that have not yet resulted in improved progress statewide, and
- Failure to implement planned improvement activities due to a variety of barriers.

It was noted during the review that some States (17 or 28%) reported factors hindering analysis or quality of suspension and expulsion data. Factors described included:

- Data reliability and validity concerns,
- Difficulties aggregating student-level data measuring the number of suspension and expulsion events, and

- Problems verifying the cause of identified significant differences within districts within the reporting timeline.

Improvement Activities

States were required to describe improvement activities to decrease suspension and expulsion rates for students with disabilities. Activities described in the APRs were analyzed using a coding system developed by OSEP. Three additional codes were used in this analysis to code activities within the “Other” category (coded J1, J2, or J3 where J1= Development of materials; J2= Ongoing activities that do not reflect change or improvement; and J= 3 Scaled-up State-implemented initiatives).

Each State reported Improvement Activities in its FFY 2006 APR. The number of activities reported per State for this indicator ranged from 6 to 66. The State with the largest number of improvement activities described receiving various grants to plan, expand, or continue grant-funded activities within the State related to student discipline. Types of improvement activities described by States are summarized in Table 2.

Table 2: Summary of Improvement Activities

Improvement Activity Category	Number of States Reporting at Least One Activity from the Category
A. Improve data collection and reporting	39
B. Improve systems administration and monitoring	28
C. Build systems and infrastructures of TA and support	17
D. Provide TA/training/professional development	47
E. Clarify/examine/develop policies and procedures	38
F. Program development	15
G. Collaboration/coordination	31
H. Evaluation	11
I. Increase/Adjust FTE	0
J1. Developed materials	17
J2. Ongoing activities not reflecting change or improvement	23
J3. Scaled-up State-implemented initiatives	22

Providing TA, training, or professional development was the most widely reported activity identified by States (47 or 78%). Across APRs, States frequently reported implementing more than one professional development training activity customized for different audiences, scaling up training activities to new schools or districts, or conducting training on more than one intervention to reduce suspensions and expulsions (PBIS and RTI). In some cases, States also described types of TA they received from specific national TA centers, including NCSEAM, CADRE, and one RRC. TA activities described included participation on conference calls about suspension/ expulsion topics and participation in PBIS or RTI training, including the use of developed materials or training modules.

A large number of States (38 or 63%) described reviewing and, if necessary, revising policies and procedures related to discipline. Within this group, a sizable portion described improvement activities to improve data collection and reporting. Some States also described development of training materials, verification procedures, or conducting specific training activities at the district level to improve data reliability and/or validity in the next reporting period.

Another large number of States (31 or 52%) specifically described collaboration activities (Activity G) conducted within their State to complete activities such as developing programs, plan revision of disciplinary policies and procedures, or evaluate State targets. Within this group, some States described convening workgroups that included both agency staff and parents to evaluate disciplinary policies, set State targets, and collaborate to develop programs targeted to reduce suspension/expulsion rates. In addition, at least one State within this group described efforts to integrate PBIS training into general curriculum and coordinate among other programs and agencies to implement research-based disciplinary strategies for all students.

Technical Assistance Provided to States

In FFY 2006, Westat provided technical assistance to all States on suspension/expulsion through the following documents available via www.IDEAdata.org:

- Questions and Answers on the Part B 2006-07 Discipline Data Collection, and
- IDEA Part B Data Fact Sheet: Discipline.

Observations and Conclusions

Many States described specific efforts to convene planning teams and access resources across agencies to improve uniformity in disciplinary procedures across educational environments. While some States used rather sophisticated methods to analyze their data, others were unclear in their descriptions of how they identified districts with significant discrepancies in suspension and expulsion rates. Also notable was the frequency with which States reported difficulty in analyzing suspension and expulsion data over time due to changes in their data collection, verification, or reporting procedures.

INDICATOR 5: LRE

Prepared by NIUSI

INTRODUCTION

The National Institute for Urban School Improvement (NIUSI) was assigned the task of analyzing and summarizing data for Indicator 5 of the 2006-2007 Annual Performance Reports (APRs). NIUSI is a technical assistance and dissemination center funded by OSEP to partner with Regional Resource Centers to develop powerful networks of urban local education agencies and schools that embrace and implement a data-based, continuous improvement approach for inclusive practices.

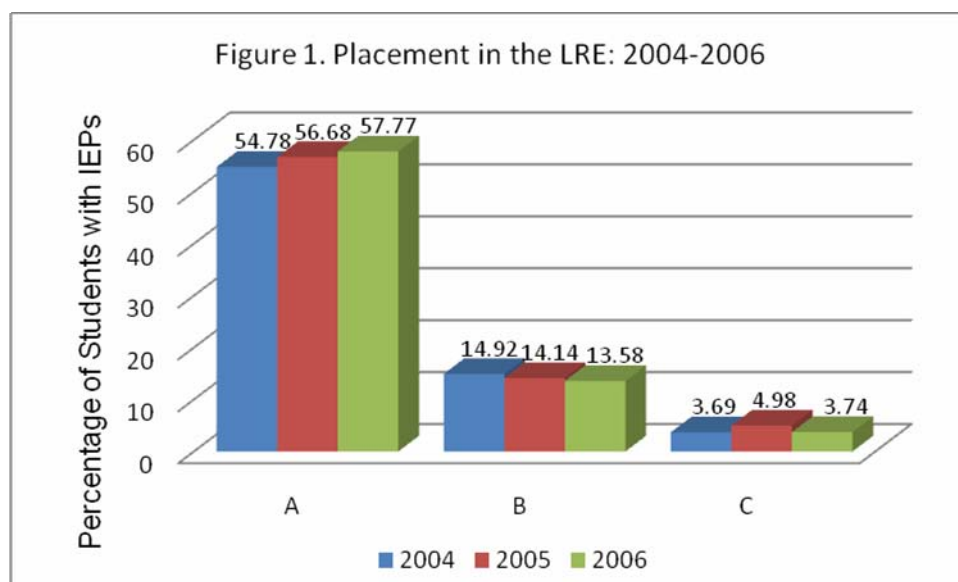
This narrative report presents a review of States' patterns of placement in the least restrictive environment (LRE) and improvement activities from the APRs of the fifty States, District of Columbia, eight territories, and Bureau of Indian Education (BIE). All of the States and territories reported data for this indicator.

The definition of the indicator is as follows:

Indicator 5: Percent of children with IEPs aged 6 through 21:

- A. Removed from regular class less than 21% of the day;
- B. Removed from regular class greater than 60% of the day; or
- C. Served in public or private separate schools, residential placements, or homebound or hospital placements.

Reported Levels of LRE Placements



As Figure 1 shows, there has been an increase of placements in category A, with the total percentage of students with IEPs served in this category averaging 57.77% across all States, up from 56.68% in 2005. The rates in individual

States ranged from 19% to 92%, with the majority (n=42) falling between 40 and 60%. Twenty-eight States and territories fall below the mean in Category A. Of the States and territories who place 60% or more of their students in Category A, the percentage

of students identified overall for special education ranges from 11 to 17.8% of their total 6-21 school aged population.

The percentage of students served in categories B and C has decreased, and now averages 13.58% and 3.74%, respectively. For category B, States rates ranged from 3% to 35%, and from 0 to 25.72% for category C. Few States (n=3), indicated that more than 10% of students were served in the most restrictive placement category. Thirty-three States, or 55%, met their targets for category B. The average change was 1.98% for these States. Twenty-one states showed an increase in the percentage of children served in Category B, with an average increase of 2.08%. Twenty-six States, or 43.33%, met their targets for category C, with 6 showing progress, or reduction in the percentage of students served in this category. The average amount of change was 0.18% for these States. Thirteen States showed slippage, averaging 0.61% increase in the percentage of students served in category C.

Of note is that approximately one quarter of all students with disabilities are not represented in these data since their placements fall somewhere between categories A and B.

Reported Improvement Activities

States reported a variety of activities for increasing placement in the LRE. The proportion of activities reported by type are presented in Figure 2. As it shows, most activities fell under providing technical assistance (D), improving systems administration and monitoring (B), or clarifying/examining/developing policies and procedures (E). Generally, activities that fell under category D involved some type of training or professional development, such as workshops, conferences, or online modules. Table 1 reports the number of States or territories reporting each type of improvement activity for this indicator.

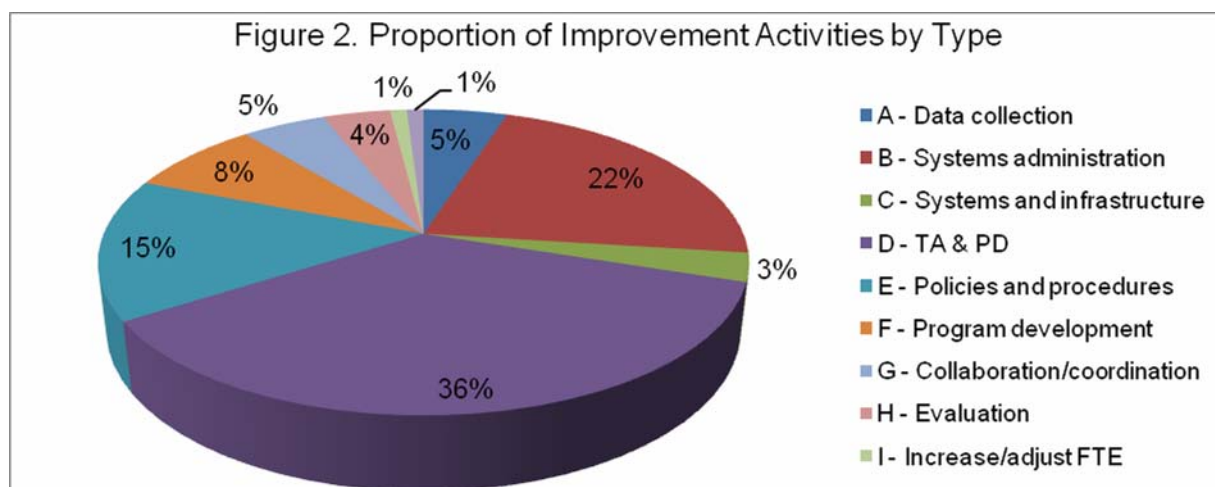


Table 1. Number of States Reporting Improvement Activities by Type

Improvement Activity	
A. Improve data collection and reporting	7
B. Improve systems administration and monitoring	28

C. Build systems and infrastructures of technical assistance and support	4
D. Provide technical assistance/training/professional development	47
E. Clarify/examine/develop policies and procedures	19
F. Program development	10
G. Collaboration/coordination	7
H. Evaluation	5
I. Increase/Adjust FTE	1
J. Other	1

Common Areas of Professional Development

Table 2 presents the most common areas of professional development and training reported by the States. The most common topics included differentiate instruction, RTI, PBIS, and classroom accommodations. In addition to the topics presented in the table, a few States also reported addressing transition services, accountability, peer support, language interventions, problem solving, school improvement planning, or interventions for students identified as visually or hearing impaired.

Table 2. Areas/Topics of Professional Development Reported by States

Topic Area	Number of States
Differentiate Instruction	10
Response to Intervention	7
Positive Behavior Support	7
Classroom Accommodations	7
Co-teaching	6
Reading Interventions	6
IEP Planning	6
Universal Designs for Learning (UDL)	5
Assistive Technology	4
Collaboration	4
Inclusion	3
Autism	3

Direct technical assistance addressed topics such as data collection and reporting, special education identification and placement, classroom instruction, collaboration, and behavior support.

Consultation with NIUSI

NIUSI's mission is to provide TA to urban school systems. As such, the Institute rarely works directly with State Departments of Education and States are often unaware of services being provided by NIUSI because they don't serve as mediators between the Institute and districts. Nevertheless, NIUSI is intricately involved in professional development, and communities of practice related to the issue of LRE. Based on our download data, reports from various parent groups as well as school districts and

teacher education programs, our materials are used widely in PD. However, the State data do not reflect this, because our target audiences have not been State Departments of Education.

Explanations of Progress

The most commonly reported reasons for progress included State emphasis on access by four States, improved data reporting in 3 States, implementation of co-teaching models by 3 States, influence of the monitoring process by 2 States, influence of NCLB in 2 States, and the impact of professional development in 2 States. Other States attributed progress to the following:

- Implementation of inclusive practices
- Moving to need-based funding system that does not provide financial incentives for restrictive placements
- Intervention initiatives
- Effective collaboration training model, expanded services, and support for UDL
- Placement in LRE is culturally valued

Explanations of slippage

The most commonly cited explanations for slippage were new data definitions (by 3 States), poor quality of data (by 4 States), and block scheduling that contributed to greater time spent in special education classes in secondary school (by two States). Other explanations offered by States included the following:

- Increasing child count
- Poor training in co-teaching
- Increasing incidence of autism and tendency to serve students in special schools
- Need for training in accommodation and modifications
- IEP decision making
- Increasing number of children with severe disabilities
- Parentally-placed students
- Increasing number of students placed in public school settings from residential, hospital, and homebound placements.
- One State attributed slippage in category C to an emphasis on co-teaching resulting in more out-of-district placements because of a reduced continuum of services offered, increased violence and mental illness in young students, and increasing identification of students as autistic and other health impaired whose parents prefer separate, out-of-district placements. This State attributed slippage in Category B to the creation of in-house self-contained programs.

Many States did not offer explanations of progress or slippage and instead merely restated the data.

Recommendations

On average, there has been progress in each of the placement categories. The question remains, though, as to what is an appropriate level of inclusion to expect. Currently, just under 58% of the nation's students with disabilities receive education

under the least restrictive of the three placement categories. Is this satisfactory and if so, satisfactory by what standards? Moreover, what policies and practices are in place in those States where most students are served in Category A and how do they differ from other States where students are less likely to be served in the LRE? With the exception of two States, those reporting high percentages in Category A are territories. What is different about their systems that supports the inclusion of most students with disabilities in general education environments? Without clear understanding of what constitutes appropriate levels of placement in the LRE, progress on this indicator could stall.

States are engaging in a range of activities to improve access to the LRE with particular attention to professional development opportunities for both general and special educators. Most of the efforts acknowledge general education as the place for change. Many States are addressing the need for collaboration between general and special education teachers, but there are still many that have not. However, the narratives from some of the APRs highlight the need to assess the effects of the kind of professional development opportunities that States offer, including collecting data in the classrooms of teachers who have been exposed to practices that support placements in general education classrooms. Few States are addressing the relationship between activities and classroom level outcomes. It is unclear whether these activities are contributing to improvement. Activities are very similar to last year, without much indication that change has happened. States must examine whether their investments are producing desired results.

Based on our review of the States' APRs, we offer the following recommendations for future reports:

1. Comparisons of placement rates would also be facilitated if it were possible to standardize a definition of each placement category (e.g., what constitutes "the regular class," are students placed in special education schools or private schools by their parents included in calculations of Category C). States have noted changes in calculations from year to year as students in correctional facilities or those who are parentally placed in private settings were counted under A and then later under C. Depending on the way that a placement category is defined, data could be under or over-estimating LRE in any one of the categories. This confounds accurate comparisons across States. At the very least, it would be helpful if they would provide an explanation of how the State determines a student's placement category.
2. It may be time to explore LRE data by category of LRE cross-tabbed with disability groups to understand how LRE plays out for students with various kinds of disabilities since there are several studies that show that students from minority groups tend to experience more restrictive placements (Fierros & Conroy, 2002; Parrish, 2002). Indeed, IDEA 2004 indicates that disproportionality can occur through identification, placement, and/or discipline.
3. Improve format of reporting for improvement activities. Consider having States list applicable activities under each category.

4. It would be helpful if there were more specific guidelines for explanations of slippage or progress. While some States provided an insightful analysis, others merely provided narrative of the target data.
5. Any evaluation of these activities, in terms of quality and impact, is unclear. Ongoing assessment of improvement activities is needed to determine which practices are contributing to improvement.

REFERENCES

- Fierros, E.G. & Conroy, J.W. (2002). Double jeopardy: An exploration of restrictiveness and race in special education. In D.J. Losen and G. Orfield (Eds.), *Racial inequity in special education* (pp. 39-70). Cambridge, MA: Harvard Education Press.
- Parrish, T. (2002). Racial disparities in the identification, funding, and provision of special education. In D.J. Losen and G. Orfield (Eds.), *Racial inequity in special education* (pp. 15-38). Cambridge, MA: Harvard Education Press.

INDICATOR 7: PRESCHOOL OUTCOMES

Prepared by ECO

INTRODUCTION

Part B 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.

This summary is based on information reported by 59 States and jurisdictions in the revised State Performance Plans (SPPs) submitted to OSEP February 2008. Please note that States and jurisdictions will be called “States” for the remainder of the report. Also note that the analysis for this report includes only information specifically reported in SPPs. Therefore, it is possible that a State has additional procedures or activities in place that are not described here.

MEASUREMENT APPROACHES

States reported a variety of approaches for measuring child outcomes. Of the 59 States included in the analysis, 34 (58%) said that they are using the ECO Child Outcomes Summary Form (COSF). Three additional States said that they are switching to the use of the COSF. Thirteen States (22%) reported the use of one assessment tool statewide and one State reported that they will switch to the use of one tool.

Three States (5%) reported that they are using multiple publishers’ on-line assessments for outcomes measurement. These systems, created and maintained by the publishers of the assessment tools, produce reports based on assessment data entered on-line.

Nine States (15%) described other measurement approaches. These included a State-developed conceptual model that aligns assessment information with early learning standards, extrapolation of raw assessment data from the State data system, a survey, a State-developed summary tool, and a combination of two approaches – use of the Creative Curriculum for most of the State with the use of the COSF for districts and service providers not using the Creative Curriculum. Three of the States using one of these approaches this year reported that they plan to switch to the COSF for future outcomes measurement. See a summary of approaches in the table, below.

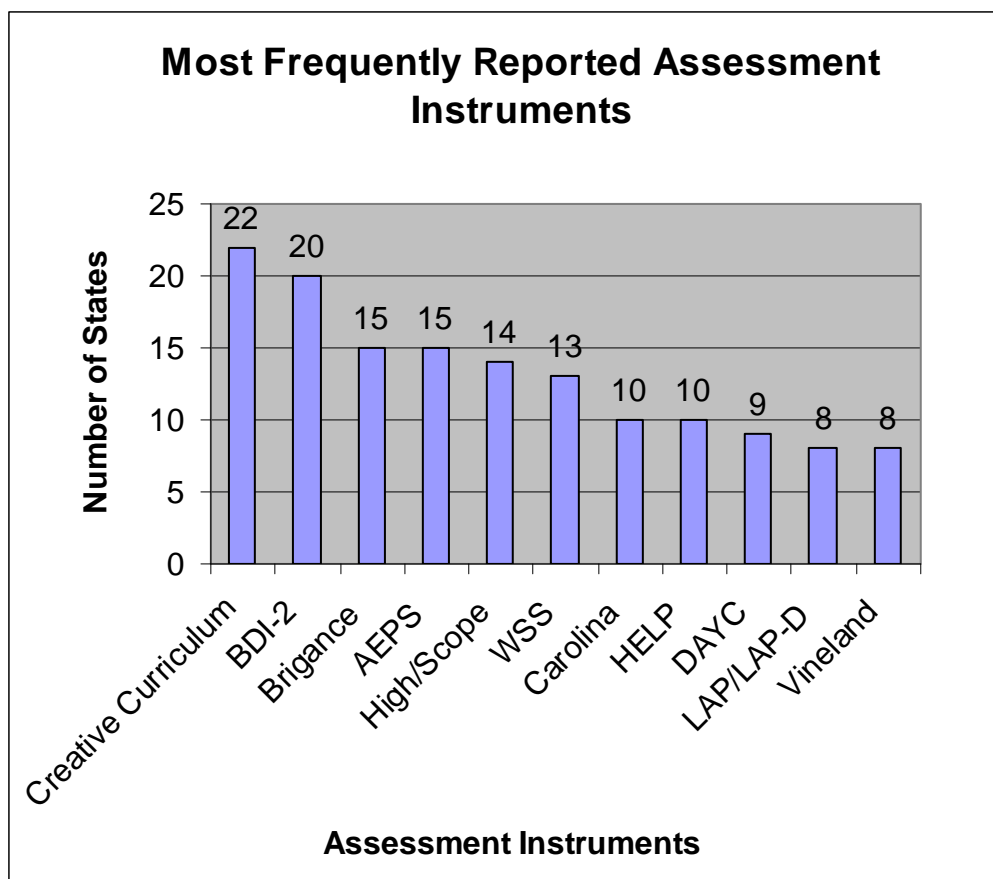
Table 1: Types of Approaches to Measuring Child Outcomes (N=59)		
Type of Approach	Current	Future
7-point COSF	34	37
One statewide tool	13	13
Multiple Publishers’ on-line systems	3	3
Other	9	6

States also described the assessment tools and other data sources on which outcomes measurement would be based. Of the States reporting the use of one tool statewide, four named the Battelle Developmental Inventory, Second Edition (BDI-2). Two said that they are using, or plan to use, the Assessment, Planning, and Evaluation System (AEPS) (one of these is a State switching from a State-developed tool to the AEPS). Two States said that they are using, or plan to use, the Work Sampling System (WSS) statewide. Two other States developed their own assessment tools. One State uses the Creative Curriculum Developmental Continuum statewide, one State is using the High/Scope Child Observation Record (COR), and one State uses subtests of the Brigance Inventory of Early Development II.

All three of the States using multiple publishers' on-line systems include the Creative Curriculum Developmental Continuum and AEPS. Two of them use High/Scope, one includes the on-line Work Sampling System (WSS), and one includes the Brigance.

For States using more than one assessment tool, a little less than half (44%) of the States required local programs to use a specific assessment tool or to choose from an "approved" list of tools. Three States had a list of "recommended" tools, while four States specifically reported that local programs are free to use the assessment tools of their choice for outcomes measurement. Others cited the "most commonly used" tools or just said that programs will use multiple sources of information for assessing children's functioning in the three outcome areas.

Across States, the most frequently named assessment tools to be used for outcomes measurement were the Creative Curriculum Developmental Continuum, the BDI-2, Brigance, AEPS, High/Scope Child Observation Record, the Work Sampling System, Carolina Curriculum for Preschoolers with Special Needs, Hawaii Early Learning Profile (HELP), Developmental Assessment of Young Children (DAYC), Learning Accomplishment Profile (LAP) and the Vineland Adaptive Behavior Scales. See the bar chart below for a summary of most frequently reported assessment instruments.



In addition to formal assessment instruments, some States reported other key data sources in the child outcomes measurement process, including parent/family input (30%) and professional observation (37%). Some instruments include parent input and professional observation as part of the assessment; States using such tools did not always name these data sources in addition to naming the assessment tool.

POPULATION INCLUDED

For this reporting period, 23 States reported that they collected outcomes data statewide. Another 13 States described data collection that appeared to be statewide, although they did not specifically say so in their reports. Fourteen States were not yet collecting data statewide, either because they were still in a “phase-in” process, or because they were switching to a new approach that was not yet in full implementation. Six States said that they are using a sampling methodology. For three States, it was unclear whether they were implementing their system statewide.

Five States are including preschool children with and without IEPs in their outcomes measurement systems. These include children in other publicly supported preschool settings, such as Head Start, and child care.

DEFINITIONS OF NEAR ENTRY AND NEAR EXIT

Most States (75%) specified a timeframe within which the first, or “near entry,” child outcomes measurement should occur. This timeframe varied in length of time from

one month (8 States) to 45 days (2 States) to 60 days (7 States), 90 days (1 State), and 4 to 6 weeks (6 States) from entry. Two States allowed entry data collection to take place within 4 months of entry. Rather than specify a timeframe, other States reported that “near entry” data should occur at the initial IEP meeting. A few States included outcomes data collection as part of a regularly occurring assessment cycle and planned to use results from the fall assessment point as entry data.

Fewer States, though more than half (63%), defined “near exit.” Timeframes within which exit data should occur varied from 30 days (7 States), 45 days (1 State), 60 days (2 States), to 90 days (3 States). One State allowed exit data collection to take place within 6 months. Others simply stated that exit data would be collected at the end of the school year. Those States measuring outcomes as part of a regularly occurring assessment cycle noted that the spring assessment point would serve as exit data for preschoolers leaving the program.

CRITERIA FOR COMPARABLE TO SAME AGE PEERS

The criteria States set for functioning at the level of “same age peers” depended upon measurement approach. For States using the COSF process, a rating of 6-7 on the 7-point rating scale indicated that a child’s functioning met age expectations. States using specific tools applied developer or publisher-determined standard scores, developmental quotients, or age-based benchmarks and cut-off scores. States using multiple on-line systems were working with publishers to determine cut-off scores for age expectations, as well as for scores corresponding to each of the five progress categories.

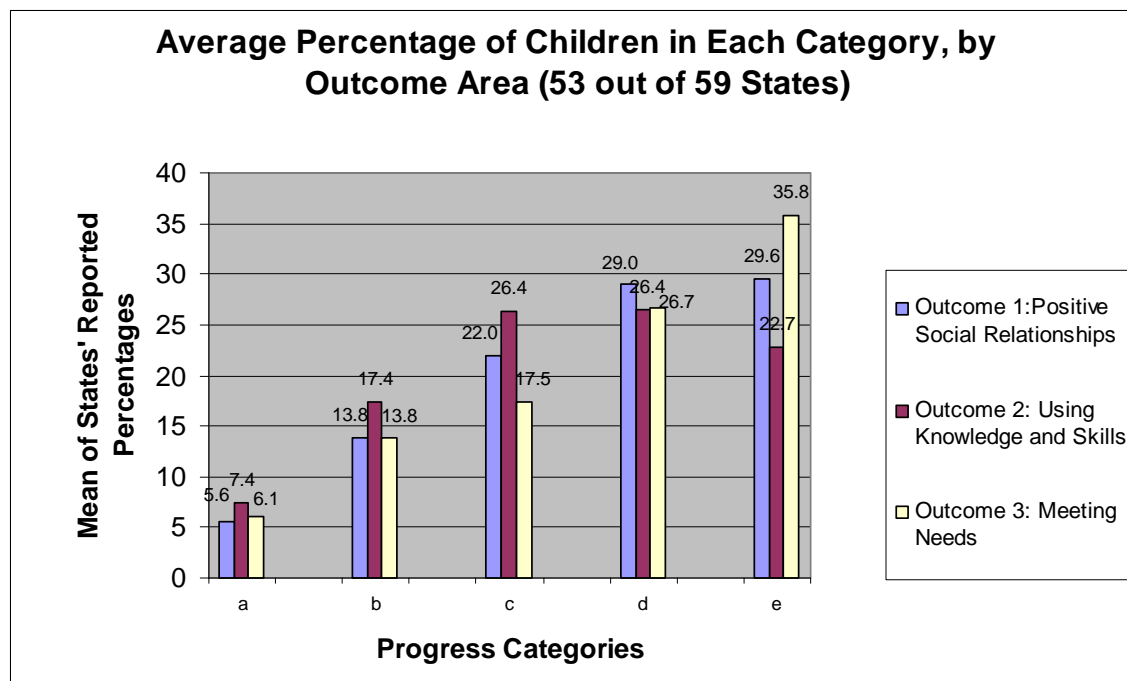
PROGRESS DATA 2006-2007

Of the 59 SPPs reviewed, 53 contained progress data in the specified five progress categories for all three outcomes. A key characteristic of the data, overall, is the wide range of number of children included. Across States, the number of children represented in the data ranged from 1 to 4,249. Four States included fewer than 10 children and 20 States’ numbers ranged from 10 to 99. Eighteen States included 100 to 499 children in the progress data, while 8 States were able to include 500 to 999 children. Six States included from 1000 to 1999 children, and five States included 2000 to 4249 children. The table, below, summarizes the variety of numbers of children included in progress data reported across States.

Number of children in progress data	Number of States
<10	4
10 – 99	20
100 – 499	18
500 - 999	8
1000 – 1999	6
2000 - 4249	5

This year’s analysis of progress data is based on the mean percentage of children reported in each progress category, per outcome, across States (see bar chart below). Given the wide range of children included in this year’s progress reporting, it would be

inappropriate to draw conclusions about child outcomes from the analysis. In future years, when States' outcomes measurement systems are more firmly in place, our analysis will also include a calculation of percentages for each progress category based on the number of children included per State, thereby providing a national picture of outcomes for preschool children with IEPs.¹



The pattern for this year's analysis shows the lowest percentages of children in category "a" with increasingly higher percentages in categories "b" through "e" for Outcomes 1 and 3. For Outcome 2, lower percentages of children were reported in category "a" with percentages increasing in categories "b" and "c," holding steady in category "d," and decreasing in category "e." Specifically, data varied by progress category as follows.

Progress category "a" – percentage of children who did not improve functioning.

Across outcomes, States reported the fewest children (6-7%) in the category of "no improvement." Percentages varied little by outcome area, with Outcome 2 (acquisition and use of knowledge and skills) slightly higher than Outcome 1 (positive social-emotional skills) or Outcome 3 (use of appropriate behaviors to meet their needs). Percentages for Outcomes 1 and 3 were comparable to one another.

Progress category "b" – percentage of children who improved functioning, but not sufficient to move nearer to functioning comparable to same aged peers.

¹ Additional analyses, including 1) just states with more than 10 children and 2) just states with more than 30 children, yielded patterns that were very similar to the data shown in this report. Because the analyses provided no new information, we did not include them.

The percentages of children in the category of “making some improvement” were 14-17% -- double those in category “a.” Compared across outcomes, percentages were higher for Outcome 2 than they were for Outcomes 1 and 3. Percentages for Outcomes 1 and 3 were comparable.

Progress category “c” – percentage of children who improved functioning to a level nearer to same-aged peers but did not reach it.

States reported more children (17-26%) in category “c,” which represents the children who narrowed the gap but did not catch up. Percentages for Outcomes 1 and 2 were 8 or more points higher than they were in the previous category of children who made some improvement but did not narrow the gap. Percentages of children in this category for Outcome 3, however, were only a few points higher than in category “b.” Compared across outcomes, the percentages of children in this category are higher for Outcome 2 than for Outcomes 1 and 3.

Progress category “d” – percentage of children who improved functioning to reach a level comparable to same-aged peers.

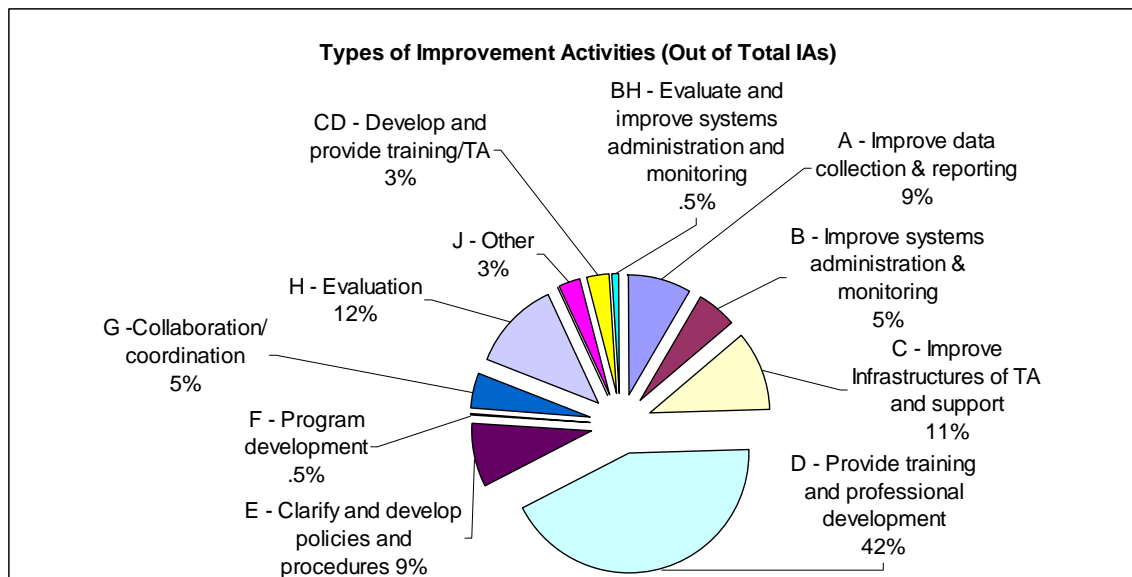
For Outcomes 1 and 3, reported percentages of children who “caught up” – 29% and 27% -- are higher than in the previous progress categories. Outcome 3, in particular, shows percentages of about 10 points higher than the previous progress category. Percentages for Outcome 2, however, were higher in previous progress categories and level off in category d – with about the same percentages of children “catching up” as those who narrowed the gap, but did not catch up (27%). Compared across outcomes, percentages for Outcome 1 were higher than Outcomes 2 and 3.

Progress category “e” – percentage of children who maintained functioning at a level comparable to same-aged peers.

Outcome 3 shows the highest percentage (36%) of children who entered and exited programs functioning at age level. For Outcome 1, the percentages of children who maintained functioning (category c) are very similar to the percentages of children who “caught up” (category d) at 29%. Also, compared to the previous progress category, fewer children maintained skills than “caught up” in Outcome 2. Compared to the other outcomes, fewer children were reported in this category for Outcome 2 (23%).

IMPROVEMENT ACTIVITIES

The following analysis focuses on current and future improvement activities, rather than those that had already occurred. All 59 States described current and future improvement activities for this indicator. Of the 389 activities reported across States, the highest percentage focused on the provision of TA, training and professional development (42%). Along those same lines, many of the improvement activities targeted TA systems and infrastructure improvement (11%) and some described the development and subsequent provision of training (3%). Improvement activities for this indicator also included evaluation (12%), improving data collection and reporting (5%), and clarifying, examining, and developing policies and procedures (5%). The table below shows the number of activities reported per category, and the number of States that listed that activity for improvement. The pie chart that follows illustrates the percentage of activities reported, per category.



Analysis of the same data by State (see chart below) showed that nearly all States reported improvement activities related to training and professional development (97%), and more than half reported activities related to evaluation (58%). Many States reported improvement activities related to improving data collection and reporting (47%), building systems and infrastructures of TA and support (42%), and clarifying and developing policies and procedures (34%).

Improvement Activity Category	# IAs	# States
A. Improve data collection and reporting	34	28
B. Improve systems administration and monitoring	20	19
C. Build systems and infrastructures of TA and support	42	25
D. Provide TA/training/professional development	165	57
E. Clarify/examine/develop policies and procedures	34	20
F. Program development	1	2
G. Collaboration/coordination	18	14
H. Evaluation	48	34
I. Increase/adjust FTE	0	0
J. Other	12	13
C-D. Develop and provide training and TA	12	18
B-H. Data quality assurance	3	7

Improvement activities in the area of TA, training and professional development focused on the following topics, listed in order of most frequently mentioned, were:

- assessment practices, including

- use of specific tools
- strategies and approaches, such as observation and portfolio development,
- outcomes data collection procedures, including
 - gathering and reporting assessment data
 - using the COSF,
- evidence-based practices for improving outcomes for children, and
- how to analyze and use outcomes data for program improvement.

In the area of **TA systems and infrastructure improvement**, improvement activities included the development of:

- modules that can be used for refresher training and new personnel,
- on-line modules or courses for self-study,
- videos of children and teams,
- train-the-trainer materials,
- needs assessments to identify priorities,
- strategies for information dissemination, and
- regional “hubs” for outcomes training and TA.

Evaluation for improvement involved data analysis for the purposes of:

- assuring data quality, validity, and reliability,
- providing feedback on outcomes to local programs,
- identifying success and challenges in the implementation of the outcomes measurement system,
- identifying the effectiveness of improvement activities, and
- studying the differences in functioning in children with disabilities and their same-aged peers.

Among the activities for improving **data collection and reporting** were:

- exploring the development of web-based, on-line, and real-time data systems,
- continuing to adapt existing data systems,
- expanding the capabilities of data systems to generate reports on child outcomes,
- providing training on data entry and data quality assurance procedures, and
- using unique identifiers to help link data across systems.

Improvement activities related to **clarifying, examining, and developing policies and procedures** included:

- convening stakeholders, task forces, and other advisory groups to review, revise, and finalize procedures for outcomes measurement,
- developing guidance documents that describe policies and procedures, and
- further decision making about specific procedures, such as whether the use of certain assessment tools will be required.

ECO TA SUPPORT

Some States named the TA Centers they would involve in their improvement activities. Of the 59 States reporting, 21 said that they planned to seek assistance

from the ECO Center. Fourteen States reported that they would get help from the National Early Childhood TA Center (NECTAC).

All 59 States included in this analysis received cross-State TA via mechanisms such as the 619 listserv and national conference calls. Almost all attended the national outcomes conference co-sponsored by NECTAC and the Early Childhood Outcomes (ECO) Center. Nine States received individualized on-site TA from ECO.

INDICATOR 8: PARENT INVOLVEMENT

Prepared by PTAC/ALLIANCE/IDEA PARTNERSHIP

INTRODUCTION

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' Annual Performance Reports (APRs) submitted for FY 2006 and any revisions submitted to OSEP in April 2008. States' State Performance Plans (SPPs) and subsequent revisions were also consulted when information was not available in the APR.

Six States reported separate data for parents of preschoolers (3-5 years) and parents of school-age students (6-21 years). A few other States reported composite data but used separate survey instruments or analysis methods for preschool and school-age surveys. Therefore some totals will be more than 60 (the number of States and territories submitting reports). Percentages may total more than 100 due to rounding error.

For the purposes of this report, "States" refers to the 50 States, 9 territories, and the District of Columbia.

Survey Instrument

Data Summary

- NCSEAM Survey: 35 (58%)
- Adapted NCSEAM or ECO Survey: 12 (20%)
- State-Developed Survey: 12 (20%)
- Combination: 1 (2%)

Narrative Summary

Thirty-five States (58%) used some 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).

Twelve States (20%) adapted the NCSEAM or Early Childhood Outcomes (ECO) Center parent survey.

Twelve States (20%) utilized their own instrument, either one that been developed previously or a survey created specifically to respond to this indicator.

One State (2%) used a combination of surveys (adapted ECO for preschool and NCSEAM for school-age).

Many States provided translations of their surveys, some in multiple languages, however that information was not tracked specifically on this year's template. The NCSEAM survey has been translated into Spanish. Many of the island States and territories translated their surveys into local languages or provided spoken translation of the English version on the phone or in-person.

Sampling

Data Summary

- Census: 20 (33%)
- Sample: 36 (60%)
- Census + Sample: 4 (7%)

Narrative Summary

A variety of sampling plans were used to distribute the parent involvement surveys.

Census

One third of States (20) utilized a census and made the survey available to all parents of children ages 3-21 receiving special education services.

Sample

Thirty-six States (60%) implemented some type of sampling plan. Generally this involved a survey cycle that over a two to six year period would survey all districts in rotating cohorts. Most often all parents in participating districts would be invited to participate in the survey. These cycles frequently corresponded to existing monitoring plans used by the State to evaluate LEAs. In many cases, parents in the State's largest district(s) were provided the opportunity to participate in the survey each year as OSEP requires districts with over 50,000 students to be surveyed annually.

Nine of the 36 States (15%) stated in their APR that they were using a sampling plan, but the precise method was unclear.

Combination

Four States (7%) used a combination of census and sampling. In these cases generally the preschool survey was conducted through a census while a sampling plan was developed for parents of school-age students.

Many States noted in their APR that OSEP had requested a change or clarification in their sampling plans and that they had submitted revisions to what was submitted in their original SPP.

Survey Distribution

Data Summary

- Mail: 30 (50%)
- Varied: 15 (25%)
- Unknown: 5 (8%)
- In-Person: 4 (7%)
- Web: 3 (5%)
- Phone: 2 (3%)
- Students: 1 (2%)

Narrative Summary

Mail

Mail was the most common method of distributing the parent involvement surveys. Thirty States (50%) utilized this as the primary form of dissemination.

In-Person

Four States (7%) primarily distributed the surveys in-person, either at IEP meetings, conferences, or as part of monitoring visits. One additional State (2%) sent the surveys home to parents in students' backpacks.

Web

Three States (5%) used the internet as the main way to conduct the survey. States that used online surveys as their primary method of survey collection generally appeared to offer print versions or other options for parents without internet access.

Phone

Two States (3%) conducted phone interviews or used an automated phone system as their primary method of collecting survey responses.

Varied

15 additional States (25%) used a variety of methods, generally a combination of mail, Web, and phone.

Unknown

Five States (8%) did not include enough information in their reports to determine the survey distribution method.

Response Rate

Data Summary*

- 0%-9%: 6
- 10%-20%: 22
- 20%-29%: 16
- 30%-39%: 3
- 40%-49%: 1
- 50%-59%: 2
- 60%-69%: 0
- 70%-79%: 1
- 80%-89%: 0
- 90-100%: 1
- Set N: 2
- Unknown: 9

*Please note that 3 States reported separate response rates for preschool and school-age surveys. Therefore, the total number of States in the data summary totals 63 rather than 60.

Narrative Summary

The average response rate across all States was 22.39%. One territory had a 100% response rate from parents of their small preschool population. However, even after removing that outlier from the data, the average only dropped to 20.87%.

The majority of centers reporting response rates (85%) reported response rates of less than 30%.

Two States did not report a response rate, but rather determined the sample size needed to achieve the desired confidence interval and margin of error and ensured they received enough surveys to reach the “n” needed.

Nine States did not report enough information to determine a response rate for their parent involvement surveys.

Criteria for a Positive Response

Data Summary*

- NCSEAM: 20 (33%)
- Percent of Maximum: 11 (18%)
- Single Question: 10 (16%)
- Other: 18 (30%)
- Unknown: 2 (3%)

*One State used different criteria for determining a positive response for their preschool and school-age surveys. Therefore, the total in the data summary equals 61 rather than 60.

Narrative Summary

NCSEAM Standard

Twenty States (33%) utilized the NCSEAM standard for determining a positive response. This represents 56% of States using the NCSEAM Survey.

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 can be found at: http://www.accountabilitydata.org/parent_family_involvement.htm.

Percent of Maximum

Eleven (18%) of States 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 6-point scale, a respondent who marked “6 - very strongly agree” to all survey items would receive a score of 100%. Someone who marked “1-very strongly disagree” on all items would receive a score of 0%. Someone who marked “4-agree” on all survey items (or whose responses averaged a score of 4) would receive a score of 60%.

Not all States using this method had the same “cut-off” for a positive response. Many were 4 (60%) on a 6-point scale. Others used 75% (4 on a 5-point scale) or other criteria.

Single Question

Ten States (16%) used a response to a single question to determine whether that parent felt the school facilitated parent involvement as defined in this indicator. States using this method varied with regard to the degree of agreeability needed to count the item as a positive response.

Other

Eighteen States (30%) utilized other criteria for a positive response.

Many of the “other” criteria included some sort of average over a subset of survey questions; however, not enough information was included to categorize the precise method used. It is possible some States counted as “Other” used a percent of maximum method but did not indicate that clearly in their report.

Several States in the “other” category described the criteria for responses to individual questions to be considered a positive response (e.g., response of strongly or very strongly agree on 5 point scale), but did not explain how many or what percentage of questions needed to be responded to in that way for the survey as a whole to be counted towards the State facilitating parent involvement.

Additionally, a couple of States seemed to use survey analysis methods that calculated an average across the entire sample and did not account for survey results of individual parents. This seems to be a questionable method of performing analysis for this indicator.

Unknown

2 States (3%) did not describe the criteria for a positive response in their APR.

Indicator Performance

Data Summary*

The average data reported for Indicator 8 in 06-07 was 63.05%.

- 0%-10%: 0

- 10%-20%: 0
- 20%-29%: 7
- 30%-39%: 11
- 40%-49%: 4
- 50%-59%: 4
- 60%-69%: 8
- 70%-79%: 11
- 80%-89%: 14
- 90%-100%: 7

*Six States reported preschool and school-age parent involvement data separately. Therefore, there are 66 data points for indicator performance rather than 60.

Narrative Summary

The data for 2006-2007 is distributed in a similar manner to the baseline data from 2005-2006.

As noted in the Indicator 8 report addendum submitted last year by NCSEAM and Batya Elbaum, there are 2 distributions of data at the lower and higher ends. This data corresponds to the criteria for positive response used by the State. 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 table provides average Indicator 8 data by criteria for a positive response:

- NCSEAM Standard: 33.51%
- Percent of Maximum: 73.96%
- Single Question: 78.36%
- Other: 79.29%
- Unknown: 86.5%
- All non-NCSEAM (Percent of Maximum + Single Question + Other + Unknown): 77.83%

The NCSEAM criteria of 600 using the Rasch framework appears to be a much more rigorous standard than other methods used for data analysis. The difference in distributions among positive response criteria makes it more challenging to compare data across States.

TA Centers Consulted

Data Summary

- NCSEAM: 12 (20%)
- Regional Resource Centers (RRCs): 12 (20%)
- Other OSEP-funded TA&D Network Centers: 4 (7%)
- ALLIANCE Parent Technical Assistance Center (PTAC): 1 (2%)

Narrative Summary

Several States cited instances in their improvement activities or elsewhere in the APR where they consulted with technical assistance centers that are part of the OSEP-funded TA&D Network.

Twelve States (20%) reported consulting with the National Center on Special Education Accountability and Monitoring (NCSEAM). NCSEAM has done intensive work on this indicator in terms of survey development and analysis. Many States received TA on using and analyzing the NCSEAM Parent Survey.

Twelve States (20%) also consulted with Regional Resource Centers. RRCs provided assistance on sampling plans, data analysis, and in other areas.

The National Parent Technical Assistance Center was contacted by one State (2%) other than their own to provide TA on parent involvement.

Parent Centers

Data Summary

- 41 States (68%) reported some type of partnership with Parent Centers

Narrative Summary

Forty-one States mentioned some type of collaboration with their Parent Training and Information Center(s) (PTI) or Community Parent Resource Center(s) as part of conducting the Indicator 8 Survey or improvement activities.

A wide range of collaborations was reported. Some were very minimal, involving activities such as asking Parent Centers to publicize the survey to families they serve. Others were much more intensive, with Parent Centers playing a major role in improvement activities through parent trainings, assisting with survey collection, and participating on various task forces.

Improvement Activities

Data Summary

- A. Improve data collection and reporting: 47 (78%)
- B. Improve systems administration and monitoring: 20 (33%)
- C. Build systems and infrastructures of technical assistance and support: 25 (42%)
- D. Provide technical assistance/training/professional development: 35 (58%)
- E. Clarify/examine/develop policies and procedures: 21 (35%)
- F. Program development: 15 (25%)
- G. Collaboration/coordination: 45 (75%)
- H. Evaluation: 9 (15%)
- I. Increase/adjust FTE: 1 (2%)
- J. Other: 9 (15%)

Narrative Summary

The most frequently used code for improvement activities was "A. Improve data collection and reporting." 78% of States had at least one activity related to data collection. Activities included revising surveys, modifying sampling plans, or determining ways to increase response rate.

Seventy-five percent (45 States) reported collaboration and coordination. Often these were activities that involved the PTIs and CPRCs or other parent groups.

35 States (58%) reported conducting improvement activities involving technical assistance, training, and staff development. This could include school-based workshops, statewide conferences, or other events. These TA activities could be designed to reach parents, educators and other professionals, or both.

One concern regarding improvement activities is that for many States, the majority of activities were centered on Code A and conducting the Indicator 8 survey itself without including many activities aimed to improve parent involvement through partnerships and collaboration with schools and professionals. However, this may change in the future. As this is a new indicator, many States are still in the process of developing sound methods to measure parent involvement.

Connections across Indicators

Only a few States mentioned how parent involvement was connected to other Part B Indicators. Some referenced improvement activities that were listed in other indicators that involved parents or mentioned they hoped that improved parent involvement would have a positive effect on the State's performance in other areas.

Diversity

Very few States described specific activities designed to increase parent involvement of diverse families. Most often the only mention of diversity was translation of the survey or ensuring the representativeness of the survey sample with respect to race/ethnicity.

INDICATORS 9 and 10, DISPROPORTIONATE REPRESENTATION DUE TO INAPPROPRIATE IDENTIFICATION

Prepared by NCCREST

Overview

The National Center for Culturally Responsive Educational Systems (NCCREST) was assigned the task of analyzing and summarizing the improvement activity data for Indicators 9 & 10 of the 2006-2007 Annual Performance Reports (APRs). The National Center for Culturally Responsive Educational Systems (NCCREST) is a technical assistance and dissemination project funded by OSEP to provide technical assistance and professional development to reduce inappropriate referrals to special education and to close the achievement gap between students from culturally and linguistically diverse backgrounds and their peers .

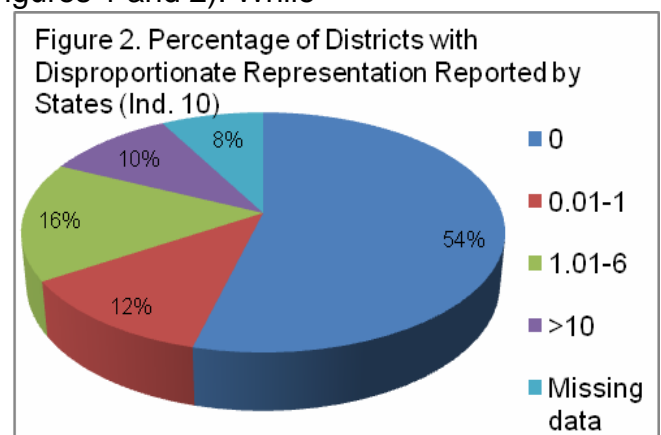
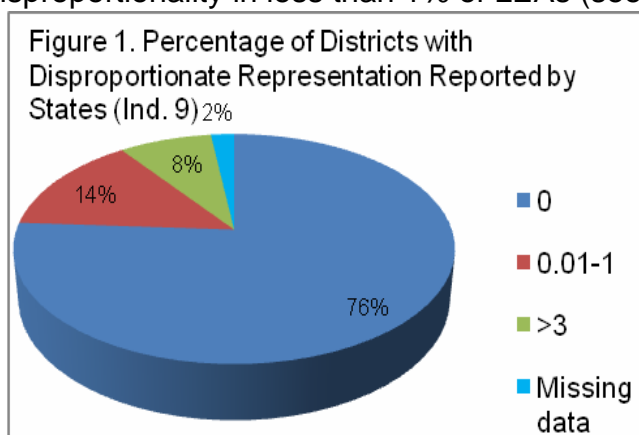
This narrative report presents a review of states' levels of disproportionality due to inappropriate identification and improvement activities, in aggregate form, from the APRs of the fifty states, District of Columbia, eight territories, and Bureau of Indian Education (BIE). The discussion presented below represents the data for only 50 states, the District of Columbia, and select territories because eight did not address these indicators due to the ethnic homogeneity of their populations.

The specific definitions of the indicators are as follows:

- Indicator 9: Percent of districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification. (20 U.S.C. 1416(a) (3) (C)).
- Indicator 10: Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification. (20 U.S.C. 1416(a) (3) (C)).

Reported Levels of Disproportionality

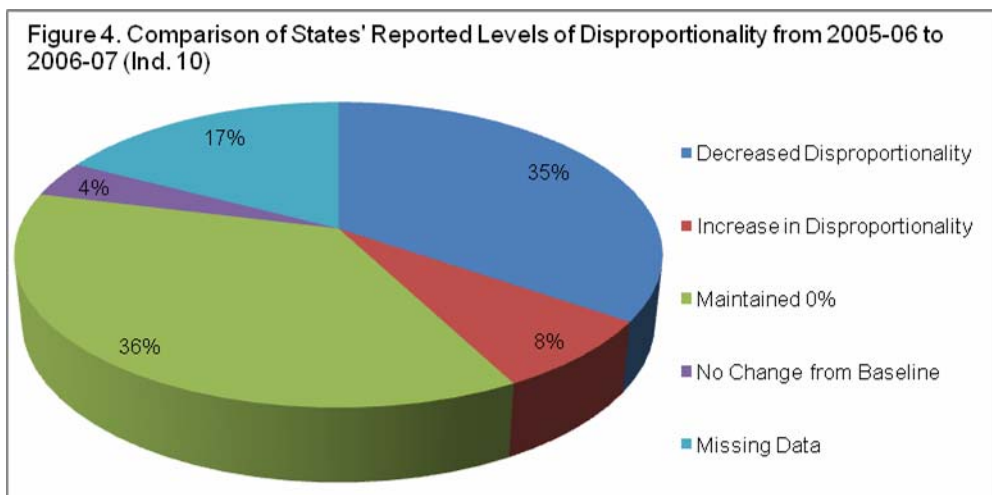
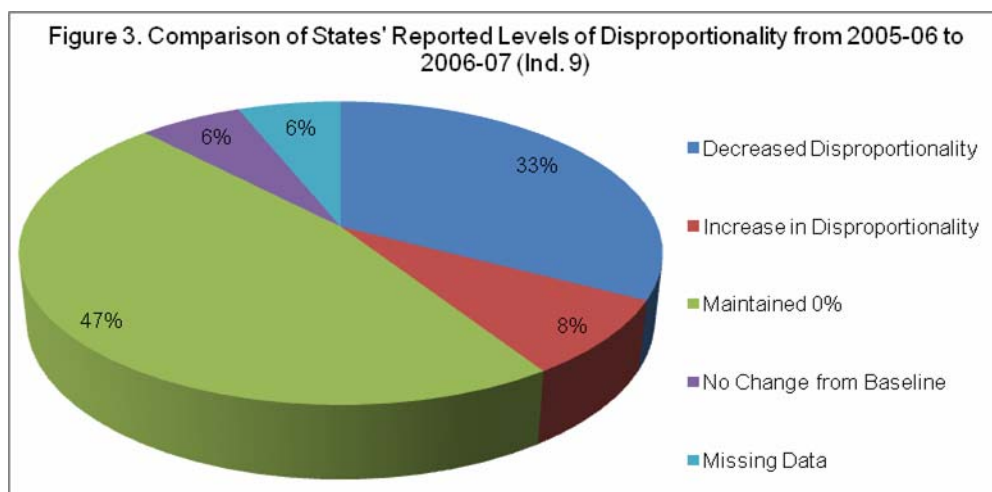
For 2006-2007, few states reported the occurrence of any disproportionate representation due to inappropriate identification and most of these reported such disproportionality in less than 1% of LEAs (see Figures 1 and 2). While



disproportionate representation was infrequently reported for special education overall, it was relatively common in the specific disability categories, where 46% reported disproportionate representation in at least some districts.²

Thirty-six states utilized some variation of the relative risk ratio (e.g., weighted risk ratio, alternate risk ratio), with cutoffs for disproportionate representation ranging from 0.25 to 0.33 for underrepresentation and 1.5 to 4 for overrepresentation. Seven states specified that district data must be above the cutoff for either two or three years in order to be considered disproportionate representation. In addition, six states use the composition index, with cutoffs ranging from 5% to 20%. Other methods used included the e-formula, as well as a disparity index and risk gap used in conjunction with the risk ratio or composition index. Nine states did not report specific methodology.

For many states, reported levels of disproportionality have stayed constant at 0 or decreased (See Figures 3 and 4). Interpretation of this information is complicated, however, by the fact that 37% of States reported different criteria for determining disproportionate representation from 2005-06 to 2006-07, which limits our ability to make inferences about changes in the actual incidence of disproportionality.



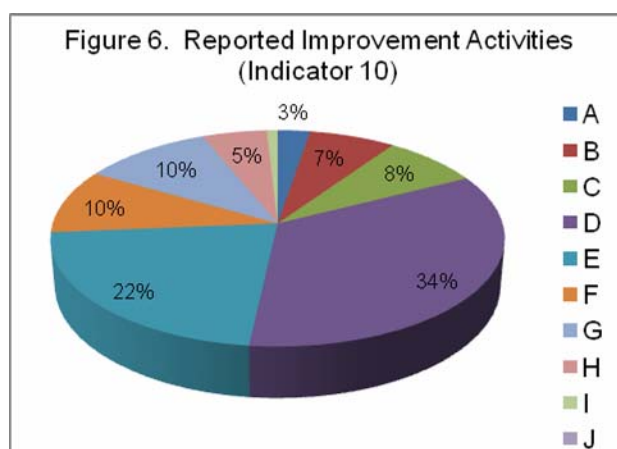
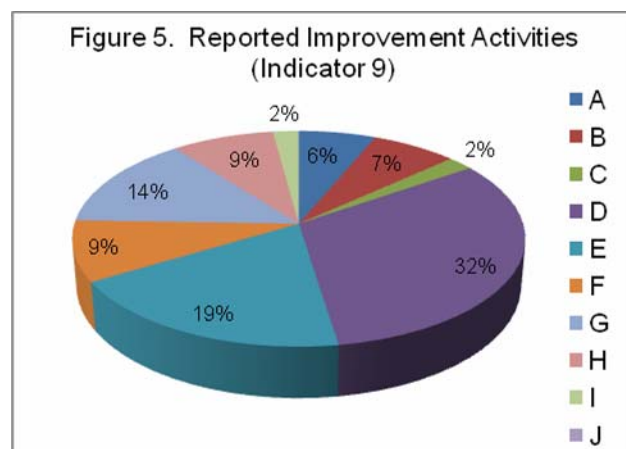
² Based on data drawn from FFY 2006 Part B Data Summary-Alphabetical.xls

Reported Improvement Activities

States reported a variety of improvement activities aimed at reducing or preventing disproportionality. The number of states reporting each type of improvement activity is presented in Table 1 and Figures 5 and 6. By far, the most commonly reported activity was the provision of professional development or technical assistance. Generally, activities that fell under this category involved some type of training or professional development, such as workshops, conferences, or online modules. Examination, clarification, and development of policies and procedures were also common. In many states this entailed reviewing and clarifying state disability definitions, identification requirements, and procedural forms, such as exclusionary checklists.

Table 1. Number of States Reporting Improvement Activities by Type

Improvement Activity	Indicator 9	Indicator 10
K. Improve data collection and reporting	9	3
L. Improve systems administration and monitoring	10	8
M. Build systems and infrastructures of technical assistance and support	3	9
N. Provide technical assistance/training/professional development	46	39
O. Clarify/examine/develop policies and procedures	27	25
P. Program development	13	11
Q. Collaboration/coordination	20	12
R. Evaluation	12	6
S. Increase/Adjust FTE	3	1
T. Other	0	0



Common Areas of Professional Development

Professional development or training was the most commonly cited improvement activity by states. States reported a variety of professional development areas under their improvement activities. The topics reported are displayed in Table 2 and illustrate the diversity of topic areas addressed as they span a number of areas within general education, special education, and systems administration. The most common area of

training was Response to Intervention, followed by Positive Behavior Supports. Some states addressed issues of cultural diversity and disproportionality. Intervention and instructional approaches were also targeted in several states.

Table 2. Areas/Topics of Professional Development Reported by States

Topic Area	Number of States
Response to Intervention	8
Positive Behavior Supports	7
Cultural Diversity	5
Disproportionality	4
Screening and Identification	4
Services for English Language Learners	4
Pre-referral Interventions	4
Differentiated Instruction	3
Special Education Law and Policy	3
General Education Instructional Strategies	2
Early Intervention	2
Data Entry and Analysis	2
Use of IES Funds	2
Inclusive Practices	1
Drilling Down	1

Common Areas of Technical Assistance

Many states also provided technical assistance as a means to addressing disproportionality. The most commonly reported area was in the district-level review of policies, practices, and procedures, as many states require a district self-assessment in determining where disproportionate representation is due to inappropriate identification. Another common area of technical assistance provided to districts was in how to address disproportionate representation once it was found. This generally entailed providing assistance to districts as they developed improvement plans or corrective action plans.

Table 3. Areas/Topics of Technical Assistance Reported by States

Topic Area	Number of States
District Review Process	8
Improvement Planning	5
Identification	2
Interventions	2
Culturally Responsive Practice	1
Response to Intervention	1
Services for English Language Learners	1
Data Analysis	1

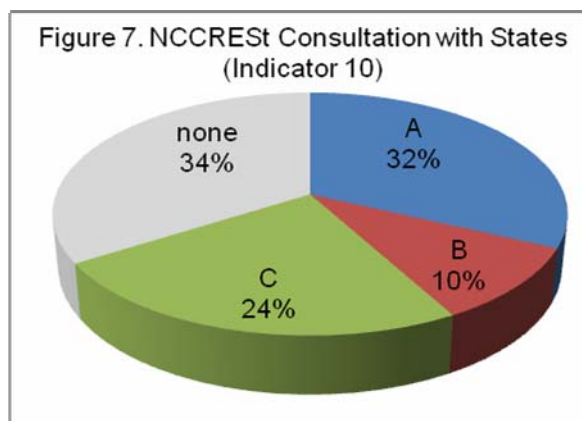
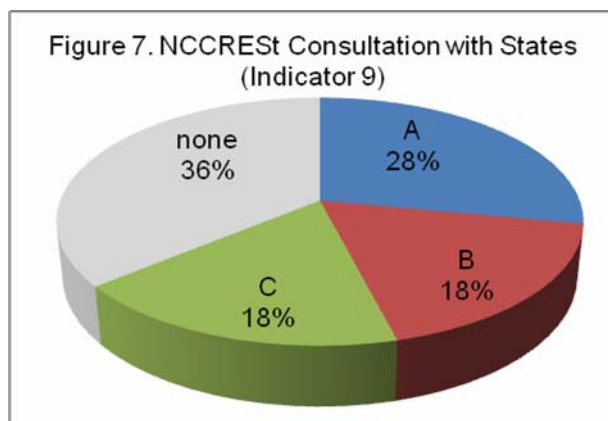
Examples of Other Common Activities by Type

Collaboration/coordination was also an area of improvement activity reported by several states (n=20). Of these, half noted intensive work with NCCRESt. Four reported coordinating efforts with federal programs such as Head Start, Reading First,

Title I, etc. Two states consulted with Regional Resource Centers, and two worked with local institutions of higher education. Thirteen states reported some kind of program development to address these indicators. Two primary areas were found: RTI and disproportionality advisory boards/work groups/task forces.

Consultation with NCCRESt

Most states, 32 and 33, respectively, engaged in some form of consultation with NCCRESt under Indicators 9 and 10. This information was obtained via state's reported activities and review of the Center's records, including quarterly reports. General consultation with the Center (category A) typically involved membership in NCCRESt's listserv or the usage of NCCRESt products via the Center's website (www.nccrest.org). Through the listserv, states receive weekly eBlasts and monthly eQuiNews newsletters. States reported utilizing a variety of products, including Practitioner Briefs, self-assessment tools, case study reports, and planning guides. Five states specifically noted using the NCCRESt District Rubric to assess district policies, practices, or procedures, while others used it as a model to develop their own tools.



Among states receiving target/specialized consultation, contact was generally comprised of participation in the Center's Trainer of Trainers conference and National Forum. Several states also received ongoing, intensive technical assistance, in addition to contact that would fall under categories A and B. In these states, NCCRESt staff provided onsite individualized training and technical assistance to state administrators and/or district staff. In some states, this included professional development activities as statewide continuing education conferences, RTI trainings, or PBS trainings. The focuses of the TA in the various states included data collection relating to policies and practices that contributed to reductions in disproportionality, training in the use of NCCRESt self-assessment tools, cognitive coaching, early intervening, developing state plans for providing technical assistance and professional development to districts, understanding culture and cultural responsiveness, and culturally responsive pedagogy.

Explanations of Slippage and Progress

Across both indicators, few states offered explanations of slippage and/or progress. However, when this aspect of the APR was addressed, the most commonly cited explanation of both slippage and progress was changes in the criteria for determining

the presence of disproportionate representation. A few states also noted that the inclusion of underrepresentation affected the reported percentage of districts with disproportionate representation. Others attributed improvement to the states' increased emphasis on preventing or reducing disproportionality.

Summary and Recommendations

Most states are beginning to recognize disproportionality as a systemic issue shaped by policies, procedures, and practices in general education. This perspective is reflected in the improvement activities reported by the states, which largely focus on improving services and instruction for all students. As noted in last year's analysis for these indicators, it is concerning that many states are not consulting with any TA providers in addressing disproportionality. While the majority of states are using NCCRESt as a resource in one way or another, few are making use of their regional resource centers or TA&D providers related to their improvement activities, such as PBS or RTI. It is unclear what centers or organizations are states' sources of guidance as they engage in local technical assistance, professional development, or program development.

We offer a few specific recommendations to improve this process.

- 1) Improve format of reporting for improvement activities. Consider having states list applicable activities under each category.
- 2) Improve correspondence between reported improvement activities and actual activities taking place in the states. Some states are doing things that fall under the various IA categories but are not listing them as IAs.
- 3) Improve reporting of explanations of slippage and progress. Few states are providing substantive responses to this element of the APR for Indicators 9 and 10.

INDICATOR 9 & 10: DISPROPORTIONATE REPRESENTATION DUE TO INAPPROPRIATE IDENTIFICATION

Prepared by DAC

INTRODUCTION

The indicators used for SPP/APR reporting of disproportionality data are 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.

For these indicators, States were required to include the State's definition of "disproportionate representation" and describe how the State determined that disproportionate representation of racial and ethnic groups in special education and related services was the result of inappropriate identification.

Measurement of these indicators was defined as:

- 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 divided by # of districts in the State times 100.
- B10. Percent = # of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification divided by # of districts in the State times 100.

The Data Accountability Center (DAC) compiled all of the FFY 2006 APRs for the 50 States, the District of Columbia, the territories, and the Bureau of Indian Education (BIE). (For purposes of this discussion, we will refer to all as States, unless otherwise noted.) We then reviewed each State's APR, focusing on:

- Percentage of districts with disproportionate representation as a result of inappropriate identification;
- Methods used to calculate disproportionate representation;
- Definition of disproportionate representation;
- Minimum cell sizes used in calculations of disproportionate representation; and
- Description of how the State determined the disproportionate representation was the result of inappropriate identification.

For each of the above, we summarize the results of the analyses and discuss common themes or findings. It should be noted that although we reviewed APRs for all 50 States, the District of Columbia, the territories, and the BIE, our summary focuses only on the 50 States, the District of Columbia, and the Virgin Islands. All the other territories and the BIE stated that B9 and B10 did not apply to them. We also include a section on the technical assistance provided to States with regard to these indicators.

Percentage of Districts with Disproportionate Representation as a Result of Inappropriate Identification

In their APRs, States were required to report on the percentage of districts that had disproportionate representation that was a result of inappropriate identification for both B9 and B10.

Forty States (77%) reported the percentage of districts that had disproportionate representation that was a result of inappropriate identification for both B9 and B10. An additional three States (6%) reported the percentage of districts for B9 but not B10. (It should be noted that one of these States does not identify children with disabilities by disability category and therefore was not required to report on B10.) One additional State reported the percentage of districts for B10 but not B9.

- For B9, the percentages of districts that were reported to have disproportionate representation that was the result of inappropriate identification ranged from 0% to 6% ($M=0.5$ and $Mdn=0.0$). Of the 43 States that reported data for B9, 34 States (79%) reported that 0% of their districts had disproportionate representation that was the result of inappropriate identification.
- For B10, the percentages of districts that were reported to have disproportionate representation that was the result of inappropriate identification ranged from 0% to 100% ($M=3.7$ and $Mdn=0.0$). Of the 40 States that reported data for B10, 26 States (65%) reported that 0% of their districts had disproportionate representation that was the result of inappropriate identification.

Seven States (14%) did not provide the percentage of districts with disproportionate representation that was the result of inappropriate identification for either B9 or B10.

- These States reported on the number of districts that had disproportionate representation, but did not specify whether the disproportionate representation was the result of inappropriate identification. Many of these States indicated that they were in the process of completing their reviews in order to make this determination and would be able to report these data in the next APR if not sooner.

One State did not report separate percentages for B9 and B10, but instead reported on the overall percentage of districts that had disproportionate representation that was the result of inappropriate identification for either B9 or B10.

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. Thus, the APRs were examined to determine what method or methods States used to calculate disproportionate representation. All but one State reported the method that was used to calculate disproportionate representation.

States Using One Method

The majority of States used the risk ratio as the sole method for calculating disproportionate representation (32 States or 62%).

A small number of States used other methods as their sole method for calculating disproportionate representation (6 States or 12%). These methods included composition, the E-formula, a comparison model analysis, and an analysis of means calculation.

States Using Multiple Methods

Thirteen States (25%) used more than one method to calculate disproportionate representation. The methods States combined consisted of composition, risk, risk ratios, odds ratios, a disparity index, confidence intervals, chi-square, and other calculations that focused on the expected number of students. Some examples of how States combined these methods include:

- Composition and a disparity index;
- Composition and risk ratio;
- Composition, risk, and risk ratio;
- Risk ratio and odds ratio;
- Risk ratio and an expected number of students calculation;
- Risk ratio and confidence intervals; and
- Risk and risk ratio.

Three of the States that used multiple methods to calculate disproportionate representation reported using different methods for B9 than they did for B10. For another State, the method that was used depended upon the number of students with disabilities in the district who were from the racial/ethnic group.

Definition of Disproportionate Representation

States were instructed to include the State's 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.

A number of States (10 States or 19%) required that the district meet the State's definition of disproportionate representation for multiple years (typically 2 or 3 consecutive years) before the district was identified as having disproportionate representation. In addition, some of the States that reported using multiple methods to calculate disproportionate representation required that the district meet the State's definition for disproportionate representation for two or more methods before the district was identified as having disproportionate representation. Other States identified districts as having disproportionate representation if the district met the State's definition for just one of the methods.

Two States (4%) did not provide a definition of disproportionate representation. In addition, although most States included definitions for both overrepresentation and underrepresentation, a small number of States (four States or 8%) did not examine underrepresentation and, therefore, did not provide a definition for underrepresentation.

Risk Ratio

Most of the States using the risk ratio defined disproportionate representation with a risk ratio cut-point. That is, the risk ratio had to be greater than the cut-point for overrepresentation and had to be less than the cut-point for underrepresentation.

- For overrepresentation, the most common risk ratio cut-points were 3.0 (used by 15 States) and 2.0 (used by 8 States). Other cut-points included 1.5, 2.5, 2.8, and 4.0.
- For underrepresentation, the most common risk ratio cut-points were 0.25 (used by 14 States) and 0.33 (used by 6 States). Other cut-points included 0.2, 0.3, 0.4, and 0.5.

A small number of States used a different definition of disproportionate representation for B9 than they did for B10. For example, one State used risk ratio cut-points of 3.00 and 0.25 for B9 and risk ratio cut-points of 4.00 and 0.20 for B10. In addition, one State used different risk ratio cut-points for each racial/ethnic group, and another State used different risk ratio cut-points for each disability category.

A small number of States did not use cut-points to define disproportionate representation when using the risk ratio. For example, one State calculated a “risk gap” by subtracting the risk ratio for white students from the risk ratio for the racial/ethnic group, and another State calculated risk ratio confidence intervals.

Other Methods

States that calculated disproportionate representation using composition defined disproportionate representation in several ways. The most common were:

- A percentage point difference in composition (e.g., 10% or 20%); and
- A relative difference in composition of $\pm 20\%$.

States that used statistical tests defined disproportionate representation in terms of statistical significance.

States that used calculations that focused on the expected number of students defined disproportionate representation as those districts whose actual number of students with disabilities for the racial/ethnic group exceeded the expected number of students by a certain value (e.g., 10 students).

Minimum Cell Sizes Used in Calculations of Disproportionate Representation

Many States (43 States or 83%) chose to specify minimum cell sizes that they used in their calculations of disproportionate representation. The types of minimum cell sizes that States chose to use varied.

- Some States used a minimum cell size that was related to the number of students with disabilities (19 States). These minimum cell sizes tended to range from 10 to 50 students, with the most common being 10 students. For example, several States required that there be at least 10 students with disabilities from the racial/ethnic group in the district for disproportionate representation to be calculated.

- Two States used a minimum cell size that was related to the number of students who were enrolled in the district. For example, one State required that there be at least 20 students from the racial/ethnic group enrolled in the district for disproportionate representation to be calculated.
- Several States combined these two types of minimum cell sizes (six States). For example, one State required that there be at least 30 students from the racial/ethnic group enrolled in the district and at least 10 students from the racial/ethnic group in the disability category for disproportionate representation to be calculated.

A number of States indicated that they used a minimum cell size, but did not specify whether this number was referring to child count data or to enrollment data (16 States). For example, several States simply said that they used a minimum cell size of 10 students. States that did this said they used minimum cell sizes of 10, 20, 25, 30, or 40 students in their calculation of disproportionate representation.

Of the States that specified they used a minimum cell size, four States used different minimum cell sizes for B9 than they did for B10, and four States used different minimum cell sizes for overrepresentation than they did for underrepresentation.

Description of How the State Determined the Disproportionate Representation Was the Result of Inappropriate Identification

For B9 and B10, States needed to describe how the State determined that disproportionate representation of racial/ethnic groups in special education was the result of inappropriate identification. All but two States (4%) included this information in their APR. The amount of information States included about their reviews of policies, procedures, and practices varied, however. Some States provided only limited detail regarding how this was accomplished, while other States included quite a bit of detail. Some of the approaches that States described are summarized below. In many cases, States' reviews included a combination of two or more of these approaches.

Many States indicated that the review was accomplished through their State-level monitoring activities. These activities included:

- Data verification;
- Onsite visits;
- Desk audits;
- Additional data collection and analysis;
- Reviews of existing monitoring data;
- Student record reviews;
- Reviews of due process complaints; and
- Reviews of eligibility and identification of policies and procedures.

Numerous States required districts to complete a self-assessment or a self-study then report back to the State, which would verify the findings. Several States indicated that they provided districts with a disproportionality tool or rubric to guide the review process.

Some States required that districts submit their policies and procedures to the State for review for appropriateness. Often, districts were required to submit their screening, referral, evaluation, and eligibility policies and procedures.

A small number of States (four States or 8%) described using a different set of procedures for determining if overrepresentation was the result of inappropriate identification than they did for determining if underrepresentation was the result of inappropriate identification.

Technical Assistance to States

DAC determined the level of technical assistance provided to States by Westat and NCSEAM during 2006-07, prior to the funding of the DAC. NCSEAM reported that technical assistance specific to B9 and B10 was not provided to States. Westat did provide technical assistance specific to B9 and B10 to States. The percentages of States that received technical assistance from Westat are reflected using the following three codes:

- A. Universal/General – 100%;
- B. Targeted/Specialized – 0%; and
- C. Intensive/Sustained – 0%.

Westat provided technical assistance on disproportionality by means of two documents that were made available to all States:

1. Methods for Assessing Racial/Ethnic Disproportionality in Special Education: A Technical Assistance Guide (available on www.IDEAdata.org), and
2. An Excel disproportionality spreadsheet application designed to assist States with their district-level analyses (available by emailing IDEAdata@westat.com or calling 1-888-819-7024).

Westat also responded to States' questions about these two documents, as well as more general questions about calculating disproportionality, via conference calls and emails.

INDICATOR 11: TIMELY INITIAL EVALUATIONS

Prepared by DAC

INTRODUCTION

Indicator B11 measures the “percent of children with parental consent to evaluate, who were evaluated within 60 days (or State-established timeline).” The performance target for this indicator is 100%. Specifically the indicator States:

Percent of children with parental consent to evaluate, who were evaluated within 60 days (or State-established timeline) (20 U.S.C. 1416(a)(3)(B))

Measurement:

- a. # of children for whom parental consent to evaluate was received.
- b. # determined not eligible whose evaluations and eligibility determinations were completed within 60 days (or State-established timeline).
- c. # determined eligible whose evaluations and eligibility determinations were completed within 60 days (or State-established timeline).

Account for children included in “a” but not included in “b” or “c.” Indicate the range of days beyond the timeline when eligibility was determined and any reasons for the delay. Percent = [(b + c) divided by (a)] times 100.

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. The instructions direct States to refer to “initial” eligibility determination.

FFY 2006 (2006-07) was the second year of required data reporting for this indicator. Among the 60 States and territories, 8 States and territories submitted new baseline data. The most common reasons cited were changing the data collection method, corrections to the previous baseline, and improved data collection methods.

Progress or Slippage

The majority of States (34 or 57%) and territories reported progress; 11 States (18%) reported slippage; and 2 States (3%) reported no change. Twelve States (20%) did not provide information on progress or slippage. One State (2%) did not submit data for this indicator in its APR. This State indicated the planned data collection method was not in place in time to report for 2006-07.

The target for this indicator is 100%. However, 10 States (17%) reported that they were at or above a substantial compliance benchmark set at 95%.

Changes in baseline data or improvements in data collection methods contributed to slippage in some States and progress in other States. These changes included adding data fields, correcting tabulation and other errors in their data systems, and correctly collecting census data instead of sampling LEAs.

States attributed progress to a variety of factors, including:

- Conducting student-level audits or targeted reviews that resulted in corrective action plans;

- Making changes to specific policies and procedures that were identified in 2005-06. For example, some States revised policies and procedures around transition from Part C to Part B to create smoother transitions;
- Correcting all non compliance issues identified in 2005-06;
- Providing technical assistance to local districts;
- Establishing regional resource centers in the State to provide increased presence;
- Setting benchmarks and holding principals accountable;
- Conducting self-assessments in low-performing districts;
- Increasing knowledge of the OSEP requirements;
- Sending congratulatory letters to districts that met 100% compliance; and
- Increasing coordination with the Part C program.

States attributed slippage to:

- Personnel shortages;
- Specific policies and procedures that were in place. For example, a few States changed monitoring procedures, which may have led to more accurate results;
- Specific districts in the State; and
- Proposed change to the State-level timeline.

Established Timeline

The indicator States a timeline of “60 days (or State-established timeline).” States’ timelines for evaluation ranged from 25 school days to 90 days. There was great variation in the use of the term “days.” Across the States, terms used included “school day,” “working days,” “business days,” as well as “calendar days.”

- The majority, 42 States (70%), used 60 days as their timeline. Among this group:
 - 27 States did not define “days”;
 - 5 States used school days;
 - 8 States used calendar days;
 - 1 State use 60 school days “of which the student was in attendance”;
 - 1 State used 60 school days for districts and 60 calendar days for charter schools and the State’s early intervention program;
- Only 6 States (10%) used a 45-day timeline. Among this group:
 - 2 States did not define “days”;
 - 4 States used school or school working days;
- Other definitions were used by 12 States (20%). Among this group:
 - 5 States used 25 to 40 school days;
 - 1 State used 60 calendar or 45 school days;
 - 1 State used 45 school days or 90 calendar days, whichever was shorter;
 - 2 States used 65 days, 1 of which used “business” days, and the other didn’t stipulate;
 - 1 State used 80 days, and 1 State used 90 days. Neither defined days;

- 1 State did not define its established timeline; and
- 1 State did not provide data for this indicator in its APR.

Data Collection Methods

Determining the primary data collection method used for this indicator was difficult because many States provided minimal information. Ten States (17%) did not specify how they collected the data. Some 30 States (50%) described some sort of electronic data management system. This included electronic student record systems, tracking information systems, and Excel spreadsheets to submit data to the State. Thirteen States (22%) did some sort of file sampling as part of their monitoring procedures, review of case records, or required an end-of-the-year report from their districts. Data were collected through self-assessments by five States (8%). Little information was provided about the specific activities to collect the data during these self-assessments. Finally, two States (3%) reported they did not collect the required data.

Range of Days beyond the Timeline and Reasons for the Delays

A total of 14 States (23%) did not report a range. However, one of the 14 States did report an average number of days. Two States (3%) had 100% compliance and therefore had a range of zero days beyond the timeline.

States that recorded their range of days beyond the timeline did so in a few different ways. The minimum and maximum ranges were reported by the remaining 44 States. The minimum ranges were:

- 1 day: 39 States (65%). Most started the range at 1 day but a few started at 36, 46, or 61 days because they continued the count from their established timeline. These States are included in the minimum of 1 day; and
- 2 or 3 days: Five States (8%).

The maximum ranges were:

- Less than 100 days: 5 States (8%);
- 100-200 days: 8 States (13%);
- 201-433 days: 13 States (22%); and
- Not reported: 18 States (30%). These States reported an upper range from more than 16 days to more than 177 days, but never provided an upper limit.

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 reasons mentioned by more than 1 State were:

- Shortages in qualified personnel;
- Student delays (e.g., student illness, student absence for reasons other than illness);
- Family delays (e.g., parent cancelled meeting, parent did not show up);
- Scheduling conflict among school personnel;
- School breaks;
- Evaluations not received in a timely manner;
- Delays in receiving medical records or reports;

- Need for further testing (requested either by the family or school personnel);
- Transfer into or out of the district;
- Custody issues; and
- Weather-related delays.

Improvement Activities

One of the requirements of this indicator is the implementation of improvement activities that will increase compliance with its goals. The activities described in the APR were analyzed using the codes developed by OSEP. The “Other” category was not used. Category H, evaluation, was used in a somewhat broad way. It included audits, internal and external evaluations of the improvement process, and targeted self-assessments conducted at the district level.

Among the 60 States and territories, four States (7%) did not include improvement activities in the APR citing that activities were either continuing or not revised. The improvement activities used by the remaining 56 States are included in Table 1. Technical assistance was the most widely reported activity, while increasing or adjusting the number of personnel was used the least.

Among the States reporting Improvement Activities, the number of activities reported per State for this indicator ranged from 1 to 10. One State grouped several indicators together and listed a total of 20 activities. The average number of activities reported per State was 4.5.

Table 1: Summary of Improvement Activities

Improvement Activity Category	Number of States Reporting at Least One Activity from the Category	Percentage of States Reporting at Least One Activity from the Category
A. Improve data collection and reporting	23	38%
B. Improve systems administration and monitoring	37	62%
C. Build systems and infrastructures of TA and support	4	7%
D. Provide TA/training/professional development	36	60%
E. Clarify/examine/develop policies and procedures	19	32%
F. Program development	4	7%
G. Collaboration/coordination	12	20%
H. Evaluation	17	28%
I. Increase/Adjust FTE	2	3%

Observations and Conclusions

It is important to note that certain difficulties arose when trying to analyze these data. Many States did not specify their definition of “days”; some States did not describe their data collection methods; some States did not describe to what their progress or slippage was attributed; and a few States did not list their improvement activities in the SPP or APR.

The majority of States did report improvement for this indicator. Additionally, and perhaps more importantly, many States reported improved data collection methods. In some cases, these improvements caused a decrease in the percentage of children with parental consent to evaluate within the established timeline, while in other cases it contributed to the State's progress. A variety of specific reasons were attributed to States' improvements on this indicator, many of which focused on identifying and correcting problems. Additionally, many of the States reporting slippage were able to pinpoint areas that needed improvement.

Many States mentioned lack of qualified personnel as a reason for a delay in meeting the timeline. However, only two States mentioned increases in FTE as an improvement activity. Funding issues or lack of qualified personnel living in the region are possible explanations for this discrepancy.

INDICATOR 12: EARLY CHILDHOOD TRANSITION

Prepared by NECTAC

INTRODUCTION

PART B INDICATOR #12: Percent of children referred by Part C prior to age 3 and who are found eligible for Part B, and who have an IEP developed and implemented by their third birthday.

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 that ensure that, “Children 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” [Section 612(a)(9)].

The following analysis of Part B Indicator 12 is based on a review of Part B Annual Performance Reports (APRs) for FFY 2006-2007 of 56 of 59 States and jurisdictions. Indicator 12 does not apply to three jurisdictions in the Pacific Basin because those jurisdictions are not 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 on their actual 2006-2007 performance data, discuss their completed improvement activities, give an explanation of progress or slippage, and describe any revisions to their targets, improvement activities and timelines. As part of the measurement formula for this indicator, States were also asked to indicate the range of days and reasons for delays for not having an IEP developed and implemented by the third birthday.

DATA COLLECTION AND MEASUREMENT

Data Sources

A variety of data sources were used to collect data for this indicator as shown in Table 1.

Table 1: Types of Data Sources Reported for 2006 – 2007 Performance

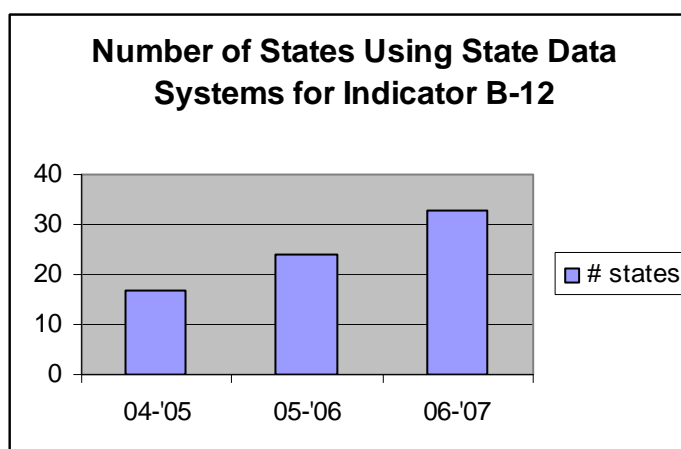
Data Collection Source	Number of States
State data system	33
State data system and monitoring	1
Monitoring	8
618 data	1
Other	6
Not reported	7

The majority of States (33) have developed State data systems to collect, analyze and report early childhood transition data. One State reported using a web-based system and another State used a web-based system with real-time data and electronic IEPs. Use of monitoring data was used by eight States, including file review, self-assessment, survey, annual supplemental workbook and monthly reports. From the narrative in the APRs it was not possible to determine the method of data collection

for seven States. Finally, some States used other approaches, including spreadsheets from LEAs or districts as well as using data from their Part C database.

Many States indicated in FFY 05-06 that they were moving toward developing a State data system rather than relying solely upon monitoring data sources (e.g., record review). The number of States using State data systems has increased steadily over the past few years as depicted in Figure 1. In addition, some State data systems are still in development and continue to improve to more accurately report data for this indicator.

Figure 1: Use of State Data Systems for Indicator B-12



Beyond the nine additional States switching to the use of State data systems and fewer States relying on monitoring data, other changes were reported: improvements to data systems (e.g., additional data elements; data sharing capabilities), collection of data on different populations (e.g., census or sampling), and/or improvements in validity and reliability of data. As a result, there were sometimes significant changes in percentages reported from the previous year to this year, making it difficult to explain actual performance results and/or determinations of progress or slippage.

Target Population

Nationally, a total of 100,585 children who had been served in Part C and referred to Part B for eligibility determination were reported on in FFY 2006-2007. The number of children reported by States ranged from 21 to 10,868. States reporting data on the largest number of children tend to have somewhat lower compliance rates (~15%) than States reporting fewer than 3,000 children. Table 2 shows the breakdown of number of children by number of States.

Table 2: Number of Children Included in FFY 2006 – 2007 Reports

Number of Children	Number of States
9,000 to 10,000	2
5,000 to 9,000	3
3,000 to 5,000	5
2,000 to 3,000	8
1,000 to 2,000	10

500 to 1,000	12
200 to 500	6
Less than 200	8
Not reported	2

It was unclear in many reports whether census data or sampling was used. States reporting on some portion of children exiting Part C and referred to B described several different target populations – children from only 1 LEA, a portion of LEAs, or all but 1 LEA, and a percentage of student files not to exceed a certain number from all districts. One State used sampling within districts being monitored.

Data Sharing

Sixteen States report some level of data sharing with Part C. Other States did not specifically mention data sharing in their FFY 05-06 reports. Three States are in the process of developing systems to allow for data sharing. Four States reported having unique identifiers and 2 States are planning to work together to create them.

Measurement Formula

Of the 56 States reviewed for Indicator B-12:

- 54 States used OSEP's measurement formula.
- One State used a different formula including additional exceptions based on State regulations.
- One State did not report data for the fiscal year.
- All States but one showed the data on which the calculations were based.

States were not to include the number of children for whom parent refusal to provide consent caused delays in evaluation or initial services in the denominator. The percentage of children in this category varied across the States. The range was from 0% to 39% with an average of 9%. These data reflect differences in States' practices.

COMPARISON OF TARGET AND ACTUAL PERFORMANCE

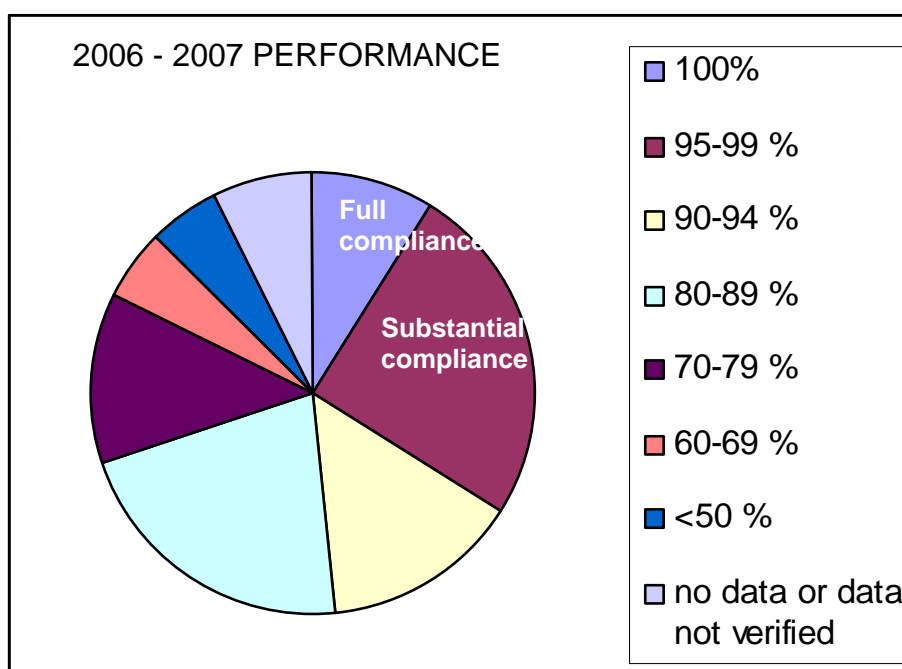
Five States met full compliance and an additional 14 States met the OSEP definition of substantial compliance (95% - 100%). Table 3 and Figure 2 illustrate the distribution for FFY 06-07 performance related to percent of eligible children with an IEP implemented by the child's third birthday for 52 of the 56 States.

Table 3: Distribution of State Performance on Indicator B-12

Actual 2006-2007 Performance	Number of States
100%	5
95 to 99 %	14
90 to 94 %	8
85 to 89 %	3
80 to 84 %	9
70 to 79 %	7
60 to 69 %	3

Actual 2006-2007 Performance	Number of States
< 50 %	3
Data not verified	3
No data	1

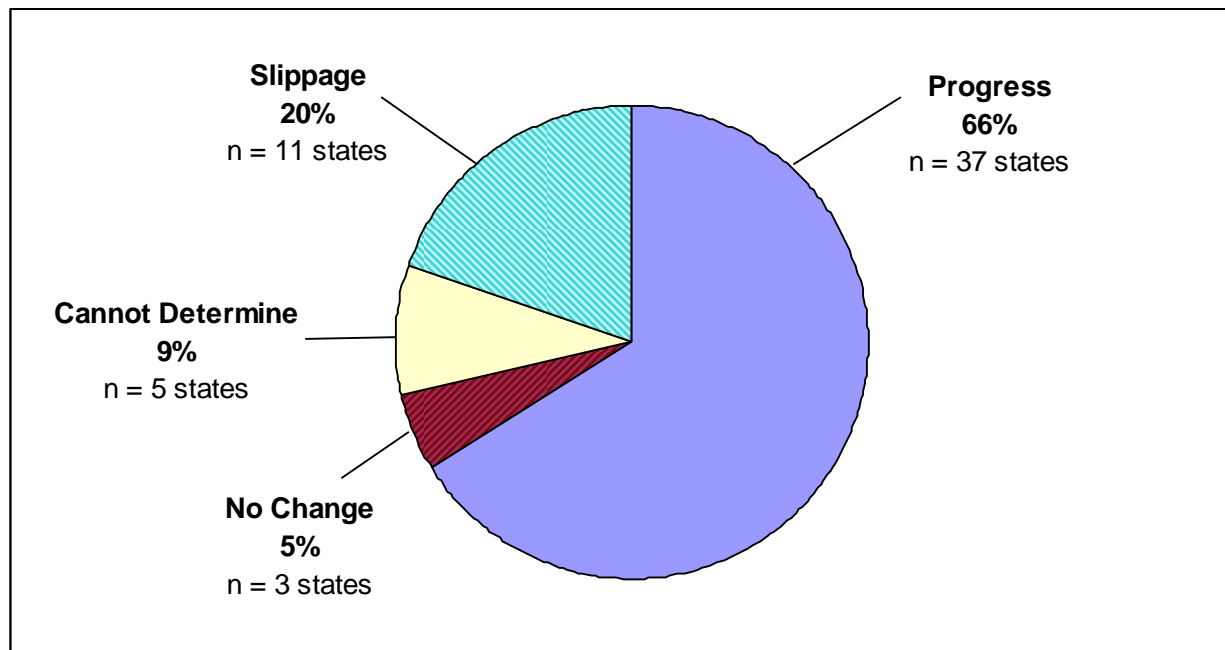
Figure 2: Distribution of State Performance on Indicator B-12



EXPLANATION OF PROGRESS AND SLIPPAGE

Figure 3 summarizes the progress and slippage of 51 States reporting actual performance for FFY 06-07 compared to FFY 05-06. Thirty-seven States (66%) reported progress, 11 States (20%) reported slippage and three States reported no change. It was not possible to calculate progress/slippage for 5 States: one State had no data reported for this year and 4 other States had insufficient data from the previous year.

Figure 3: Progress/Slippage from FFY 05-06 to FFY 06-07



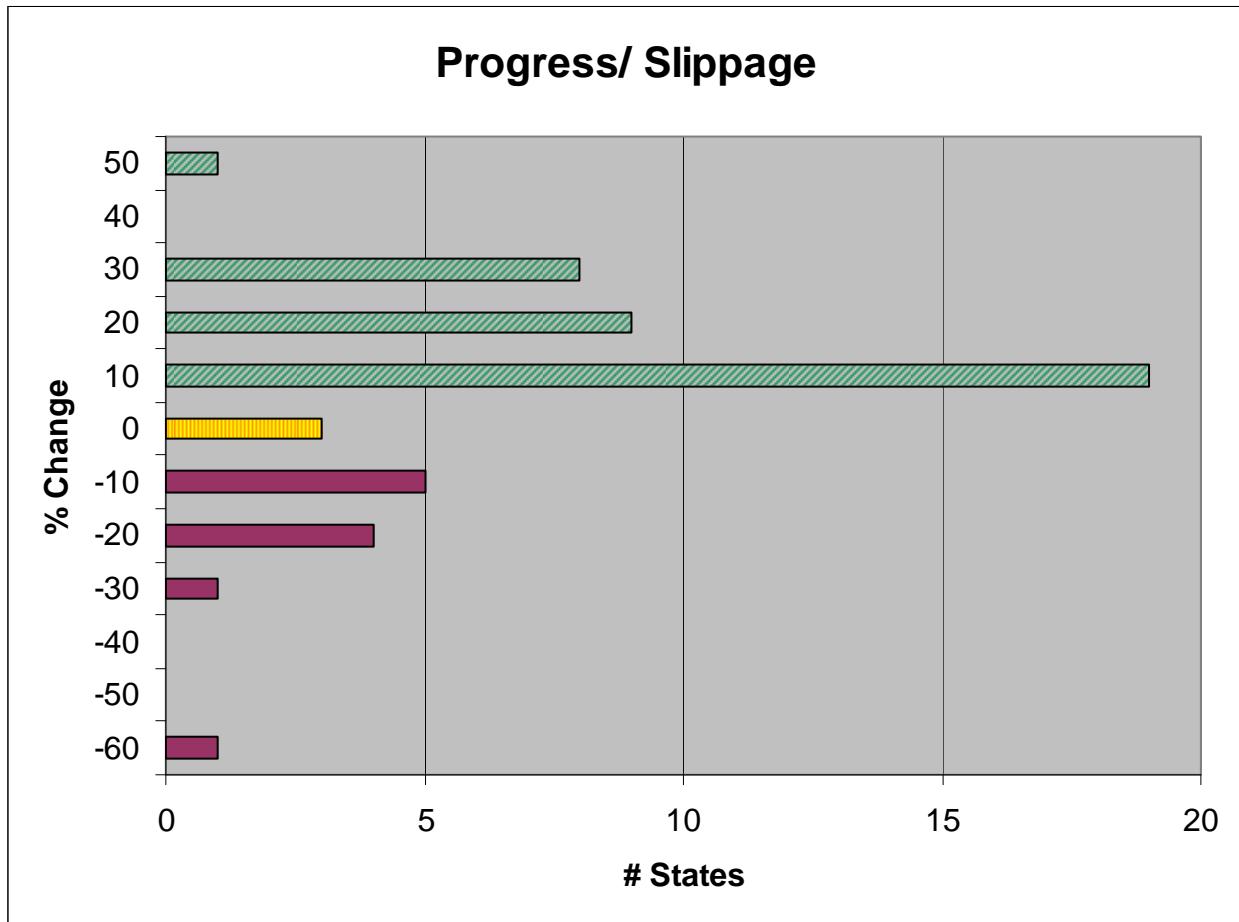
Note: Based on State reported progress/slippage, conclusion cannot be drawn regarding State's actually improving in the ability to ensure smooth and effective transitions by age 3. Many States reported significant changes in data collection strategies and data accuracy that impacted performance results.

Change in performance from the FFY 05-06 to FFY 06-07 ranged from 36.5% progress to 51.9% slippage. Table 4 and Figure 4 summarize distribution of change.

Table 4: Degree of Progress/Slippage from FFY 05-06 to FFY 06-07

Status	Percent Change	Number of States
Improvement	30 to 39 %	1
	20 to 29 %	8
	10 to 19 %	9
	6 to 9 %	7
	1 to 5 %	12
Same	0 %	3
Slippage	-1 to -10 %	5
	-11 to -20 %	4
	-21 to -30 %	1
	-31 to -40 %	0
	-41 to -50 %	0
	-51 to -60 %	1

Figure 4: Degree of Progress/Slippage from FFY 05-06 to FFY 06-07



Explanation of Progress

Progress was frequently attributed to changes in data collection procedures from previous reporting years. States reported using different data definitions, new measurement protocols and additional data elements. States also made improvements in data accuracy and specificity. Changes in monitoring activities also resulted in changes in data available to be used in making calculations. Examples reported include: conducting ongoing focused monitoring with individual TA, using root cause analysis, including Indicator B-12 in making LEA determinations, and increasing capacity to identify and correct non compliance.

Other explanations of progress included improved collaboration of LEAs with Part C, memoranda of understanding/agreement with Part C, clearer policies and guidance, emphasis on compliance requirements, intensive training and TA to LEAs, and in one instance a new State 0-5 administration.

Explanation of Slippage

Similarly, much of the slippage was attributed to data reasons, in particular inflated data reported for FFY 05-06 and/or incomplete data for conducting analyses. For FFY

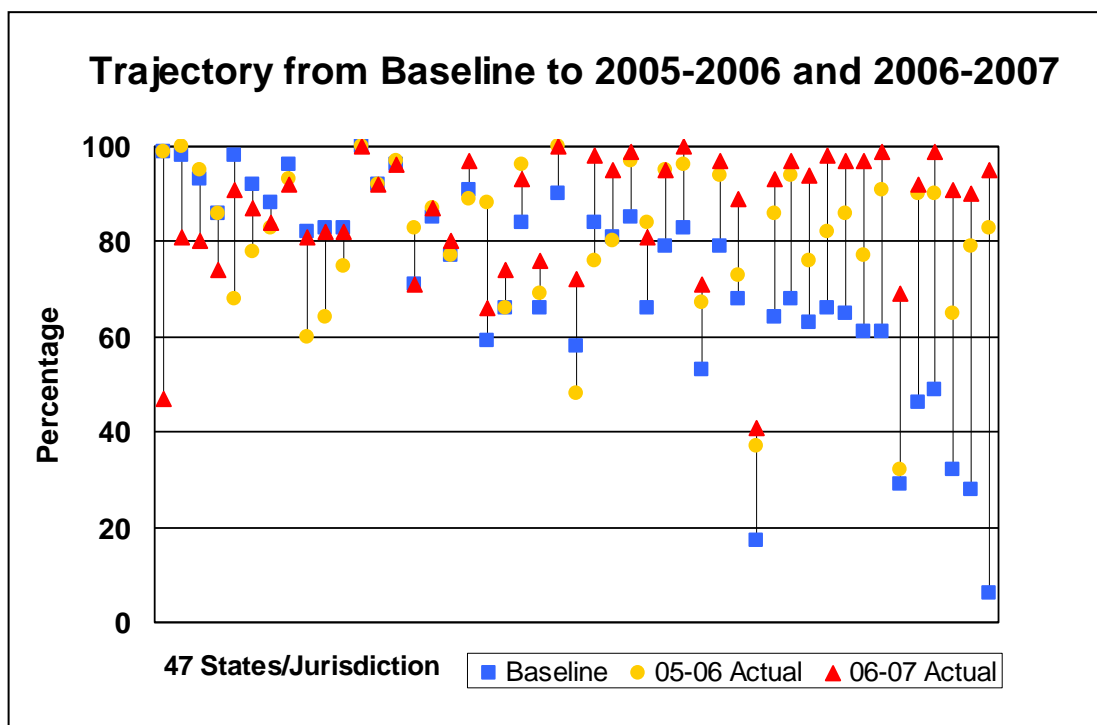
06-07 reports, some States based their calculations on different criteria, were able to disaggregate data and/or had more accurate data to use in determining performance. One State's data was impacted negatively by monitoring a large urban district with low performance.

Aside from data issues, other reasons for slippage included personnel issues: vacancies, insufficient number of positions, staff scheduling problems and State level turnover. A few States reported delayed training, no targeted TA, or a need for training to improve data collection as reasons for slippage. Finally, State policies had an effect on slippage. One State included parent participation in eligibility meetings in addition to other required meetings and scheduling caused delays. Another State has requirements related to IFSP modification/IEP development that created delays, resulting in slippage.

COMPARISON OF ACTUAL PERFORMANCE FOR FFY 05-06 AND FFY 06-07

Forty-seven States reported compliance on Indicator B-12 for three consecutive years. Figure 5 shows the trajectory of States' performance. Approximately half of the States made continual progress from baseline data (FFY 04-05) to FFY 05-06 data and in FFY 06-07 data. Five States showed consistent performance across the three years. Four States had increased performance from baseline to FFY 05-06 then decreased performance in FFY 06-07. Of the States reporting slippage in FFY 05-06, a few showed improvement that surpassed baseline level, a few returned to baseline level, and a few improved but did not reach their original baseline performance. Figure 5 presents details of States' trajectories.

Figure 5: Comparison of Baseline to FFY 05-06 and FFY 06-07



Reasons for Delay

States defined reasons for delay at age 3 differently which impacts the decision of when/how to include the number in the calculations. Therefore, there are inconsistencies between States in how they report on this indicator. The way these data are currently reported does not allow for aggregation or comparisons. Based on the reported percentages, conclusions may not be able to be drawn regarding compliance.

There were inconsistencies in how States handled reasons for delay:

- Most States were able to count the number of parent refusals that caused delays in evaluation or initial services and subtracted the number from the calculation. Some States did not have a count of the number of delays due to parental refusal to provide consent for evaluation or initial services as allowed by OSEP (i.e., “d” of the measurement).
- Some States did not allow any reasons for delay (above and beyond parental refusal for consent) and did not use the number of delays in their calculation.
- Some States identified acceptable reasons for delay. For the most part, these were reasons for delay that were beyond the control of Part B.
 - Some States excluded those data from the number of children referred (i.e., “a” of the measurement).
 - Other States included those data in the count of parent refusal for consent (i.e., “d” of the measurement).

There were a variety of reasons for delay that States mentioned. These included:

- Family moved away prior to completing eligibility determination
- Family moved away prior to IEP meeting
- Family transferred in
- Family cannot be located, home abandoned
- Family requested delay of IEP meeting until settled in new home
- Parent repeatedly failed or refused to produce child for evaluation
- Parents delayed and/or refused offer of FAPE by 3
 - Parents requested that services begin after 3rd birthday
 - Parents requested an out-of-district placement in a specialty program
 - Parents opted for a unilateral placement in a private school
 - Parents requested delay in scheduling evaluation
- Parent scheduling issues (cancellations/rescheduled meetings)
- Child or family illness delaying occurrence of evaluation and/or IEP meeting
- Child death
- Child not available
- Part C making late referrals or requests for evaluation (120, 90, 60, 45 days before age 3); not within State timelines
- Part C scheduling the transition conference within 90 days before age 3
- Eligibility determined after age 3 but a temporary IEP is in effect
- Inclement weather
- Natural disaster

- School vacations/summer
- School holidays
- Birthdays in summer, on weekends or during school breaks
- District scheduling issues (e.g., illness or medical leave of team member)
- Staffing issues (shift and shortage)
- Paperwork error
- Inconclusive testing results
- Waiting for outside evaluation information
- Delayed medical records
- Districts allowing parents to delay eligibility determination meetings
- Districts misunderstanding policy: didn't realize IEP needed to be in effect by 3, just thought that evaluation had to be started by age 3
- Lack of interpreter; ESL an issue in holding timely meetings

IMPROVEMENT ACTIVITIES

Completed Improvement Activities

All States reported on improvement activities conducted during FFY 06-07. There was a range in the number of activities reported (see Table 5) as well as the level of detail provided. Fifty-two States reported additional activities completed beyond the end of the reporting period to document their effort to reach compliance for this indicator. Activities initiated or completed after the reporting period are not included in this analysis.

Table 5: Range in Number of Improvement Activities Reported by States
(Unduplicated Count)

Number of Activities	Number of States
1-3	10
4-7	20
8-12	21
>12	3

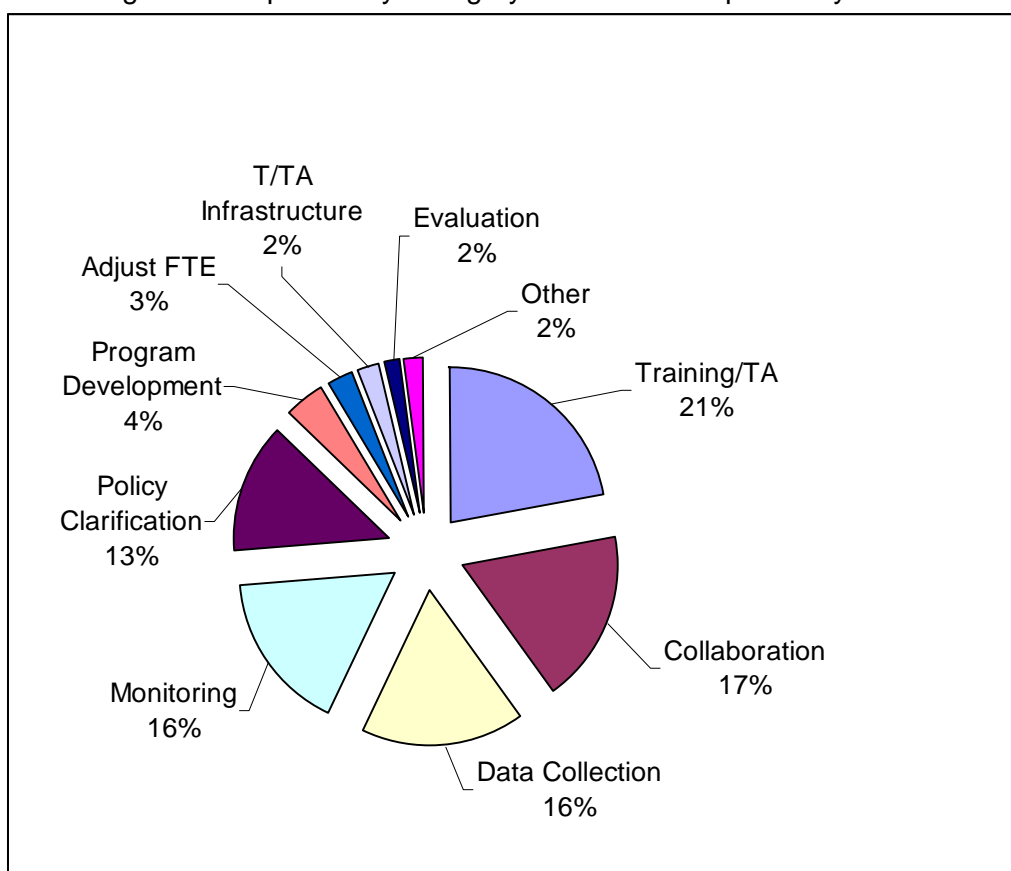
Forty-nine States reported improvement activities related to providing training, technical assistance and professional development. Thirty-nine States mentioned efforts to improve collaboration and coordination with Part C at the State and local levels. Additionally, activities related to improving data collection/reporting and systems administration/monitoring were a focus for many States.

Table 6 provides a summary of the types and frequency of improvement activities reported by States. Figure 6 presents data showing the proportion by category of activity used by States.

Table 6: Types of Improvement Activities Used by States on Indicator B-12

Improvement Activity	Number of States
Provide Technical Assistance/Training/Professional Development	49
Collaboration/Coordination	39
Improve Data Collection and Reporting	37
Improve Systems Administration and Monitoring	37
Clarify/Examine/Develop Policies and Procedures	30
Program Development	9
Increase/Adjust FTE	6
Build Systems and Infrastructures of Technical Assistance and Support	5
Evaluation	4

Figure 6: Proportion by Category of Activities Reported by States



For the most part, improvement activities performed by States in FFY 06-07 were similar to the activities conducted previously. States have placed more emphasis on improving data collection and monitoring systems and have greater ability to use local data to identify non compliance and to guide program practice. Coordination and collaboration were often mentioned in data processes, monitoring, training and TA,

guidance refinements and resource development, and were formalized in MOA/MOUs at both the State and local level. Training and public awareness materials were designed, produced and used by States during this reporting period and, in many instances, in conjunction with Part C and other early childhood programs. States appear to be making greater use of technology in their work, particularly in data collection/reporting and professional development.

Activities for **Improving Data Collection and Reporting** included:

- Providing training and intensive TA on data expectations, coding, collection and reporting
- Adding transition data elements to data systems for reporting required measurement components
- Developing and implementing new data collection mechanisms and protocols for collecting required data
- Revising IEP forms and manuals to include data points aligned with data elements in data system
- Incorporating electronic or Web applications into data collection systems
- Verifying data for accuracy and reliability
- Developing MOA/MOU to collaborate on sharing data
- Conducting data sharing or merges between Part B and Part C databases
- Developing or refining use of unique identifiers to track children transitioning from Part C to Part B
- Hiring additional personnel to ensure accuracy of data analysis

Activities for **Building TA Systems and Providing TA, Training and Professional Development** included:

- Jointly funding an Early Childhood Transition Project that provides multiple support activities that focus on evidence-based practice and the interagency process
- Funding a program at the Parent Information Center to develop and disseminate information and training to families and providers
- Restructuring training formats and delivery methods with Part C
- Sponsoring joint training activities emphasizing local interagency team participation
- Focusing training on policy guidance and recommended practices to promote statewide consistency
- Designing and implementing training activities to include local action plans and follow-up activities
- Providing technical assistance on a tiered basis to respond to local needs and performance
- Providing transition products to be used by higher

Activities for **Improving Collaboration and Coordination** included:

- Reciprocal participation on steering committees and task forces to define and clarify transition
- Developing State interagency agreements that focus on transition

- Collaborating with Part C to develop or update guidance documents
- Coordinating dissemination of revised policies, procedures and materials with Part C and Parent Training and Information Centers
- Developing and providing frameworks/formats/guidebooks with Part C to assist community teams to develop or update interagency facilitating coordination, joint planning and execution of local MOA/MOUs

Activities for **Improving Systems Administration and Monitoring** included:

- Developing a consistent approach to compliance monitoring for early childhood and special education divisions to supervise corrective action plans and work with districts to correct noncompliance
- Strengthening systems of general supervision to identify and correct noncompliance, including requirements to drill down to root causes and providing targeted follow-up TA
- Monitoring progress and implementation of local corrective action plans, including verification activities
- Requiring transition strategies and using Corrective Action Plans as part of grant applications and/or LEA's implementation plan
- Taking enforcement actions which compare progress on action plans to monthly/quarterly data analysis
- Using required local action plans to develop a coordinated approach to improvement activities

Activities for **Clarifying or Developing Policies and Procedures** included the following specific examples:

- Developing unified B and C transition policies and procedures
- Adopting State transition regulations with timeline requirements for requesting evaluation and completion of evaluation, use of standard forms, and district LEA requirements for transition conferences, etc.
- Amending State regulations to allow variances to class size maximums for temporary placements

Activities for **Developing New Programs or Initiatives** included the following specific examples:

- Issuing an RFP by lead agency for inclusive site-based playgroups where IFSP services are delivered and the transition process begins
- Awarding additional funds to support developing capacity for conducting preschool assessments

Activities for **Evaluation** included following specific examples:

- Reviewing local interagency agreements for a description of practices and comparing them to timeliness of transitions
- Evaluating the effectiveness of all activities in the APR by multi-disciplinary evaluation teams at multiple levels within the agency
- Evaluating the effectiveness of Part C's handbook developed for use by staff and families

Resources Developed

Twenty-eight States reported specific resources developed or revised during FFY 06-07. Six States indicated that they have a website with a focus on transition. Table 7 shows the types of resources included:

Table 7: Resources Developed or Updated on Early Childhood Transition

Type of Resource	Number of States
Guidance documents and FAQs	8
Handbooks for families	8
Handbooks for providers and families	5
Data forms (entry, tracking, worksheets)	5
New/updated State MOUs	2
Templates for local MOUs	4
PowerPoint presentations	4
Web-based training modules	3
Videos/ DVD	2
Newsletters	1
Brochures	1

Use of TA OSEP Centers

All States received a standard set of basic technical assistance on early childhood transition such as Part C and Section 619 Coordinator listserv postings and updates to NECTAC and NECTC websites. They were also provided the opportunity to participate in sessions on transition and to network with colleagues at the OSEP National Early Childhood Conference. Sixteen States made specific reference to TA Centers in their APRs. Table 8 shows the TA Centers referred to in APRs on Indicator B-12:

Table 8: TA Centers Referred to in APRs on Indicator B-12

TA Center	Number of Times
National Early Childhood TA Center (NECTAC)	6
National Early Childhood Transition Center (NECTC)	4
Mountain Plains Regional Resource Center (MPRRC)	3
North Central Regional Resource Center (NCRRC)	2
Southeast Regional Resource Center (SERRC)	2
Western Regional Resource Center (WRRRC)	2
Northeast Regional Resource Center (NERRC)	1
Mid-South Regional Resource Center (MSRRC)	1
Early Childhood Outcome Center (ECO)	1

APR REVISIONS

Twenty-nine States submitted revisions to their original APRs due February 1, 2008 for Indicator B-12 based on OSEP's preliminary review and letters in early April 2008.

The revisions provided additional information on correction of past noncompliance and included activities the State had initiated to monitor and promote compliance, actual progress made by local LEAs toward compliance, and States' plans for the upcoming year to ensure compliance. Revisions to APRs also included a description of the reasons for delay in evaluations and IEP development and implementation.

SPP REVISIONS

In the February 2008 submissions, twenty-seven States reported making revisions to their State Performance Plans. All twenty-seven States reported changes to improvement activities: revision, deletions or adding additional activities. Of those twenty-seven States, 4 also reported changes in timelines, 2 reported changes in baseline and another 2 reported changes in targets. Table 9 summarizes the changes.

Table 9: Revisions to State Performance Plans in FFY 06-07

Area of Revision	Number of States
Baseline	2
Targets	2
Improvement Activities	27
Timelines	4

CORRECTION OF NONCOMPLIANCE

Many States provided information about strategies for correcting noncompliance and reported on current status of correction. Based on States' descriptions, the extent of correction was not always apparent. According to OSEP review, 23 States reported that noncompliance from previous years had been corrected while another 21 reported instances of noncompliance that need to be monitored for improvement and correction. Five States did not have outstanding noncompliance and therefore did not report on correction activities.

INDICATOR 13: SECONDARY TRANSITION

Prepared by NSTTAC

INTRODUCTION

Indicator 13 requires States to report data on “*The percent of youth aged 16 and above with an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the child to meet the post-secondary goals.*” The sections below summarize the 2006-2007 APR data for Indicator 13.

Data Reported

For 2006-2007, all 60 States and territories reported data for Indicator 13. Table 1 compares the number and percent by percentage ranges for baseline and current year.

Table 1. Summary of Number and Percent of Indicator 13 Scores by Percentage Ranges

Percent	2005-2006 (Baseline) # (%)	2006-2007 # (%)
95-100*	6 (10%)	10 (16.7%)
75-94	17 (28.3%)	15 (25%)
50-74	12 (20%)	16 (26.6%)
25-49	10 (16.7%)	11 (18.3%)
0-24	12 (20%)	8 (13.3%)
No Data	3 (5%)	0 (0%)
Median	60%	69%
Range	0-100%	3-100%

Note: * = met compliance

- For the baseline year (2005-2006), individual student data ranged from 0% to 100%, with a median of 60% with 58.3% of States and territories reporting baseline data between 51% and 100%. Six (10%) States and territories met the compliance criteria of 95-100%.
- For 2006-2007, data ranged from 3% to 100% with a median of 69% (an increase of 9%) with 68.3% (an increase of 10%) of States and territories reporting baseline data between 51% and 100%. Ten (16.7%) States and territories met the compliance criteria.

Progress and Slippage

Table 2 summarizes the progress or slippage across all 60 States and territories, as well as if the progress or slippage was explained and data were provided to measure the impact of the stated Improvement Activities.

Table 2. Progress or Slippage for 2006-2007

Type of Change	Number	Percent
Made Progress	37	61.7%
Remained the Same	3	5.0%
Had Slippage	17	28.3%
Unknown (no baseline data)	3	5.0%
Explained Progress/Slippage	53	88.3%
Provided Impact Data on Improvement Activities	8	13.3%

- 40 (66.7%) States and territories made progress or remained the same. Of the 17 (28.3%) States and territories who reported slippage, 11 stated that slippage was due to implementing a more rigorous set of criteria for measuring Indicator 13.
- While almost all ($n=53$; 88.3%) provided an explanation of what Improvement Activities may have caused their progress or slippage, only 8 (13.3%) provided data on the impact of their Improvement Activities. Most changes were explained using terms such as “we believe,” “may have explained,” or “because Indicator data improved it can be concluded that Improvement Activities were effective.”
- 2 States explained their progress was the result of decreasing the rigor of their criteria for measuring Indicator 13.

Type of Checklist Used to Collect Data (Validity and Reliability of Data)

States and territories used a variety of checklists to measure Indicator 13 including the NSTTAC Indicator 13 Checklist, an Adapted NSTTAC Indicator 13 Checklist, or their own checklist. Table 3 compares the type of checklists used by States and territories to measure Indicator 13 across baseline and the current year.

Table 3. Type of Checklist Used to Collect Indicator 13 Data

Type of Checklist	2005-2006 (Baseline) # (%)	2006-2007 # (%)
NSTTAC Indicator 13 Checklist	12 (20%)	22 (36.7%)
Adapted NSTTAC Indicator 13 Checklist	0 (0%)	8 (13.3%)
Own Checklist (requirements stated)	15 (25%)	12 (20%)
Own Checklist (requirements not stated)	30 (50%)	3 (5%)
No Checklist Reported	3 (5%)	15 (25%)

- 42 (70%) of States and territories 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.
- 18 (30%) of States and territories did not provide the requirements used to measure Indicator 13. Therefore, it is impossible to determine if they used a valid instrument.
- 38 (63.3%) described their process used to verify the reliability of the data. This typically included training monitors (both SEA and LEA) and/or a State reviewing data collected via onsite file reviews or by a web-based data collection system.
- The number of States and territories providing an Item-by Item summary of their Indicator 13 data increased from 9 (15%) in 2005-2006 to 18 (30%) in 2006-2007.

Type of Checklist Used and Progress/Slippage

Because States and territories used a variety of checklists to measure Indicator 13, we disaggregated the progress or slippage data by type of checklist used. No causal relationship is inferred by this analysis. See Table 4.

Table 4. Progress and Slippage by Type of Checklist Used

Type of Checklist	Progress # (%)	Slippage # (%)	Remained the Same # (%)	Unknown # (%)
NSTTAC Indicator 13 Checklist	15 (68.2%)	6 (27.3%)	1 (4.5%)	N/A
Adapted NSTTAC Checklist	5 (62.5%)	3 (37.5%)	N/A	N/A
Own Checklist (requirements stated)	6 (50%)	4 (33.3%)	1 (8.3%)	1 (8.3%)
Own Checklist (requirements not stated)	2 (66.7%)	1 (33.3%)	N/A	N/A
No Checklist Reported	9 (60%)	3 (20%)	1 (6.7%)	2 (13.3%)
Overall	37 (61.7%)	17 (28.3%)	3(5.0%)	3 (5.0%)

- States and territories that used the NSTTAC Indicator 13 Checklist (a valid instrument) had the highest percentage of progress, followed by Own Checklist (requirements not stated; validity of instrument unknown).

Improvement Activities

All 60 States and territories included Improvement Activities. Table 5 compares their stated activities across baseline and the current year.

Table 5. Summary of Improvement Activities

Improvement Activity	2005-2006 (Baseline) # (%)	2006-2007 # (%)
(A) Improve data collection and reporting &/or (E) Clarify/examine/develop policies and procedures	53 (92.9%)	40 (66.7%)

Improvement Activity	2005-2006 (Baseline) # (%)	2006-2007 # (%)
(B) Improve systems administration and monitoring	15 (25.8%)	38 (63.3%)
(C) Provide training/professional development &/or (D) Provide technical assistance	56 (96.5%)	60 (100%)
(F) Program development	19 (33.3%)	14 (23.3%)
(G) Collaboration/coordination	31 (53.4%)	24 (40%)
(H) Evaluation	5 (8.8%)	4 (6.7%)
(I) Increase/Adjust FTE	4 (7.0%)	2 (3.3%)
(J) Other	N/A	1 (1.7%)

- The three most frequently stated Improvement Activities continued to be (C/D) provide training/professional development/technical assistance, (A/E) improve data collection and reporting/examine policies and procedures, and (B) improve systems administration and monitoring.
- Only 8 (13.3%) States and territories provided data on the impact of their Improvement Activities including:
 - ❖ (A/E) Technical assistance/professional development (n=4) by collecting pre-post data on content presented (e.g., improved transition components of IEPs)
 - ❖ (B) Improved systems administration and monitoring (n=3) by previewing sample files (e.g., using the NSTTAC Checklist to conduct detailed pre-data collection reviews)
 - ❖ (G) Collaboration/coordination (n=1) by collecting satisfaction data on interagency linkages (e.g., “good” or “better” connection), number of students referred in last two years of school, and percent of students found eligible for services.
- Of the 45 (75%) who explained progress or slippage, but did not provide impact data, all provided some type of *process* data (e.g., # of workshops held, # of attendees, # of materials produced, # of meetings held).

TA Center Consulted with State

NSTTAC provided various levels of consultation to all 60 States and territories. Table 6 compares the types of consultation provided across baseline and the current year.

Table 6. Summary of NSTTAC Consultation to States and Territories (n = 60)

Level of Technical Assistance	2005-2006 (Baseline) # (%)	2006-2007 # (%)
Universal/General	11 (18.3%)	11 (18.3%)
Targeted/Specialized	38 (63.3%)	44 (73.3%)
Intensive/Sustained	4 (6.7%)	5 (8.3%)
(E) No Contact	7 (11.7%)	0 (0%)

- 49 (81.7%) States and territories received Targeted or Intensive technical assistance from NSTTAC.
- The most frequent type of Targeted technical assistance was attending a State Planning Institute or an Indicator 1, 2, 13, & 14 Cross-Indicator Regional Meeting.

Highlights of 2006-2007 APR Indicator 13 Data

- All States and territories provided data for 2006-2007.
- For 2006-2007, data ranged from 3-100% with a median of 69% (an increase of 9%) with 68.3% (an increase of 10%) of States and territories reporting baseline data between 51% and 100%.
- 10 (16.7%) States and territories met the compliance criteria of 95-100%.
- 40 (66.7%) States and territories made progress or remained the same. Of the 17 (28.3%) States and territories who reported slippage, 11 stated that slippage was due to implementing a more rigorous set of criteria for measuring Indicator 13.
- 2 States explained their progress was the result of decreasing the rigor of their criteria for measuring Indicator 13.
- 42 (70%) States and territories stated the requirements used to measure Indicator 13. Since all requirements were related to the language used in the Indicator, we concluded that these were *valid* instruments.
- The three most frequently stated Improvement Activities continued to be (C/D) provide training/professional development/technical assistance, (A/E) improve data

collection and reporting/examine policies and procedures, and (b) improve systems administration and monitoring.

- Only 8 (13.3%) States and territories provided data on the impact of their Improvement Activities.
- 49 (81.7%) States and territories received Targeted or Intensive technical assistance from NSTTAC. The most frequent type of Targeted technical assistance was attending a State Planning Institute or a Cross-Indicator (1, 2, 13, & 14) Regional Meeting.

Recommendations for Collecting Future Indicator 13 Data

- In order to ensure data are *valid*, require States and territories 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.
- In order to ensure data are *reliable* (accurate), require APRs to describe the process used to collect reliable data. This does not mean just verifying that all data were collected, it means checking to determine that the data entered are accurate (would be agreed upon by a second person).
- Provide States and territories with list of possible methods they can use to determine the impact of their Improvement Activities.
- For ease of reporting and reading, require States and territories to list Improvement Activities in tabular format.

INDICATOR 14: POST-SCHOOL OUTCOMES

Prepared by NPSOC

Indicator 14: Percent of youth who had IEPs, are no longer in secondary school and who have been competitively employed, enrolled in some type of postsecondary school, or both, within one year of leaving high school. (20 U.S.C. 1416(a)(3)(B)).

INTRODUCTION

For the 2008 State Performance Plan (SPP) and Annual Performance Report (APR) reporting period (FFY 2006), Indicator 14 is a new indicator. As such, States were to report baseline, targets, and improvement activities relevant to the percent of youth competitively employed, enrolled in some type of postsecondary school, or both within one year of leaving high school. For the purposes of this report, we use the term *engagement* when referring collectively to competitive employment, enrolled in some type of postsecondary school, or both.

To address Indicator 14, States had the option of either (a) conducting a census of all students with IEPs leaving high schools in their State in a particular year, or (b) establishing a representative sample of school leavers in their State for a particular year. In either case, data were to be gathered in such a way as to (a) include students who graduated, completed high school with a modified completion document, aged out of school, dropped out, or were expected to return but did not return for the current school year, and (b) describe students in terms of their primary disability, gender, and ethnicity.

States conducting a sample of school leavers were to describe the sampling methodology outlining how the design yielded valid and reliable estimates. That is, 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 Educational Agency (SEA) 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), (c) “representativeness” of the data collected by gender, disability type, and ethnicity, (d) time frame for data collection, and (e) definitions of competitive employment and post secondary school.

OSEP recommended, but did not require States to use the Vocational Rehabilitation Act definition of competitive employment. It reads: *Competitive employment means work- (i) In the competitive labor market that is performed on a full-time or part-time basis in an integrated setting; and (ii) For which an individual is compensated at or above the minimum wage, but not less than the customary wage and level of benefits paid by the employer for the same or similar work performed by individuals who are not disabled.* (Authority: Sections 7(11) and 12(c) of the Act; 29 U.S.C. 705(11) and 709(c)).

When defining postsecondary school, States were to report (a) type of school, education, or training, (b) whether enrollment was full- or part-time, and (c) what constituted full-time enrollment.

Together the requirements of (a) determining whether to conduct a census or sampling, (b) describing the method of data collection, (c) reporting baseline data for post-school outcomes, (d) establishing targets and improvement activities constituted what States were asked to address in their SPP for the February 2008 submission.

The National Post-School Outcomes (NPSO) Center analyzed the SPPs from 60 States, jurisdictions, and territories. From this point on we will refer to these 60 States, jurisdictions, and territories as “States”.

To conduct the analyses, we developed a coding protocol in alignment with the requirements of the SPP (Note: OSEP officials reviewed and approved the coding protocol.) Project staff analyzed the SPPs by coding the document using the structured review protocol, after reaching a 90% inter-judge agreement following the initial coding training. A second review was assigned for 16 (25%) of the SPPs in order to check inter-judge agreement. When coding discrepancies exceeded 10%, coders discussed the discrepancies and reached consensus for the final code.

The coding protocol was based on questions related to four primary themes: (a) sampling, (b) data collection method, (c) baseline data, and (d) technical assistance. The questions on our coding protocol correspond to these four areas; we provide them here as a means for organizing the remainder of the report.

Section I: Sample Development

- 1) Did the State use a census or a sample to define on whom data were collected?
- 2) Did the sampling States include non-graduates (i.e., those who age-out or dropout) in their sampling frame?
- 3) Did the sampling States define a representative sample by disability type, ethnicity, and gender?
- 4) Did the State specify all districts would be sampled during the course of the SPP?
- 5) Did the State collect data from school districts with student enrollment above 50,000?
- 6) Did the State collect data between April and September, one year after exiting?

Section II: Data Collection Method

- 7) Did the State report a definition for (a) competitive employment, and (b) postsecondary school enrollment?
- 8) What method did the State use to collect their post-school data (e.g., extant data or survey)?
- 9) If a survey was conducted, what type of survey method was used (e.g., mail, web-based, phone, etc.)?
- 10) Who collected the data (e.g., school personnel or contractor)?
- 11) Who were the respondents (e.g., former student or parent/guardian)?

Section III: Establishing the Baseline

- 12) Did the State describe how representative the respondent group was relevant to disability, race/ethnicity, gender, and exit status?
- 13) Was the respondent group representative of the total leavers?
- 14) What is the percent of post-school engagement reported in the SPP?
- 15) Is the final target greater than the baseline?

Section IV: Technical Assistance Services and Improvement Activities

- 16) Has the State accessed technical assistance from the NPSO in the past?
- 17) Does the State report a plan to access technical assistance in the future?
- 18) How has the NPSO Center consulted with the State?

RESULTS

The results from the 2008 analysis are organized by the questions in the four sections presented above. Percentages are based on an N = 60, the total of all States, jurisdictions, and territories. Where we could report on only a subset of the 60 States, (e.g., only States who conducted a sample), we elected not to present percentages.

Section I: Sample Development

To collect post-school outcome data on exiting school leavers, States could choose to conduct a census (e.g., data collected on the total population of school leavers with disabilities) or develop a sampling plan (e.g., a randomized selection of some school leavers with disabilities) to identify a representative sample of school leavers.

- 1) Did the State use a census or a sample to define on whom data were collected?

Of the 60 States:

- 36 (60%) States reported they conducted a census of school leavers with disabilities.
- 22 (37%) States reported they identified a sample of school leavers with disabilities.
- 2 (3%) States did not report whether they conducted a census or identified a sample for the collection of post-school outcomes.

- 2) Whether conducting a census or sampling, did the State include other than graduates, (i.e., those who age-out or dropout) in the target leaver group?

Of the 60 States:

- 26 States reported they included students who graduated, aged-out, or dropped out in the target leaver group.
- 16 States reported they included students who graduated, aged-out, dropped out, or did not return in the target leaver group.
- 10 States did not specify the students included in their target leaver group.
- 7 States specified they included students in some combination other than graduates (e.g., graduates, dropouts, and non-returns).
- 1 State included only graduates in their target leaver group and plan to correct this in the future.

3) Did the sampling States define a representative sample by disability type, ethnicity, and gender?

Of the 22 States identifying a sample, 14 reported identifying a representative sample of school leavers based on disability category, race/ethnicity, and gender.

4) Did the sampling States specify all districts would be included in the sample at least once during the course of the SPP?

Of the 22 States identifying a sample, 17 reported all districts would be included in the sample at least once in the course of the SPP.

5) Did the sampling States collect data from all school districts with student enrollment above 50,000 ADM?

Of the 22 States identifying a sample, 15 States specified districts with an enrollment over 50,000 ADM would be included in data collection yearly.

6) Did the State collect data between April and September one year after exiting?

Of the 60 States, 42 (70%) States reported that data were collected between April and September, inclusive. Through waivers granted by the Office of Special Education Programs (OSEP), 3 States reported data from leavers who had been out of school more than 1 year (which is a longer time period than the defined parameter), and 2 States reported data from leavers who had been out of school less than one year, shorter than the defined parameter.

We evaluated the sampling plans described in the SPPs to determine if sufficient detail was provided to judge the adequacy of the plan.

Of the 22 States who used a sampling plan:

- 12 States' sampling plans were judged by NPSO staff as providing sufficient detail in such a way as to indicate that a representative sample of the State was established to yield valid and reliable results. Of these 12 States, 6 States indicated they used the NPSO sampling calculator to establish a representative sample.
- 10 States described a sampling plan, but not in sufficient detail in such a way as to indicate that a representative sample of the State was established to yield valid and reliable results.
- The 2 States that did not specify clearly whether a sample or a census would be completed were judged by NPSO staff as not providing sufficient detail in such a way as to indicate that a representative sample of the State was established to yield valid and reliable results.

Section II: Data Collection Method

This section describes the definitions States reported using for competitive employment and postsecondary school, and the methods States reported using to collect data on school leavers with IEPs.

7) Did the State report a definition for (a) competitive employment, and (b) postsecondary school enrollment?

Of the 60 States:

- 56 (93%) States reported a definition for competitive employment
- 56 (93%) States reported a definition for postsecondary school

Of the 56 States reporting a competitive employment definition,

- 39 States reported using the definition of competitive employment found in the Vocational Rehabilitation (VR) Act (29 U.S.C. 705(11) and 709(c)), as recommended in the OSEP Measurement Table.
- 17 States augmented the VR definition or reported a definition of competitive employment different than the VR definition.
 - 5 States used the VR definition and added categories of military, home or family business.
 - 2 States included supported employment, while 1 State defined competitive employment as 'work in a competitive setting for pay without support.'
 - 2 States defined competitive employment as being in the civilian labor market.
 - 3 States defined competitive employment broadly including '...integrated work settings in which individuals are working toward competitive employment,' and '...in the most integrated setting possible, consistent with the individual's informed choice....,' and definitions aligned with NLTS2 engagement categories to include '...employment training and/or employment services from agencies such as County Boards of MR/DD or State Rehabilitation Services Commission.'
 - 1 State measured competitive employment by youth employed at least 35 hours or more per week.

Of the 56 States reporting a definition of postsecondary school, 31 States reported definitions that included (a) the type of education, (b) whether enrollment was full- or part-time enrollment, and (c) what constitutes full-time enrollment.

8) What method did the State use to collect their post-school data (e.g., extant data or survey)?

Of the 60 States:

- 55 (92%) States reported conducting a survey via phone, mail, or in combination.
- 4 (8%) States did not indicate a specific data collection method.
- 1 (2%) State reported using extant data.

9) If a survey was conducted, what type of survey method was used (e.g., mail, web-based, phone, etc.)?

Of the 55 States who conducted a survey:

- 27 States reported using an interview (i.e., phone or face-to-face contact).
- 22 States reported using a combination of survey methods (e.g., phone and mail).

- 5 States did not report a specific survey method.
- 1 State reported using a mail survey.

10) Who collected the data (e.g., school personnel or contractor)?

Of the 55 States who conducted a survey:

- 27 States reported State or local education agency personnel collected the data.
- 14 States reported a contractor collected the data.
- 13 States did not report who collected the data.
- 1 State left the decision to the local education agency to determine who would collect the data.

11) Who were the respondents (e.g., former student)?

Of the 55 States who conducted a survey:

- 23 States reported respondents were parents or former students.
- 20 States reported respondents were former students.
- 12 States did not specify who the respondents were for data collection.

Section III: Establishing the Baseline

As stated previously, Indicator 14 was new for this reporting period. As such, the February 2008 reporting period (FFY 2006) was the first year that States were to present baseline, targets and improvement activities for this Indicator. When presenting baseline data, States were to include the numbers used in the calculations.

States were to identify any problems related to response rate, missing data, and or selection bias. To analyze these potential problems areas, we examined the States' respondent group to determine if it was representative of the total leavers, relevant to the categories of disability, race/ethnicity, age, gender, and exit status. Additionally, we examined the potential for missing data and selection bias and whether the State acknowledged problems in these areas.

12) Did the State describe how representative the respondent group was relevant to disability, race/ethnicity, gender, and exit status?

Table 1 presents the number of States who described the respondent group relevant to the categories of disability, race/ethnicity, age, gender, and exit status.

Table 1 Number of States who described the respondent group by category

Respondent group described by category:	No		Yes	
	N	%	N	%
Disability	21	35%	39	65%
Race/ethnicity	22	37%	38	63%
Age	52	87%	8	13%

Respondent group described by category:	No		Yes	
Gender	30	50%	30	50%
Exit Status	30	50%	30	50%

13) Was the respondent group representative of the total leavers?

As we stated previously, States were asked to address problems with response rate, missing data, and selection bias. In examining States' description of the potential problems in these areas and the representativeness of the respondent group to the target leavers, NPSO staff relied on the rule of "*important difference*," set at $\pm 3\%$ to determine representativeness. That is, if the difference between the respondent group and the target group exceeded $\pm 3\%$, that difference was considered sufficient enough not to be representative. Applying a $\pm 3\%$ difference between the respondent group and the target leavers is consistent with the NPSO Response Calculator previously approved by OSEP.

Applying the $\pm 3\%$ criterion to determine representativeness, 3 States were determined to have a respondent group representative of the target leavers in each category – disabilities, gender, race/ethnicity, and exit status. There were States that reported representativeness based on differences that exceeded a $\pm 3\%$ difference between the respondent group and the target leaver group.

14) What is the percent of post-school outcomes reported in the SPP?

Only one number is required to be reported for this Indicator. That one number, which we referred to at the outset of this report as "engagement," is the unduplicated sum of former students who are or have been competitively employed, enrolled in some type of postsecondary school, or both within one year of leaving high school. All 60 States reported baseline post-school outcome data for the 2006-07 year. The median rate of PSO was 73.75% ($SD = 14.64$) with a minimum baseline engagement rate of 36% and a maximum baseline engagement rate of 96.10%.

15) Is the final target greater than the baseline?

Of the 60 States, 58 (97%) States projected a final target larger than the baseline. The median projected growth from the baseline engagement rate to the final target for engagement in the SPPs is 3% ($SD = 7.10$). The minimum and maximum projected growths for the life of the SPPs are .10% and 38%, respectively.

As part of the analysis, we noted potential problems with missing data and/or selection bias in the description of the data collection process and analysis reported by States. Qualitatively examining the potential problems reported by States or noted by reviewers of the SPP, three common themes emerged (a) high nonresponse rate, often due to the lack of leaver contact information, (b) representativeness of the respondent group to the target leaver group either not established or not addressed, and (c) absence of numbers provided in the SPP to verify the calculations or errors in the calculations.

Based on criteria in the coding protocol, including examining potential problems with missing data, selection bias, and representativeness, NPSO staff judged 1 State's data collection process was described in such a way as to indicate that it supplied accurate and clear data.

Section IV: Technical Assistance Services and Improvement Activities

Through the coding process, we identified States that reported the use of some type of technical assistance (TA) to support the State in the development and implementation of their post-school outcome data collection process. The types of technical assistance were provided by (a) NPSO, (b) RRCs, and (c) research experts in the field.

16) Has the State accessed technical assistance from the NPSO in the past?

Of the 60 States,

- 49 (82%) States reported in their SPP accessing technical assistance in the past. In the past year, the NPSO Center has provided direct technical assistance to 60 (100%) of the States.
- 55 (92%) States received multiple contacts within and across the types of TA. The types of TA provided to States, based on OSEP's defined TA categories, included: teleconferencing, on-site visits, conferences, and website access.

17) Does the State report a plan to access technical assistance in the future?

Of the 60 States, 29 (48%) States plan to access technical assistance in the future.

18) How has the NPSO Center consulted with the State?

Since the formation of NPSO Center in December 2004, the Center has worked with all 60 States in their development of *rigorous, yet practical*, systems to collect post-school outcomes data on youth who had IEPs.

From April 1, 2007 to March 31, 2008, the NPSO Center consulted with States in the following ways:

- 57 (95%) States have received some type of information about Indicator 14 provided directly by the NPSO. The method to provide such information included: (a) teleconferences, (b) participation in the NPSO Community of Practice, (c) information requests directly from States via e-mail or phone, and (d) attending an informational conference session at a non-NPSO sponsored conference.
- 57 (95%) States participated in a NPSO sponsored conference or conference presentation.
- 32 (53%) States received individual phone consultation from Center staff.
- 14 (23%) States received direct on-site consultation by NPSO staff.

Summary of Improvement Activities

We coded States' Improvement Activities (IA) using the nine categories defined by OSEP (listed below). This coding assessment was a judgment by our coders based on the information provided by each State. At this time, the majority of States continue

to focus on *improving data collection and reporting* (A, n = 52) and *providing training/professional development* and technical assistance (C and D, n = 48) as their primary IA. The descriptions of IA provided by States varied with regard to the type and scope of IA listed, as well as the level of specificity. Accordingly, one should consider with care what effect the activities will have on the data collection system and/or the post-school outcomes for students.

The frequencies for each IA category as we assessed them are provided below:

- 52 States included at least one IA pertaining to Improve data collection and reporting (A)
- 7 States included at least one IA of Improve systems administration and monitoring (B)
- 8 States included at least one IA of Provide training/professional development (C)
- 40 States included at least one IA of Provide technical assistance (D)
- 11 States included at least one IA of Clarify/examine/develop policies and procedures (E)
- 14 States included at least one IA of Program development (F)
- 28 States included at least one IA of Collaboration/coordination (G)
- 9 States included at least one IA Evaluation (H)
- 0 States included an IA related to Increase/Adjust FTE (I)

INDICATOR 15: GENERAL SUPERVISION (TIMELY CORRECTION)

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 direct that “Lead Agencies must describe the process for selecting EIS 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.

The Data Accountability Center (DAC) reviewed a total of 60 FFY 2006 APRs for this summary. These included the 50 States, the District of Columbia, the territories, and the Bureau of Indian Education (BIE). For purposes of this summary, the term “State” will be used for any of these 60 entities.

Actual (2006-07) as Compared to 100% Target

Comparing the performance of States to the 100% target indicates, that

- 13 States met the 100% target for 2006-07;
- 15 States’ performance was between 95% and 99%;
- 16 States’ performance was between 85% and 94%;
- 11 States’ performance was between 50% and 84%;
- 4 States’ performance was less than 50%; and
- One State reported two percentages.

Progress or Slippage

This section provides an analysis based on the States’ reports of progress or slippage since the APR submission of February 2007 for correction data in 2005-06. The review of the State’s APR included how they reported progress or slippage from the previous year. While 33% of the States did not address progress or slippage, the following represents the remaining percentage of States that reported:

- Progress: 35%;
- Slippage: 22%;

- Could not determine progress or slippage: 7%; and
- Maintained previous level of compliance: 3%.

Of those States reporting progress, the most common strategies attributed to progress included:

- Better communication and extensive work with LEAs, including setting high expectations for 100% compliance;
- Assigning specialists and consultants to work with LEAs directly in correcting noncompliance;
- Requiring LEA quarterly reports of progress in correcting noncompliance;
- The implementation of a standardized system for data collection that demonstrates the correction of noncompliance;
- Reporting B15 data according to the written OSEP definition (i.e., reporting number of findings rather than number of districts); and
- Reassigning State agency staff members to increase the capacity at the State level to work directly with the LEAs.

Not all States reporting slippage reported what contributed most to that slippage. However, for those that did report, the most common reasons included:

- Changes due to the written OSEP definition of a “finding”;
- New and improved methods of data collection;
- Noncompliance concerning a particular LEA;
- Staff shortages and turnover; and
- New compliance procedures, thereby providing more valid and reliable data.

States that could not determine whether they had made progress or slipped recognized that this inability was due to inadequate data in 2005-06. As indicated above, two States maintained the same percentage both years, one at 71% and the other at 100%.

Methods Used To Collect 616 Data

DAC reviewed the APR to identify the methods the State used to collect 616 monitoring data. All but two States described the methods to collect monitoring data. While many States reported more than one monitoring method or activity, the following represents the percentage of States by data collection method:

- Self-assessment – 60%;
- Desk audit – 77%;
- Child record review – 57%;
- Focused on-site monitoring – 62%;
- Cyclical on-site – 27%; and
- Other – 27%.

Desk audits were often described as including a review of LEA data on the State database, monthly LEA progress reports, and other LEA data reviews conducted at the State agency (e.g., review of district policies and procedures). Those activities

most often coded as “Other” were review of local APRs and technical assistance and support from intermediate agencies such as Coops.

Methods Used To Verify B15 Data – Correction of Noncompliance

DAC also reviewed the APR to identify the methods States used to verify B15 data, specifically the correction of noncompliance. States were not consistent in reporting the methods used to verify B15 data. Seventeen percent of the States did not specify data verification methods. While many States reported multiple methods and activities to verify the correction of noncompliance, the following represents the percentage of States that used identified data verification methods:

- Desk audit – 72%;
- Focused on-site review – 58%;
- Self assessment – 13%; and
- Other – 13%.

The category of “other” was most frequently used when the State described its data verification process as assigning the responsibility of follow-up to another agency or Coop.

Improvement Activities

For the review of Improvement Activities identified by States in their APR, the reviewers were to code each activity using the codes listed below. Multiple codes per individual activity were allowed. Refer to Table 1 for the summary of improvement activities.

- A. Improve data collection and reporting;
- B. Improve systems administration and monitoring;
- C. Build systems and infrastructures of technical assistance and support;
- D. Provide technical assistance/training/professional development;
- E. Clarify/examine/develop policies and procedures;
- F. Program development;
- G. Collaboration/coordination;
- H. Evaluation;
- I. Increase/Adjust FTE; and
- J. Other.

viewers also added codes for activities that were not determined to be included in the list above. DAC included two additional activity codes to further describe improvement activities:

- J1. Develop materials; and
- J2. Ongoing activities that do not reflect change or improvement.

Table 1: Summary of Improvement Activities, Ranked from Most to Least Frequent

Improvement Activity Category	Percentage of States Reporting at Least One Activity from the Category
Improve systems administration and monitoring (B)	100%

Improvement Activity Category	Percentage of States Reporting at Least One Activity from the Category
Provide TA/training/professional development (D)	63%
Improve data collection and reporting (A)	52%
Ongoing activities not reflecting change/improvement (J2)	38%
Collaboration/coordination (G)	28%
Clarify/examine/develop policies and procedures (E)	25%
Increase/adjust FTE (I)	15%
Develop materials (J1)	12%
Evaluation (H)	7%
Building systems and infrastructures of TA & support (C)	5%
Program development (F)	1%

Technical Assistance Provided to States

DAC determined the level of technical assistance provided to States by Westat and NCSEAM in 2006-07, prior to the funding of the DAC. Westat reported that technical assistance was not provided to States specific to B15. NCSEAM did provide technical assistance to States specific to B15. The percentages of States receiving technical assistance from NCSEAM are reflected using the following three codes:

- A. Universal/General – 2%;
- B. Targeted/Specialized – 3%; and
- C. Intensive/Sustained – 15%.

While the information above is technically accurate, it fails to capture some of the subtleties of providing technical assistance. Several types of technical assistance provided by NCSEAM in the past did not clearly fit into the three categories above. Examples include providing support and assistance during OSEP verification visits and innumerable technical assistance provided in consultation with other technical assistance centers, most specifically the Regional Resource Centers.

Conclusions

States appear to have a better understanding about what constitutes a finding of noncompliance compared to that in previous APRs. Many States remarked about changes they needed to make and the type of data they needed to collect for this indicator. It is interesting to note that clarifying the definition of a finding of noncompliance contributed to some States reporting progress from 2005-06 and some reporting slippage.

Given the history of many States defining their general supervision system as cyclical on-site monitoring, it is clear with States reporting additional methods of collecting monitoring data that States were expanding their understanding of general supervision and overall monitoring responsibilities.

States were less clear in describing methods they use to verify 616 data, particularly related to the correction of noncompliance. However having noted that, the efforts

many States were taking to verify the correction of noncompliance fall into ongoing technical assistance and support to the LEA throughout the year of correction, including soliciting support from other State and regional entities.

While it is not surprising that 100% of the States reported improvement activities in the category of Improving Systems Administration and Monitoring, improvement activities seemed to be developed with appreciation that changing systems takes time, with activities often spread across a number of years. The collaborative nature of ensuring data were collected to verify the correction of noncompliance was also evident in many improvement activities, including the development and enhancement of relationships with other entities.

INDICATORS 16, 17, 18, AND 19: DISPUTE RESOLUTION SYSTEM FUNCTIONS AND ACTIVITIES

Prepared by CADRE

INTRODUCTION

This document is based on a summary and analysis of selected FFY 2006 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.
- Indicator 17: Percent of fully adjudicated due process hearing requests that were fully adjudicated within the 45-day timeline or a timeline that is properly extended by the hearing officer at the request of either party.
- 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.

This chapter employed a unique method of summary and analysis and, thus, will likely differ from the chapters prepared for other indicators. Not all States were reviewed. We examined the APRs and web sites of 23 States selected for this analysis. Three performance levels were considered: (1) States that consistently maintained compliance and performance; (2) States that substantially improved compliance and performance; and (3) States that have struggled over the past three or four years to reach compliance or an acceptable level of performance. Using this approach, we hoped to be able to distinguish activities and improvement strategies by level of performance.

The audiences for this document are State dispute resolution system managers, coordinators of individual dispute resolution processes (hearing, complaint or mediation systems), dispute resolution practitioners (complaint investigators, hearing officers [HOs], mediators, alternative dispute resolution specialists), and stakeholders involved in dispute resolution system improvement efforts. The objective of this chapter is to provide a descriptive and, to some extent, prescriptive analysis:

To describe, as fully as possible, the kinds of activities States undertake in order to effectively manage dispute resolution systems.

In this chapter we address concepts underlying the approach to the analysis and then present findings in a detailed description of activities that States undertake in order to operate capable dispute resolution systems. An explanation of the methodology, context issues in describing differences in State activities, and limitations of the data are included in Appendix A at the end of the chapter for the interested reader.

KEY CONCEPTS

Describing System Functions and Activities v. Improvement Strategies

States are asked to describe in their APRs the “improvement strategies” they undertake to maintain or improve their performance in the various indicator areas. Most States do not fully describe the operations of their systems in their APRs but rather describe where they are concentrating effort to improve. As a result, most APRs provide only a partial view of how dispute resolution systems function overall. “What’s working well” for many States may go unreported, or may be alluded to in describing completed activities or in explanations of progress.

In reviewing the selected sample of State APRs and preparing this chapter, CADRE adapted the “improvement strategy taxonomy” and definitions provided by OSEP and added three functions: Public Awareness/Outreach, Upstream or Early Resolution Processes, and Stakeholder Involvement. Our premise is that a State operating a dispute resolution system will, of necessity, have activities that address each of these basic “functions:”

- A. Data collection and reporting
- B. Systems administration and monitoring
- C. Systems and infrastructures for technical assistance and support
- D. Technical assistance/training/professional development
- E. Clarification/examination/development of policies and procedures
- F. Program development
- G. Collaboration/coordination
- H. Evaluation
- I. Increases or Adjustments to FTE
- J. Public Awareness/Outreach
- K. Upstream or Early Resolution Processes
- L. Stakeholder Involvement

This summary, then, attempts to detail the kinds of activities that seem to be currently performed by States in carrying out these functions. Clearly, the activities undertaken by the States with the most and least dispute resolution activity will differ substantially, even though a given event (e.g., a written State complaint investigation and report) may be an essentially similar activity in any State. The activity descriptions provided (see below) for each function reflect some but not all of these contextual differences. We hope we have captured a fairly complete description of the range of activities States must undertake in order to operate an effective dispute resolution system.

FINDINGS:

In the overall analysis, the kinds of improvement activities States describe do not differ between States that achieved compliance and performed well and those that did not perform well or did not meet compliance standards, except that:

- Most lower performing States or States that have not achieved compliance tended to write more than other States about what they were doing to improve that indicator, and
- These States tended to be doing or planning to do many of the same kinds of things that States meeting compliance describe.

In order to offer useful guidance about what States can do to operate effective systems, we have extracted as much detail as we could about each activity type, describing what States say they do or seem to be doing. Clearly, not every State does the same things, but there are activities common to each of the 12 functions that seem to be fairly standard. Some activities described reflect an aggregate description of what two or more States said about a particular kind of activity. In other cases, we include activities that some States pursue that other States do not and would not undertake (e.g., collecting mediation agreements, having the hearing officer review any resolution agreement). We include both what we think is essential and what may be more a matter of State orientation to general supervision and local control.

Activities Necessary to the Functions of a State Dispute Resolution (DR) System – Beginning Description

Identifying the broad categories of activity (functions of a dispute resolution system) was a meaningful step in understanding how State systems function. The following detailed description of activities within each function is a first attempt at specifying the activities and processes of an effective State dispute resolution system. We hope this summary can serve to stimulate discussions among system managers, practitioners and stakeholders about how these systems can be made more effective in promoting better parent/school decision-making and, when needed, effective and durable dispute resolution.

These activity descriptions, arranged by the 12 identified “functions” of a dispute resolution system, are based on CADRE’s review of APRs and the examination of the State web sites. Each function is listed below, with a brief definition in parentheses following. For each function, detailed activities are described. For some functions, sub-functions are offered and then activities. The activities may include those that, at a minimum, are necessary for compliance and/or basic system operation, as well as activities that may contribute to compliance and capable system performance.

Function A. Data Collection and Reporting

(Definition: Ensure accurate data collection in order to monitor, manage and report on dispute resolution activities.)

The degree to which a State invests in computer-based data collection and process tracking should be related to the level of activity being managed. In States with relatively few complaints and hearing requests, a paper checklist system or simple spreadsheet may suffice. In States with more activity, more complex systems are likely justified. The descriptions below begin with the activities that a data system could support, after which we describe two sub-functions and the activities related to the automation and integration of these systems:

- **Minimum data collection activity.** A method for compiling data that satisfies the APR data reporting requirements (Table 7). These data will not suffice to manage timeliness of complaints and hearings and some other issues related to dispute resolution.
- **Emerging Practice: Integrated data systems.** About half the States reviewed discuss integrating complaints, hearings, mediation and other dispute resolution data systems with data collection for Indicator 15 (system of general supervision). States have built (or are building) these integrated systems within idiosyncratic State data management systems; the software, then, is probably not easily transportable across States. States integrate these data functions for two reasons: dispute resolution options are used by many of the same people over time to address the same or similar issues, and general supervision/monitoring is informed by the aggregation of issues confronting LEAs through formal and informal dispute resolution mechanisms.

Sub-Function A1. Collect Data to Support Timelines Management

Sensitive and capable management of timely and effective system performance can be enhanced when States can track a reasonable number of process steps in mediation, written complaints and due process hearings. The appropriate *level of detail* to track is that which will be sufficient to allow monitoring, individual correction of process slippage and the use of historical data in systems improvement efforts. Data systems can be designed to both generate expected dates for completion of various activities based on the date the DR process was initiated, as well as serve to document the actual dates of the activity for each case.

- **Data on the Timeliness of Complaints** – Many States describe *tickler systems* for monitoring complaint activity. In some cases, this means simply “notify the investigator” ten days prior to the report due date. Other States include more complaints process “milestones,” such as dates for: receipt of the complaint; assignment of investigator; initial contact with complainant/school; investigative material submitted; extension granted to specific date if applicable; completion of draft report; review of report; and final approval of report.
- **Data on the Timeliness of Due Process (DP) Hearings and Resolution Meetings/Agreements** – States also describe tickler or *docket management systems* for hearing activity “milestones” such as dates for: DP complaint filing; receiving party response; hearing officer (HO) assigned; insufficiency claim filed;

resolution meeting period; resolution process period ends; resolution settlement agreement; other settlement agreement; timeline suspended for mediation; hearing scheduled; submission of evidence prior to hearing; conduct hearing; extension to specific date, if applicable; HO writes decision; decision review process; issue final decision (end hearing timeline); redact and publish decision. Some systems account for additional data elements for expedited hearings. Some States with higher levels of activity update their docket systems daily.

- **Manage business and calendar day differences.** Tracking systems may need to manage differences between calendar days and business days in order for tickler systems to be effective (e.g., earlier review periods for complaints if due dates fall on or near weekends, holidays).
- **Track corrective action/decision implementation monitoring.** For example, the timeline for implementation; compliance achieved; noncompliance sanctions; satisfaction of parties with the resolution (after implementation, follow-up 6 months/one year).

Sub-Function A2. Collect Data to Support Management of Overall System Effectiveness

States differ on what they consider system effectiveness, but there are similarities in the kinds of information States collect that go beyond the required section 618 data (Table 7) and timelines management issues. These may include: dispute issues content; participant identifiers; participant characteristics; agreement/resolution details (resolved issues; services/conditions agreed to, etc.) related to written complaints, mediations, and due process hearings. Information of this type may contribute to effective monitoring of system performance, assurance of corrective action/hearing officer decision implementation, identification of needed LEA improvements, and overall improved DR system performance.

- **Track issues raised in complaints, due process.** Collect data using a uniform taxonomy of issues across all dispute resolution functions as well as Indicator 15, system of general supervision.
- **Track other information.** For example, relief requested in complaint/hearing filing; reasons for extensions; parent/student identifying information; attorneys involved; party prevailing by issue.
- **Collect data on resolution sessions.** Issues raised and issues addressed in settlement agreements; nature of settlement agreement; other resolutions/means by which achieved (e.g., tracking subsets of “resolved without a hearing,” especially where Indicator 18, resolution settlement agreement rate, is low).
- **Collect mediation specific data.** Progress of mediation (e.g., dates for filing; scheduling mediation; mediator assignment; resolution/agreement; case closure); issues addressed; relation to due process/written complaint; who participates; written agreement content; unresolved issues.

Function B. Systems Administration and Monitoring

(Definition: Administer and manage dispute resolution systems. Carry out dispute resolution process monitoring, including continuous improvement and focused monitoring.)

Administration involves at least: (1) standard setting for practice and performance; (2) monitoring of actual practice and performance; and (3) adjusting resources and activities to improve system performance with respect to standards. These “sub-functions” of administration are present in differing levels across States. Data collection systems that provide performance information related to standards are critical to effective management and monitoring.

- **Minimum systems administration activity.** Track and oversee the implementation of dispute resolution procedures required to ensure compliance and performance (written complaints, mediation, due process complaints, and resolution meetings).
- **Monitor complaint corrective actions and hearing officer decision implementation.** Ensure that corrective actions and decisions requiring change in noncompliant practice are fully corrected/implemented in not more than one year (or less, if specified in the report or hearing decision).
- **Emerging practices: Overall DR System Coordination.** Increasingly, States are assigning a system administrator/coordinator/supervisor (or in some cases a coordinating team) with broad responsibility for all types of dispute resolution activity. State size and the level of dispute resolution activity are key variables in how system oversight is provided.
- **Emerging practices: One tier hearing systems operated by a State Office of Administrative Hearings.** States are moving away from two tiers to one tier due process hearing systems and many are using (by design or directive) an office of administrative hearings (OAH) to conduct due process hearings. For States where an OAH system conducts hearings, a clear memorandum of agreement appears to be essential to communicate the importance of timely hearings and other IDEA standards.

Sub-Function B1. Set Standards for Practice and Performance

States provide little detail, in most cases, about performance standards beyond the targets set for APR indicators. Some States hint at or imply specific standards for some activities; where these standards are explicit they reveal meaningful differences in standards across States. How standards are set impacts data collection and will depend on context variables within the State (e.g., levels of review before a final report or decision is issued, reconsideration of complaint reports). Examples from various APRs where standards were set or implied:

- **Standards for completing key milestones within the 60-day complaints timeline.** Contact parties within one business day of filing; encourage local resolution through day 10; request additional input from the parties by day 12; receive additional information by day 25; complete investigation by day 33; complete first draft reports by day 35; final report for signature and delivery by day 45. States with complaint reconsideration systems may produce initial reports earlier (e.g., within 30 days of filing) so that reviews can be completed within a total of 60 days.
- **Standards for granting complaint extensions.** These may include reasons for extension (e.g., exceptional weather inhibited investigation, exceptionally

complex cases) and limits on the number of extensions (e.g., one 30 day extension allowed).

- **Standards for completing key milestones within the 30-day resolution period.** Assign hearing officer to monitor resolution process on day 1; HO communicates resolution process details to participants by day 3; contact LEA by day 9 to determine if resolution meeting is scheduled; contact district at day 15 to determine whether resolution meeting was held; contact parties by day 28 to assess status of settlement efforts; confirm hearing process timeline starts at day 30.
- **Standards for completing due process hearings.** States differ widely on whether they have any standards beyond the 45 day timeline. Some States require the hearing schedule to be set within 5 days of filing and to occur no later than day 20 so that the final decision can be written and reviewed by a chief administrative judge or panel prior to final release by day 45. It appears that more detailed timeline standards contribute to timely hearing performance: clear guidance about the 45 day timeline; limits on and documentation of the reasons for any extension; hearing decision draft due dates; oversight of hearing officer performance by a chief administrative judge or supervising entity.
- **Other dispute resolution system standards.** In addition to required targets for each indicator, some States adopted other standards to contribute to improved timeliness, or to move conflicts from more adversarial to less adversarial resolution processes. Examples include:
 - **Improving compliance.** Limit the use of extensions in complaint investigations or hearings by providing guidance that ensures that extensions are only allowed under exceptional circumstances per IDEA regulations.
 - **Improving performance.** Increase the use of mediation in lieu of resolution meetings to 50% of hearing requests; set agreement rate target ranges for mediation (e.g., 70%-85%) and resolution agreements (40%-50%) rather than adopting continuing growth targets; increase use of mediation in lieu of resolution meetings to 50% of cases.

Sub-Function B2. Monitor Actual Practice and Performance

States do not uniformly describe monitoring of DR systems. Some States describe more team oriented approaches to support DR practitioners, while others rely on supervisory oversight. Examples of activities that may help ensure timely and capable system performance:

- **Tickler systems.** Some data systems produce reminders to supervisors and dispute resolution practitioners (complaint investigators, hearing officers, mediators) of critical milestone dates. (CADRE sees the challenge as applying the standards to particular cases to create actionable information for participants.) A common calendar is used in some States for this purpose (all cases, due dates, etc., listed). One State described a common electronic calendar system that automatically added dated reminders for specific cases to supervisor and hearing officer or complaint investigator calendars.

- **Regular staff/team support meetings.** DR supervisors or complaint supervisors meet with complaints staff to: review status of complaints; problem solve; provide technical support; sharpen investigative questions; review findings/draft reports.
- **DR supervisor (complaints manager, hearings manager) monitors individual cases.** Meets with individual investigators or HOs to review status; provides feedback; assists in meeting timelines; reviews/approves extensions.
- **Review and approve draft reports.** Complaints managers, hearings system managers, presiding judges or review panels read, critique and in some cases approve final complaint reports or hearing decisions. These individual or team reviews can add uniformity to reports or decisions. Additional levels of review (in some States several levels) can make timeline management difficult.
- **Monitor mediation processes and results.** Collect information on: mediation processes; mediation progress and timelines (e.g., when in lieu of resolution meeting or related to due process, as well as when not related to due process); outcomes of mediation; copies of agreements; satisfaction of participants.

Sub-Function B2. Adjust Resources and Activities to Improve System Administration

Several States mention the role of the DR system manager as focusing on the “big picture,” ensuring that systems are current and capable through interactions with other States, and national leadership training (e.g., through LRP, CADRE, RRCs). DR managers bring information back to practitioners. Examples of changes in practice based on State monitoring, examination and analysis of performance issues by DR process include:

Complaint Systems. Many States mention supports for improving complaint processing to help meet timelines and improve the quality of reports. Examples of adjustments to administrative activities in complaints systems include:

- **Streamline intake, processing, and approval of complaints.** On-line forms specify required information, clear guidance to parents on how to file, assignment of an investigator/point of contact upon filing, completing draft reports well before the timeline expires (e.g., by day 35); decreasing the number of review/approval steps (e.g., reviewed by DR process manager and signed by the SEA director v. reviewed and signed at multiple levels).
- **Encourage early resolution.** Many States describe an initial period (e.g., 10 days) during which parents and schools are encouraged to resolve the basis for the written complaint. The degree to which the reasons for complaint withdrawal are reviewed differs from no review to data collection on issues resolved and how they were resolved. Some States are considering “durability” to be the critical attribute of successful dispute resolution.

Hearings Systems. More States seem to be moving toward single tier hearings systems managed by State Offices of Administrative Hearings (OAH). Potential benefits include: better trained and skilled Administrative Law Judges (ALJs) as hearing officers who have focused experience and daily support for conducting/managing hearings. Potential disadvantages include: some ALJs may lack IDEA and special education knowledge, and independent OAH systems may not be responsive to IDEA timelines issues. Some States directly supervise or contract

hearing system operation. Larger systems tend to have a dedicated hearings system manager in the SEA. These kinds of structural differences may be dictated by State policy and not under the control of the Special Education Division. Example adjustments to administrative activities for hearings systems:

- **Interagency agreements to ensure timeliness.** For example, when hearings are contracted to another organization or conducted by OAH system, these agreements may provide strict requirements for timeliness, selection, training and evaluation of HOs.
- **Direct funding of hearing officers.** In larger States with OAH systems, SEAs may fund one or more dedicated hearing officers who specialize in special education hearings.
- **Strict HO contractual conditions.** In States where HOs are directly supervised by the SEA, set conditions for HOs may include requirements for timeliness, education, experience, training and evaluation, sanctions for failure to meet timelines, quality of decisions (e.g., effectiveness of implementation, overturned on appeal), or for overuse of or failure to document reasons for extensions.

Resolution Meeting Process. States differ widely in how resolution processes are managed and by whom. In some States, the LEA is left to manage the resolution process with minimal regulation or guidance, with the hearing officer appointed when the hearing timeline begins. In other States, SEA staff or a hearing officer monitors the resolution process. Examples of adjustments to administrative activities for resolution systems:

- **Resolution manager assigned when a due process complaint is filed.** In some States, the hearing officer communicates with the parents and school; monitors the resolution meeting process; encourages resolution. The advantage may be that the HO has more knowledge of the case if the resolution process fails.
- **Review of settlement agreements.** IDEA provides that settlement agreements are enforceable in court, but no mention is made of any review of agreements prior to their execution. Some States have the assigned Hearing Officer review any settlement or mediation agreement that results in withdrawal of the hearing request.
- **Conduct analyses of “resolved without a hearing” cases.** Many hearings are resolved without going to due process after the 30-day resolution process ends, through formal settlement negotiations between attorneys, or mediation, or other means. Some States report that “resolution meetings” and “resolution agreements” cover a wide range of possible formats – not all of which would meet the section 618 data reporting requirements. Some States are finding benefit in examining this larger “resolved” category to determine conditions that may assist resolution of certain types of cases.

Mediation System. States may directly operate mediation systems (State panels managed by an SEA mediation coordinator) or may contract with a mediation organization (private, community-based, or University mediation program). These different arrangements impact how activities are managed and by whom, but they do

not change the basic functions. Examples of adjustments to administrative activities in mediation include:

- **Review mediation agreements and their implementation.** Collect, retain for 6 months, and confirm agreement implementation with participants (SEA takes action only at request of a party to the agreement). The organizational value stated is to assess whether mediation agreements work and to ensure that they make a difference.
- **Adjust mediation processes and results.** Examine data collected on mediation processes, mediation progress and timelines (e.g., when in lieu of resolution meeting or related to due process, as well as when not so related), outcomes of mediation, copies of agreements, satisfaction of participants; identify what is working well and share with mediators/participants.
- **Use other States' data to benchmark performance for State systems.** One State reported using benchmarking to help set goals for increasing the use of mediation prior to filing a due process complaint.

Function C. Systems and Infrastructures for Technical Assistance (TA) and Support

(Definition: Develop and maintain Statewide or regional infrastructures to maximize resources.)

States report little about infrastructure and TA system development. They do note capacities or resources they have put in place to support DR practitioners and participants in effectively using various dispute resolution practices. Minimum TA infrastructure activity should ensure sufficient information and support to dispute resolution practitioners and participants so that effective dispute resolution can be realized. Examples of system and infrastructure activities include:

Sub-Function C1. Provide Support for Participants in Disputes

- **Develop and publish materials for LEAs/parents to learn about dispute resolution options.** Types of materials published and disseminated may include information on:
 - Procedural safeguards brochures (required information);
 - Parent-friendly descriptions of required dispute resolution options, what to expect from the various processes (timelines, participants, control of outcomes);
 - Documents on alternative dispute resolution (ADR) options from “basic tips for communicating with your school” to descriptions of other processes of dispute resolution (e.g., IEP facilitation, parent-to-parent guidance).
- **Offer web-based systems for LEAs/parents to learn about dispute resolution options.** The quality and accessibility of State web sites vary widely. In the most impressive designs, access to “dispute resolution” is very clear from the front page of the State’s special education web site. The “dispute resolution home page” contains an overview of options, with emphasis on collaborative problem-solving prior to taking formal action. All options are clearly identified, described, and forms are provided for initiating action. Access to other supporting resources for parents (e.g., PTIs) is also clearly listed.

Special Education Divisions often do not have much control over the form or content of their web pages because of larger State policy issues. In some cases, States have contracted with other organizations for web-based presentation of DR information to ensure control over its presentation.

- **Encourage and support upstream activities to reduce demand on formal processes.** These may include skills training modules online or through PTIs for parents and schools. (See Function D, TA/Training/Professional Development.)

Sub-Function C2. Provide Support for DR Practitioners

- **LRP and/or other legal databases subscriptions.** To ensure that investigators and hearing officers have access to current legal resource information.
- **Make legal counsel available for complaint investigators.** While most States use attorneys/ALJs for conducting hearings, complaint investigators are often not attorneys and may lack the deep legal expertise needed to deal with some issues. Some States have in-house or contracted attorneys on call to provide such counsel.
- **Maintain practitioner ListServes.** Some States maintain specialized ListServes to connect investigators or hearing officers to one another for sharing problems and solutions.
- **Develop “Desktop Manuals” for complaint investigators and due process hearing officers.** Paper and on-line systems provide resources to make investigation or hearing conduct and reporting processes more efficient: clear outlines of investigation or hearing timelines, processes and responsibilities, standard forms and communication protocols, data tracking, report/written decision formats, etc. One State noted the on-line availability of an “extension calculator” (presumably designed to limit extensions to those meeting State standards).
- **Connect DR practitioners to out-of-State resources.** Many States mention connecting their dispute resolution practitioners to resources outside their States, such as to LRP (annual conference and subscription service), CADRE (symposia, web-site, ListServes), RRC regional workgroups, and other private organizations with legal resources/expertise.

Sub-Function C3. Provide Support for LEAs/Districts

- **Target and support districts with compliance problems.** Identify LEAs with high levels of repeated complaints with findings of noncompliance and/or with repeated hearing decisions favoring parents. Provide intensive TA/intervention to improve program quality, capacity to provide FAPE, and improve parent/school collaboration.
- **Provide web-based TA/guidance for LEAs.** Maintain web sites with resources especially for LEAs on dispute resolution and conflict prevention.
- **Establish compliance agreement procedures.** For LEAs with persistent non-compliance problems identified through dispute resolution activities, some States document needed improvement activities, correction timelines, etc., in a written compliance agreement that may include sanctions for the LEA’s failure to implement.

Function D. Technical Assistance/Training/Professional Development

(Definition: Provide TA to State, LEAs and/or service agencies, families and/or other stakeholders on effective practices and programs in dispute resolution.)

States reference training and technical assistance activities more than any other of the 12 function areas used for this summary. Training for practitioners typically focuses on understanding the legal requirements of the DR process, IDEA regulations/precedents, and effective process management. Participant training often is awareness level (about specific DR processes) or may emphasize skill development (listening, negotiation, collaborative decision-making, IEP development). This section addresses training/TA content, process of delivery and, where available, a sense of the length of typical training interventions. Examples of these activities are organized by practitioners and participants:

Sub-Function D1. Complaint Investigator Training/TA

- **Needs Assessment.** DR Coordinator or complaints system manager determines training/TA needs (not much detail reported on methodology beyond identifying areas where investigators express needs).
- **Complaint investigator training/TA content.** Legal standards (IDEA regulations, case law), complaint investigation process (especially for new investigators), investigatory procedures, interviewing techniques, drawing conclusions regarding noncompliance, conditions for granting timeline extensions, writing clear reports.
- **Complaint investigator training delivery methods.** Attendance by staff at annual law conferences (e.g., LRP, Northwest Law Conference, in-State), RRC regional activities, training by contracted experts (State specific content), use of internal trainers or TA providers (e.g., legal counsel).
- **Length/amount of training/TA.** When noted, States indicated typically two days of IDEA/legal training per year; other process training one day per year in some States and in others part of a 4 hour to one-day periodic (monthly or bi-weekly) investigator meeting and training session.

Sub-Function D2. Hearing Officer Training/TA

- **Needs Assessment.** Assess HO training needs based on evaluation of performance (timelines, quality of hearing decisions/clarity regarding IDEA legal standards); hearing officers with inappropriate extensions or failure to meet timelines.
- **Hearing officer training/TA content.** Federal and State regulations (IDEA), including legal interpretations by Federal and State courts; conduct of hearings (legal processes, timeline expectations, conditions for granting extensions, communications/global skills training, decision writing; specific content training (e.g., behavioral regulations, special education services and supports).
- **Hearing officer training/TA delivery methods.** Attendance by hearing officers at annual law conferences (e.g., LRP, Northwest Law Conference, in-State), new hearing officer training institutes (eastern and western US vendors), training by contracted experts (State specific content), use of internal trainers or TA providers (e.g., legal counsel).

- **Length/amount of training.** In addition to conference participation, in some States training involves two one-day sessions per year in areas of identified need. Several States mention regular meetings of HOs/ALJs with an OAH Presiding Judge to review work, provide clarification/training where needed.

Sub-Function D3. Mediator Training/TA

- **Needs Assessment.** Analyze mediation records, including written agreements and evaluation forms returned by involved parties, to determine professional development needs of mediators.
- **Mediator training/TA content.** Content for training can include: special education legal requirements (IDEA State and federal regulations, program operations); basic and advanced mediation techniques (e.g., caucusing, agreement reaching, consistency in mediation procedures, writing durable agreements, disability issues); ADR techniques.
- **Mediator training/TA delivery methods.** Contracted training from private organizations, State/national conferences, State mediation system experts (e.g., CADRE, Department of Commerce, Department of the Public Advocate); direct mediators to other available resources (e.g., CADRE web).
- **Length/amount of training.** One State requires and makes available at least 30 hours of advanced mediation skills training per year. (More initial training than that is required to *become* a mediator.) Legal training is often provided through an annual conference, with one-day training on IDEA issues.
- **Emerging practice – Resolution Facilitator Training.** Some States are experimenting with offering trained facilitators (in some cases mediators) for resolution meetings in an attempt to increase the likelihood of resolution agreements. Skills training may focus on mediation, negotiation, and meeting management.

Sub-Function D4. Family/Stakeholder Training

- **Training/TA content.** Content can include: awareness of formal processes (conditions for filing, steps/options, timelines); negotiation and facilitation skills to encourage resolution settlement agreement; mediation skills for participants; communication skills (listening, negotiating, IEP meeting participation); alternative dispute resolution processes; collaborative decision-making by parents and schools; parent/school partnerships.
- **Training/TA delivery methods:**
 - Joint training for parents, school administrators, advocates, other stakeholders;
 - Technical assistance/teleconference calls;
 - Web-streaming/web-based training to reach broader groups of participants;
 - Workshops offered to interested LEAs;
 - PTI/contracted training providers; and
 - Sessions at State special education director's conferences.
- **Length/amount of training.** Two to four hour awareness workshop provided to all LEAs and parent groups;

Function E. Clarification/Examination/Development of Policies and Procedures

(Definition: Clarify, examine and/or develop policies or procedures related to dispute resolution.)

To the extent that States reference policy and guidance to parents and LEAs, they tend to describe policy/procedural changes intended to ensure timely resolution or resolution through less adversarial processes. Activities typically describe the policy/procedure issue (a whole process, or specific element like agreement writing) and the form of dissemination, generally print or electronic documents. The resolution meeting requirements generated interest for some States, although most States were not specific about what they did to regulate or clarify this new process. Several States noted that scheduling resolution session meetings within 15 days was challenging. One State suggested that clarification about OSEP's intent for the resolution process and expectations about Indicator 18 could help reduce uneasiness. The content of policy/procedure adjustments and delivery methods noted by States are arranged by indicator:

Sub-Function E1. Complaints/Indicator 16

- **Procedures for written complaints.** As a part of the Special Education Handbook, brochures were created that clarify process and timelines.
- **Clear communication to complaint participants.** When a complaint is filed, parents/schools receive notice of the importance of timely response to requests for information and information about the complaint process timelines.
- **Guidance for determining extensions.** Description is provided of "extenuating circumstances" that justify extension; includes format for documentation/approval.
- **Streamline submission of written complaints.** Web and paper-based form for complaint filing; procedures for receiving and appointing investigator, early resolution process, etc.

Sub-Function E2. Hearings/Indicator 17

- **Control/limit use of hearing extensions.** Require a copy of all requests for hearing timeline extensions to be submitted to the SEA.
- **For LEA filed requests, set initial hearing date for 20 calendar days from filing.** Presetting hearing dates can help ensure adequate time for the hearing officer to issue decision without extensions.
- **Adopt single tier due process complaint system.** Several States note that they are moving or have moved from a two tier to single tier system.
- **Uniform communication regarding completion of due process hearing activities.** Intended to develop common expectations among Hearing Officers, participants, and stakeholders.

Sub-Function E3. Resolution Process/Indicator 18

- **Incorporate standard information on resolution meetings and mediation into their introductory and subsequent correspondence with parties.** (Used in States where HOs have a role in resolution meetings.) Intended to encourage resolution options.

- **Resolution meeting/process clarified.** Document developed and disseminated to parents and schools – in print and via web. Sent to parties at filing of any due process complaint.
- **Clarification of hearing officer role in resolution meeting oversight.** In States where HO has a role, functions include communicating with parties (standard letters, etc.), encouraging settlement negotiations prior to hearings, providing resolution session data to the SEA on all cases assigned.
- **Clarification letter sent to parties when DP filing received.** In States where LEA has primary role for resolution session, acknowledges LEA responsibility to offer and coordinate resolution session, or for parties to choose mediation (arranged through SEA). Some States contact LEA at various points throughout the resolution period to see whether parties have scheduled or held resolution session, mutually agreed to waive the resolution meeting, reached agreement, or would like to consent to mediation before beginning the hearing timeline.

Sub-Function E4. Mediation/Indicator 19

- **Due Process Office schedules mediation where parties agree to mediate in lieu of resolution process.** In States where the hearing office has a role in the resolution processes before the hearing timeline starts, mediation is scheduled no later than a certain date (e.g., on or before the 21st day from the receipt of the request).
- **Mediators write the mediation agreements.** The SEA sets standards for agreements that are in full compliance with IDEA and State law. Mediators write the agreements to meet those standards.
- **Mediation agreements are enforceable through the written State complaints process.** Failure to implement can be enforced through the written State complaints process (not just in court).

Function F. Program Development

(Definition: Develop/fund new regional/statewide processes or initiatives.)

States reviewed made very limited reference to “initiatives” but did describe pilot efforts, consolidation of program functions, etc. Examples of initiatives and processes to inform program development include:

- **Consolidate activities for State infrastructure, TA and targeted assistance for Indicators 11, 15, 16, 17, 18, and 19.** Working with CADRE & the RRC to design improvement plan across the areas of general supervision / child find (Indicator 11, initial evaluation timelines), system of general supervision (Indicator 15) and general supervision/dispute resolution (Indicators 16 through 19).
- **Created separate and independent hearing officer training and hearing officer evaluation entities.** These functions were in the same organization. They were separated (by legislative action) to sharpen assessments of HO effectiveness and better target training to needs identified through independent evaluation.
- **Stakeholder roles in program development and improvement.** The Special Education Advisory Committee (SEAC), a SEAC dispute resolution

subcommittee or other stakeholder group assists with identification of needs and development of proposals for dispute system program revision and reform.

- **Pilot Projects.** A number of States have instituted pilot efforts to support ADR options (upstream, early resolution processes), such as: IEP facilitation; using a facilitator to improve resolution meeting outcomes; increasing the use of collaborative problem-solving techniques in mediation.

Function G. Collaboration/Coordination

(Definition: Collaborate/coordinate with families and agencies.)

- **Collaboration among complaints management unit, SEA legal division, Parent Training Information (PTI) Centers, Family Empowerment Centers, LEAs and advocacy organizations.** Organizations worked together to improve dispute resolution and improve program provision in targeted regions. Three year analysis of data reveals 33% reduction in number of complaints in target areas.
- **Memorandum of Understanding/Agreement between Special Education Division and the Hearing System.** Agreement details timelines, expectations for skills of HOs, HO evaluation processes, TA/training supports, the role of the agencies (e.g., SEA and the State Office of Administrative Hearings), etc.
- **Contract with the PTIs to provide dispute resolution training opportunities for parents.** Contract requirement for State funded parent centers includes the goal of promoting the use of mediation and resolution sessions.
- **Collaboration with the PTI and State Protection and Advocacy agencies.** Collaborating in outreach to districts and parents promoting free mediation prior to filing complaint or due process hearing request.

Function H. Evaluation

(Definition: Conduct internal/external evaluation of dispute resolution processes and outcomes.)

The APR descriptions of evaluation of dispute resolution processes differ across States from minimal to fairly extensive. Some evaluation is directed toward system or process performance while a larger theme appears to be dispute resolution practitioner performance. The most frequent use of participant satisfaction data is in mediation. Increasingly, however, States are matching dispute resolution process elements to evaluation of the systems and of dispute resolution practitioners. For hearings and for complaint investigations, tying compliance to the timelines with the practitioner's performance evaluation appears to contribute to meeting timelines. However, many States do not evaluate hearing officers. In particular, participant feedback is not applied in hearing settings because of the judge-like qualities of a hearing officer and the desire to protect and value their perceived neutrality. States are beginning to craft performance evaluation systems for hearing officers that include some participant input, assessment of timeliness, quality of hearing decisions, etc. Examples of program and practitioner evaluation activities include:

Sub-Function H1. Program Evaluation

- **Examine reasons for extensions.** Includes difficulty in contacting families or LEA interviewees, complexity of student needs.

- **Review case by case circumstances.** To determine whether the increase in use of extended timelines has been consistent with the regulations.
- **Analyze noncompliance and barriers to achieving compliance.** The most common problem identified was extended complaints that did not leave sufficient time for getting LEA response AND investigator response and report preparation.
- **Systematic and extensive evaluation of complaints system.** One State attributed its Indicator 16 progress to the following:
 - Revised internal procedures to streamline the intake process, requiring only the Director to sign the letters to the LEAs and complainants;
 - Revised internal procedures to require the completion of the draft investigation reports two weeks prior to the 60-day timeline;
 - Added contracted staff to investigate complaints and manage the Facilitated IEP Program;
 - Improved the data collection and management system;
 - Assisted LEAs and parents through training activities and improvements to the web site; and
 - Provided increased opportunities for LEAs and parents to resolve disputes through the Facilitated IEP and Mediation Programs.
- **Survey reasons for withdrawal of due process complaints.** Summarized and analyzed to determine how issues were addressed.
- **Develop and implement strategies for determining where and why resolution process fails.** Summarized, used for improvement planning; included follow-up with the parties.
- **Outside audit of due process hearing procedures.** Resulted in independent recommendations for improvement.
- **Evaluate mediation process.** What people need to know going in; how clear expectations were in case development; satisfaction with resolution; immediate and 6 months out (durability).

Sub-Function H2. Practitioner Evaluation

- **Survey for all mediation parties.** Anonymous post-mediation evaluation form. Summarized and considered this feedback in improvement planning.
- **Timelines and procedural compliance.** Data collected was used to evaluate hearing officer performance.
- **Apply consequences for HOs that fail to meet timelines.** Several States report such consequences (usually guidance, required training, increased scrutiny). One State reported firing an HO who did not complete hearing decisions on time.
- **Provide HOs with a summary of their activity.** Provide information comparing HOs to overall system performance, including their timeliness.
- **Monitor HO caseloads & timelines to ensure process.** In several States, the SEA provides appropriate remediation to HO with low performance.
- **Evaluate HOs on their monitoring and enforcement of resolution process procedures.** Conducted in those States where HOs have a role in the 30 day resolution process.
- **Provide mediators feedback from satisfaction surveys.** Mediators receive feedback to consider in improving their skills/methods. In a few cases, mediators

have been replaced when feedback from participants is consistently critical of mediator performance.

Function I. Increases or Adjustments to FTE

(Definition: Add or reassign FTE at the State level. Assist with the recruitment and retention of LEA staff members who focus on dispute resolution.)

Sub-Function F1. Complaints

The most frequent explanation for failure to meet complaint timelines was lack of sufficient staff. Staffing approaches and information on how staff members are allocated across States differ so much that it is difficult to determine what is required to adequately investigate an average complaint and complete the report. Local conditions, geography, etc., can impact the time demands for on-site visits when required for investigation. Some States appear more likely to conduct on-sites than others. We observe that of our sample States, some of those with the most difficulty in meeting timelines had very high investigator to complaint ratios (45 or 50 complaints per FTE), while States that seemed to be completing complaints on time had from 10 to 30 complaint reports issued per investigator (ratios as low as 10 complaint reports per investigator might suggest these staff have other duties). In one State that described distributed complaint investigation (across 20 or more SEA staff members who do one or two complaint investigations per year each) maintaining timely performance was difficult because of competing priorities for the time of those staff. Because complaint filings can increase or decrease substantially from year to year (in some States by as much as 50%), it is a challenge to allocate staff and use them in an efficient manner. Noted strategies for allocating or adjusting FTE include:

- **Expand use of contractors/outside consultants** (e.g., retired administrators) to conduct investigations. Five to 10 complaints per year per contractor seems typical.
- **Full time personnel assigned to investigate complaints** (systems with 25 or more complaint reports per year).
- **Go outside standard hiring limits to obtain more full time staff.** In one case, an argument was made to the legislature based on timeliness data and two dedicated FTE were added.
- **Use other SEA staff to conduct investigations.** Increased risk of problems in meeting timelines and consistency.
- **Improve efficiencies in other areas.** Increase alternative dispute resolution (ADR), early resolution, LEA self-assessment, for example, so that fewer complaints are filed/investigated and more staff time is available for investigations when needed.
- **Monitoring work flow and complaint activity.** One State noted that it assigns complaint investigators to no more than three active complaints at any one time.

Sub-Function F2. Hearings

States, again, have widely varied approaches to managing hearing systems and to compensating hearing officers. It may be the responsibility of the Special Education Division to ensure access to due process hearings, but the hearings may be

conducted by staff that the SEA controls only at arm's length (e.g., a contracted service) or not directly at all (increasingly by State Offices of Administrative Hearings). Hearing officers may be paid an annual salary, by the case, by the hour, with compensation rates varying widely. The responsibilities hearing officers have also vary, from assignment and duties at the point of filing, including encouraging resolution prior to the hearing, to a focus primarily on the preparation and conduct of an impartial hearing and the writing of a decision. Few strategies were offered for adjusting/allocating FTE in hearing systems to support effective hearing systems. Those offered included:

- **ALJs allocated through a Memorandum of Agreement (MOA) or legislative action can help ensure skilled focus on special education hearings.** Special Education may fund enough ALJs to provide special education hearing capacity, especially in OAH operated systems.
- **Full or part-time hearings coordinator in the SEA.** Monitors hearing processes, timelines, and consults/informs OAH or HOs directly of case status.

Sub-Function F3. Mediation

States may maintain a panel of mediators, or contract for mediation through a mediation center or program, or may support mediation conducted by the same organization that conducts hearings (a State Office of Administrative Hearings and dispute resolution). These differing arrangements impact how States can manage demand for mediators. Since many mediators on State panels work on a case assigned basis, adjustment of mediator capacity may be less complicated than with complaints and due process systems. Example activities of mediation FTE adjustments include:

- **Use volunteer mediators.** This is typical of community mediation programs. Effectiveness will depend on how experienced and knowledgeable volunteer mediators are and on how well they are trained, prepared, and supported.
- **Use paid professional mediators who work in multiple areas.** In addition to special education, professional mediators may work in family mediation, divorce mediation, neighborhood mediation, etc. Mediation skills can be high with such individuals, but capability of managing special education mediation will vary depending on special education program and legal knowledge.
- **Use a limited and select panel or group of mediators who perform mediations regularly.** Mediators who conduct mediations regularly (ten or more a year, perhaps) help ensure that mediator knowledge and skill levels are appropriate and that mediator performance can be effectively evaluated.

Function J. Public Awareness/Outreach

(Definition: Specialized materials, targeted groups and methods of disseminating information on dispute resolution options.)

Web sites are a major information dissemination strategy in many arenas. A CADRE review of dispute resolution information on the web sites of the States included in our APR sample was revealing. There may be a slight relationship between the ease of locating dispute resolution information on the State web site and performance of the

State on APR dispute resolution indicators, but it was not compelling. On about half of the web sites reviewed, it appeared unlikely that a parent who did not already know about dispute resolution would be able to locate information about available options. Many State Special Education Divisions have no control over the form of their published web information and decisions about ease of locating dispute resolution information may be out of the control of the Special Education Division. Notable outreach strategies include:

- **Dispute resolution information readily available for parents/stakeholders.** – Several web sites judged most accessible to parents are characterized by:
 - An obvious link to dispute resolution information from Special Education home page
 - “Parent-friendly overview” of DR options, including explanation of processes and timelines, near the top of a dispute resolution page
 - Online or downloadable forms for filing a written complaint, a due process complaint, or for requesting mediation.
 - Upstream/ADR processes and resources clearly described and their use encouraged
 - Support contacts (PTI, SEA dispute resolution consultants) clearly listed.
- **Results of hearing decisions redacted, summarized, and published on the web.** (Public availability of this information is a requirement under IDEA, although the inclusion of summaries and analyses across cases, as some States provide, is not required).
- **Results of complaints redacted, summarized, and published on the web.** There is no requirement to publish complaint summaries, although some States do as a companion set of information to hearing decision summaries.
- **Information concerning the effectiveness of the resolution meeting process.** One State is publishing evaluation information about the contribution the resolution process makes to settling due process disputes to encourage its use when appropriate.
- **Focus information dissemination on mediation and ADR strategies.** For some States, this is a major effort aimed at redirecting dispute resolution toward more collaborative methods. For example, a brochure may be sent to all parties whenever a due process complaint is filed, the State publishes a newsletter specifically highlighting mediation option/successes, personal contact/communications with parties to encourage ADR/mediation, collaboration with PTI, Protection and Advocacy [P&A] system to encourage mediation (joint presentations and parent-to-parent counseling). Two States mentioned this kind of major public outreach or specific contact with parents to explain the benefits of mediation.

Function K. Upstream or Early Resolution Processes

(Definition: Support activities beyond the letter of the law to meet its intent, designed to resolve conflict through less adversarial means and to reduce opportunities for conflict.)

There seems to be a general trend towards encouraging early resolution in a variety of ways. Some of these are more formal than others and not all are under the auspices of the SEA. Examples of support for upstream dispute resolution processes include:

- **IEP Facilitation.** A number of States mention IEP facilitation pilots or initiatives using both internal and external facilitators. The intent is to create better communication within the IEP meeting process that can resolve problems early and avoid the development of disputes. The effectiveness of facilitation efforts are still to be fully assessed and are plagued with the difficulties present in demonstrating any preventative effect.
- **One State awards ADR grants to regional entities.** Grants for efforts focused on reducing the number of complaints by such means as: solutions panels; IEP facilitation; resource parents; early case review; IEP coaches; local mediation; TA/expert teams; independent child advocates; placement specialists; joint training with PTIs to train parents and educators on effective strategies for reaching agreement in resolution sessions. Some evaluations of these pilot efforts show positive effects on producing more collaborative problem solving between parents and schools.
- **Another State supports statewide ADR processes.** These include a parent helpline; IEP facilitation; dispute resolution skills training; resolution meeting trainings; pilot of resolution facilitators; training and support for solutions panels. Evaluations of these processes show some promising effects.
- **Implementation of a web-based system for monitoring/self-assessment by schools.** Again, details from one State: the system's emphasis on self-assessment is intended to help LEAs be more proactive in identifying their own problems and reducing the use of more formal dispute resolution.
- **Early Written Complaint Resolution.** Several States mention processes of early resolution of State written complaints without describing it in detail. This may involve a ten-day period allowed for the parties to resolve the issues when a written complaint is filed. If "early resolution" is achieved, a signed statement is submitted to the SEA to show that the matter is resolved.
- **Workshops for LEAs on mediation, negotiation, and facilitation techniques.** Several States offer or are planning these skill building efforts that are intended to equip LEAs with better skills to resolve due process complaints through resolution meetings or other settlement negotiations.

Function L. Stakeholder Involvement

(Definition: Engage stakeholders in the review, evaluation, and implementation of dispute resolution practices; stakeholders recommend improvements to the SEA or SEAC.)

The words "stakeholder" or "advisory" come up in 10 of the 23 State APRs reviewed (the result of word searches on the entire APR text). Most APRs have a beginning section in which the requirement that the SEAC be involved in the SPP/APR process is acknowledged (the SEAC may have input or review or both), but there is no mention in most of the States reviewed of any active role by stakeholders in dispute

resolution activities. This may not accurately reflect stakeholder involvement in States' dispute resolution processes. Examples of some activities involving stakeholders:

- **Stakeholders provide advice, review of indicator progress, assist target setting, review and evaluation of DR data.** Several States describe stakeholder involvement in these terms. The stakeholders may be a sub-group of the State advisory panel or a specialized advisory group with specific interest in DR.
- **Stakeholders are targeted for receipt of information about DR and they are active participants in promoting DR activities in some States.** For some States, a partnership of the PTI, SEA, and LEA administrator group jointly support effective dispute resolution.

CONCLUSION

CADRE believes that the summary of activities provided in this chapter is a first step in describing the full range of activities that States may undertake in order to implement capable dispute resolution systems. These systems are complex, involving at least the four required dispute resolution processes. For many States they also include other early, alternative dispute resolution options. For due process hearings alone, there are at least 17 identifiable steps from the point of filing a due process complaint and the conduct of a hearing and issuance of decision. Improving these systems will require systematic and extended work, sensitive to the State contexts in which they are to be realized.

In this document we have begun to identify the organizational activities and supports States have in place to manage their dispute resolution systems. States are now going well beyond the issues of compliance with Indicator 16 (State written complaint) and Indicator 17 (due process complaint and hearing) timelines. Most States have reached or are very near compliance with those requirements. The challenges now include, at least:

- **To improve the specificity and definitions of the functions and activities of capable dispute resolution systems.** We hope we have begun this process with the detailed functions and activities in this analysis. CADRE's Dispute Resolution System Integration and Performance Enhancement (DR SIPE) work with States (see <http://www.directionservice.org/cadre/walter.cfm>) will be informed by the information uncovered in the development of this chapter. The continuing engagement of States will firmly ground this work in application.
- **To evaluate and explore how to improve the quality and durability of resolutions.** Do "dispute resolutions" produce FAPE? Or, are the "issues resolved" later recycled through another DR process? These are extremely important questions from an efficiency standpoint, if nothing else. A few States have begun to explore the durability of mediation agreements, written State complaint report corrective actions, and hearing decisions.
- **To identify "what works" in these processes and share that knowledge across States.** CADRE believes strongly that interactions among States will

improve our common understanding of DR systems, what is necessary to manage them well, what may differ as a result of State context and size, and what kinds of interventions might result in improved DR system performance. We hope sections of this document might serve as a stimulus for discussions among DR practitioners in and across States about how to improve practice.

APPENDIX A: A DESCRIPTION OF METHODOLOGY:

Methodology is important to understanding how CADRE has assembled the information in this chapter. We purposely slighted methodology issues at the beginning of this chapter to get to the meat of the content with enough context for the reader to understand our purpose. This appendix outlines the details of sample selection, contextual issues in understanding State data systems, limitations of the data for the analysis, etc.

Sample Selection

CADRE selected three groups of States based on the past four years of performance data (Table 7, 2003-04 through 2006-07):

- “Consistent” Performance – States that have demonstrated compliance (100% on Indicator 16 or 17) for the past three years or that have had mediation agreement rates (Indicator 19) near 75% - 85% for three or four years;
- “Improved” Performance – States that have moved from 2 or 3 years of noncompliance to at least “substantial compliance” (more than 95% complaints or hearings on time), or that have moved from low mediation agreement rates to rates of nearer the 75% to 85% range; and
- “Inconsistent” Performance – States that have demonstrated noncompliance and variable/poor indicator performance.

The profiles in aggregate of the 23 States in the sample across these performance categories for the three indicators are displayed in Table A1. Each of the 23 States is rated for performance level over the past three to four years for each indicator:

Table A1: Number of States at Differing Performance Levels by Indicator

Performance Level	Indicator 16	Indicator 17	Indicator 19
Consistent/Acceptable	9	8	14
Improved	6	12	3
Inconsistent	8	3	6
Total # States	23	23	23

Thirteen (13) of the selected States had at least one “inconsistent” rating for one or more indicators. Two States had inconsistent ratings for two indicators. No State was rated inconsistent across all three indicators. The improvement in performance evident in some States for the 2006-07 reporting period (FFY 2006 APR) resulted in a number of States moving into the “improved” category (that is, they had demonstrated noncompliance, but improved to compliance in either or both Indicators 16 and 17). One State improved to compliance or acceptable performance in all three indicators.

Two reviewers examined and coded each State’s APR. Improvement strategies and any other notation by the State about their activities (e.g., in introductory sections, explanations of slippage or progress) to these 12 functions. The reviewers tried not just to categorize the improvement strategies, but to describe as fully as possible what the States are doing in each activity area. This required, in some cases, reference

back to the SPPs. The two reviews were combined for a single summary of each State.

A Secondary Source: State Web Sites

Because the web site is a frequently cited vehicle for public awareness and should contain information on alternative dispute resolution practices in each State, we also conducted a review of all the web sites for these States. Beginning from the Special Education home page for each State, we asked these questions:

- Is there an obvious link to dispute resolution information from Special Education home page?
- What does it take to find DR from front page?
- Is there a “parent overview” of DR options (not just rights brochure)?
- Is there a form (online or downloadable) for filing a written State complaint?
- Is there a form (online or downloadable) for filing a due process complaint?
- Is there any parent oriented resolution process/meeting/agreement guidance?
- Is there a form (online or downloadable) for requesting mediation?
- Are other upstream activities suggested?
- Other upstream resources included/described?
- What do searches of the site return for due process, complaints, mediation?
- What do searches of the site return for alternative dispute resolution?
- Could a parent ask for mediation without much assistance?
- Could a parent file a due process complaint without much assistance?
- Could a parent file a written State complaint without much assistance?

While we found excellent examples of web sites that provide very direct and parent friendly access to dispute resolution information, we also found sites where only people who already have sophisticated knowledge of dispute resolution options, parent rights, search terms, web site navigation, etc., would ever be able to find the information. CADRE has had interactions with a number of States that would like to overcome limitations of their web sites where site control over form, content, and structure of the information is held by another office. We realize that the condition of the web information is not always under the control of the special education division in a State. Nevertheless, we use the results of this examination to suggest some standards for the availability of web-based information on dispute resolution. Even where the SEA lacks control over web display, there may be some “work-arounds” for making web-based information more parent/family friendly.

Context Matters

States differ widely in how they are organized to support dispute resolution, use of personnel, whether hearings and mediation (in particular) are internal to the SEA or contracted or operated by external systems, and so on. These contextual differences will have an impact on what activities a State carries out to achieve a particular function. State size and level of dispute resolution activity have a major impact on the magnitude and complexity of these activities. Table A2 displays the numbers of most active and least active States/entities (“States” refers to States and entities nationally) by dispute resolution type.

Table A2: Most and Least Active States by Dispute Resolution Type (2005-06)

DR Type (# filed)	# of most active "States" that account for 75% of all national activity	# of least active "States" that account for 2% of all national activity
Complaint Filings (5,897)	16	17
Mediations Held (4,153)	11	21
Hearing Requests (19,042)	5	28

Note the "Hearings Requested" line in this table: Seventy-five percent (75%) of the 19,042 due process complaints (hearing requests) filed in 2005-06 were in just five States. For written State complaints in the same year, 75% were filed in just 16 States and for mediations held, 11 States accounted for 75% of the activity. The least active States account for two percent of all activity: 28 States for hearing requests, 21 States for mediation activity and 17 States for written complaints. Clearly, the activities undertaken by the most and least active States will differ substantially, even though a given event (e.g., a written State complaint investigation and report) may be an essentially similar activity in any State. The activity descriptions provided (see below) for each function reflect some but not all of these contextual differences.

For written State complaints, investigators may be full time, well-versed experts specializing in "complaint investigations," or they may be program staff from elsewhere in the SEA and assigned once or twice a year to conduct complaint investigations. Some States make extensive use of retired school administrators on contract to conduct complaint investigations and prepare reports. The most common explanation for failure to meet timelines under Indicator 16 was staffing issues (e.g., individual circumstance for a given complaints investigator, inadequate staffing and hiring freezes, unpredicted vacancies). When States experience swings in the level of complaint activity, it can be hard to match demand to expertise. In addition, some States have trouble making the case for additional investigators when needed. The APR and failure to meet timelines for this indicator has provided a rationale, at least for some States, to remedy this.

Completing hearings on time (Indicator 17) is only partly a function of clear direction and guidance. States have increasingly moved to single tier hearing systems and more States seem to be utilizing (either by choice or through directives) the State Office of Administrative Hearings (OAH). These hearings systems may be located in another agency (Governor's Executive Branch, or the Commerce Department). The skills of full time OAH hearing officers may not be as attuned to IDEA requirements as they could be. The SEA may have minimal control over the operation of these systems, even though they have the legal responsibility to ensure a competent hearing system. SEAs have used various strategies (e.g., memorandum of agreement, the SEA paying directly for specialized HOs) to try to ensure that hearing officers are knowledgeable about special education issues, well-versed in IDEA law, regulation and legal precedents, and fully aware of the importance of timelines.

Resolution settlement agreement rates (Indicator 18) likewise present variability in State orientation to how this work is managed and by whom. In some States, the hearing officer (HO) is appointed as soon as a due process complaint is filed. The HO

monitors the resolution process, maintains ongoing communication with both parties through the 30 day resolution period, and may review settlement agreements that result in the withdrawal of the hearing request. In other States, the resolution process is left solely to the LEAs, with regulatory guidance. On the 30th day, if a resolution has not been reached, the hearing officer is assigned.

Mediation agreements rates, Indicator 19, also may reflect wide variation in practice, oversight, trust among participants, etc., in States. In some States, mediation services are run through professional mediation organizations or university-based mediation programs, while in others mediators are volunteers with varied experience and training. The predominant model among States is an SEA managed panel of privately contacted mediators. Some mediators operate in many arenas and have intensive, relevant practice in a variety of settings. Other mediators do special education mediation only. Some mediators do dozens of mediations a year while other conduct mediation relatively infrequently.

Limitations of the Data

States differ in how they conceive of and report their improvement activities. The APRs reviewed for this chapter ranged from five pages (with most of the space taken up by the APR reporting template) to 19 pages. Many reports contain very little information on actual DR system functions.

Differences in the level of detail found in activity descriptions

The variability in detail provided by different States makes it impossible, using the APRs as the source, to obtain comparable information across States on how their systems actually operate. For some States, activities are described almost telegraphically (e.g., “ongoing training”). For other States, details of the activity may be far more explicit (e.g., track complaints activity, as applicable, for dates received, early resolution period, additional information requested from complainant/school, responses received, interviews, draft report, report review, final report approval, transmission to complainant and school).

Differences in the number of activities referenced

For some States, all or nearly all 12 functions were referenced in improvement activities. For other States, as few as three areas (most often TA/training, improving administration, and evaluation) were described. In some of the States that have struggled to meet compliance targets consistently, more strategies are referenced across the four indicators, suggesting perhaps a wide ranging attempt to improve overall system activities. When fewer functions were referenced, some States may have implied the existence of other functions. For example, “increase monitoring of dispute resolution data to track case load and adjust personnel allocation as needed” describes activities in administration/monitoring and FTE increase/adjustment, but it also implies the existence a dispute resolution data system, albeit not one that is targeted for “improvement.”

Despite the unusual methodology, contextual influences and difficulty in obtaining comparable information across States, CADRE considers this first targeted analysis of

selected States to be an important foothold in defining, assessing and confirming what works in States' efforts to provide effective dispute resolution systems.

INDICATOR 20: ACCURATE & TIMELY DATA

Prepared by DAC

INTRODUCTION

Indicator B20 measures the timeliness and accuracy of State-reported data (618 and SPP and APR). The data source for this indicator is State-selected data sources, including data from the State data system, assessment system, as well as technical assistance and monitoring systems.

Measurement of this indicator is defined in the SPP and APR requirements as:

State-reported data, including 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).

The Data Accountability Center (DAC) reviewed a total of 60 FFY 2006 APRs. These included the 50 States, the District of Columbia, the territories, and the Bureau of Indian Education (BIE). (For purposes of this discussion we will refer to all as States, unless otherwise noted.) Twenty States reported that their data were 100% accurate. Forty States reported accuracy other than 100%. Out of these 40 States, 34 reported a percentage between 90 and 99%. The majority (46 or 77%) of the States used the rubric to calculate their data accuracy. Of those States that did not use the rubric, most described how accuracy was calculated.

The remainder of our analysis focused on four other elements: (1) States' descriptions of progress and/or slippage, (2) comparisons of State-reported 618 data to DAC's data submission records, (3) descriptions of how States ensured timely and accurate data, and (4) States' improvement activities.

Progress or Slippage

The majority of States (30 or 50%) and territories reported slippage; 10 States (17%) reported progress; 7 (12%) reported only that the target was met; 1 (2%) State reported both progress and slippage; and 12 (20%) did not provide information on slippage or progress.

States attributed progress to a variety of factors, including (listed from highest to lowest frequency):

- Updating existing or establishing new data systems;
- Providing technical assistance to local districts; and
- Increasing knowledge of the OSEP requirements.

States attributed slippage to:

- Inability to submit 618 tables in a timely and accurate manner;
- The introduction of the rubric;
- Updating existing or establishing new data systems;

- Personnel shortages; and
- Specific districts in the State.

Comparisons of State-Reported 618 Data to DAC's Data Submission Records

This was the first year that States had the option of using the rubric created by OSEP to determine data accuracy. Forty-six of the 60 States (77%) used the rubric. The other States used their own calculations to determine timeliness and accuracy.

- The majority, 46 States, (77%) reported the same data that DAC had in its records. These included States that provided a description of their calculation methods, if the rubric was not used.
- Nine States (15%) had differences from DAC's data submission records when reporting about passing edit checks. In all cases, the State reported having passed the edit checks, while records indicated that the State did not pass initial edit checks.
- Two States (3%) had differences from DAC's data submission records when reporting about complete data. In both cases, the State reported having complete data, while records indicated that the State did not report complete data.
- Two States (3%) had differences from DAC's data submission records when reporting about timeliness of data. In both cases, the States reported having submitted their data on time, while records indicated that the States did not submit their data in a timely fashion.

Description of Methods of Ensuring Timely and Accurate Data

The majority of States, 48 (80%), provided some description on how they ensured that their data were timely and accurate. Many States relied on their data systems to provide timely and accurate data. Twenty-three States (41%) had built-in edit checks and validations to ensure that the data were valid. Some States also used onsite monitoring, manual comparisons of State data to district-level data, and internal and external workgroups. States also provided various forms of technical assistance to local education agencies and the Department of Education employees to ensure that their personnel knew the correct guidelines for the reported data.

Improvement Activities

One of the requirements of this indicator is the implementation of Improvement Activities that will increase compliance for this indicator. The activities described in the APR were analyzed using the codes developed by OSEP. The "Other" category was used. The letter "J1" was used for the development of materials. An example would be that of a State that reported it had created a manual to be used by its personnel. The letter "J2" was used for ongoing activities that did not reflect change or improvement. An example of J2 is a State that continued to conduct on-site monitoring or continued to conduct local program self-assessment.

Among the 60 States and territories, one State did not report Improvement Activities in its FFY 2006 APR. The Improvement Activities used are included in Table 1. Updating or establishing new data systems was the most widely reported activity, while conducting external/internal evaluations was the least reported.

Table 1: Summary of Improvement Activities

Improvement Activity Category	Number of States Reporting at Least One Activity from the Category	Percentage of States Reporting at Least One Activity from the Category
A. Improve data collection and reporting	55	92%
B. Improve systems administration and monitoring	36	60%
C. Build systems and infrastructures of TA and support	2	3%
D. Provide TA/training/professional development	47	78%
E. Clarify/examine/develop policies and procedures	11	18%
F. Program development	1	2%
G. Collaboration/coordination	27	45%
H. Evaluation	1	2%
I. Increase/Adjust FTE	4	7%
J1. Create technical assistance materials	26	43%
J2. Ongoing activities	12	20%

Among the States reporting Improvement Activities, the number of activities reported per State for this indicator ranged from 1 to 16. The average number of activities reported per State was eight.

Technical Assistance Provided to States

In FFY 2006, Westat provided universal technical assistance to all States. This was in the form of technical assistance documents posted on www.IDEAdata.org, assistance with the reporting of 618 data, and year-to-year change reports to help with data notes. Westat provided targeted technical assistance to four States (6%). NCSEAM provided targeted technical assistance to 10 States (17%).

Observations and Conclusions

It is important to note that certain problems came up when trying to analyze these data. Some States did not use the rubric, which meant we had to compare their calculations to the ones used in the rubric. Some States also did not describe what their progress or slippage was attributed to or provide many details about how their programs ensure timely and accurate data, and a few States did not specify which activities they considered their improvement activities in this SPP or APR. In addition, many States did not specify whether their activities for ensuring quality data were used for 618 and/or 616 data.

Many States had to adjust their idea of the requirements for this indicator, since this was the first year States used the rubric. 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. In some cases, these improvements caused an increase in timely and accurate data, while in other cases, it attributed to slippage by the State.