

State of Utah

Individuals with Disabilities Education Act 2004

Annual Performance Report

**FFY 2008
(2008-2009)**

**Prepared by the
Utah State Office of Education
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PART B ANNUAL PERFORMANCE REPORT

In accordance with 20 U.S.C. 1416b(2)(C)(ii) and 34 CFR 300.602 the State of Utah must report annually to the Secretary on the performance of the State under the State Performance Plan (SPP). This report is called the Part B Annual Performance Report (APR). The following report represents these requirements. Utah's State Performance Plan, indicators, and targets were developed with broad stakeholder input and publicly disseminated. The Part B APR describes Utah's progress on the State Performance Plan.

Overview of the Process

In order to implement the SPP and develop the APR, education specialists at the Utah State Office of Education (USOE) were assigned specific indicators. The specialists' roles were to facilitate the implementation of the improvement activities and to collect and analyze the required data. The education specialists then facilitated any necessary revisions in order to maintain or improve results and meet or exceed the State's targets. The State special education director and coordinators provided oversight to the process. Various USOE data collection systems were developed, redesigned, and enhanced to support required elements of the APR process.

USOE Special Education Services staff members participated in the 2009 OSEP Leadership Conference held in Washington, DC. Upon their return they shared the information obtained with other staff members involved in the SPP and APR processes. Staff members participated in the OSEP teleconferences and the Mountain Plains Regional Resource Center Director teleconferences. Further consultation was provided through telephone calls with Utah's OSEP State contact and through site visits made by Mountain Plains Regional Resource Center staff.

During the FFY 08 implementation of the SPP, and in preparation for the APR, SPP requirements and indicators continued to be shared with LEA Special Education Directors and at Charter School Roundtables. Changes and updates in OSEP requirements were articulated during these meetings. This information was also presented at quarterly meetings of the Utah Special Education Advisory Panel (USEAP). Data-based as well as required revisions were made to SPP indicators in coordination with the February 1, 2010 submission of the Part B Annual Performance Report. The revisions were made with broad stakeholder knowledge and input, after implementation of improvement activities and careful analysis of progress and/or slippage on each indicator. The specific groups that were involved in the stakeholder input are noted in the "Stakeholder Input" section of the State Performance Plan Executive Summary.

SPP and APR information is widely shared. Each February, the State reports to the public on its progress and/or slippage in meeting the measurable and rigorous targets found in the SPP. The APR is posted on the Utah State Office of Education's website and referenced in the *Utah Special Educator*, a print and web-based publication provided to every special educator and administrator in Utah, as well as the state superintendent's annual report. The APR is shared at the first regularly scheduled meeting of the USEAP, the LEA Directors, and the Charter School Roundtable after submission. Results are also shared with the Utah Parent Center. Prior to April 15th of each year, the USOE prepares and publishes a summary of indicators that are required to be publicly reported for each LEA. The report is posted on the USOE website and is made available for posting on LEA websites. A presentation is made on or before April 15 to USEAP, LEA special education directors, charter school directors, and other stakeholders as appropriate.

Activities to Meet Targets

In order to maintain focus on data-based decisions and on improving outcomes for students with disabilities, additional revisions to the SPP and new or revised activities have been determined after careful analysis of results and reported in this APR. Each improvement activity was reviewed using the State Office of Education SPP/APR Improvement Activity Review form in order to determine its impact on

the indicator. Based on this thorough review, activities were revised as necessary to best meet the intent of the indicators and measure progress. The revisions have been added to the State Performance Plan in coordination with the February 1, 2010 submission. The revisions were made with broad stakeholder input, after implementation of improvement activities and careful analysis of progress and/or slippage on each indicator, and the improvement activity review.

Sampling Methodology

Sampling is utilized for Indicators 8 and 14. The sampling methodology that is used is explained in the body of those indicators. The sampling plans for Indicators 8 and 14 have been formally approved by OSEP. The sampling plan for Indicator 14 was approved in July, 2007. The sampling plan for Indicator 8 was approved in December, 2007. Indicator 14 is not required to be included with the February 1, 2010 submission of the APR.

Utah's Special Education Monitoring Process

The Utah State Office of Education utilizes the Utah Program Improvement Planning System (UPIPS) as part of its general supervision process to assist LEAs in improving outcomes for students with disabilities and to monitor compliance with State and federal requirements under IDEA. The following information describes the UPIPS process.

The USOE, Special Education Services (USOE-SES) has the responsibility of monitoring compliance with federal and State requirements under the Individuals with Disabilities Education and Improvement Act of 2004. The State's general supervision system includes the Utah Program Improvement Planning System (UPIPS) monitoring process and dispute resolution process. UPIPS Monitoring Process: The Utah Program Improvement Planning System was developed to ensure that each LEA is included in the formal monitoring process. A stratified sample of districts is included in each year's cohort. The selection criteria for districts in each cohort include the following variables: student enrollment, urban/rural, and socioeconomic level. LEAs were then randomly assigned to one of the five years within the monitoring cycle. Because of the unique conformation of Utah's 41 school districts, there are four districts of 50,000+ students. Four of the five cohorts for monitoring contain one of these very large districts, and the fifth contains two districts with enrollments of at least 25,000 students. Each of the five cohorts also includes districts of medium and small size, as well as charter schools. Based upon analysis of data from the five cohorts in the UPIPS monitoring process, the cohorts are comparably representative of the State population in total student enrollment, poverty, prevalence of students with disabilities, and on an urban-rural continuum. The mean percentage of English Language Learner (ELL) students and of non-white students based on total enrollment varies. These data substantiate the representativeness of each cohort. LEAs are selected for State monitoring after being assigned to a cohort based upon location and size. Charter schools were assigned to the monitoring cycle as follows. As new charter schools open, they are assigned to the following year's monitoring cycle. They are not randomly assigned to a monitoring year because it is more important to let Utah charter schools know immediately what the rules and regulations are regarding IDEA. If they were randomly assigned to a monitoring year, it could be five years before a given charter school was monitored. This is unacceptable given the importance of adhering to special education law – some of which charter school staff members may be somewhat unfamiliar.

Each LEA is monitored each year throughout the five years using self assessment, on-site visits, desk audits, annual performance reports, and/or data reporting. Due process system data from complaints and hearings is also reviewed and included as part of the monitoring process. The UPIPS monitoring process places increased responsibility on each LEA by involving them in a continuous cycle of identification and improvement. In Year 1, the LEA is charged with involving key stakeholders in the development of a Self Assessment Report that analyzes the LEA's effectiveness in ensuring compliance and improving results for students. The LEA then develops a Corrective Action Plan (CAP) and Program Improvement Plan (PIP) that targets areas identified as needing improvement and aligns those identified areas with LEA interventions designed to correct them. During Year 2, based upon an off-site review of the LEA data, submitted as part of the Self Assessment Report and from annual 618 data, an on-site visit may be

scheduled in which random student files will be reviewed for each visited LEA to collect additional data that validate the accuracy of the LEAs' self-collected data and to determine if improvement efforts, as part of the CAP and PIP, have been successful. Years 3-5 of the UPIPS process tracks the status of each LEAs' CAP and PIP, including the correction of identified compliance errors within one year. The CAP is evaluated each year for evidence of completion of activities and results of those activities are then verified through additional student file reviews and 618 data. Some LEAs may have multiple on-site visits based upon their annual data.

As noncompliance is identified, it is reported as a finding. A finding is a written notification from the State to an LEA that contains the State's conclusion that the LEA program is in noncompliance and includes the citation of the statute or regulation and a description of the data supporting the conclusion. Written notifications of findings occur as soon as possible and generally within three months of discovery. Except for findings identified through State complaints or due process hearings, individual instances of noncompliance in an LEA involving the same legal requirement under IDEA and Utah Special Education Rules are grouped together as one finding. An LEA will have multiple findings of noncompliance for the same time period if the LEA is noncompliant with more than one legal requirement. Upon written notification of noncompliance from the USOE, the LEA must correct the noncompliance in its policies, procedures, and practices as soon as possible, but in no case later than one year from identification. Correction occurs when the LEA revises noncompliant policies, procedures, and/or practices and the USOE verifies the correction as per OSEP's 09-02 Memorandum and notifies the LEA of the correction. In the process of determining that the LEA corrected noncompliance this indicator, the USOE followed guidance provided in OSEP's 09-02 Memorandum, including accounting for all instances of noncompliance, identifying where the noncompliance occurred, the percentage level of noncompliance, and the root cause of the noncompliance, requiring the correction of LEA noncompliance in the policies, procedures, and practices that contributed to or resulted in the noncompliance, and determining that the LEA is correctly implementing the specific regulatory requirements of IDEA, based upon the USOE's review of updated data collected from either subsequent on-site monitoring or additional LEA data submissions (desk audits). While a sample of files are reviewed to determine ongoing LEA compliance with IDEA, each file with noncompliance was also reviewed to ensure correction at the individual student level.

Conclusion

Utah has made a concerted effort to include stakeholder input in all aspects of the SPP and APR processes. Rich discussions among members of the special education community as well as our general education and Title I partners have ensued. The State has developed and enhanced data systems to ensure accuracy of data. Budgetary processes and professional development activities have been aligned with the SPP and each year's APR. Utah has collected and carefully analyzed the data and utilized those data to make systemic changes designed to improve results for students with disabilities in the State. As Indicated in the Display I-1, of the 22 targets contained within the indicators that are required to be reported this year, Utah met 13. Utah met the (100% compliance) targets on 5 of the 8 compliance indicators that are required to be submitted. The other 3 compliance indicators reflected 96.9%, 98.6%, and 99% levels of compliance within required timelines. Utah remains committed to improving the results for children and youth with disabilities.

Display I-1: Summary of Utah's Annual Performance Report (APR) for FFY 2008 (2008-2009) – February 2010

Indicator #	Indicator	Indicator Description	2008-09 Target	2008-09 Rate	2007-08 Rate	2006-07 Rate	Did State Meet the Target
1	Graduation Rate	Percent of youth with IEPs graduating from high school with a regular diploma.	85.7%*	80.1%*	71.1%	72.9%	N
2	Drop Out Rate	Percent of youth with IEPs dropping out of high school.	4.7%*	5.65%*	4.8%	4.8%	N
3	Statewide Assessment	<i>Participation and performance of children with IEPs on statewide assessments.</i>					
3A	State AYP Objectives	<i>Percent of the LEAs with a disability subgroup that meets the State's minimum "n" size that meet the State's AYP targets for the disability subgroup.</i>	66%	94.05%	84.0%	89.0%	Y
3B	Participation Rate	<i>Participation rate for children with IEPs.</i>					
	Language Arts	Participation rate of grades 3-8 and 10 students.	95%*	99.58%	99.53%	99.67%	Y
	Math	Participation rate of grades 3-8 and 10-12 students.	95%*	99.51%	98.06%	98.17%	Y
3C	Proficiency Rate	<i>Proficiency rate for children with IEPs against grade level modified and alternate academic achievement standards.</i>					
	Language Arts	Proficiency rate of grades 3-8. Proficiency rate grade 10.	83%* 82%*	48.19% 45.58%	Combined 3-8 & 10 th grades 41.76%	43.63%	N N
	Math	Proficiency rate of grades 3-8 and 10 students. Proficiency rate of grades 3-8 and 10-12 students.	45%* 40%*	42.01% 39.54%	Combined 3-8 & 10 th grades 46.03%	42.86%	N N
4	Suspension/Expulsion Rates	<i>Suspension/Expulsion Rates</i>					
4A	Significant Discrepancy	A. Percent of LEAs that have a significant discrepancy in the rate of suspensions and expulsions of greater than 10 days for children with IEPs.	0.00%	0.00%	0.00%	0.00%	Y
4B	Significant Discrepancy by Race or Ethnicity	B. Percent of LEAs that have: (a) A significant discrepancy, by race or ethnicity, in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs; and (b) Policies, procedures or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.	* **				N/A
5	LRE for Students	<i>Percent of children with IEPs aged 6 through 21 served:</i>					
5A	Regular Classroom	Inside the regular class 80% or more of the day,	51.91%	52.36%	51.40%	50.64%	Y
5B	Separate Classroom	Inside the regular class less than 40% of the day, and	15.25%	15.33%	15.40%	15.82%	N
5C	Separate Facilities	In separate schools, residential facilities, or homebound/hospital placements.	3.25%	3.23%	3.25%	3.23%	Y

*Change in indicator/calculation/target.

**Not required for February 1, 2010 submission of the APR.

Indicator #	Indicator	Indicator Description	2008-09 Target	2008-09 Rate	2007-08 Rate	2006-07 Rate	Did State Meet the Target
6	LRE for Children 3-5	Percent of children aged 3 through 5 with IEPs attending a: A. Regular early childhood program and receiving the majority of special education and related services in the regular early childhood program; and B. Separate special education class, or residential facility.					N/A
7	Outcomes for Children aged 3-5	<i>Percent of preschool children aged 3 through 5 with IEPs who demonstrate improved:</i>					
7A	Social-Emotional	Positive social-emotional skills (including social relationships);	N/A	**			N/A
7B	Knowledge and Skills	Acquisition and use of knowledge and skills (including early language/communication and early literacy); and	N/A	**			N/A
7C	Behaviors	Use of appropriate behaviors to meet their needs.	N/A	**			N/A
8	Parent Involvement	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.	85.33%	87.3%	85.2%	83.6%	Y
9	Disproportionate by Race/Ethnicity, Overall	Percent of LEAs with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification	0.00%	0.00%	0.00%	0.00%	Y
10	Disproportionate by Race/Ethnicity, Disability Category	Percent of LEAs with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.	0.00%	0.00%	0.00%	0.00%	Y
11	Evaluation in 60 days	Percent of children who were evaluated within 60 days of receiving parental consent for initial evaluation or if the State establishes a timeframe within which the evaluation must be conducted, within that timeframe. Utah State timeline is 45 school days.	100.00%	96.9%	96.6%	95.2%	N
12	Transition from Part C to Part B	Percent of children referred by Part C prior to age 3, who are found eligible for Part B, and who have an IEP developed and implemented by their third birthdays.	100.00%	98.6%	95.1%	93.1%	N
13	Transition Planning on IEP by Age 16	Percent of youth with IEPs aged 16 and above that includes appropriate measurable postsecondary goals that are annually updated and based upon an age appropriate transition assessment, transition services, including courses of study, that will reasonably enable the student to meet those post secondary goals, and annual IEP goals related to the student's transition services needs. There must also be evidence that the student was invited to the IEP Team meeting where transition services are to be discussed and evidence that, if appropriate, a representative of any participating agency was invited to the IEP Team meeting with the prior consent of the parent or student who has reached the age of majority.	* **	* **	78.64%	41.38%	N/A

*Change in indicator/calculation/target.

**Not required for February 1, 2010 submission of the APR.

Indicator #	Indicator	Indicator Description	2008-09 Target	2008-09 Rate	2007-08 Rate	2006-07 Rate	Did State Meet the Target
14	Postsecondary Outcomes	Percent of youth who are no longer in secondary school, had IEPs in effect at the time they left school, and were: A. Enrolled in higher education within one year of leaving high school. B. Enrolled in higher education or competitively employed within one year of leaving high school. C. Enrolled in higher education or in some other postsecondary education or training program; or competitively employed or in some other employment within one year of leaving high school.	* **	* **	79.4%	71.5%	N/A
15	General Supervision: Noncompliance Correction	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.	100.00%	99.00%	98.00%	95.00%	N
16	General Supervision: Written Complaints	Percent of signed written complaints with reports issued that were resolved within 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint, or because the parent (or individual or organization) and the public agency agree to extend the time to engage in mediation or other alternative means of dispute resolution, if available in the State.	100.00%	100.00%	90.00%	100.00%	Y
17	General Supervision: Due Process	Percent of adjudicated due process hearings that were adjudicated within 45 days timeline or a timeline that is properly extended by the hearing officer at the request of either party or in the case of an expedited hearing, within the required timelines.	100.00%	100.00%	100.00%	100.00%	Y
18	General Supervision: Part B	Percent of hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements.		N/A <10	N/A <10	N/A <10	N/A <10
19	General Supervision: Part B	Percent of mediations held that resulted in mediation agreements.		N/A <10	N/A <10	N/A <10	N/A <10
20	General Supervision: Timely and Accurate Data	Percent of state reported data (618 and State Performance Plan and Annual Performance Report) that are timely and accurate.	100.00%	100.00%	100.00%	100.00%	Y

*Change in indicator/calculation/target.

**Not required for February 1, 2010 submission of the APR.

Part B State Annual Performance Report (APR) for FFY 2008

Overview of the Annual Performance Report Development:

Monitoring Priority: FAPE in the LRE

Indicator 1: Percent of youth with IEPs graduating from high school with a regular diploma.
(20 U.S.C. 1416 (a)(3)(A))

Measurement: Measurement for youth with IEPs should be the same measurement as for all youth. Graduation rate was calculated as follows: Number of graduates (G) divided by [graduates (G) + dropped out (DO)] X 100 = graduation rate.

FFY	Measurable and Rigorous Targets
2008 (2008-2009)	85.7% of students with disabilities will graduate with a regular diploma. (Note: This target represents the graduation rate target under Title I of the ESEA.)

Actual Data for FFY 2008: 80.1%

Display 1-1: Graduation Rate

	FFY 2008
# of graduates	2,234
# of students in the cohort	2,789
Graduation Rate	80.1%

Please note that the 2008-09 data are based on 2007-08 data due to the OSEP “data lag” instructions.

The target of 85.7% was not met.

The graduation rate is calculated by dividing the total number of students who graduate with a regular diploma by the number of students in the cohort. The cohort consists of the students who began 10th grade in Fall 2005 and graduated in Spring 2008, with students who transferred out of the public education system excluded from the computation. Please note that this calculation represents a change from the calculation used in prior years on the APR. This new calculation is aligned with ESEA.

To earn a high school diploma, all students are required to meet State minimum course credit requirements, as specified in Utah State Board of Education Administrative Rule R277-700; LEAs may require additional course credits beyond the State minimum. In addition, all students are required to participate in the Utah Basic Skills Competency Test (UBSCT) or Utah’s Alternate Assessment (UAA), if participation in the UAA has been determined appropriate by the student’s IEP team (Utah State Office of Education Administrative Rule R277-705). Students who meet the course credit requirements and UBSCT/UAA participation requirements are awarded a regular high school diploma that will indicate

whether or not the student passed all subtests of the UBSCT. Any student who does not meet all graduation requirements may, at the discretion of the LEA, be awarded a Certificate of Completion.

Valid and Reliable Data:

December 1 Child Count and FAPE data are submitted electronically to the USOE Clearinghouse. The data are then returned to the LEAs for verification. Data go through an error check system at the Clearinghouse to ensure annual accuracy and consistency of the data. Data analysis is conducted by various USOE members to ensure data are reported accurately. The consistency of data from year to year serves as an additional validation.

Explanation of Progress or Slippage that occurred for FFY 2008 (2008-09):

As indicated in Display 1-2, the 2008-09 graduation rate is higher than that of previous years due to differences in how the graduation rate was calculated in 2008-09. The FFY 2008 data and the FFY 2007 data are both based on data from the 2007-08 school year. The reason for the difference in numbers is that a different calculation and cohort was used. The calculation in 2008-09 aligns with that used for Title I under ESEA.

Display 1-2: Graduation Rate of Students with Disabilities, Results over Time

	FFY2004	FFY2005	FFY2006	FFY2007	FFY2008*
# of graduates	1,723	2,331	2,226	2,212	2,234
# of students in cohort	2,401	3,186	3,054	3,111	2,789
Graduation Rate	71.8%	73.2%	72.9%	71.1%	80.1%

Please note that the 2008-09 data are based on 2007-08 data due to the OSEP "data lag" instructions.

* A different calculation, one that aligns with ESEA, was used for FFY 2008.

Discussion of Improvement Activities:

Please note that these improvement activities took place between July 1, 2008 and June 30, 2009; this APR is reporting data from 2007-08. Reporting current improvement activities will enable Utah to monitor the results of these activities.

The following activity was completed FFY 2008:

1. Develop and distribute to special education and general education administrators, and analyze the results of, a statewide electronic survey to assess:
 - Commonly used definitions of school completers and non-completers;
 - Practices used to identify students at risk for non-completion;
 - Practices used to facilitate school completion.

An electronic survey was developed and distributed in December 2008. A total of 1,331 surveys were disseminated to middle and senior high school principals, middle and senior high school counselors, middle and senior high school special education directors and youth-in-custody directors. A total of 505 educators responded to the survey. The results of the survey were presented to the USOE Associate Superintendent, Accountability and Assessment, in the Spring of 2009.

Results of this activity include data that will inform the work of the USOE Dropout Committee.

The following activities were completed and ongoing:

1. Work with the USOE leadership and staff to implement directives from the State Board of Education. Completed and ongoing.

- The USOE Dropout Committee accomplished the following: with the Assessment and Accountability Section, clarified graduation and dropout definitions; participated in the Governor's 21st Century Workforce Smart Session addressing school completion issues and submitted recommendations to the Governor; provided data from the electronic survey to support Legislative action in reducing the school counselor to student ratio; and developed, distributed, and analyzed the results of a school completion survey.

This activity resulted in increased collaboration between Career and Technology Education, Adult Education, and Special Education at the USOE.

2. Analyze existing data to determine patterns of school completion across grade level, LEA/school size or location, race/ethnicity, gender, and ELL/disability status. Completed and ongoing.
 - Data from the USOE Clearinghouse were disaggregated by student groups and graphed to show comparisons between the groups.

Results of this activity include an increased awareness of the availability of school completion data and data-reporting methods.

3. Based on data review, develop school completion activities designed to meet student needs, and provide support to LEAs to implement appropriate activities. Not yet completed and ongoing.
 - School completion activities were developed and presented to the USOE Administration and a State School Board member.
 - This activity was placed on hold due to changes in definitions and calculations of graduation and dropout rates.

Results of this activity will allow Utah to proactively address questions arising from the review of the data.

4. Compare current LEA graduation and dropout data with previous year's data; survey those LEAs with improved data to identify any participation in professional development or local initiatives that might have contributed to increased school completion. Not yet completed and ongoing.
 - Data were collected and presented to the USOE Administration and a State School Board member.
 - This activity was placed on hold due to changes in definitions and calculations of graduation and dropout rates.

Results of this activity will allow Utah to proactively address questions arising from the review of the data.

5. Provide professional development, including assistance in developing and implementing effective transition plans, to educators, administrators, and parents. Completed and ongoing.
 - Professional development was provided to 341 special educators, administrators, and parents in 35 LEAs, 3 agencies, and 2 institutes of higher education.

Results of this activity include the correction of all findings identified through monitoring, as reported in Indicators 13 and 15.

6. Evaluate the results of activities from 2008-09 and determine additional activities based on those data. Completed and ongoing.

Results of this activity indicated that no new or revised activities are needed at this time.

Impact of completed activities listed above:

Although the impact of the completed activities was more difficult to determine, due to changes in the definitions and calculations of graduation rates, progress was made in the areas of intra-agency collaboration and LEA awareness.

Revisions, with Justification, to Proposed Targets/Improvement Activities/Timelines/Resources

Each improvement activity was reviewed using the Utah State Office of Education SPP/APR Improvement Activity Review form in order to determine its impact on Indicator 1 (See Appendix C).

The review indicated that no new or revised activities are needed at this time.

Activities	Timelines	Resources	Justifications

The graduation rate targets have been revised to be the same as those under Title 1 of the ESEA. The new targets are as follows:

FFY	Measurable and Rigorous Targets
2009 (2009-2010)	85.7% of students with disabilities will graduate with a regular diploma. (Note: This target represents the graduation rate target under Title I of the ESEA.)
2010 (2010-2011)	85.7% of students with disabilities will graduate with a regular diploma. (Note: This target represents the graduation rate target under Title I of the ESEA.)

Part B State Annual Performance Report (APR) for FFY 2008

Overview of the Annual Performance Report Development:

Monitoring Priority: FAPE in the LRE

Indicator 2: Percent of youth with IEPs dropping out of high school.
(20 U.S.C. 1416 (a)(3)(A))

Measurement: Measurement for youth with IEP's should be the same measurement as for all youth. Event dropout rate was calculated as follows: Number of dropouts divided by the total number of potential dropouts X 100 = dropout rate.

FFY	Measurable and Rigorous Targets
2008 (2008-2009)	Reduce the percentage of students with IEPs dropping out of school by 2% of previous year's percentage. The FFY 2007 dropout rate was 4.8%. Thus, the FFY 2008 target would be 4.7% (4.8% - (4.8% X 2%) = 4.7%

Actual Data for FFY 2008: 5.65%

Display 2-1: Dropout Rate

	FFY2008
# of dropouts	928
# of total students	16,404
Dropout Rate	5.65%

The target of 4.7% was not met.

The event dropout rate is calculated by dividing the number of dropouts (928) by the total number of potential dropouts (16,404).

The USOE defines "dropout" according to Federal reporting requirements for the Consolidated State Plan Report (CSPR). This definition includes students with disabilities who exit at maximum age for IDEA eligibility, as well as students who were suspended, expelled, withdrew, transferred to an adult education program, or exited for unknown reasons.

Valid and Reliable Data:

December 1 Child Count and FAPE data are submitted electronically to the USOE Clearinghouse. The data are then returned to the LEAs for verification. Data go through an error check system at the Clearinghouse to ensure annual accuracy and consistency of the data. Data analysis is conducted by various USOE members to ensure data are reported accurately. The consistency of data from year to year serves as an additional validation.

Explanation of Progress or Slippage that occurred for FFY 2008:

As indicated in Display 2-2, the FFY 2008 drop-out rate is higher than in years past. The increase in drop-out rate in FFY 2008 is due to a new method for calculating the dropout rate. This new method is aligned with ESEA and the CSPR reporting requirements. Thus, the slippage from the Indicator 2 baseline is due to a required change in calculating and reporting data. The reason for the increase in drop-out rate from FFY 2004 to FFY 2005 is also due to a calculation change. In FFY 2005, students with an exit determination of “moved and not known to be continuing” were counted as dropouts.

Display 2-2: Dropout Rate of Students with Disabilities, Results over Time

	FFY 2004	FFY 2005	FFY 2006	FFY 2007	FFY 2008
# of dropouts	613	830	817	834	928
# of total students	17,218	17,029	16,900	17,243	16,404
Dropout Rate	3.6%	4.9%	4.8%	4.8%	5.7%

Discussion of Improvement Activities:

Please note that these improvement activities took place between July 1, 2008 and June 30, 2009; this APR is reporting data from 2007-08. Reporting current improvement activities will enable Utah to monitor the results of these activities.

The following activity was completed FFY 2008:

1. Develop and distribute to special education and general education administrators, and analyze the results of a statewide electronic survey to assess:
 - a. Commonly used definitions of school completers and non-completers;
 - b. Practices used to identify students at risk for non-completion;
 - c. Practices used to facilitate school completion.

The electronic survey was developed and distributed in December 2008. A total of 1,331 surveys were disseminated to middle and senior high school principals, middle and senior high school counselors, middle and senior high school special education directors and youth-in-custody directors: 505 educators responded to the survey. The results of the survey were presented to the USOE Associate Superintendent, Accountability and Assessment, in Spring 2009.

Results of this activity include data that will inform the work of the USOE Dropout Committee.

The following activities were completed and ongoing:

1. Work with the USOE leadership and staff to implement directives from the State Board of Education. Completed and ongoing.
 - The USOE Dropout Committee accomplished the following: with the Assessment and Accountability Section, clarified graduation and dropout definitions; participated in the Governor’s 21st Century Workforce Smart Session addressing school completion issues and submitted recommendations to the Governor; provided data from the electronic survey to support Legislative action in reducing the school counselor to student ratio; and developed, distributed, and analyzed the results of a school completion survey.

This activity resulted in increased collaboration between Career and Technology Education, Adult Education, and Special Education.

2. Analyze existing data to determine patterns of school completion across grade level, LEA/school size or location, race/ethnicity, gender, and ELL/disability status. Completed and ongoing.
 - Data from the USOE Clearinghouse were disaggregated by student groups and graphed to show comparisons between the groups.

Results of this activity include an increased awareness of the availability of school completion data and data-reporting methods.

3. Based on data review, develop school completion activities designed to meet student needs, and provide support to LEAs to implement appropriate activities. Not yet completed and ongoing.
 - School completion activities were developed and presented to the USOE Administration and a State School Board member.
 - This activity was placed on hold due to changes in definitions and calculations of graduation and dropout rates.

Results of this activity will allow Utah to proactively address questions arising from the review of the data.

4. Compare current LEA graduation and dropout data with previous year's data; survey those LEAs with improved data to identify any participation in professional development or local initiatives that might have contributed to increased school completion. Not yet completed and ongoing.
 - Data were collected and presented to the USOE Administration and a State School Board member.
 - This activity was placed on hold due to changes in definitions and calculations of graduation and dropout rates.

Results of this activity will allow Utah to proactively address questions arising from the review of the data.

5. Provide professional development, including assistance in developing and implementing effective transition plans, to educators, administrators, and parents. Completed and ongoing.
 - Professional development was provided to 341 special educators, administrators, and parents in 35 LEAs, 3 agencies, and 2 institutes of higher education.

Results of this activity include the correction of all findings identified through monitoring, as reported in Indicators 13 and 15.

6. Evaluate the results of activities from 2008-09 and determine additional activities based on those data. Completed and ongoing.

Results of this activity indicated that no new or revised activities are needed at this time.

Impact of completed activities listed above:

Although the impact of the completed activities was more difficult to determine, due to changes in the definitions and calculations of graduation rates, progress was made in the area of intra-agency collaboration and LEA awareness.

Revisions, with Justification, to Proposed Targets/Improvement Activities/Timelines/Resources

Each improvement activity was reviewed using the Utah State Office of Education SPP/APR Improvement Activity Review form in order to determine its impact on Indicator 2 (See Appendix C).

The review indicated that no new or revised activities are needed at this time.

Activities	Timelines	Resources	Justifications

Given the new method for calculating dropout rate, the targets have been revised as follows:

FFY	Measurable and Rigorous Targets
2009 (2009-2010)	The percent of students with disabilities who drop out of high school will be less than 5.6%.
2010 (2010-2011)	The percent of students with disabilities who drop out of high school will be less than 5.55%.

Part B State Annual Performance Report (APR) for FFY 2008

Overview of the Annual Performance Report Development:

Monitoring Priority: FAPE in the LRE

Indicator 3: Participation and performance of children with IEPs on statewide assessments:

- A. Percent of the districts with a disability subgroup that meets the State's minimum "n" size that meet the State's AYP targets for the disability subgroup.
- B. Participation rate for children with IEPs.
- C. Proficiency rate for children with IEPs against grade level, modified and alternate academic achievement standards.

(20 U.S.C. 1416 (a)(3)(A))

Measurement:

A. AYP percent = [(# of districts with a disability subgroup that meets the State's minimum "n" size that meet the State's AYP targets for the disability subgroup) divided by the (total # of districts that have a disability subgroup that meets the State's minimum "n" size)] times 100.

B. Participation rate percent = [(# of children with IEPs participating in the assessment) divided by the (total # of children with IEPs enrolled during the testing window, calculated separately for reading and math)]. The participation rate is based on all children with IEPs, including both children with IEPs enrolled for a full academic year and those not enrolled for a full academic year.

C. Proficiency rate percent = [(# of children with IEPs enrolled for a full academic year scoring at or above proficient) divided by the (total # of children with IEPs enrolled for a full academic year, calculated separately for reading and math)].

FFY	Measurable and Rigorous Targets
FFY 2008 (2008-2009)	<p>A. The percent of LEAs that made AYP in the students with disabilities subgroup will increase to 66% by 2008-09.</p> <p>B. The percent of students with disabilities participating in statewide assessments in language arts will increase to 95% by 2008-09. The percent of students with disabilities participating in statewide assessments in math will increase to 95% by 2008-09. (Please note that these targets have been changed to align with the AYP targets in Utah's Accountability Workbook approved by the U.S. Department of Education.)</p> <p>C. The percent of students who are proficient in language arts assessments will increase to 83% for grades 3-8 and 82% for grade 10 by 2008-09. The percent of students who are proficient in math assessments will increase to 45% for grades 3-8 and 40% for grades 10-12 by 2008-09. (Please note that these targets have been changed to align with the AYP targets in Utah's Accountability Workbook approved by the U.S. Department of Education.)</p>

Display 3.1: Actual Data for FFY 2008:

Indicator	Topic	Target	Actual Data	Met or Not Met
3A.	AYP	66%	94.05%	Met
3B.	Participation: Math	95%	99.51%	Met
3B.	Participation: Language Arts	95%	99.58%	Met
3C.	Proficiency: Math 3-8	45%	42.01%	Not Met
3C.	Proficiency: Math 10-12	40%	39.54%	Not Met
3C.	Proficiency: Language Arts 3-8	83%	48.19%	Not Met
3C.	Proficiency: Language Arts 10	82%	45.58%	Not Met

Indicator Summary: Three of the seven targets for this indicator were met.

Reporting of Targets and Actual Data:

3A. Actual AYP Data for FFY 2008:

Display 3-2: Number and Percent of Districts That Met the State’s AYP Target for the Disability Subgroup (Based on Those Districts that Met the Minimum “n” Size for the Disability Subgroup):

Year	Total Number of Districts	Number of Districts Meeting the “n” Size	Number of Districts that Meet the Minimum “n” Size and Met AYP for FFY 2008	Percent of Districts That Met AYP
FFY 2008 (2008-2009)	106	84	79	94.05%

The target of 66% was met.

3B. Actual Participation Data for FFY 2008:

Display 3-3: Participation Rate of Students with Disabilities

	Math	Language Arts
a. Children with IEPs	34,504	38,998
b. IEPs in regular assessment with no accommodations	11,524	15,319
c. IEPs in regular assessment with accommodations	18,980	20,430
d. IEPs in alternate assessment against grade-level standards	0	0
e. IEPs in alternate assessment against modified standards	0	0
f. IEPs in alternate assessment against alternate standards	3,827	3,084
Account for any children with IEPs that were not participants in the narrative.	163	165
Overall = [(b + c + d + e + f) divided by (a)]	99.51%	99.58%

The target of 95% for Math was met.

The target of 95% for Language Arts was met.

3C. Actual Proficiency Rate for FFY 2008:

Display 3-4: Proficiency Rate of Students with Disabilities

	Math 3-8	Math 10-12	Language Arts 3-8	Language Arts 10
a. Children with IEPs	31,391	3070	32,932	3368
b. IEPs in regular assessment with no accommodations	4578	107	6024	477
c. IEPs in regular assessment with accommodations	6334	197	7433	757
d. IEPs in alternate assessment against grade-level standards	0	0	0	0
e. IEPs in alternate assessment against modified standards	0	0	0	0
f. IEPs in alternate assessment against alternate standards	2274	910	2412	301
Overall Percent = [(b + c + d + e + f) divided by (a)]	42.01%	39.54%	48.19%	45.58%

The targets of 45% for grades 3-8 and 40% for grades 10 – 12 for Math were not met.

The targets of 83% for grades 3-8 and 82% for grade 10 for Language Arts were not met.

Valid and Reliable Data:

The accuracy of the data is ensured as it goes through quality assurance and quality control established by both the assessment results team and the computer services section at the Utah State Office of Education.

Explanation of Progress or Slippage that occurred for FFY 2008 (2008-09):

The number of LEAs that are meeting the minimum “n” size for this subgroup has increased over time, from 57 in 2004-05 to 84 in 2008-09. Thus, maintaining or increasing the percent of LEAs that meet AYP for this subgroup is a challenge but one for which the State of Utah has put forth considerable effort. In fact, the percentage of LEAs meeting AYP has increased from 44% in 2004-05 to 94% in 2008-09.

Like the AYP rate, the participation rate of students with disabilities has also increased from 86-92% in 2004-05 to over 99% in 2008-09. The participation rate for the past four years has been stable. The increased participation rate is due to professional development provided on the U-PASS Assessment Participation and Accommodations Policy and the number of teachers who have been trained over the past years who implement the Policy. The Policy and professional development include a description of the assessments in Utah, acceptable and appropriate accommodations, who takes which assessment and why students with disabilities must participate. Since this professional development is designed for teachers of students with disabilities, it facilitates a better understanding of assessment requirements and practices. The USOE will continue professional development opportunities for special education directors, assessment directors, and LEA staff members on the U-PASS Assessment Participation and Accommodations Policy.

The percentage of students with disabilities scoring proficient or above on the Language Arts test increased from 42% in 2007-08 to approximately 47% in 2008-09. The percentage of students with disabilities scoring proficient or above on the Mathematics test decreased from 46% in 2007-08 to approximately 41% in 2008-09. For FFY 2008, the Secondary English Language Arts (ELA) core curriculum was significantly revised. The revision focused on providing greater clarity and direction in the curriculum, but not necessarily making the curriculum more difficult. The performance cut scores did not change as a result of the process, even though the underlying construct changed. Therefore, the increase in percentage proficient for ELA seems to be real. For FFY 2008, the Mathematics (Elementary and Secondary) core curriculum was also significantly revised. The new mathematics assessments were more rigorous than in years past. The performance cut scores on the mathematics assessments changed which make direct comparisons between FFY 2007 and FFY 2008 problematic. Because the 2009 mathematics assessments were more challenging than the 2008 mathematics assessments, one would expect the percentage proficient to decrease, which in fact it did.

The USOE has held numerous professional development opportunities in the areas of literacy and numeracy in collaboration with the curriculum and Title I departments. General education and special education teachers have attended. The data are beginning to reflect those efforts with an increase in Language Arts proficiency for FFY 2008.

Data for 3B included both Full Academic Year (FAY) and non-FAY data and data for 3C are based on FAY (i.e., AYP) data. The target for 3A was set on the FFY 2005 SPP; Utah's AYP process does not have a 3A-related target. The targets for 3B and 3C are aligned with the AYP targets established in Utah's Consolidated Accountability Workbook, and thus represent a change from the targets established in the FFY 2005 SPP.

3B. Actual Participation Data for FFY 2008:

Display 3-5: Disaggregated Data for Math Participation

Statewide Assessment – 2008-2009		Math Assessment								
		Grade 3	Grade 4	Grade 5	Grade 6	Grade 7	Grade 8	Grade 10-12	Total	
									#	%
a	Children with IEPs	6478	6335	5971	5300	4325	3025	3070	34,504	
b	IEPs in regular assessment with no accommodations	2632	2240	1666	1243	1530	1068	1155	11,534	33.43%
c	IEPs in regular assessment with accommodations	3368	3621	3824	3590	2320	1489	768	18,980	55.01%
d	IEPs in alternate assessment against grade-level standards	0	0	0	0	0	0	0	0	0%
e	IEPs in alternate assessment against modified standards	0	0	0	0	0	0	0	0	0%
f	IEPs in alternate assessment against alternate standards	469	453	469	450	456	412	1118	3827	11.09%
g	Overall (b+c+d+e+f) Baseline	6469	6314	5959	5283	4306	2969	3041	34,341	99.53%
Children included in a but not included in the other counts above*										
	Account for any children with IEPs that were not participants in the narrative.	9	21	12	17	19	56	29	163	0.47%
	Participation Rate by Grade Level	99.86%	99.67%	99.80%	99.68%	99.56%	98.15%	99.06%		

Display 3-6: Disaggregated Data for Reading Participation

Statewide Assessment – 2008-2009		Language Arts Assessment								
		Grade 3	Grade 4	Grade 5	Grade 6	Grade 7	Grade 8	Grade 10	Total	
									#	%
a	Children with IEPs	6980	6807	6379	5673	4863	4569	3727	38,998	
b	IEPs in regular assessment with no accommodations	3163	2764	2128	1734	1791	1780	1959	15,319	39.28%
c	IEPs in regular assessment with accommodations	3338	3572	3769	3470	2606	2323	1352	20,430	52.39%
d	IEPs in alternate assessment against grade-level standards	0	0	0	0	0	0	0	0	0%
e	IEPs in alternate assessment against modified standards	0	0	0	0	0	0	0	0	0%
f	IEPs in alternate assessment against alternate standards	469	451	469	451	451	433	360	3084	7.91%
g	Overall (b+c+d+e+f) Baseline	6970	6787	6366	5655	4848	4536	3671	38,833	99.58%
Children included in a but not included in the other counts above										
	Account for any children with IEPs that were not participants in the narrative.	10	20	13	18	15	33	56	165	0.42%
	Participation Rate by Grade Level	99.86%	99.71%	99.80%	99.68%	99.69%	99.28%	98.50%		

3.C. Actual Performance Data for FFY 2008:

Display 3-7: Disaggregated Data for Math Performance: # and % of Students with IEPs that Scored Proficient or Higher

Statewide Assessment – 2008-2009		Math Assessment Performance						Total	
		Grade 3	Grade 4	Grade 5	Grade 6	Grade 7	Grade 8	#	%
a	Children with IEPs	6475	6332	5968	5294	4320	3002	31,391	

b	IEPs in regular assessment with no accommodations	879	1077	1044	651	711	216	4578	14.58%
c	IEPs in regular assessment with accommodations	1775	1574	1128	685	796	376	6334	20.18%
d	IEPs in alternate assessment against grade-level standards	0	0	0	0	0	0	0	0%
e	IEPs in alternate assessment against modified standards	0	0	0	0	0	0	0	0%
f	IEPs in alternate assessment against alternate standards	388	386	395	379	378	364	2290	7.30%
g	Overall (b+c+d+e+f) Baseline	3042	3037	2567	1715	1885	956	13,202	42.05%
	Proficiency Rate by Grade Level	46.98%	47.96%	43.01%	32.40%	43.63%	31.85%		

Display 3-8: Disaggregated Target Data for Math Performance: # and % of Students with IEPs that Scored Proficient or Higher

Statewide Assessment – 2008-2009		Math Assessment Performance	Total	
		Grade 10-12	#	%
a	Children with IEPs	3070	3070	
b	IEPs in regular assessment with no accommodations	107	107	3.49%
c	IEPs in regular assessment with accommodations	197	197	6.42%
d	IEPs in alternate assessment against grade-level standards	0	0	0%
e	IEPs in alternate assessment against modified standards	0	0	0%
f	IEPs in alternate assessment against alternate standards	910	910	29.64%

g	Overall (b+c+d+e+f) Baseline	1214	1214	39.54%
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Display 3-9: Disaggregated Data for Language Arts Performance: # and % of Students with IEPs that Scored Proficient or Higher

Statewide Assessment – 2008-2009		Language Arts Assessment Performance						Total	
		Grade 3	Grade 4	Grade 5	Grade 6	Grade 7	Grade 8	#	%
a	Children with IEPs	6482	6341	5981	5300	4559	4269	32,932	
b	IEPs in regular assessment with no accommodations	1108	1218	1088	1086	818	706	6024	18.29%
c	IEPs in regular assessment with accommodations	2036	1677	1179	913	847	781	7433	22.57%
d	IEPs in alternate assessment against grade-level standards	0	0	0	0	0	0	0	0%
e	IEPs in alternate assessment against modified standards	0	0	0	0	0	0	0	0%
f	IEPs in alternate assessment against alternate standards	409	415	424	401	384	379	2412	7.32%
g	Overall (b+c+d+e+f) Baseline	3553	3310	2691	2400	2049	1866	15,869	48.19%
	Proficiency Rate by Grade Level	54.81%	52.20%	44.99%	45.28%	44.94%	43.71%		

Display 3-10: Disaggregated Data for Language Arts Performance: # and % of Students with IEPs that Scored Proficient or Higher

Statewide Assessment – 2008-2009		Language Arts Assessment Performance	Total	
		Grade 10	#	%
a	Children with IEPs	3368	3368	
b	IEPs in regular assessment with no accommodations	477	477	14.16%

c	IEPs in regular assessment with accommodations	757	757	22.48%
d	IEPs in alternate assessment against grade-level standards	0	0	0%
e	IEPs in alternate assessment against modified standards	0	0	0%
f	IEPs in alternate assessment against alternate standards	301	301	8.94%
g	Overall (b+c+d+e+f) Baseline	1535	1535	45.58%

Discussion of Improvement Activities:

Each improvement activity was reviewed using the Utah State Office of Education SPP/APR Improvement Activity Review form in order to determine its impact on Indicator 3 (See Appendix C).

The following activity was completed FFY 2008:

1. Extend the grade level content standards to their “essence” for use in the revision of Utah’s Alternate Assessment (UAA), the alternate assessment based on alternate achievement standards. Completed and timeline being revised.
 - The Extended Core Standards were completed for language arts grades Kindergarten through 12; math grades Kindergarten through 7 plus pre-algebra and high school; and science grades Kindergarten through 8 plus Earth systems, biology, chemistry and physics in the spring of 2009. These standards are available at <http://www.schools.utah.gov/sars/manualsglines/pdfs/extcorestd.pdf>.
 - Stakeholder groups consisting of regular and special educators, content specialists, parents and higher education representatives reviewed the Extended Core Standards.

Results of this activity include the completed Extended Core Standards which will be used in the future as a foundation for instruction.

The following activities were completed and are ongoing:

1. Collaboratively provide statewide professional development on literacy instruction and interventions for general and special educators. Completed and ongoing.
 - 2,605 general and special education teachers, administrators, related service providers, paraeducators, parents, students, and others received professional development in literacy instruction and interventions.

Results of this activity include an increased knowledge of research based literacy instruction and interventions as documented by participants’ evaluations. Improvement in language arts proficiency is anticipated.

2. Collaboratively provide statewide professional development on numeracy instruction and interventions for general and special educators. Completed and ongoing.

- 1,085 general and special education teachers, administrators, related service providers, paraeducators, parents, students, and others received professional development in numeracy instruction and interventions.

Results of this activity include an increased knowledge of research based numeracy instruction and interventions as documented by participants' evaluations.

3. Revise, publish and collaboratively provide professional development on the U-PASS Assessment Participation and Accommodations Policy to reflect new accommodations research. Post on USOE website. Completed and ongoing.
 - 750 general and special education teachers, administrators, related service providers, paraeducators, parents, students, and others received professional development in assessment participation and the use of accommodations.
 - 856 special education teachers and related service providers received professional development in use of assistive technology.
 - Accommodation highlights are provided to assessment directors at assessment director meetings and via assessment newsletters.
 - Accommodations highlights are provided to special education directors via the SASSIE News and in statewide meetings.
 - U-PASS Assessment Participation and Accommodations Policy is updated annually and posted at: http://www.schools.utah.gov/assessment/documents/Special_Needs_Accommodations_Policy.pdf.

Results of this activity include more selective accommodations being used for students with disabilities as indicated by UPIPS monitoring data.

4. All CRTs will be evaluated by grade for student participation and proficiency yearly. Completed and ongoing.
 - This activity was completed and the data were analyzed.

Results of this activity will allow Utah to proactively address questions arising from the review of the data.

5. Evaluate the results of activities from 2008-09 and determine additional activities based on those data. Completed and ongoing.
 - USOE SPP/APR improvement activity reviews were completed to determine whether activities should be continued, combined, added or revised.

Results of this activity are that two new activities were created, one activity was completed for 2008-2009, and the timeline was revised to reflect that completion.

Impact of completed activities listed above:

Each improvement activity was reviewed in terms of its impact on Indicator 3. Improvement activities resulted in the development of resources and implementation of targeted professional development activities, which in turn increased LEA knowledge and available resource materials, thus ensuring appropriate accommodations of students with disabilities as indicated by UPIPS monitoring data. Procedures were also established that ensure appropriate alignment of policies, procedures, and practices to requirements. These activities are expected to continue to facilitate the increase in participation and proficiency of students with disabilities on statewide assessments.

Revisions, with Justification, to Proposed Targets/Improvement Activities/Timelines/Resources

Each improvement activity was reviewed using the Utah State Office of Education SPP/APR Improvement Activity Review form in order to determine its impact on Indicator 3 (See Appendix C).

Activities	Timelines	Resources	Justifications
REVISED TIMELINE #1 Extend the grade level content standards to their "essence" for use in the revision of Utah's Alternate Assessment (UAA), the alternate assessment based on alternate achievement standards.	2008-2009	USOE staff	The timeline was changed from "2007 and on-going" due to the completion of the Extended Core Standards.
NEW #1 Provide professional development statewide on the Extended Core Standards.	2009 through 2011	USOE staff, UPDC staff, IDEA discretionary funds	Professional development is needed on the Extended Core Standards for Students with Significant Cognitive Disabilities in order to ensure that teachers use and teach the Extended Core Standards appropriately and effectively.
NEW #2 Develop tasks for Utah's Alternate Assessment II (UAA-II) for Students with Significant Cognitive Disabilities.	2009 through 2011	USOE staff; Enhanced Assessment Grant for Alternate Assessment Design – Mathematics; stakeholders	The development of new tasks based on the Extended Core Standards for Students with Significant Cognitive Disabilities are needed in order to prepare for Utah's Alternate Assessment II (UAA-II).

The following represent the revised targets. Targets were revised to align with the AYP targets of Utah's Consolidated Accountability Workbook.

FFY	Measurable and Rigorous Targets
2009 (2009-2010)	A) The percent of LEAs that made AYP in the students with disabilities subgroup will be 72%. B) The percent of students with disabilities participating in statewide assessments in language arts and in mathematics will be 95%. C) The percent of grade 3-8 students and for grade 10 students who are proficient in language arts assessments will be 89% and 88%, respectively. The percent of grade 3-8 students and for grade 10 students who are proficient in mathematics assessments will be 45% and 40%, respectively.
2010 (2010-2011)	A) The percent of LEAs that made AYP in the students with disabilities subgroup will be 78%. B) The percent of students with disabilities participating in statewide assessments in

	language arts and in mathematics will be 95%. C) The percent of grade 3-8 students and for grade 10 students who are proficient in language arts assessments will be 89% and 88%, respectively. The percent of grade 3-8 students and for grade 10 students who are proficient in mathematics assessments will be 63% and 60%, respectively.
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Public Reporting Information:

- Grades 3-8 Language Arts and Grades 3-8 Math State reporting for participation and performance: [http://u-pass.schools.utah.gov/u-passweb/pdfs/ayp/2009/99/State%20of%20Utah%20AYP%20Report%20\(%20ID%2099%20-%20No.%20099%20Grades%203-8\).pdf](http://u-pass.schools.utah.gov/u-passweb/pdfs/ayp/2009/99/State%20of%20Utah%20AYP%20Report%20(%20ID%2099%20-%20No.%20099%20Grades%203-8).pdf).
- Grade10 Language Arts and Grades 10-12 Math State reporting for participation and performance: [http://u-pass.schools.utah.gov/u-passweb/pdfs/ayp/2009/99/State%20of%20Utah%20AYP%20Report%20\(%20ID%2099%20-%20No.%20099%20Grades%2010-12\).pdf](http://u-pass.schools.utah.gov/u-passweb/pdfs/ayp/2009/99/State%20of%20Utah%20AYP%20Report%20(%20ID%2099%20-%20No.%20099%20Grades%2010-12).pdf).

Additional Information Required by the OSEP APR Response Table for this Indicator (if applicable): N/A

Part B State Annual Performance Report (APR) for FFY 2008

Overview of the Annual Performance Report Development:

Monitoring Priority: FAPE in the LRE

Indicator 4: Rates of suspension and expulsion:

- A. Percent of districts that have a significant discrepancy in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs; and
- B. Percent of districts that have: (a) a significant discrepancy, by race or ethnicity, in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs; and (b) policies, procedures or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.

(20 U.S.C. 1416(a)(3)(A); 1412(a)(22))

Measurement:

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

Note: 4B is new for FFY 2009. Baseline data, targets and improvement activities are to be provided with the FFY 2009 APR, due February 1, 2011.

Definition of Significant Discrepancy and Methodology

Utah 618 Table 5 data on short and long-term suspensions and expulsions are collected annually from LEAs as required by OSEP. LEAs have a variety of internal systems for collecting and tracking data on suspensions and expulsions. Each LEA aggregates data and submits the data in written form to the USOE. Data correspond with USOE Federal 618 Discipline Data tables. There is continued collaboration with USOE Data Clearinghouse to ensure fidelity of data collection.

The method for identifying significant discrepancy that the State uses is one based on comparisons among LEAs within the State. Specifically, the definition of "Significant Discrepancy" is based on a

significant difference from the statewide mean rate of suspension/expulsion of students with disabilities across all LEAs. The mean rate and the standard deviation were computed. Significant discrepancy was defined as two or more standard deviations above the mean. The mean suspension/expulsion rate was 1.07%. The standard deviation was 2.53%; two standard deviations are 5.06%.

FFY	Measurable and Rigorous Targets
2007 (2007-2008) (Lag Data)	A. Reduce number of LEAs with significant discrepancies 1%. Given that last year's rate was 0% this means that this year's target is 0% of LEAs will be identified with a significant discrepancy.

Actual Data for FFY 2008: 0%

Display 4-1: Percent of LEAs Identified with Significant Discrepancy for FFY 2007

Year	Total Number of LEAs	Number of LEAs that have Significant Discrepancies	Percent
FFY 2007 (Lag Data)	100	0	0%

The target of 0% was met.

Review of Policies, Procedures, and Practices:

No districts or charter schools were identified with significant discrepancies in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs; therefore, the State did not conduct a review of LEA policies, procedures, and practices relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards. However, the State did develop a self assessment tool for LEAs to assess the continuum of behavioral supports for students struggling with emotional/behavioral difficulties, which some LEAs have elected to use proactively.

Valid and Reliable Data:

Data are submitted in written form to the USOE. Data correspond with USOE Federal 618 Discipline Data tables. There is continued collaboration with USOE Data Clearinghouse to ensure fidelity of data collection.

Explanation of Progress or Slippage that occurred for FFY 2008 (2008-09):

FFY 2007 data indicate 0% of LEAs have a significant discrepancy with the suspension and expulsion of students with disabilities for greater than 10 days. For the past two years 0% of LEAs have been identified as having a significant discrepancy.

Correction of FFY 2007 Findings of Noncompliance:

With zero LEAs having a significant discrepancy with the suspension and expulsion of students with disabilities for greater than 10 days during FFY 2007, no correction was necessary. The USOE verified

that the SEA and LEAs are implementing the specific regulatory requirements of 34 CFR §300.170(b) as per OSEP's 09-02 Memorandum, including examining data disaggregated by race and ethnicity and reviewing policies, procedures, and practices. Data were collected from State and Federal reports, on-site monitoring, or additional LEA data submissions (desk audits).

Discussion of Improvement Activities:

The following activity was completed FFY 2008:

1. Develop a self assessment for LEAs to assess the continuum of behavioral supports for students struggling with emotional/behavioral difficulties. Completed.
 - Self assessment tool was created for LEAs.

Results of this activity include a self assessment tool for LEA use.

The following activities were completed and are ongoing:

1. Enhance and expand Utah's Behavior Initiatives (UBI). Continue to emphasize UBI professional development through adequate funding and training opportunities for districts and charter schools. Completed and ongoing.
 - In 2008 UBI conducted a Positive Behavioral Interventions and Supports (PBIS) training platform for 87 schools in 15 LEAs on a continuum of behavioral interventions and supports.
 - During the Fall of 2008, 15 LEA level PBIS trainings were conducted for a total of 210 hours of training on universal, secondary, and individual research based practices and interventions.

Results of this activity include increased LEA participation and an increase in the number of school personnel trained and implementing PBIS, which resulted in fewer office disciplinary referrals and better school climates as documented by UBI data.

2. Build local capacity through partnership with Utah State Improvement Grant for UBI District Positive Behavioral Support Pilots. Expand the capacity of LEAs to support social and academic behavioral outcomes for students. Establish system to achieve better learning outcomes while preventing problem behaviors from occurring. Completed and ongoing.
 - The UBI Advisory Council gave technical assistance to allow large-scale implementation of both Statewide and district-wide PBIS. Two Advisory Council meetings were held between September 2008 and May 2009 during which four major universities, the USOE, the Utah Personnel Development Center (UPDC) and LEA leadership attended. Four project outcome goals were established during the meetings: (1) connect academic and behavioral instruction and intervention (e.g., RTI) (2) coach both classroom and systems level supports to increase fidelity of implementation for intervention and instruction (3) develop and expand fidelity checks for at-risk and high-risk behavioral needs (4) plan for sustainability for schools and continue implementation of school-wide PBIS.
 - Nineteen UBI District Coaches provided additional LEA technical support for schools implementing PBIS and maintained fidelity of implementation commensurate with State guidelines. UBI district coaches participated in a coaching network, which included monthly meetings, electronic correspondence, listserv participation and conference attendance. Twelve coaching network meetings were held between July 2008 and June 2009.
 - Fifteen UBI LEA Leadership Teams actively coordinated implementation and sustainability efforts within their districts. The objective of the teams was to increase capacity in four primary areas: capacity, coaching capacity, evaluation, and coordination.

- The UBI LEA Leadership Teams met quarterly to establish a system of effective and efficient utilization of materials, personnel, and resources in the implementation of a 3-5 year action plan.

Results of this activity include an increase in the number of school personnel trained and implementing PBIS, which resulted in fewer office discipline referrals and better school climates as documented by UBI data.

3. Review and revise Statewide Assistance Team (SWAT) process for students with the most severe behavior difficulties to ensure enhanced local capacity of LEAs to effectively enable these students to succeed in school. Completed and ongoing.
 - Provided technical assistance and comprehensive professional development for staff working with individual students who exhibited patterns of problem behaviors. Involved was a process for functional behavioral assessment (FBA) and a support plan comprised of individualized, assessment-based intervention strategies including a continuum of practices such as: (1) guidance or instruction for the student to use new skills as a replacement for problem behaviors (2) some rearrangement of the antecedent environment so that problems can be prevented and desirable behaviors can be encouraged and (3) procedures for monitoring, evaluation and reassessing of the plan as necessary.

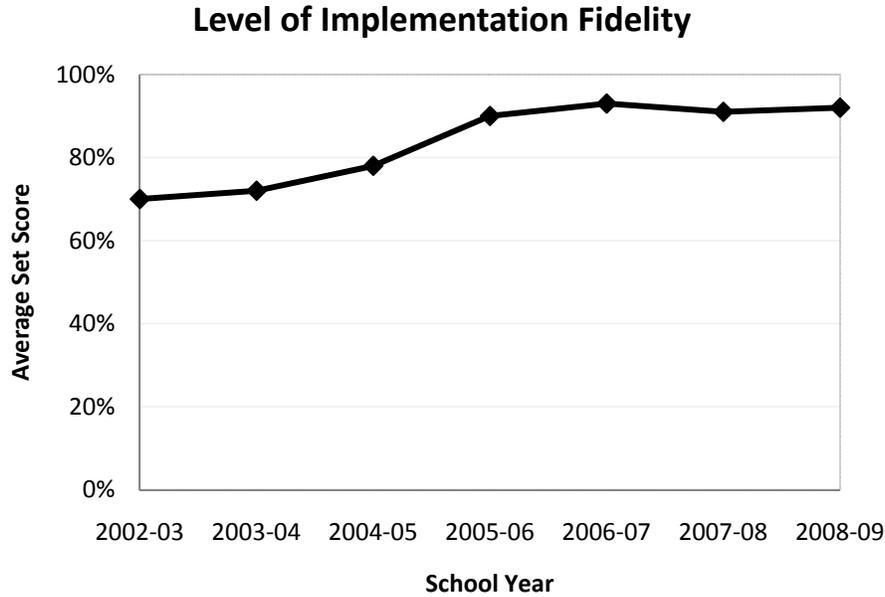
Results of this activity include technical assistance on behavioral interventions, comprehensive professional development for LEAs making a request, processes for functional behavioral assessments, and a support plan comprised of individualized intervention strategies.

4. Collaborate with USOE Data Warehouse to improve data collection. Assist with Education Data Exchange Network (EDEN) system coming online at the USOE. Completed and ongoing.
 - From August 2008 to July 2009 three meetings were held with the USOE Clearinghouse staff to discuss EDEN and the potential impact on APR indicators.
 - A presentation was made during the Statewide Student Information Systems (SIS) conference on steps needed to include Indicator 4 data into the statewide EDEN system.
 - 696 on-line monthly data summaries were submitted by participating UBI schools providing the State leadership team with monthly school level data on the following 5 data indicators: (1) number of office discipline referrals (2) number of minor classroom discipline actions (3) number of tardies (4) number of suspensions and (5) number of school-wide positives given to students. Data were shared during the USOE Clearinghouse meeting to consider process for inclusion in the USOE Clearinghouse.

Results of this activity include meetings held with the USOE Clearinghouse staff to discuss EDEN, shared data on UBI data indicators and progress made toward an improved system for providing valid and reliable discipline data.

5. Evaluate the results of activities for FFY 2008-09 and determine additional activities based on those data. Completed and ongoing.
 - Schools involved with the UBI project were required to implement the School-wide Evaluation Tool (SET) two times a year (Fall and Spring). The SET is designed to assess and evaluate the critical features of school-wide effective behavior support across each academic school year. The UBI project has maintained the percentage of target schools who are "high implementers" as demonstrated by SET results, consistent with elements required for systems change.

Display 4-2: Level of Implementation with Fidelity



Results of this activity include schools involved with the UBI project being required to implement a School-wide Evaluation Tool (SET) two times a year (Fall and Spring), with staff using the SET results to evaluate the critical features of school-wide behavioral supports. Data indicate a decrease in the number of office discipline referrals (ODR) that could result in suspension or expulsion from school, as shown in Display 4-3.

Display 4-3: Tracking of Office Discipline Referrals

2007-08 Major Office Referrals	12,957
2008-09 Major Office Referrals	8,564
Difference in Major Office Referrals	4,393
% Decrease in Major Office Referrals	34%
If an office referral takes 15 minutes for an administrator to process, then time saved below:	
Minutes Saved	65,895
Estimated administrator time recovered & reinvested pilot site wide	360 days = 1 School Year
If one office referral takes 45 minutes of student instructional time to process, then	
Minutes Saved	197,686
Estimated student instructional time recovered & reinvested into academic engagement	1080 days = 3 School Years

6. Collaborate with USOE Comprehensive Guidance programs for at risk students. Completed and ongoing.
 - USOE educational specialist attended statewide student service directors meetings to collaborate on LEA discipline policies and procedures.

Results of this activity include greater intra-agency USOE collaboration and a significant change in Utah State Board of Education Administrative Rule.

7. Coordinate and collaborate with partner LEAs and target schools to implement Response to Intervention through Positive Behavioral Supports, tiered literacy and math ABC-UBI Initiatives. Completed and ongoing.
 - There are 15 schools under the ABC Initiatives making efforts towards the integration and implementation of tiered instruction and PBIS behavioral supports.
 - LEAs collected data using the Systems-Wide Evaluation Tool (SET).
 - Fifteen school teams were trained in evidence based principles of reading and behavioral support.
 - School teams completed a needs assessment and created goals based on the needs assessment in the areas of reading, math and social behavior support.
 - School teams held monthly meetings to review data and follow a problem solving process.

Results of this activity include increased LEA participation and an increase in the number of school personnel trained and implementing PBIS and tiered instruction, which resulted in fewer office disciplinary referrals and better school climates as documented by ABC data.

8. Establish university partnerships for the purpose of program evaluation and curriculum development. Completed and ongoing.
 - The building and Enhancing Skills for Teens (BEST) manual was developed as a result of a partnership with the University of Utah. The BEST manual describes a school-based cognitive behavioral intervention for students at risk for substance abuse and related problem behavior. The major goals of the intervention are to teach adolescents how to improve their decision-making, problem-solving, and coping skills. The manual consists of 12 modules that are designed to be delivered in a small group format and last approximately 50-60 minutes.
 - As a result of the partnership with the University of Utah the development of the following curriculum was completed. Superhero Social Skills is an eighteen-lesson social skills program that is implemented over eighteen or thirty-six weeks. It is designed to be taught in a small group format for children with high-functioning autism spectrum disorders (ASDs). The program is designed to appeal to non-disabled students as well. The ideal group composition would include some students with ASD and some non-disabled students who already have adequate social skills.

Results of this activity include increased resources and materials at no cost for each LEA within the state, which resulted in more interventions for LEA staffs to use with students struggling with behavioral concerns.

Impact of completed and ongoing activities listed above:

Improvement activities resulted in an increase in LEA knowledge and capacity to address behavioral issues and application of policies and procedures. These activities have collectively resulted in the maintenance of a 0% rate of LEAs having a significant discrepancy in the rates of suspension/expulsion greater than 10 days in a school year.

Revisions, with Justification, to Proposed Targets/Improvement Activities/Timelines/Resources

Each improvement activity was reviewed using the Utah State Office of Education SPP/APR Improvement Activity Review form in order to determine its impact on Indicator 4 (See Appendix C).

The review indicated that no new or revised activities are needed at this time.

Activities	Timelines	Resources	Justifications

Part B State Annual Performance Report (APR) for FFY 2008

Overview of the Annual Performance Report Development:

Monitoring Priority: FAPE in the LRE

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

- A. Inside the regular class 80% or more of the day;
- B. Inside the regular class less than 40% of the day, and;
- C. In separate schools, residential facilities, or homebound/hospital placements.

(20 U.S.C. 1416(a)(3)(A))

Measurement:

- A. Percent = [(# of children with IEPs served inside the regular class 80% or more of the day) divided by the (total # of students aged 6 through 21 with IEPs)] times 100.
- B. Percent = [(# of children with IEPs served inside the regular class less than 40% of the day) divided by the (total # of students aged 6 through 21 with IEPs)] times 100.
- C. Percent = [(# of children with IEPs served in separate schools, residential facilities, or homebound placements) divided by the (total # of students aged 6 through 21 with IEPs)] times 100.

FFY	Measurable and Rigorous Targets
2008 (2008-2009)	<p>A. The percentage of students with disabilities inside the regular class 80% or more of the day will increase by 1% over previous school year, (FFY07 actual = 51.40%; FFY08 target = $51.40\% + (51.40\% * 1\%) = 51.91\%$)</p> <p>B. The percentage of students with disabilities inside the regular class less than 40% of the day will decrease by 1% over previous school year, (FFY07 actual = 15.40%; FFY08 target = $15.40\% - (15.40\% * 1\%) = 15.25\%$)</p> <p>C. The percentage of students with disabilities in separate schools, residential placements or homebound or hospital placements will decrease by 0.1% over previous school year, (FFY07 actual = 3.25%; FFY08 target = $3.25\% - (3.25\% * .1\%) = 3.25\%$)</p>

Actual Data for FFY 2008:

- A. **52.36%**
- B. **15.33%**
- C. **3.23%**

Display 5-1: Percent of Students with Disabilities in Various Settings

	5A	5B	5C
Target	51.91%	15.25%	3.25%
Total number of students	56,718	56,718	56,718
Number of students in this setting	29,698	8695	1836
Percentage of students in this setting	52.36%	15.33%	3.23%
Met Target	Yes	No	Yes

The target of 51.91% for 5A was met.

The target of 15.25% for 5B was not met.

The target of 3.25% for 5C was met.

Indicator 5 data are based on the 618 data as required by IDEA.

Valid and Reliable Data:

December 1 Child Count and FAPE data are submitted electronically to the USOE Clearinghouse. The data are then returned to the LEAs for verification. Data go through an error check system at the Clearinghouse to ensure annual accuracy and consistency of the data. Data analysis is conducted by various USOE members to ensure data are reported accurately. The consistency of data from year to year serves as an additional validation.

Explanation of Progress or Slippage that Occurred for FFY 2008 (2008-09):

As noted in Display 5-2, from FFY 2004 to FFY 2008 significant progress has been made on the percentage of students with disabilities served inside the regular classroom 80% or more of the day.

The significant progress that has been made over time in 5A is attributed to the strong collaboration between general education, Title 1, comprehensive guidance, and special education in the areas of shared conferences, discretionary grant opportunities, and development of tiered instruction framework documents.

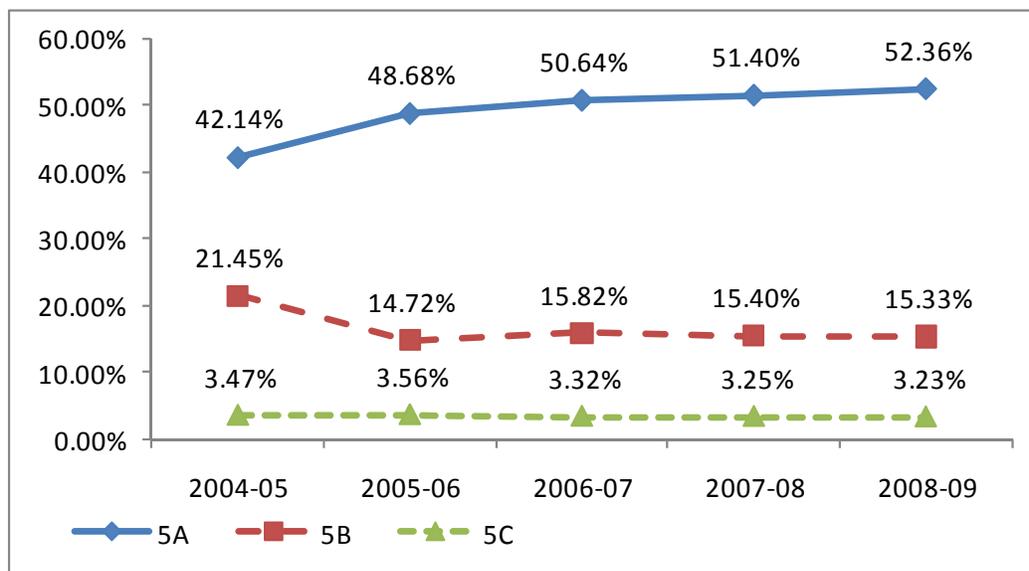
Although Utah did not meet the target of 15.25% in 5B, the data indicate a decrease in students with disabilities being served inside the regular class less than 40% of the day. An analysis of the data indicates that the primary reason Utah did not meet the 5B target is due to the significant increase (308% since 2002) of students identified with autism, 42% of whom currently require more intensive services that align with the parameters of 5B. An activity has been added to specifically address LRE for students with autism.

The continued decrease of the percentage of students with disabilities in 5C over four years is attributed to the continuing effort of the USOE and partners in clarification of roles, responsibilities, child find activities, and professional development for targeted instruction and interventions.

Display 5-2: Percent of Students with Disabilities in Various Settings

Setting	FFY 2004	FFY 2005	FFY 2006	FFY 2007	FFY 2008
Number of students with disabilities	52,619	53,064	53,569	55,043	56,718
5A. Inside the regular class 80% or more of the day	42.14% (N=22,174)	48.68% (N=25,830)	50.64% (N=27,129)	51.40% (N=28,291)	52.36% (N=29,698)
5B. Inside the regular class less than 40% of the day	21.45% (N=11,289)	14.72% (N=7,809)	15.82% (N=8,472)	15.40% (N=8,478)	15.33% (N=8695)
5C. Served in public or private separate schools, residential placements or homebound or hospital places	3.47% (N=1,826)	3.56% (N=1,893)	3.32% (N=1,780)	3.25% (N=1,787)	3.23% (N=1,836)

Display 5-3: Percent of Students with Disabilities in Various Settings



The progress that has occurred over time in 5A, 5B, and 5C is highly attributed to the collaboration between general and special education. The continuous informal and formal interaction and collaborative professional development activities have enhanced the working relationships of general and special educators and have aligned goals for success of all students.

Discussion of Improvement Activities:

Each improvement activity was reviewed using the Utah State Office of Education SPP/APR Improvement Activity Review form in order to determine its impact on Indicator 5 (See Appendix C).

The following activities were completed and ongoing:

1. Provide technical assistance to LEAs on data collection. Completed and ongoing.

- Technical assistance was provided to LEA special education directors in statewide meetings.
- Professional development was provided to 7 new charter school data managers and 7 new LEA special education directors.

Results of this activity enabled new and existing LEAs to collect consistent, valid, and reliable data as documented through the USOE verification process.

2. Collaborate to provide statewide conferences for all educators regarding classroom management, instruction, school-wide and targeted interventions to support students in LRE. Completed and ongoing.

- Statewide professional development, in collaboration with general education and Title I, was provided in the following areas:
 - Response to Intervention (RTI)
 - DIBELS, progress monitoring, screening
 - Assessments, informal and formal
 - Interventions for struggling readers
 - Behavior strategies
 - Tiered instruction
 - ELL instruction
 - Math and science instructional strategies
- Participants included general and special educators, administrators, parents, Title I schools, secondary and elementary educators; totaling 11,304 participants.

Results of these activities include increased interaction and collaboration between general and special educators during overlapping training for educators participating in professional development as documented by attendance records. The statewide professional development enabled educators to be provided with and to have access to research based instruction and intervention materials for implementation to support students in LRE, as documented by an improvement in Indicator 5 data.

3. Collaborate on program development of tiered instruction for all educators to support students in LRE. Completed and ongoing.

- A tiered instruction framework was developed to support students in LRE.
 - Special educators and general educators annually review and recommend instruction/intervention materials for classroom teachers.
 - USOE staff participated with CORE Academy leaders to develop instructional goals for math and science.
 - Instruction/intervention materials were listed on the USOE website and in the 3-Tier reading document.
 - USOE staff participated in developing a tiered instruction framework for numeracy for all educators.

Results of these activities include the provision of a consistent instruction/intervention framework for all educators. The activities provided support for educators to implement research based instruction/intervention and assessments in the area of math and science to support LRE.

4. Provide IDEA discretionary funds to LEAs to enhance services for students in LRE. Completed and ongoing.

- LEAs were provided funding to improve literacy instruction.
 - LEAs were awarded funding to create and maintain collaboration with general education in literacy instruction for all students.
 - ◆ 20 LEAs were awarded an average of \$5,000 each.

Results of this activity include enabling LEAs to tailor professional development needs based on local student data, increased collaboration between general education, special education,

and Title I at the LEA level as documented through evaluation data reported by LEAs and LEA attendance records.

5. Collaborate with comprehensive guidance to train educators in behavior management strategies and targeted interventions to ensure LRE for students with disabilities. Completed and ongoing.
 - Collaborated with comprehensive guidance to train educators in behavior management strategies and targeted interventions.
 - Behavior coaches provided professional development to general and special educators on Utah's Academic, Behavior Coaching/Behavior Initiative (UBI), incorporating positive school wide behavior strategies.
 - ◆ 87 schools
 - ◆ 14 school districts
 - ◆ 1 charter schools

Results of these activities include the provision of a framework consistent with research based interventions and valid, reliable behavior tools for behavior management strategies to ensure LRE for students with disabilities, thus contributing to an improvement in Indicator 5 data.

6. Provide to LEAs a summary of LRE data to be used in self assessment and verification portions of the UPIPS monitoring process. Completed and ongoing.
 - LEAs were provided with a summary of LRE data for self assessment and verification portions of the UPIPS monitoring system.
 - LEAs received a summary of their annual data.
 - LEA data were compared to the State data.
 - LEAs used the data during their self assessment process.
 - USOE reviews LRE data annually.

Results of these activities include an increased knowledge base and incentives for LEAs to utilize their individual LRE data to develop professional development activities in instruction/intervention, disproportionality, and data collection, entry and use. These activities increased the collaboration between LEAs and the USOE to improve LRE as documented in this APR.

7. Coordinate and collaborate with partner districts and target schools to implement Response to Intervention through Positive Behavioral Support, tiered literacy and math ABC-UBI Initiatives. Completed and ongoing.
 - Fifteen school teams were identified as target schools to implement ABC-UBI initiative.
 - School teams were trained in evidence based principles of reading and behavior support.
 - School teams completed a needs assessment and created goals based on the needs assessment in the areas of reading, math, and social behavior support.
 - School teams participated in monthly meetings to review data to help inform instruction/interventions.
 - School teams entered online school wide data to provide support for instruction and intervention professional development in the areas of math and language arts.

Results of these activities include the provision of a consistent instruction/intervention framework for all educators. The activities provided support for educators to implement research based instruction/intervention and assessments in the area of math and language arts to support LRE.

8. Evaluate the results of activities and determine additional LRE needs based on those data. Completed and ongoing.
 - Each improvement activity was reviewed using the Utah State Office of Education SPP/APR Improvement Activity Review form in order to determine its impact on Indicator 5 data.

Results of this activity provided the opportunity to assess the timeliness and relevance of all activities in the improvement of Indicator 5 data. The review resulted in the addition of one new activity.

Impact of completed activities listed above:

Each improvement activity was reviewed in terms of its impact on Indicator 5. Improvement activities resulted in consistent LEA data, improved professional development, an increase of students with disabilities being educated with their non-disabled peers, and increased collaboration between general and special educators in providing services to students with disabilities.

Revisions, with Justification, to Proposed Targets/Improvement Activities/Timelines/Resources

Each improvement activity was reviewed using the Utah State Office of Education SPP/APR Improvement Activity Review form in order to determine its impact on Indicator 5 (See Appendix C).

Activities	Timelines	Resources	Justifications
<p>NEW #1 Provide universal access to web-based autism training modules, and design and implement professional development for administrators, general educators, special educators, and counselors on strategies for supporting students with autism in general education environments.</p> <ul style="list-style-type: none"> • Provide strategies for delivering instruction using student’s unique learning strengths and cognitive styles. • Provide strategies for creating low-stress and low-anxiety producing physical environments, including positive behavior supports and anti-bullying techniques. 	<p>2009-2010 and ongoing</p>	<p>USOE Autism Specialist, UPDC staff, IDEA discretionary funds, modules provided by the Ohio Center for Autism and Low Incidence (OCALI)</p>	<p>In order to increase the support for students with autism in general education environments, professional development must be provided to prepare educators to deliver effective instruction to students with autism in general education environments.</p>

Part B State Performance Plan (SPP) for 2005-2010

Monitoring Priority: FAPE in the LRE

Indicator 7: Percent of preschool children aged 3 through 5 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.

(20 U.S.C. 1416 (a)(3)(A))

Note: Changes and updates made since the SPP submitted in February 2009 have been highlighted in blue text as per ECO suggested format.

Measurement:

- A. Positive social-emotional skills (including social relationships);
 - a. Percent of preschool children who did not improve functioning = [(# of preschool children who did not improve functioning) divided by the (# of preschool children with IEPs assessed)] times 100.
 - b. Percent of preschool children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers = [(# of preschool children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers) divided by the (# of preschool children with IEPs assessed)] times 100.
 - c. Percent of preschool children who improved functioning to a level nearer to same-aged peers but did not reach it = [(# of preschool children who improved functioning to a level nearer to same-aged peers but did not reach it) divided by the (# of preschool children with IEPs assessed)] times 100.
 - d. Percent of preschool children who improved functioning to reach a level comparable to same-aged peers = [(# of preschool children who improved functioning to reach a level comparable to same-aged peers) divided by the (# of preschool children with IEPs assessed)] times 100.
 - e. Percent of preschool children who maintained functioning at a level comparable to same-aged peers = [(# of preschool children who maintained functioning at a level comparable to same-aged peers) divided by the (# of preschool children with IEPs assessed)] times 100.
- If a + b + c + d + e does not sum to 100%, explain the difference.
- B. Acquisition and use of knowledge and skills (including early language/communication and early literacy);
 - a. Percent of preschool children who did not improve functioning = [(# of preschool children who did not improve functioning) divided by the (# of preschool children with IEPs assessed)] times 100.
 - b. Percent of preschool children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers = [(# of preschool children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers) divided by the (# of preschool children with IEPs assessed)] times 100.
 - c. Percent of preschool children who improved functioning to a level nearer to same-aged

peers but did not reach it = [(# of preschool children who improved functioning to a level nearer to same-aged peers but did not reach it) divided by the (# of preschool children with IEPs assessed)] times 100.

- d. Percent of preschool children who improved functioning to reach a level comparable to same-aged peers = [(# of preschool children who improved functioning to reach a level comparable to same-aged peers) divided by the (# of preschool children with IEPs assessed)] times 100.
- e. Percent of preschool children who maintained functioning at a level comparable to same-aged peers = [(# of preschool children who maintained functioning at a level comparable to same-aged peers) divided by the (# of preschool children with IEPs assessed)] times 100.

If a + b + c + d + e does not sum to 100%, explain the difference.

C. Use of appropriate behaviors to meet their needs:

- a. Percent of preschool children who did not improve functioning = [(# of preschool children who did not improve functioning) divided by the (# of preschool children with IEPs assessed)] times 100.
- b. Percent of preschool children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers = [(# of preschool children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers) divided by the (# of preschool children with IEPs assessed)] times 100.
- c. Percent of preschool children who improved functioning to a level nearer to same-aged peers but did not reach it = [(# of preschool children who improved functioning to a level nearer to same-aged peers but did not reach it) divided by the (# of preschool children with IEPs assessed)] times 100.
- d. Percent of preschool children who improved functioning to reach a level comparable to same-aged peers = [(# of preschool children who improved functioning to reach a level comparable to same-aged peers) divided by the (# of preschool children with IEPs assessed)] times 100.
- e. Percent of preschool children who maintained functioning at a level comparable to same-aged peers = [(# of preschool children who maintained functioning at a level comparable to same-aged peers) divided by the (# of preschool children with IEPs assessed)] times 100.

If a + b + c + d + e does not sum to 100%, explain the difference.

Summary Statement 1: Of those preschool children who entered the preschool program below age expectations in each Outcome, the percent who substantially increased their rate of growth by the time they turned 6 years of age or exited the program.

- a. Percent = # of preschool children reported in progress category (c) plus # of preschool children reported in category (d) divided by [# of preschool children reported in progress category (a) plus # of preschool children reported in progress category (b) plus # of preschool children reported in progress category (c) plus # of preschool children reported in progress category (d)] times 100.

Summary Statement 2: the percent of preschool children who are functioning within age expectations in each Outcome by the time they turned 6 years old or exited the program.

- a. Percent = # of preschool children reported in progress category (d) plus # of preschool children reported in progress category (e) divided by the total # of preschool children reported in progress categories (a) + (b) + (c) + (d) + (e) times 100.

Overview of Issue/Description of System or Process:

Background Information

In 2005 preschool stakeholders met to develop a system to collect preschool outcomes. The stakeholders reviewed many options and chose to adopt the process developed by the OSEP funded, Early Childhood Outcome Center (ECO). Working with the ECO Center, some minor non-substantive modifications were made to the Child Outcome Summary Form retaining the ECO process intact. These modifications are described below. Utah Preschool Outcomes Data (UPOD) has been renamed but the process, resources, rubrics, guidelines, training, materials, and definitions are the same as developed by the ECO Center. The UPOD process is described in the paragraphs below.

- Policies and procedures to guide outcome assessment and measurement practices:
 - The UPOD form is a Statewide form that is used by each district to determine student ratings and document data sources and team members. The UPOD form is to be kept in a student's file until exiting the preschool program. (The form has been renamed but the process and definitions are the same as developed by the ECO Center.)
 - LEAs submitted a list of data sources that may be used to collect and report data to the Utah State Office of Education. This documentation is kept with the Utah Program Improvement Planning System (UPIPS) monitoring off-site data information.
 - A team of personnel working with the student determines student ratings on each UPOD outcome using the rubric developed and defined by the ECO Center.
 - Categories six and seven on the preschool outcomes scale define typical or same age peers.
 - There are two points of data collection. Data collection periods occur within six weeks of eligibility and when the student exits the preschool special education program.
 - The USOE began collection of Exit Data in FFY 2006. Data are collected from all students who exit the preschool special education program if the student is in the program at least six months.
 - Since there are seven points on the UPOD rating scale, data are translated using the ECO calculator, to reflect the five OSEP categories.
 - LEAs report entry and exit data annually by June 30th to the Utah State Office of Education.
- Provision of training and technical assistance supports to administrators and service providers in outcome data collection, reporting, and use:
 - Throughout FFY 2008, 435 participants were trained by the USOE and Utah Personnel Development Center (UPDC) staff to increase expertise in implementing and scoring the outcomes process. LEAs have also provided professional development on this process; however, the USOE does not track LEA training data.
- Quality assurance and monitoring procedures to ensure the accuracy and completeness of the outcome data:
 - The UPOD process is validated during the UPIPS monitoring system's on-site file review. UPOD related questions have been added to the UPIPS monitoring system. When LEAs are monitored for compliance, the UPOD process can be assessed.
 - Data collection for all students is documented using the UPOD form and retained in the students' files.
- Data system elements for outcome data input and maintenance, and outcome data analysis:
 - LEAs have developed a method for collecting and analyzing their outcome data. Each LEA submits data to the USOE where it is analyzed and maintained by the 619 coordinator with the assistance of a private contractor.
- Measurement strategies used to collect data:
 - Who is included in the measurement (i.e., what population of children)? If sampling, share information about your sampling plan.

- The USOE began collection of Exit Data in FFY 2006. Data are collected from all students who exit the preschool special education program if the student is in the program at least 6 months.
 - LEAs report entry and exit data annually by June 30th to the Utah State Office of Education.
 - What assessment/measurement tool(s) and/or other data sources were used?
 - The UPOD form used statewide by each district to determine student ratings and document data sources and team members. The UPOD form is to be kept in a student's file until exiting the preschool program. (The form has been renamed, however the process and definitions are the same as developed by the ECO Center.)
 - LEAs submit a list of data sources used to collect and report data to the Utah State Office of Education. That documentation is kept with the UPIPS monitoring, off-site data information.
 - The team of personnel working with the student documents data sources that are used to determine student ratings on the UPOD form.
 - Who conducted the assessments?
 - A team of personnel working with the student determines student ratings on each UPOD outcome using the rubric developed and defined by the ECO Center.
 - Team members who determine the student ratings are documented on the UPOD form.
 - When did measurement occur?
 - There are two points of data collection. Data collection periods occur within 6 weeks of eligibility and when the student exits the preschool special education program.
 - If multiple data sources were used, what method was used to summarize the data for each child? (e.g., the ECO-developed Child Outcome Summary Form, another method, etc.)
 - Multiple data sources (selected by the LEAs in response to the outcome and student need) are used to summarize the outcomes data and all LEAs use the ECO Child Outcome Summary Form that was renamed the Utah Student Summary Form.
 - What data were reported to the state, and how was the data transmitted? (e.g., Programs submit data on paper quarterly to the state agency, data entered through online data system, etc.)
 - Data that are reported yearly are collected on all students who have been in the special education preschool program more than 6 months and are exiting from the preschool program. Each LEA reports data using the ECO calculator (renamed the UPOD calculator). That summary is emailed to the 619 coordinator to be analyzed at the State level.
 - What data analysis methods were used to determine the progress categories?
 - The progress categories were determined using the ECO state summary calculator.
- The criteria used to determine whether a child's functioning was "comparable to same aged peers".
 - Categories six and seven on the preschool outcomes scale define typical or same age peers.

Baseline Data for FFY 2008 (2008-2009):

Display 7-1 shows the number and percentage of children in each progress category as well as the results of the summary statement calculations.

Display 7-1: Number and Percentage of Children in Each Progress Category and Summary Statement Calculations

A. Positive social-emotional skills (including social relationships):	Number of children	% of children
a. Percent of children who did not improve functioning	28	1%
b. Percent of children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers	88	3%
c. Percent of children who improved functioning to a level nearer to same-aged peers but did not reach	1081	43%
d. Percent of children who improved functioning to reach a level comparable to same-aged peers	1140	45%
e. Percent of children who maintained functioning at a level comparable to same-aged peers	206	8%
Total	N= 2543	100%
B. Acquisition and use of knowledge and skills (including early language/communication and early literacy):	Number of children	% of children
a. Percent of children who did not improve functioning	25	1%
b. Percent of children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers	107	4%
c. Percent of children who improved functioning to a level nearer to same-aged peers but did not reach	1152	45%
d. Percent of children who improved functioning to reach a level comparable to same-aged peers	1117	44%
e. Percent of children who maintained functioning at a level comparable to same-aged peers	142	6%
Total	N= 2543	100%
C. Use of appropriate behaviors to meet their needs:	Number of children	% of children
a. Percent of children who did not improve functioning	30	1%
b. Percent of children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers	100	4%
c. Percent of children who improved functioning to a level nearer to same-aged peers but did not reach	705	28%
d. Percent of children who improved functioning to reach a level comparable to same-aged peers	1294	51%
e. Percent of children who maintained functioning at a level comparable to same-aged peers	414	16%
Total	N= 2543	100%

Discussion of Baseline Data:

In this third year of the USOE's data collection process, the USOE has succeeded in obtaining complete data on all preschool students except those from the Utah Schools for the Deaf and Blind (USDB) and one LEA (both were due to unexpected staff changes). Preschool teachers from the USDB will receive additional training during the 2009-2010 school year on the UPOD process. Both LEAs will collect entry data and exit data, which will be reported during the 2010-11 school year. However, the USDB students and the one unreported LEA represent a small portion of the preschool students served and thus, the data are representative of all students. Over the past three years, the USOE has provided detailed training to the LEAs on how to combine data from multiple sources in order to make accurate ratings on the UPOD summary form. The USOE will ensure that data from the USDB and all LEAs will be collected in 2009-10.

Display 7-2: Summary Statement Results Over Time

	Positive Social-Emotional Skills		Acquiring and Using Knowledge and Skills		Taking Appropriate Action to Meet Needs	
	2007-08	2008-09	2007-08	2008-09	2007-08	2008-09
Number of Children:	1,444	2,543	1,444	2,543	1,444	2,543
1. Of those children who entered the program below age expectations, the percent who substantially increased their rate of growth by the time they exited.	96.03%	95.09%	95.49%	93.20%	95.18%	93.91%
2. Percent of children who were functioning at a level comparable to same-aged peers by the time they exited.	54.29%	52.92%	52.29%	48.70%	69.53%	67.20%

Measurable and Rigorous Targets:

Display 7-3: Targets

	Positive Social-Emotional Skills		Acquiring and Using Knowledge and Skills		Taking Appropriate Action to Meet Needs	
	2009-10	2010-11	2009-10	2010-11	2009-10	2010-11
1. Of those children who entered the program below age expectations, the percent who substantially increased their rate of growth by the time they exited.	95.09%	95.59%	93.20%	93.70%	93.91%	94.41%
2. Percent of children who were functioning at a level comparable to same-aged peers by the time they exited.	52.92%	53.42%	48.70%	49.20%	67.20%	67.70%

Explanation for targets:

Given that there is only one year's worth of baseline data and that there is little time to differentially impact the 2009-10 scores from what would normally occur, the USOE is setting the target scores for 2009-10 to be the same as those achieved in 2008-09. The 2008-09 scores are very high, so maintaining these scores for another year to show stability in the amount of improvement preschool children are experiencing from entry to exit out of the preschool program would be commendable. The targets for 2010-11 do show an increase over the baseline. Given that only 2-3% of children are currently in the improvement categories of "a" (no improvement) and "b" (improvement but not closer to same-aged peers), an improvement of one-half a percentage point in one year's time will be sufficiently challenging.

Improvement Activities/Timelines/Resources:

Utah continues to provide training on the Preschool Outcomes process to ensure the validity of data. It is a priority to continually explore ways to make the reporting of data more user friendly as well as ensuring data reliability. The activities below that are not completed are activities that should be ongoing.

Activities	Timelines	Resources
1. Provide a Statewide preschool conference that includes a session on Preschool Outcomes Data (UPOD) process.	Completed October 2006	619 Preschool Coordinator and UPDC Preschool Specialist
2. Develop USOE preschool website to provide UPOD resources and links to the ECO website.	Completed September 2006	619 Preschool Coordinator and UPDC Preschool Specialist
3. Develop UPOD form.	Completed September 2006	619 Preschool Coordinator LEA preschool stakeholder group
4. Develop UPOD training.	Completed November 2006	619 Coordinator ECO Center
5. Collect pre-test data on students entering ECSE preschool in 2005-2006.	Completed June 2006	619 Preschool Coordinator and UPDC Preschool Specialist
6. Provide trainings for individual LEAs throughout the State on the UPOD system and process.	Completed June 2006	619 Preschool Coordinator and UPDC Preschool Specialist
<p>7. Develop a new system to collect student outcome data.</p> <ul style="list-style-type: none"> • Use ECO calculator to collect data. • Develop a web-based system to collect data. <p>The web-based data collection system is in development (a contractor has been hired and has developed the web-based system) It is anticipated that when completed, during FFY 2009, LEAs will use it to submit UPOD data electronically.</p>	September 2006 through June 2010	Part B 619 Coordinator, USOE staff, UPDC staff, and ECO Center, and contract personnel
<p>8. Provide regional trainings for all preschool coordinators on UPOD process.</p> <ul style="list-style-type: none"> • Schedule four regional trainings. • Provide four regional trainings. <p>The impact of these small training opportunities provided opportunities for LEAs to ask specific questions that have surfaced since the process has started. It also generated two new requests for State training.</p>	Completed August 2007 through December 2007	619 Preschool Coordinator
<p>9. Train on the UPOD process. Improvement activities resulted in increased statewide training activities and USOE/LEA file monitoring for Indicator 7, which in turn increased LEA staff</p>	September 2006 through 2011	619 Preschool Coordinator and UPDC Preschool Specialist

<p>knowledge and compliance with the requirement to test for three preschool outcomes on all preschool students with disabilities. It also identified that training must be ongoing. The activity improved the overall understanding of how and why preschool outcomes data must be collected to ensure better outcomes for students.</p>		
<p>10. Continue to update the UPOD process.</p> <ul style="list-style-type: none"> Update USOE website with newest UPOD information. Develop new materials to support the UPOD process. During the FFY 2008 APR period, a revised UPOD form was developed and reviewed by stakeholders. <p>Improvement activities resulted in ongoing professional development, improved data validity, and LEA access to current information and resources that are provided through ECO Center or developed through the State.</p>	September 2006 through 2011	619 Preschool Coordinator and USOE Web Manager
<p>11. Provide UPOD training at Statewide conferences.</p> <ul style="list-style-type: none"> Mentor Conference. Preschool Conference. <p>Improvement activities resulted in increased statewide training activities and USOE/LEA file monitoring for Indicator 7, which in turn increased LEA staff knowledge and compliance with the requirement to test for three preschool outcomes on all preschool students with disabilities. It also identified that training must be ongoing. The activity improved the overall understanding of how and why preschool outcomes data must be collected to ensure better outcomes for students.</p>	Completed June 2007 through 2008	619 Preschool Coordinator and UPDC Preschool Specialist
<p>12. Provide training on the UPOD process to the Utah Parent Center (UPC).</p> <ul style="list-style-type: none"> Scheduled a date to provide training to the UPC staff. Training was provided. <p>The impact of this training provided 12 parent specialists with new knowledge and understanding on preschool outcomes and how the data were being collected. The UPC has offered to volunteer time to develop a parent questionnaire if needed.</p>	Completed June 2008	619 Preschool Coordinator
<p>13. Monitor selected districts on the UPOD process yearly.</p> <ul style="list-style-type: none"> Develop questions to add to the 	June 2006 through 2011	UPIPS monitoring team and 619 Preschool Coordinator

<p>UPIPS file review.</p> <ul style="list-style-type: none"> • Use monitoring data to identify specific training needs. • Questions were added to collect data on the UPOD process as part of UPIPS. <p>Improvement activities resulted in increased statewide training activities and USOE/LEA file monitoring for Indicator 7, which in turn increased LEA staff knowledge and compliance with the requirement to test for three preschool outcomes on all preschool students with disabilities. It also identified that training must be ongoing. The activity improved the overall understanding of how and why preschool outcomes data must be collected to ensure better outcomes for students.</p>		
<p>14. Link with the ECO Center for additional resources and technical assistance.</p> <ul style="list-style-type: none"> • Participate in conference calls provided by the ECO Center. • There was participation in conference calls with ECO. <p>Improvement activities resulted in the USOE and Utah LEAs receiving current information and resources provided through the ECO Center or developed through the State.</p>	<p>September 2006 through 2011</p>	<p>619 Preschool Coordinator and UPDC Preschool Specialist</p>
<p>15. State Data indicates the possibility that several LEAs may need additional training or information on Categories A and B.</p> <ul style="list-style-type: none"> • Use data to determine LEAs in need of additional training or information. <p>Improvement activities resulted in the analysis of state data, which indicates that training must be ongoing to ensure the validity of data submitted for this indicator.</p>	<p>September 2006 through 2011</p>	<p>619 Preschool Coordinator and UPDC Preschool Specialist</p>

Part B State Annual Performance Report (APR) for FFY 2008

Overview of the Annual Performance Report Development:

Monitoring Priority: FAPE in the LRE

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
(20 U.S.C. 1416(a)(3)(A))

Measurement:

Percent = [(# of respondent parents who report schools facilitated parent involvement as a means of improving services and results for children with disabilities) divided by the (total # of respondent parents of children with disabilities)] times 100.

FFY	Measurable and Rigorous Targets
2008 (2008-2009)	Increase from previous year by 0.1% regarding the 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. Thus, the target is 85.33%. (Last year's rate was 85.24%. $85.24\% + (85.24\% \cdot 1\%) = 85.33\%$)

Actual Data for FFY 2008: 87.3%

Display 8-1: Percent of Parents who Report that the School Facilitated Their Involvement

	FFY 2008
# of parents who returned a survey	774
# of parents who report that the school facilitated their involvement	676
% of parents who report that the school facilitated their involvement	87.3%

The target of 85.33% was met.

The USOE employed a sampling methodology as approved by OSEP in December, 2007 to gather data for this indicator. The sampling methodology is based on the monitoring cycle. Data on this indicator were collected from those LEAs in year two of the monitoring cycle during 2008-09 plus the four LEAs that have an enrollment of more than 50,000 students. A stratified random sample of LEAs is included in each year of the monitoring cycle. In assigning LEAs to the monitoring cycle, LEAs were stratified by student enrollment, urban/rural, and socioeconomic level. LEAs were then randomly assigned to one of the five years within the monitoring cycle. Because of the unique conformation of Utah's 40 school

districts, there are four districts of 50,000+ students. Four of the five cohorts for monitoring contain one of these very large districts, and the fifth contains two districts with enrollments of at least 25,000 students. (However, these four large LEAs will be sampled each year for this indicator.) Each of the five cohorts also includes districts of medium and small size, as well as charter schools. Based upon analysis of data from the five cohorts in the UPIPS monitoring process, the cohorts are comparably representative of the State population in total student enrollment, poverty, prevalence of students with disabilities, and on an urban-rural continuum.

Parents of students within each of these selected LEAs were then sampled. The sampling was completed at the LEA level. A sample of students with disabilities was randomly selected from each of the selected LEAs. The number of students chosen was dependent on the number of total students with disabilities in an LEA. The sample sizes selected ensured roughly similar margins of error across the different LEA sizes. For those LEAs for which a sample was chosen, the population was stratified by gender, race/ethnicity, primary disability, and grade level to ensure representativeness of the resulting sample. When calculating the state-level results, responses were weighted by the students with disability population size (e.g., an LEA that has four times the number of students with disabilities as another LEA will receive four times the weight in computing overall state results).

A sample of 3,646 was selected. A questionnaire was mailed to the parents of these 3,646 selected students; 774 parents responded for a response rate of 21.2%.

The “Parent Involvement Percentage” (i.e., the percent of parents who report that the school facilitated their involvement), is based on 11 of the 40 survey items. Parents who answer positively to 70% or more of these 11 items are said to have met the indicator. Display 8-2 shows the subset of questions used to collect these data. The parents who responded included parents of preschool-aged children, as well as parents of K-12 students. Thus, the parent involvement percentage score includes parents of children ages 3-21. The additional information received from the remaining survey items is used to guide local and State program improvement efforts.

Display 8-2: Questions Used to Collect Indicator 8 Data

Question Number	Question
1	Did you receive a copy of your procedural safeguards (parent’s rights)?
3	If you speak a language other than English, does the school communicate with you in that language?
6	Did the evaluation team listen to and consider your input?
7	Were you invited to a meeting to discuss the results of your child’s evaluation?
8	Was the IEP meeting scheduled at a mutually agreeable time?
14	Did the team ask for and consider your input on goals for your child’s IEP?
26	Do you receive periodic reports on your child’s progress toward IEP goals?
34	Does the school provide the information you need to have a positive effect on the quality of your child’s program (i.e., frequent communication)?
35	Does the school facilitate opportunities for you to provide input about your child’s education other than at IEP meetings (i.e., receptive to input)?
36	Is there a school-home communication system in place that provides you the opportunity to exchange important information about your student as often as necessary?
37	Does your school encourage your involvement as a means of improving services and results for your child with disabilities?

Valid and Reliable Data:

The results are reliable and valid because, first of all, a representative sample of LEAs and parents were chosen to complete the survey. Secondly, the representativeness of the surveys was assessed by examining the demographic characteristics of the children of the parents who responded to the survey to the demographic characteristics of the entire sample. This comparison indicates the results are generally representative by gender, race/ethnicity, age of student, and disability. Parents of Caucasian students (23%) were slightly more likely to respond than parents of Hispanic students (13%). Further, parents of students with a behavioral disorder and parents of students with a speech language impairment were slightly less likely to respond (15% and 18%, respectively) than parents of students with other disabilities (24%). However, even given these differential response rates, a large enough number of parents from each demographic group responded to the survey in order to arrive at an overall State score that is representative of all students in the sample and in the population. Response rates varied somewhat by LEA, but the results were weighted to take into account both the differential response rate and the differential sampling weights.

Furthermore, the reliability of the results was reaffirmed by contacting a random sample of 48 parents. This random sample of parents were called and asked the 11 questions in Display 8-2. The responses of the phone interviewees were compared to the responses of those who completed and mailed the Parent Survey. The percent of phone respondents who agreed to each item was compared to the percent of mail respondents. There were no significant differences. This suggests that the results based on the mail respondents are representative of all parents of students with disabilities. The results of these 48 parents were incorporated into the overall results so that every parent who responded, either by mail or phone, would be counted and to ensure that every LEA had as high a response rate as possible.

Explanation of Progress or Slippage that occurred for FFY 2008 (2008-09):

As indicated in Display 8-3, parents who completed the survey in 2008-09 were slightly more likely to say the school facilitated their involvement than parents who completed the survey in FFY 2007 and in FFY 2006. The FFY 2008 results are lower than the FFY 2005 baseline results. FFY 2006 results were disaggregated to attempt to determine the reason for the decrease between FFY 2005 and FFY 2006. Data were disaggregated by gender, primary disability category, age, LEA, and race/ethnicity. In most all categories, the results decreased from FFY 2005 to FFY 2006, so the decrease could not be isolated to one or two groups of parents. Follow-up activities with the LEAs have been taking place each year since FFY 2006 to ensure that they are making a concerted effort to involve parents in their children's special education services. The steady increase in the parent involvement percentage since FFY 2006 is promising; follow-up activities with the LEAs will continue.

Display 8-3: Percent of Parents who Report that the School Facilitated their Involvement as a Means of Improving Services and Results for Children with Disabilities over Time

	FFY 2005	FFY 2006	FFY 2007	FFY 2008
# of parents who returned a survey	593	736	797	774
# of parents who report that the school facilitated their involvement	540	615	679	676
% of parents who report that the school facilitated their involvement	91.14%	83.59%	85.2%	87.3%

Discussion of Improvement Activities:

Each improvement activity was reviewed using the Utah State Office of Education SPP/APR Improvement Activity Review form in order to determine its impact on Indicator 8 (See Appendix C).

The following activities were completed and are ongoing:

1. Administer parent survey, collect, record, and aggregate data from parent survey, and compare data collected to sampling plan to ensure adequate sample size and address issue of non-responders, if applicable through follow-up phone surveys with some non-responders. Completed and ongoing.
 - The parent survey was disseminated to selected parents during the Spring of 2009.
 - Responses were collected by mail until September 2009.
 - A random sample of 48 non-responding parents were called and asked the 11 questions in Display 8-2 to ensure there were no significant differences between responders and non-responders. Results of the follow-up calls indicated that there were no significant differences between parents who responded by mail and parents who responded by phone, suggesting that the results based on the mail respondents are representative of all parents of students with disabilities.
 - Survey responses, when received by mail through September 2009, were scanned into an Excel database, which was designed to record all responses by responders, as well as data regarding the responder's LEA and student demographics.
 - USOE support staff was trained in the data input process as well as in confidentiality procedures.
 - Data were randomly verified by a second USOE support staff member.
 - Characteristics of respondents were compared to characteristics of non-respondents to ensure representativeness of respondents. Response rates were examined by LEAs to make sure an adequate number of respondents from each LEA responded.

Results of this activity suggest that the survey results were accurately recorded and are representative of all parents of students with disabilities in the State, and the input is being used by LEA staff to determine and apply strategies for improvement, as documented by parent survey results and meeting agendas.

2. Analyze data to determine areas that need improvement and areas of commendation. Report data results to LEAs annually. Completed and ongoing.
 - Data are disaggregated annually by LEA, gender, primary disability, ethnicity, and age.
 - Strategies were disseminated to LEAs needing improvement. Strategies were also posted on the USOE website for LEA use to determine what types of improvement activities can take place at the local level.
 - Results were included in each LEA APR data report, which was included with the LEA determination letter on April, 2009.
 - Results were also discussed with LEAs during the March, 2009 statewide special education directors' meeting, giving LEAs an opportunity to ask questions.

Results of this activity include USOE and LEA staff, when presented with State and LEA data, discussing, observing trends, and planning to address the needs indicated by the data, as documented by agendas, discussions with special education directors, and survey results.

3. Facilitate a focus group of LEAs and Utah Parent Center personnel to determine effective maintenance strategies, effective practices and areas for improvement. Completed and ongoing.
 - A focus group was created which included representatives from seven LEAs (including representatives from three of the four large districts of +50,000 students), three parents from the Utah Parent Center, representatives from the USOE (special education and charter schools), and personnel from the Utah Personnel Development Center.
 - A meeting was held on June 9, 2009.
 - The focus group reviewed results by State and LEA and determined strategies for improvement for each identified area.

Results of this activity include USOE, Utah Parent Center, and LEA staff, when presented with State and LEA data, discussing, observing trends, and planning strategies to address the needs indicated by the data, as documented by agendas, discussions with special education directors, strategies manual, and survey results.

4. Disseminate effective maintenance strategies and effective practices to LEAs. Completed and ongoing.
 - Information was disseminated from the focus group to LEAs during State meetings.
 - An evaluation method was developed to determine the effectiveness of strategies and has been applied to FFY 2008 results.

Results of this activity include USOE, Utah Parent Center, and LEA staff, when presented with State and LEA data, discussing, observing trends, and planning strategies to address the needs indicated by the data, as documented by agendas, discussions with special education directors, strategies manual, and survey results.

5. Establish and publish performance objectives for the items which fall below the State average or target. Completed and ongoing.
 - Performance objectives were developed during the focus group meetings.
 - Performance objectives were published on the USOE website.
 - Performance objectives were disseminated during State meetings and with APR determination letters.

Results of this activity include USOE and LEA staff, when presented with State and LEA data, discussing, observing trends, and planning strategies to address the needs indicated by the data, as documented by agendas, discussions with special education directors, strategies manual, performance objectives, and survey results.

6. Report data analysis results to Utah Parent Center annually. Completed and ongoing.
 - Results were provided to the Utah Parent Center in March 2009.
 - A focus group was created which included representatives from seven LEAs (including representatives from three of the four large districts of +50,000 students), three parents from the Utah Parent Center, representatives from the USOE (special education and charter schools), and personnel from the Utah personnel Development Center.
 - A meeting was held on June 9, 2009.
 - The focus group reviewed results by State and LEA and determined strategies for improvement for each identified area.

Results of this activity include Utah Parent Center staff, when presented with State and LEA data, discussing, observing trends, and planning to address the needs indicated by the data, as documented by agendas and discussions with Utah Parent Center staff.

Impact of completed activities listed above:

Each improvement activity was reviewed in terms of its impact on Indicator 8. Improvement activities resulted in accurate data collection and reporting, increased State and LEA personnel development activities, and increased discussion between USOE and LEA staff regarding areas needing improvement and strategies for improvement; thereby resulting in improved services for students with disabilities in the LEA and State.

Revisions, with Justification, to Proposed Targets/Improvement Activities/Timelines/Resources

Each improvement activity was reviewed using the Utah State Office of Education SPP/APR Improvement Activity Review form in order to determine its impact on Indicator 8 (See Appendix C).

No new or revised activities are needed at this time.

Activities	Timelines	Resources	Justifications

Part B State Annual Performance Report (APR) for FFY 2008

Overview of the Annual Performance Report Development:

Monitoring Priority: Disproportionate Representation

Indicator 9: Percent of LEAs 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))

Measurement:

Percent = [(# of LEAs with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification) divided by the (# of LEAs in the State)] times 100.

FFY	Measurable and Rigorous Targets
2008 (2008-2009)	The percent of LEAs with disproportionate representation of racial and ethnic groups in special education and related services that are the result of inappropriate identification will be 0%.

Actual Data for FFY 2008: 0%

Display 9-1: Percent of LEAs with Disproportionate Representation that is the Result of Inappropriate Identification

	Under- representation	Over- representation
Total # of LEAs	106	106
# of LEAs flagged for disproportionate representation	0	0
% of LEAs flagged for disproportionate representation	0.0%	0.0%
# of LEAs found to have disproportionate representation due to inappropriate identification	0	0
Percent of LEAs that had disproportionate representation due to inappropriate identification	0.0%	0.0%

The target of 0% was met.

The USOE collects data for Indicator 9 through the State December 1 Special Education Child Count (618 data). The USOE calculates a Weighted Risk Ratio based on the identification rate for each racial/ethnic group at each LEA. Thus, all data for all racial/ethnic groups in the State are examined. A

“Final” Risk Ratio (based on the Weighted Risk Ratio) is determined only if there are 10 or more students in the group of interest (based on child count data) and if there are also 10 or more students in the comparison group.

In the past, if there were at least 10 students in the group of interest but fewer than 10 students in the comparison group, then an Alternate Risk Ratio (ARR) was used. The ARR serves to compare the LEAs’ identification rates with the identification rates of the State as a whole. However, there are LEAs that have unique situations, particularly the smaller LEAs where the ARR was most typically used, and thus, many of the flagged ARR were not a reflection of any inappropriate identification practices occurring, but rather a reflection of small numbers of students in various racial/ethnic groups in these small LEAs. (This conclusion was reached after two years of using the ARR and investigating all ratios above 3.00.) Therefore, the ARR will no longer be used for Indicator 9.

Disproportionate representation is defined as a Final Risk Ratio of 3.00 or above (over-representation) or 0.30 or below (under-representation). Once a ratio is flagged for disproportionate representation, the policies, procedures, and practices of that LEA are reviewed to determine if the disproportionate representation is due to inappropriate identification.

Display 9-2: Cut-Scores for Flagging the LEAs for Possible Inappropriate Identification

Level	Final Risk Ratio (Weighted Risk Ratio)
Over-Representation	3.00 and up
Under-Representation	0.30 and below

There were no LEAs above the cut score of 3.00 or below the cut score of 0.30.

Valid and Reliable Data:

The December 1 Child Count data have proven over time to be the most accurate of the USOE data collections in the Data Clearinghouse. The Edit Checks at entry into the clearinghouse database require the districts and charter schools to have carefully reviewed their own data before submission. Error checks send the data back to the LEA for correction. After the errors have been corrected, and the data are received, a sign off sheet from each LEA is required to verify accuracy of their child count. When LEAs are flagged for possible over-representation or under-representation, the Self Assessment Tool adds strength to the State’s review process of the policies, procedures, and practices previously accomplished only through the State’s monitoring process. The Self Assessment Tool assists all flagged districts and charter schools to carefully review, and then certify, that they have policies in place and are following correct procedures and practices to ensure no inappropriate identification, evaluation, or placement of any racial or ethnic populations takes place in their district or charter school.

Explanation of Progress or Slippage that occurred for FFY 2008 (2008-09):

As indicated in Display 9-3, the State of Utah maintained a 0% disproportionate representation rate. Thus, for four years, zero LEAs have had disproportionate representation of racial and ethnic groups in special education and related services due to inappropriate identification.

Please note that in 2005-06, different cut-scores were used to flag LEAs for disproportionate representation. A cut-score of 1.5 was used for over-representation; a cut-score of 0.5 was used for under-representation. This is the reason for the larger number of LEAs flagged in 2005-06 than in subsequent years. The State determined that such a low cut-off score in 2005-06 was resulting in many

false positives. In fact, none of the LEAs that were flagged had faulty identification policies, procedures, or practices; the conclusion of all investigations was that the LEAs were making appropriate identifications. Often the risk ratio between 1.5 - 2.5 was due to small numbers of students in the various racial/ethnic groups. With small numbers of students, the identification rates are often a result of the idiosyncrasies of that particular group of students and not the result of any policies, procedures, or practices of the LEA. Therefore, the State changed the cut-scores as indicated. However, in all years, none of the flagged LEAs were deemed as having inappropriate identification procedures.

Correction of Previous Year’s Noncompliance:

With zero LEAs having disproportionate representation in FFY 2007 due to inappropriate identification, evaluation, and placement of students with disabilities of all ethnicities, no correction was necessary. The USOE verified that the SEA and LEAs are implementing the specific regulatory requirements of 34 CFR §300.173, §300.111, §300.201, and §300.301-§300.311 as per OSEP’s 09-02 Memorandum, including the presence and implementation of policies and procedures designed to prevent the inappropriate overidentification or disproportionate representation by race and ethnicity of children as children with disabilities, ensure child find, and conduct appropriate evaluations/reevaluations and eligibility determinations. Data were collected from State and Federal reports, on-site monitoring, or additional LEA data submissions (desk audits).

Display 9-3: Percent of LEAs with Disproportionate Representation that is the Result of Inappropriate Identification

	FFY 2005	FFY 2006	FFY 2007	FFY 2008
Total # of LEAs	72	91	99	106
# of LEAs flagged for disproportionate representation – Over-representation	36	5	2	0
# of LEAs found to have disproportionate representation due to inappropriate identification – Over-representation	0	0	0	0
Percent who had disproportionate representation due to inappropriate identification – Over-representation	0.0%	0.0%	0.0%	0.0%
# of LEAs flagged for disproportionate representation – Under-representation	0	1	0	0
# of LEAs found to have disproportionate representation due to inappropriate identification – Under-representation	0	0	0	0
Percent who had disproportionate representation due to inappropriate identification – Under-representation	0.0%	0.0%	0.0%	0.0%

Discussion of Improvement Activities:

Each Improvement activity was reviewed using the Utah State Office of Education SPP/APR Improvement Activity Review form in order to determine its impact on Indicator 9 (See Appendix C).

The following activities were completed and are ongoing:

1. Apply a Risk Ratio formula to disaggregated data at LEA and State levels to identify LEAs with disproportionate representation in their special education population. Completed and ongoing.

- A risk ratio formula was applied to all LEA and State 618 Child Count Race and Ethnicity data.
- Data were reviewed and a weighted risk ratio was used to determine a final risk ratio for each LEA.
- LEAs with a final risk ratio of 3.00 or larger or 0.30 or smaller were flagged for a further review of their policies, procedures, and practices to ensure that there were no inappropriate identification, evaluation, or placement of students with disabilities in these identified LEAs.
- No districts or charter schools were flagged for over- or under-identification in their special education population. As a result, no LEAs were asked to complete the Self Assessment Tool process to assist in a review of their policies, procedures, and practices to determine if the over-representation was a result of inappropriate identification, evaluation and placement of students with disabilities, nor were monitoring data reviewed.

Results of this activity are that data were reviewed and no LEAs were flagged for potential over- or under-disproportionate representation.

2. Using the self-assessment tool and UPIPS monitoring, targeted LEAs will conduct a review of policies, procedures, and practices to determine if the disproportionate representation could be the result of inappropriate identification practices. Completed and ongoing.
 - No districts or charter schools were flagged for over or under-identification in their special education population.
 - The Self Assessment Tool is used to determine if the flagged status of LEAs is a result of inappropriate identification, evaluation, and placement of students with disabilities. Monitoring data is also reviewed for flagged LEAs to verify the findings of the Self Assessment Tool.
 - No LEAs used the Self Assessment Tool to review their policies, procedures, and practices of identification, evaluation, and placement of students with disabilities since no LEAs were flagged.

Results of this activity are unknown since no LEAs were flagged for potential over- or under-disproportionate representation; therefore, no LEAs conducted a review of policies, procedures, and practices.

3. Provide professional development to identified LEAs on evaluation and eligibility determination procedures. Completed and ongoing.
 - Professional development on identification, evaluation, and placement of students with disabilities is available through the Utah Professional Development Center, at many of the State's conferences, on professional development modules, and on a local basis in many LEAs. Professional development was provided to 1,039 LEA staff members during 2008-2009.

As a result of this activity, since no LEAs were found to have disproportionate representation, professional development in appropriate identification practices has been provided through a variety of formats offered to all LEAs. Furthermore, awareness created through the Self Assessment Tool process has resulted in a number of LEAs sponsoring their own identification practices professional development.

4. Continue to collect, disaggregate, and compare 618 data. Completed and ongoing.
 - 618 data are collected annually.
 - Collections include: 1. Child Count 2. Environments 3. Special Education Personnel 4. Assessment 5. Discipline 6. Exit 7. Dispute Resolutions.
 - 618 Data are collected and disaggregated by LEA and by school level.
 - Annual collections make possible comparisons over time.

Results of this activity are that an annual 618 data collection of the same data elements allows for comparisons and helps determine trends, thereby allowing LEAs to anticipate and address potential issues regarding disproportionate representation.

5. Provide follow up technical assistance and/or enforcement actions based on identification of policies, procedures, and practices that lead to inappropriate identification of students with disabilities. Completed and ongoing.
 - A policy and procedures manual was developed by each LEA during the 2008-2009 school year to align with IDEA 2004 and Utah State Board of Education Special Education Rules (2007).
 - No enforcement actions were applied due to zero LEAs having inappropriate policies, procedures, and practices that lead to inappropriate identification.
 - USOE staff members followed up as needed with technical assistance.

Results of this activity are that each LEA has a USOE approved policy and procedures manual to guide their identification, evaluation, and placements of students with disabilities and receives follow-up technical assistance as needed to guide their identification, evaluation, and placements of students with disabilities.

6. Collaborate to provide statewide professional development for all educators regarding classroom management, instruction, and school-wide targeted interventions to support students in LRE. Completed and ongoing.
 - Statewide professional development in collaboration with general education was provided in the following areas:
 - Response to Intervention
 - DIBELS, progress monitoring and screening
 - Assessment, informal and formal
 - Interventions for struggling readers
 - Behavior strategies
 - Tiered instruction
 - ELL instruction
 - Math and science instruction
 - Participants included general and special educators, administrators, parents, Title I schools, secondary and elementary educators totaling 11,304.

Results of the activity includes increased interaction and collaboration between general and special educators during overlapping professional development for educators participating in professional development as documented by attendance records and agendas. The statewide professional development enabled educators to be provided with and to have access to research based instruction and intervention materials for implementation to support students in LRE.

7. Collaborate on program development of tiered instruction to support students in LRE. Completed and ongoing.
 - A tiered instruction framework was developed to support students in LRE:
 - Special educators and general educators reviewed and recommended instruction/intervention materials to classroom teachers.
 - USOE special education staff participated with general education leaders to develop instructional goals for math and science.
 - Instruction/intervention materials were listed on the USOE website and in the 3-Tier reading document.
 - USOE staff participated in developing a tiered instruction framework for numeracy for all educators.

Results of these activities include the provision of a consistent instruction/intervention framework for all educators. The activities provided support for educators to implement research based instruction/interventions and assessments in the areas of math and science to support LRE.

Impact of completed activities listed above:

Due to the use of the USOE Self Assessment Tool, the State and LEA review process of policies, procedures, and practices is strengthened with additional evidence that districts and charter schools are using correct policies, procedures, and practices in the identification, evaluation, and placement of students with disabilities in Utah. It also helps determine if inappropriate identification is the cause of any disproportionate representation of racial and ethnic groups in special education and related services in districts and charter schools. The assessment process also directs LEAs to develop a corrective action plan if they are found not to be in compliance with this indicator. The noncompliance must be corrected within one year from the date of the completion of the Self Assessment Tool, when identified. This process ensures that students with disabilities are not disproportionately represented as a result of inappropriate identification.

Revisions, with Justification, to Proposed Targets/Improvement Activities/Timelines/Resources

Each improvement activity was reviewed using the Utah State Office of Education SPP/APR Improvement Activity Review form in order to determine its impact on Indicator 9 (See Appendix C).

Activities	Timelines	Resources	Justifications
NEW #1 Develop and disseminate a manual that reviews disproportionate representation determination methods and consequences.	2009-2011	IDEA discretionary funds, USOE staff	The manual will provide concrete information for LEAs regarding how disproportionate representation is calculated and determined and the resulting USOE and LEA actions.

Part B State Annual Performance Report (APR) for FFY 2008

Overview of the Annual Performance Report Development:

Monitoring Priority: Disproportionate Representation

Indicator 10: Percent of LEAs 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))

Measurement:

Percent = [(# of LEAs with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification) divided by the (# of LEAs in the State)] times 100.

FFY	Measurable and Rigorous Targets
2008 (2008-2009)	The percent of LEAs with disproportionate representation of racial and ethnic groups in specific disability categories as the result of inappropriate identification will be 0%.

Actual Data for FFY 2008: 0%

Display 10-1: Percent of LEAs with Disproportionate Representation that is the Result of Inappropriate Identification

	Under- representation	Over- representation
Total # of LEAs	106	106
# of LEAs flagged for disproportionate representation	2	4
% of LEAs flagged for disproportionate representation	1.89%	3.77%
# of LEAs found to have disproportionate representation due to inappropriate identification	0	0
Percent of LEAs that had disproportionate representation due to inappropriate identification	0.0%	0.0%

The target of 0% was met.

The USOE collects data for Indicator 10 through the State December 1 Special Education Child Count (618 data). The USOE calculates a Weighted Risk Ratio based on the identification rate for each racial/ethnic group in specific disability categories at each LEA. Thus, all data for all racial/ethnic groups in the State are examined. A "Final" Risk Ratio (based on the Weighted Risk Ratio) is determined only if

there are 10 or more students in the group of interest (based on child count data) and if there are also 10 or more students in the comparison group.

In the past, if there were at least 10 students in the group of interest but fewer than 10 students in the comparison group, then an Alternate Risk Ratio (ARR) was used. The ARR served to compare the LEAs' identification rates with the identification rates of the state as a whole. However, there are LEAs that have unique situations, particularly the smaller LEAs where the ARR was most typically used, and thus, many of the flagged ARR's were not a reflection of any inappropriate identification practices occurring, but rather a reflection of small numbers of students in various racial/ethnic groups in these small LEAs. (This conclusion was reached after two years of using the ARR and investigating all ratios above 3.00.) Therefore, the ARR will no longer be used for Indicator 10.

Disproportionate representation is defined as a Final Risk Ratio of 3.00 or above (over-representation) or 0.30 or below (under-representation). Once a ratio is flagged for disproportionate representation, the policies, procedures, and practices of that LEA are reviewed to determine if the disproportionate representation is due to inappropriate identification.

Display 10-2: Cut-Scores for Flagging the LEAs for Possible Inappropriate Identification

Level	Final Risk Ratio (Weighted)
Over-Representation	3.00 and up
Under-Representation	0.30 and below

A careful review of each of the four LEAs that were at or above the cut-score of 3.00 for over-representation and for the two LEAs at or below the cut-score of 0.30 for under-representation was conducted. The review procedures included having each LEA that was flagged complete the USOE Self Assessment Tool. The Self Assessment Tool guided each LEA through a review of their policies, procedures, and practices to help them verify that there was no over- or under-disproportionate representation of any racial and ethnic groups in specific disability categories due to inappropriate identification. A review of each LEA's policy and procedures manual was also conducted, as well as UPIPS monitoring data including student files, evaluation and identification procedures; and interviews with teachers, administrators, parents and students. It was determined that none of the LEAs had disproportionate representation based on inappropriate identification.

Display 10-3: Risk Ratios that Were Flagged, by LEA

LE A	Racial/Ethnic Group	Disability	Number of SWD in racial/ethnic group	Number of SWD in other racial/ethnic groups	Final RR
1	White	Autism	91	27	4.32
1	Hispanic	Emotional Disturbance	29	149	0.26
1	Hispanic	Autism	20	98	0.25
2	White	Autism	227	35	4.30
2	Asian American	Emotional Disturbance	12	478	0.28
2	Hispanic	Autism	20	242	0.19
3	Black	Emotional Disturbance	11	203	3.53
4	Black	Emotional Disturbance	17	407	3.50

Valid and Reliable Data:

The December 1 Child Count data have proven over time to be the most accurate of the USOE data collections in the Data Clearinghouse. The Edit Checks at entry into the clearinghouse database require the districts and charter schools to have carefully reviewed their own data before submission. Error checks send the data back to the LEA for correction. After the errors have been corrected and data received, a sign off sheet from each LEA is required to verify accuracy of their child count. The Self Assessment Tool added strength to the State's review process of the policies, procedures, and practices previously done only through the State's monitoring process. The Self Assessment Tool assists all flagged districts and charter schools to carefully review, and then certify, that they have policies in place, and are following correct procedures and practices to ensure no inappropriate identification, evaluation, or placement of any racial or ethnic populations takes place in their district or charter school.

Explanation of Progress or Slippage that occurred for FFY 2008:

As indicated in Display 10-4, the State of Utah maintained a 0% disproportionate representation rate. Thus, for four years, zero LEAs have had disproportionate representation of racial and ethnic groups in specific disability categories due to inappropriate identification.

Please note that in 2005-06, different cut-scores were used to flag LEAs for disproportionate representation. A cut-score of 1.5 was used for over-representation; a cut-score of .5 was used for under-representation. This is the reason for the larger number of LEAs flagged in 2005-06 than in subsequent years. The State determined that such a low cut-off score in 2005-06 was resulting in many false positives. In fact, none of the LEAs that were flagged had faulty identification policies, procedures, or practices; the conclusion of all investigations was that the LEAs were making appropriate identifications. Often the risk ratio between 1.5 - 2.5 was due to small numbers of students in the various racial/ethnic groups. With small numbers of students, the identification rates are often a result of the idiosyncrasies of that particular group of students and not the result of any policies, procedures, or practices of the LEA. Therefore, the State changed the cut-scores as indicated above. However, in all years, none of the flagged LEAs were deemed as having inappropriate identification procedures.

Correction of Previous Year's Noncompliance:

With zero LEAs having disproportionate representation in FFY 2007 due to inappropriate identification, evaluation, and placement of students with disabilities in all ethnicities and all disability categories, no correction was necessary. The USOE verified that the SEA and LEAs are implementing **the specific regulatory requirements of 34 CFR §300.173, §300.111, §300.201, and §300.301-§300.311 as per OSEP's 09-02 Memorandum, including the presence and implementation of policies and procedures designed to prevent the inappropriate overidentification or disproportionate representation by race and ethnicity of children as children with disabilities, ensure child find, and conduct appropriate evaluations/reevaluations and eligibility determinations. Data were collected from State and Federal reports, on-site monitoring, or additional LEA data submissions (desk audits).**

Display 10-4: Percent of LEAs with Disproportionate Representation that is the Result of Inappropriate Identification

	FFY 2005	FFY 2006	FFY 2007	FFY 2008
Total # of LEAs	72	91	99	106
# of LEAs flagged for disproportionate representation – Over-representation	36	12	14	4
# of LEAs found to have disproportionate representation due to inappropriate identification – Over-representation	0	0	0	0
Percent who had disproportionate representation due to inappropriate identification – Over-representation	0.0%	0.0%	0.0%	0.0%
# of LEAs flagged for disproportionate representation –	0	5	4	2

	FFY 2005	FFY 2006	FFY 2007	FFY 2008
Under-representation				
# of LEAs found to have disproportionate representation due to inappropriate identification – Under-representation	0	0	0	0
Percent who had disproportionate representation due to inappropriate identification – Under-representation	0.0%	0.0%	0.0%	0.0%

Discussion of Improvement Activities:

Each improvement activity was reviewed using the Utah State Office of Education SPP/APR Improvement Activity Review form in order to determine its impact on Indicator 10 (See Appendix C).

The following activities were completed and are ongoing:

1. Apply a Risk Ratio formula to disaggregated data at LEA and State levels to identify LEAs with disproportionate representation in their special education population. Completed and ongoing.
 - A risk ratio formula was applied to all LEA and State 618 Child Count Race and Ethnicity data.
 - Data were reviewed and a weighted risk ratio was used to determine a final risk ratio for each disability category in all LEAs.
 - LEAs with a final risk ratio of 3.00 or larger or 0.30 or smaller were flagged for a further review of their policies, procedures, and practices to ensure that there were no inappropriate identification, evaluation, or placement of students with disabilities in these identified LEAs.
 - Using the risk ratio, four LEAs were flagged with a risk ratio larger than 3.00 for over-representation, and two of the four LEAs mentioned above were flagged with a risk ratio of less than 0.30. This triggered a review of policies, procedures, and practices for the four flagged LEAs using the Self Assessment Tool process to determine if their flagged status was a result of inappropriate identification, evaluation, and placement of students with disabilities. Monitoring data were also reviewed.

Results of this activity are that four LEAs were flagged for potential over/under-disproportionate representation which required a review of policies, procedures, and practices to ensure that there are no inappropriate identification policies, procedures, and practices in the LEA.

2. Using the self-assessment tool and UPIPS monitoring, targeted LEAs will conduct a review of policies, procedures, and practices to determine if the disproportionate representation could be the result of inappropriate identification practices. Completed and ongoing.
 - The Self Assessment Tool was used to determine if the flagged status of four LEAs was a result of inappropriate identification, evaluation, and placement of students with disabilities. Monitoring data were also reviewed for the four flagged LEAs to verify the findings of the Self Assessment Tool.
 - Each targeted LEA completed a desk audit of their race/ethnicity data.
 - Targeted LEAs received a USOE monitoring desk audit and/or on-site visit to verify accuracy of self assessment data.
 - USOE staff members followed up as needed with technical assistance.

Results of this activity are that targeted LEAs received follow-up monitoring, thereby ensuring students with disabilities are not being incorrectly identified, evaluated, and placed inappropriately.

3. Provide professional development to identified LEAs on evaluation and eligibility determination procedures. Completed and ongoing.
 - Professional development on identification, evaluation, and placement of students with disabilities is available through the Utah Professional Development Center, at many of the State's conferences, on professional development modules, and on a local basis in many LEAs. Professional development was provided to 1,039 LEA staff members during 2008-2009.

As a result of this activity, since no LEAs were found to have disproportionate representation, professional development in appropriate identification practices has been provided through a variety of formats offered to all LEAs. Furthermore, awareness created through the Self Assessment Tool process has resulted in a number of LEAs sponsoring their own identification practices professional development.

4. Continue to collect, disaggregate, and compare 618 data. Completed and ongoing.
 - 618 data are collected annually.
 - Collections include: 1. Child Count 2. Environments 3. Special Education Personnel 4. Assessment 5. Discipline 6. Exit 7. Dispute Resolutions.
 - 618 Data are collected and disaggregated by LEA and by school level.
 - Annual collections make possible comparisons over time.

Results of this activity are that an annual 618 data collection of the same data elements allows for comparisons and helps determine trends, thereby allowing LEAs to anticipate and address potential issues regarding disproportionate representation.

5. Provide follow up technical assistance and/or enforcement actions based on identification of policies, procedures, and practices that lead to inappropriate identification of students with disabilities. Completed and ongoing.
 - A policy and procedures manual was developed by each LEA during the 2008-2009 school year to align with IDEA 2004 and Utah State Board of Education Special Education Rules (2007).
 - No enforcement actions were applied due to zero LEAs having inappropriate policies, procedures, and practices that lead to inappropriate identification.
 - USOE staff members followed up as needed with technical assistance.

Results of this activity are that each LEA has a USOE approved policy and procedure manual to guide their identification, evaluation, and placements of students with disabilities and receives follow-up technical assistance as needed to guide their identification, evaluation, and placements of students with disabilities.

6. Collaborate to provide statewide professional development for all educators regarding classroom management, instruction, and school-wide targeted interventions to support students in LRE. Completed and ongoing.
 - Statewide professional development in collaboration with general education was provided in the following areas:
 - Response to Intervention
 - DIBELS, progress monitoring and screening
 - Assessment, informal and formal
 - Interventions for struggling readers
 - Behavior strategies
 - Tiered instruction
 - ELL instruction
 - Math and science instruction

- Participants included general and special educators, administrators, parents, Title I schools, secondary and elementary educators totaling 11,304.

Results of the activity includes increased interaction and collaboration between general and special educators during overlapping professional development for educators participating in professional development as documented by attendance records and agendas. The statewide professional development enabled educators to be provided with and to have access to research based instruction and intervention materials for implementation to support students in LRE.

7. Collaborate on program development of tiered instruction to support students in LRE. Completed and ongoing.

- A tiered instruction framework was developed to support students in LRE:
 - Special educators and general educators reviewed and recommended instruction/intervention materials to classroom teachers.
 - USOE special education staff participated with general education leaders to develop instructional goals for math and science.
 - Instruction/intervention materials were listed on the USOE website and in the 3-Tier reading document.
 - USOE staff participated in developing a tiered instruction framework for numeracy for all educators.

Results of these activities include the provision of a consistent instruction/intervention framework for all educators. The activities provided support for educators to implement research based instruction/interventions and assessments in the areas of math and science to support LRE.

Impact of completed activities listed above:

With the use of the USOE Self Assessment Tool, the State and LEA review process of policies, procedures, and practices is strengthened with additional evidence that districts and charter schools are using correct policies, procedures, and practices in the identification, evaluation, and placement of students with disabilities in Utah. It also helps determine if inappropriate identification is the cause of any disproportionate representation of racial and ethnic groups in specific disability categories in districts and charter schools. The assessment process also directs LEAs to develop a corrective action plan if they are found not to be in compliance with this indicator. The noncompliance must be corrected within one year from the date of the completion of the Self Assessment Tool, when identified. This process ensures that students with disabilities are not disproportionately represented as a result of inappropriate identification.

Revisions, with Justification, to Proposed Targets/Improvement Activities/Timelines/Resources

Each improvement activity was reviewed using the Utah State Office of Education SPP/APR Improvement Activity Review form in order to determine its impact on Indicator 10 (See Appendix C).

Activities	Timelines	Resources	Justifications
NEW #1 Develop and disseminate a manual that reviews disproportionate representations determination methods and consequences.	2009-2011	IDEA discretionary funds, USOE staff	The manual will provide concrete information for LEAs regarding how disproportionate representation is calculated and determined and the resulting USOE and LEA actions.

Part B State Annual Performance Report (APR) for FFY2008

Overview of the Annual Performance Report Development:

Monitoring Priority: Effective General Supervision Part B/Child Find

Indicator 11: Percent of children who were evaluated within 60 days** of receiving parental consent for initial evaluation or, if the State establishes a timeframe within which the evaluation must be conducted, within that timeframe.

(20 U.S.C. 1416(a)(3)(B))

****Utah State established timeline is 45 school days.**

Measurement:

- a. # of children for whom parental consent to evaluate was received.
- b. # of children whose evaluations were completed within 60 days (or State-established timeframe).**

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

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

FFY	Measurable and Rigorous Targets
2008 (2008-2009)	One hundred (100) percent of children will be evaluated within 60 days** of receiving parental consent for initial evaluation.

Actual Data for FFY 2008: 96.9%

The target of 100% was not met; however, the State achieved 96.9% of children evaluated within the timeline.

The target of 100% was not met, although improvement was made over the FFY 2007 results which indicated that 96.6% of children were evaluated within the timeline **as required in 34 CFR §300.301**. In addition, 100% of LEAs which were found out of compliance for exceeding the **initial evaluation** timeline in FFY 2007 corrected their policies, procedures, and practices within one year. **In the process of determining that the LEA corrected noncompliance on this indicator, the USOE followed guidance provided in OSEP's 09-02 Memorandum, including accounting for all instances of noncompliance, identifying where the noncompliance occurred, the percentage level of noncompliance, and the root cause of the noncompliance, requiring the correction of LEA noncompliance in the policies, procedures, and practices that contributed to or resulted in the noncompliance, and determining that the LEA is correctly implementing the specific regulatory requirements of 34 CFR §300.301, including completing initial evaluations with the State-required timelines of 45 school days, based upon the USOE's review of updated data collected from either subsequent on-site monitoring or additional LEA data submissions (desk audits).**

The USOE ensures that all students referred for special education and related services are evaluated and, as appropriate, offered services within the timelines contained within IDEA 2004 **in 34 CFR §300.301**. The initial evaluation/eligibility timeline used by the State for 2005-2006 and 2006-2007 was the IDEA-established 60 days; the timeline was adjusted to follow State Rules during 2007-2008 and was

45 school days for this APR reporting period. During the 2008-2009 school year, 385 files of children for whom parental consent to evaluate was received were reviewed through on-site visits, self assessment reports, desk audits, and the State dispute resolution process for this indicator as part of the general monitoring system. These 385 files came from 29 LEAs (school districts and charter schools). The review process that was part of the Utah Program Improvement Planning System was developed to ensure that each LEA is included in the formal monitoring process (see SPP for additional monitoring system detail).

Display 11-1: Percent of Children Evaluated within the 45 School Day Timeline (State-Established Timeline)

	FFY 2008
a. # of children for whom parental consent to evaluate was received	385
b. # of children whose evaluations were completed within 45 school days	373
# not included in b.	12
Percent of children with parental consent to evaluate who were evaluated within 45 school days (State-established timeline)	96.9%

Of the 385 reviewed files, 21 students later determined not eligible had evaluations which were completed within 45 school days and 352 students later determined eligible for special education and related services had evaluations completed within 45 school days. Eleven students in eight LEAs later determined eligible for special education and related services, and one student in one LEA later determined not eligible for special education and related services had evaluations completed beyond the 45 school day timeline. The lengths of evaluations for these 12 students were 47, 49, 50, 53, 56, 62, 70, 72, 78, 85, 212, and 229 days. Delays in nine of the evaluations were due to special education personnel noncompliance, and three of the evaluations were delayed due to difficulty in finding trained evaluation personnel. Thus, a total of 12 students had evaluations completed beyond the 45 school day timeline.

In the process of reviewing LEA data on this indicator, the USOE followed guidance provided in OSEP’s 09-02 Memorandum. As noncompliance with 34 CFR §300.301 in the LEAs was identified, each LEA special education director was notified in writing of the noncompliance, as well as the requirement that the noncompliance be corrected as soon as possible, but in no case later than one year from identification. As the noncompliance with 34 CFR §300.301 was found in only a small percentage of LEA files in each LEA with noncompliance, and represented an isolated incident in the LEA programs, the eight LEAs with evaluations exceeding 45 school days during FFY 2008 were required to write a Corrective Action Plan (CAP) to address their process for determining eligibility within the required timelines. LEAs that had initial evaluations which went beyond 45 school days were required to document additional professional development on the timeline requirement and submit additional monitoring data which demonstrated correction of the noncompliance in LEA policies, procedures, and practices, including completion of the overdue evaluation(s). LEAs whose CAP does not result in the correction of the noncompliance within one year will receive enforcement actions from the USOE; actions will be selected to target the reason behind the continuing noncompliance. Most common enforcement actions include required technical assistance, additional LEA professional development, and delay of IDEA funds. In order to support the efforts of the LEAs, the USOE is actively working toward the increase of qualified personnel available in the State to address the need for qualified evaluation personnel, as indicated by the initial evaluation data over the past two years.

The eight LEAs with noncompliance identified during the FFY 2007 APR successfully corrected their noncompliance in policies, procedures, and practices within one year with USOE support and

enforcement actions consisting of technical assistance, LEA professional development, and opportunities for LEAs to collaborate and “share” evaluation personnel. The LEAs with noncompliance as the result of teacher noncompliance instituted internal personnel actions which directly addressed and documented the noncompliance, again resulting in correction. **In the process of determining that the LEAs corrected noncompliance on this indicator, the USOE followed guidance provided in OSEP’s 09-02 Memorandum, including accounting for all instances of noncompliance, identifying where the noncompliance occurred, the percentage level of noncompliance, and the root cause of the noncompliance, requiring the correction of LEA noncompliance in the policies, procedures, and practices that contributed to or resulted in the noncompliance, and determining that the LEA is correctly implementing the specific regulatory requirements of 34 CFR §300.301, including completing initial evaluations with the State-required timelines of 45 school days, based upon the USOE’s review of updated data collected from either subsequent on-site monitoring or additional LEA data submissions (desk audits).**

Valid and Reliable Data:

Data reliability and validity were ensured through a data collection process that used multiple methods. Data were collected from on-site visits, desk audits, LEA Self Assessment Reports, and the State dispute resolution process. Furthermore, data were verified through a process in which some files were randomly selected to be reviewed twice, by two different reviewers, to ensure correct dates were entered and timelines were valid and reliable.

Explanation of Progress or Slippage that occurred for FFY 2008 (2008-09):

As indicated in Display 11-2, the State has made progress on this indicator not only in terms of increasing the percentage of children meeting this indicator from 76% to a high of 96.9% but also in terms of the number of reviewed files on which this indicator is based. In 2005-06, only 42 files were reviewed; this year, data were reported on 385 files. We are aware, however, that the target of 100% was not met, and continue to implement actions designed to improve Utah’s performance on this indicator (see Revisions to Improvement Activities). In addition, 100% of LEAs with noncompliance on initial evaluation timelines corrected their policies, procedures, and practices in a timely manner **(see Verification of Correction below for additional information).**

Display 11-2: Percent of Children Evaluated within the 45 School-Day Timeline, Results over Time

	FFY 2005	FFY 2006	FFY 2007	FFY 2008
a. # of children for whom parental consent to evaluate was received	42	229	406	385
b. # of children whose evaluations were completed within 45 school days	32	218	392	373
# not included in b.	10	11	14	12
Percent of children with parental consent to evaluate who were evaluated within 45 school days (State-established timeline)	76.2%	95.2%	96.6%	96.9%

Correction of Previous Year’s Noncompliance: Corrected to 100%

As described in Display 11-3, 100% of noncompliance identified during FFY 2006 was corrected within one year.

Display 11-3: Correction of FFY 2007 Findings of Noncompliance (if State reported less than 100% compliance):

Level of compliance for State reported for FFY 2007 for this indicator: 96.6%

1. Number of findings of noncompliance the State made during FFY 2007 (the period from July 1, 2007 through June 30, 2008)	14
2. Number of FFY 2007 findings the State verified as timely corrected (corrected within one year from the date of notification to the LEA of the finding)	14
3. Number of FFY 2007 findings <u>not</u> verified as timely corrected (corrected within one year from the date of notification to the LEA of the finding)	0

Correction of FFY 2007 Findings of Noncompliance Not Timely Corrected (corrected more than one year from identification of the noncompliance):

4. Number of FFY 2007 findings not timely corrected (Same as the number (3) from above)	0
5. Number of FFY 2007 findings the State verified as corrected beyond the one-year timeline ("subsequent correction")	0
6. Number of FFY 2007 findings <u>not</u> verified as corrected [(4) minus (5)]	0

Verification of Correction (either timely or subsequent):

There is no remaining noncompliance from previous APR reporting periods. All noncompliance has been corrected within required timelines. The USOE verified that the LEAs are implementing the specific regulatory requirements of 34 CFR §300.301 as per OSEP's 09-02 Memorandum. In the process of determining that the LEA corrected noncompliance this indicator, the USOE followed guidance provided in OSEP's 09-02 Memorandum, including accounting for all instances of noncompliance, identifying where the noncompliance occurred, the percentage level of noncompliance, and the root cause of the noncompliance, requiring the correction of LEA noncompliance in the policies, procedures, and practices that contributed to or resulted in the noncompliance, and determining that the LEA is correctly implementing the specific regulatory requirements of 34 CFR §300.301, including completing initial evaluations with the State-required timelines of 45 school days, based upon the USOE's review of updated data collected from either subsequent on-site monitoring or additional LEA data submissions (desk audits). Additionally, the USOE ensured that the initial evaluations, although late, were completed and eligibility determined for the children in question. While a sample of files were reviewed to determine ongoing LEA compliance with 34 CFR §300.301, each file with noncompliance was also reviewed to ensure correction at the individual student level. As a result of these USOE and LEA actions (as described above), each LEA is in accordance with 34 CFR §300.301, including completing initial evaluations with the State-required timelines of 45 school days.

Display 11-4: Additional Information Required by the OSEP APR Response Table for this Indicator:

Statement Response Table	State's Response
The State must report, in its FFY 2008 APR due February 1, 2010, that it has verified that each LEA with noncompliance reported by the State under this indicator in the FFY 2007 APR (1) is correctly implementing the specific regulatory requirements; and (2) has completed the initial	In the process of determining that the LEA corrected noncompliance this indicator, the USOE followed guidance provided in OSEP's 09-02 Memorandum, including accounting for all instances of noncompliance, identifying where the noncompliance occurred, the percentage level of noncompliance, and the root cause of the

<p>evaluation although late, unless the child is no longer within the jurisdiction of the LEA.</p>	<p>noncompliance, requiring the correction of LEA noncompliance in the policies, procedures, and practices that contributed to or resulted in the noncompliance, and determining that the LEA is correctly implementing the specific regulatory requirements of 34 CFR §300.301, including completing initial evaluations with the State-required timelines of 45 school days, based upon the USOE's review of updated data collected from either subsequent on-site monitoring or additional LEA data submissions (desk audits).</p> <p>LEAs with findings of noncompliance reported in the FFY 2007 APR were required to submit evidence of LEA-wide correction of noncompliance to the USOE. Documentation of correction included evidence of professional development on IDEA regulatory requirements, as well as student-specific data that demonstrated compliance with this indicator (including that the initial evaluation was completed). The USOE verified correction and notified the LEA in writing that the noncompliance had been corrected. The USOE verified that the LEAs are implementing the specific regulatory requirements of 34 CFR §300.301, including completing initial evaluations with the State-required timelines of 45 school days, as per OSEP's 09-02 Memorandum. As a result of these USOE and LEA actions (as described above), each LEA is in accordance with 34 CFR §300.301, including completing initial evaluations with the State-required timelines of 45 school days.</p>
<p>If the State is unable to demonstrate compliance in the FFY 2008 APR, the State must review its improvement activities, if necessary, to ensure compliance.</p>	<p>Although improvement occurred, the target of 100% was not met. As a result, improvement activities have been reviewed and it was determined that one additional activity was needed to address the increased teacher noncompliance with this requirement.</p>

Discussion of Improvement Activities:

Each improvement activity was reviewed using the Utah State Office of Education SPP/APR Improvement Activity Review form in order to determine its impact on Indicator 11 (See Appendix C).

The following activities were completed and are ongoing:

1. Monitor for initial evaluation timelines within each LEA and document reasons timeline was exceeded, if applicable. Completed and ongoing.
 - Data were collected during the LEA self assessment process, on-site monitoring by the USOE and LEA, and Corrective Action Plan (CAP) reporting.
 - Information on the number of days and the reasons the timeline was exceeded is specifically requested and collected by the USOE and maintained in a database for this indicator.

Results of this activity include LEA special education directors and staff receiving immediate feedback on their performance on this requirement, clarification of the requirement, and additional on-site professional development on initial evaluation timeline requirements with examples and non-examples. This in turn increased LEA knowledge and compliance with the 45 school day initial evaluation timeline as documented by UPIPS monitoring visits, agendas, improved rates of initial evaluations completed with 45 school days, and evidence of correction of noncompliance.

2. Analyze monitoring data regarding initial evaluations with respect to timelines, eligibility, and documenting range/reasons if timeline is exceeded. Completed and ongoing.
 - The USOE aggregated data for purposes of this APR and provided LEAs with an analysis of their data. LEAs with initial evaluations exceeding the 45 school days were required to include this indicator in their CAP and document professional development of staff and correction as soon as possible, but in no case later than one year.
 - The USOE was able to determine the reason the majority of the evaluations exceeded the timeline (teacher noncompliance) and address the need statewide. The USOE enforcement activities were implemented, including; special education directors were notified in writing of teacher noncompliance issues, LEAs were required to revise their Corrective Action Plans (CAPs) to include and address noncompliance with initial evaluation timelines, and the USOE provided technical assistance at the LEA level.

Improvement activities resulted in USOE and LEA staff, when presented with State and LEA data, observing trends and planning to address needs demonstrated by the data, causing the USOE and LEA staff to work together to address teacher noncompliance issues as documented by discussions with special education directors and improved rates of initial evaluations completed within 45 school days; thereby ensuring that students suspected of having a disability are evaluated in a timely manner, and if eligible, provided with the special education and related services needed to improve their educational performance.

3. Provide LEA level data to LEAs on their status regarding initial evaluation timelines, eligibility, and range/reasons if timeline is exceeded. Completed and ongoing.
 - The USOE aggregated data for purposes of this APR and provided LEAs with an analysis of their data when findings of noncompliance were discovered.
 - LEAs with initial evaluations exceeding the 45 school days were required to include this indicator in their CAP and document professional development and correction of policies, procedures and practices as soon as possible but in no case later than one year.

Results of this activity include increased discussion of LEA data among LEA staff members and LEA file monitoring for Indicator 11, which in turn increased LEA staff knowledge and compliance with the 45 school day initial evaluation timeline by leading them to determine the reasons that initial evaluation timelines were exceeded and address them immediately with impacted personnel as documented by UPIPS visits, agendas, discussions with special education directors, and improved rates of initial evaluations completed within 45 school days.

4. **Provide professional development to** special education teachers, related service providers, and evaluators statewide on initial evaluation timeline requirements. Completed and ongoing.
 - 192 USOE staff professional development hours were provided to LEA staff statewide addressing child find, evaluations, and timeline requirements.
 - LEAs were reminded during fall USOE meetings of initial evaluation timeline requirements and the impact of those timelines on APR results and local determinations to enable them to disseminate the information to their staffs.

Results of this activity include statewide professional development activities and USOE/LEA file monitoring for Indicator 11, which in turn increased LEA staff knowledge and compliance

with the 45 school day initial evaluation timeline as documented by professional development logs and improved rates of initial evaluations completed within 45 school days.

5. Develop and disseminate a parent training manual, in conjunction with the Utah Parent Center, which clarifies the evaluation process, including timeline requirements, as well as school and parent responsibilities. Completed and ongoing.
 - The manual has been completed but has not yet been disseminated. Results of this activity include completion of a parent training manual which, when disseminated during FFY 2009, will increase parent knowledge and monitoring of initial evaluation timelines, which in turn will increase LEA knowledge and compliance with the 45 school day initial evaluation timeline.
6. Implement focused monitoring process to provide additional technical assistance and review LEAs that continue to not meet targets. Completed and ongoing.
 - The USOE developed and implemented criteria for determining the need for an on-site monitoring visit.
 - The USOE developed and implemented a protocol for an annual desk audit and focused on-site visit. During 2008-2009, all LEA data were reviewed at least once.
 - The USOE utilized information during annual LEA desk audits to determine if LEAs needed on-site visits.

Results of this activity include increased required statewide LEA staff professional development activities and USOE/LEA file monitoring for Indicator 11, which in turn increased LEA knowledge and compliance with the 45 school day initial evaluation timeline by requiring additional focus on this timeline as documented by correction of noncompliance, discussions with LEA staff and special education directors, and improved rates of initial evaluations completed within 45 school days.

7. Develop opportunities for LEAs to discuss evaluation needs with surrounding LEAs in an effort to create collaboration and sharing of scarce staff. Completed and ongoing.
 - LEAs are included in State shortage discussions.
 - Charter schools are provided with additional opportunities to network and discuss solutions for personnel shortages during monthly Roundtables.
 - During data analysis it was discovered that the most common reason for initial evaluations not being completed within the timeline was due to teacher noncompliance. The USOE enforcement activities were implemented, including; special education directors notified in writing of teacher noncompliance issues, LEAs were required to revise their Corrective Action Plans (CAPs) to include and address noncompliance with initial evaluation timelines, and the USOE provided technical assistance.

Improvement activities resulted in increased collaboration between LEAs to identify and utilize evaluation personnel, as documented by discussions with both charter school directors and charter school special education directors, and improved rates of initial evaluations completed within 45 school days; thereby ensuring that students suspected of having a disability are evaluated in a timely manner, and if eligible, provided with the special education and related services needed to improve their educational performance.

8. Address shortage of qualified examiners with Institutes of Higher Education (IHEs) in Utah. Completed and ongoing.
 - Three meetings were held during FFY 2008 with representatives from LEAs, IHEs, and the USOE.
 - IHE personnel identified and reviewed strategies to meet the evaluation personnel needs of the LEAs.

Results of this activity include increased discussion between LEAs, IHEs, and USOE personnel on strategies needed to address the shortage of qualified examiners and the programs that target the needs of LEAs as documented by agendas and improved rates of initial evaluations completed within 45 school days.

9. Utilize enforcement actions to ensure LEAs are in compliance with the initial evaluation timeline requirement. Completed and ongoing.
 - The USOE staff discussed the need for compliance with all LEAs during monthly USOE and Roundtable meetings with LEA special education directors.
 - The USOE staff provided written notification on noncompliance and timelines for correction to LEAs with noncompliance. LEAs with noncompliance participated in discussions regarding noncompliance with the USOE staff during which the noncompliance and the requirements were reviewed, the reason for the noncompliance was determined, and corrective action planning occurred to address the reason for noncompliance.
 - The USOE enforcement actions, when needed, target the reason for the LEA noncompliance to ensure timely correction. For example, when the issue is teacher noncompliance, the LEA special education director is notified in writing of the noncompliance, and required to revise their CAP to address the noncompliance.

Results of this activity include increased statewide professional development activities and USOE/LEA file monitoring for Indicator 11, which in turn increased LEA knowledge and compliance with the 45 school day initial evaluation timeline and written notification of compliance status as documented by UPIPS correspondence, UPIPS Manual, agendas, and improved rates of initial evaluations completed within 45 school days.

Impact of completed activities listed above:

Each improvement activity was reviewed in terms of its impact on Indicator 11. Improvement activities resulted in statewide professional development activities which in turn increased LEA knowledge and compliance with the 45 school day initial evaluation timeline; thereby ensuring that students suspected of having a disability are evaluated in a timely manner, and if eligible, provided with special education and related services needed to improve their educational performance.

Revisions, with Justification, to Proposed Targets/Improvement Activities/Timelines/Resources

Each improvement activity was reviewed using the Utah State Office of Education SPP/APR Improvement Activity Review form in order to determine its impact on Indicator 11 (See Appendix C).

Activities	Timelines	Resources	Justifications
NEW #1 The USOE will notify LEA special education directors of the result of this indicator and that of the timelines exceeded, the majority were due to teacher noncompliance with the requirement. The USOE will prompt affected LEAs for information on how this issue was addressed as part of their UPIPS Corrective Action Plan (CAP).	2009-2010	IDEA discretionary funds, USOE staff, LEA staff	A review of the noncompliance showed that the majority of findings were due to teacher noncompliance with the timeline. As a result, an additional activity is needed to prompt LEAs to address this concern.

Part B State Annual Performance Report (APR) for FFY 2008

Overview of the Annual Performance Report Development:

Monitoring Priority: Effective General Supervision Part B/Effective Transition

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

(20 U.S.C. 1416(a)(3)(B))

Measurement:

- a. # of children who have been served in Part C and referred to Part B for eligibility determination.
- b. # of those referred determined to be NOT eligible and whose eligibilities were determined prior to their third birthdays.
- c. # of those found eligible who have an IEP developed and implemented by their third birthdays.
- d. # of children for whom parent refusal to provide consent caused delays in evaluation or initial services.
- e. # of children who were referred to Part C less than 90 days before their third birthdays.

Account for children included in **a** but not included in **b, c, d, or e**. Indicate the range of days beyond the third birthday when eligibility was determined and the IEP developed and the reasons for the delays.

Percent = [(c) divided by (a – b – d – e)] times 100.

Note: For the FFY 2008 APR submission, States are not required to include measure (e) in the calculation. Utah has elected to not include measure (e) in the calculation during FFY 2008.

FFY	Measurable and Rigorous Targets
2008 (2008-2009)	One hundred (100) percent of children referred by Part C prior to age 3, who are found eligible for Part B, will have an IEP developed and implemented by their third birthdays.

Actual Data for FFY 2008: 98.6%

Display 12-1: Percent of Children Referred by Part C Who are Found Eligible for Part B and Have IEPs Developed by Their Third Birthdays

	FFY 2008
a. # of children served in Part C and referred to Part B	325
b. # found not eligible and whose eligibility was determined prior to third birthdays	34
c. # of those found eligible who have an IEP developed and implemented by their third birthdays	272
d. # for whom parent refusals to provide consent caused delays in evaluation or initial services	15

# in a but not in b, c, or d (number of children whose eligibility not determined before their third birthday)	4
Percent who met the indicator	98.6%

The target of 100% was not met; however, 98.6% of children referred by Part C prior to age 3 were evaluated and eligibility determined before their third birthdays.

Data on this indicator were collected from eight LEAs that were monitored in 2008-2009. These eight LEAs reported that 325 children were referred from Part C to Part B. Of these 325 children, 272 children were found eligible for Part B and had an IEP developed and implemented by their third birthdays; 34 children were found not eligible prior to their third birthdays; and the eligibility of 15 children was not determined by the third birthdays due to parental delays. The remaining four children did not have eligibility determined by their third birthdays. Delays were due to additional sensory assessments needed for one student, there was a change in an IEP team for another, the district was not able to complete the evaluation within the timelines for the third student, and one student received a late referral from Part C. Thus, 98.6% of children referred by Part C prior to age 3, and found eligible, had an IEP developed and implemented by their third birthdays, **as per the specific regulatory requirements in 34 CFR §300.124. In the process of reviewing LEA data on this indicator, the USOE followed guidance provided in OSEP’s 09-02 Memorandum. As noncompliance with 34 CFR §300.124 in the LEAs was identified, each LEA special education director was notified in writing of the noncompliance, as well as the requirement that noncompliance be corrected as soon as possible, and in no case later than one year from identification. The noncompliance with 34 CFR §300.124 was found in only a small percentage of LEA files in each LEA with noncompliance and represented an isolated incident in the LEA programs.**

Valid and Reliable Data:

LEAs ensure that their data are reliable and valid when the data are submitted to the Utah State Office of Education. Statewide professional development for preschool coordinators was implemented during 2007-2008 and 2008-2009 to ensure understanding of current reporting requirements. Preschool coordinators are either responsible for gathering these data or checking data that are submitted for accuracy; therefore a trainer-of-trainers model was used. The UPIPS monitoring process is used to collect additional verification data to ensure compliance with this indicator.

Explanation of Progress or Slippage that occurred for FFY 2008 (2008-09):

As indicated in Display 12-2, the USOE made substantial progress on this indicator not only in terms of increasing the percentage of children meeting this indicator from a low of 64% to a high of 98.6% but also in terms of the number of files on which this indicator is based. In 2003-04, only eight files were reviewed; this year, data were reported on 325 files. Improvement was also shown in the last year: the percentage of children meeting this indicator increased from 95.1% to 98.6%. The USOE continues to strive for and to get closer to the 100% compliance rate.

The progress shown on this indicator is highly attributable to the provision of technical assistance and the process for correcting noncompliance (based on an improvement activity added during 2005-2006). **In the process of determining that the LEA corrected noncompliance on this indicator, the USOE followed guidance provided in OSEP’s 09-02 Memorandum, including accounting for all instances of noncompliance, identifying where the noncompliance occurred, the percentage level of noncompliance, and the root cause of the noncompliance, requiring the correction of LEA noncompliance in the policies, procedures, and practices that contributed to or resulted in the noncompliance, and determining that the LEA is correctly implementing the specific regulatory requirements of 34 CFR §300.124, including completing and implementing an IEP by the child’s third birthday, based upon the USOE’s review of updated data collected from either subsequent on-site monitoring or additional LEA data submissions (desk audits). As a result of these USOE and LEA actions (as described above), each LEA is in accordance with 34 CFR §300.124, including completing and implementing an IEP by the child’s third birthday.**

All LEAs must track all students referred from Part C and submit those data to the USOE. In addition, the Utah Program Improvement Planning System (UPIPS) statewide monitoring system is used to obtain and verify the data LEAs have submitted through on-site file reviews. Any identified LEA noncompliance with 34 CFR §300.124 is required to be corrected as soon as possible and in no case later than one year. LEA progress and correction is tracked monthly and includes a review of the status of each LEA's Corrective Action Plan (CAP) and Program Improvement Plan (PIP), including the documented correction of identified compliance errors. The CAP is evaluated annually for evidence of corrections of noncompliance issues, completion of professional development activities and, if needed, new procedures developed and implemented to ensure compliance. Results of these activities are verified through additional LEA and USOE student file reviews and 618 data. Targeted technical assistance will continue to be provided to move LEAs toward the target of 100%.

Display 12-2: Percent of Children Referred by Part C who are Found Eligible for Part B and Have an IEP Developed by Their Third Birthdays. Results Over Time

	FFY 2004	FFY 2005	FFY 2006	FFY 2007	FFY 2008
a. # of children served in Part C and referred to Part B	25	160	321	206	325
b. # found not eligible and whose eligibility was determined prior to third birthdays	0	22	67	44	34
c. # of those found eligible who have an IEP developed and implemented by their third birthdays	16	115	234	135	272
d. # for whom parent refusals to provide consent caused delays in evaluation or initial services	0	4	7	20	15
# in a but not in b, c, or d	9	19	21	7	4
Percent who met the indicator	64.0%	85.8%	94.7%	95.1%	98.6%

Display 12-3: Reasons for Delays in Determinations

LEA	Number of Delays	Number of Days Delayed	Reasons for Delay
LEA 1	0	N/A	No delays
LEA 2	2	6	IEP team was changed, unable to complete on time
LEA 3	0	N/A	No delays
LEA 4	0	N/A	No delays
LEA 5	0	N/A	No delays
LEA 6	0	N/A	No delays
LEA 7	1	6	Late referral from Part C

LEA 8	1	87	Additional testing needed from USDB during the summer
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LEAs are selected for review for this indicator as part of the Utah Program Improvement Planning System. Selected LEAs go through a USOE review process of all transition data for the year. The UPIPS monitoring process is used to collect additional verification data to ensure compliance with this indicator.

The State's general supervision system includes the Utah Program Improvement Planning System (UPIPS) monitoring process and dispute resolution process. UPIPS Monitoring Process: The Utah Program Improvement Planning System was developed to ensure that each LEA is included in the formal monitoring process. A stratified sample of districts is included in each year's cohort. The selection criteria for districts in each cohort include the following variables: student enrollment, urban/rural, and socioeconomic level. LEAs were then randomly assigned to one of the five years within the monitoring cycle. Because of the unique conformation of Utah's 41 school districts, there are four districts of 50,000+ students. Four of the five cohorts for monitoring contain one of these very large districts, and the fifth contains two districts with enrollments of at least 25,000 students. Each of the five cohorts also includes districts of medium and small size, as well as charter schools. Based upon analysis of data from the five cohorts in the UPIPS monitoring process, the cohorts are comparably representative of the State population in total student enrollment, poverty, prevalence of students with disabilities, and on an urban-rural continuum. The mean percentage of English Language Learner (ELL) students and of non-white students based on total enrollment varies. These data substantiate the representativeness of each cohort. LEAs are selected for State monitoring after being assigned to a cohort based upon location and size.

Each LEA is monitored each year throughout the five years using self assessment, on-site visits, desk audits, annual performance reports, and/or data reporting. Due process system data from complaints and hearings is also reviewed and included as part of the monitoring process. The UPIPS monitoring process places increased responsibility on each LEA by involving them in a continuous cycle of identification and improvement. In Year 1, the LEA is charged with involving key stakeholders in the development of a Self Assessment Report that analyzes the LEA's effectiveness in ensuring compliance and improving results for students. The LEA then develops a Corrective Action Plan (CAP) and Program Improvement Plan (PIP) that targets areas identified as needing improvement and aligns those identified areas with LEA interventions designed to correct them. During Year 2, based upon an off-site review of the LEA data, submitted as part of the Self Assessment Report and from annual 618 data, an on-site visit may be scheduled in which random student files will be reviewed for each visited LEA to collect additional data that validate the accuracy of the LEAs' self-collected data and to determine if improvement efforts, as part of the CAP and PIP, have been successful. Years 3-5 of the UPIPS process tracks the status of each LEA's CAP and PIP, including the correction of identified compliance errors within one year. The CAP is evaluated each year for evidence of completion of activities and results of those activities are then verified through additional student file reviews and 618 data. Some LEAs may have multiple on-site visits based upon their annual data. As noncompliance is identified, it is reported as a finding. A finding is a written notification from the State to an LEA that contains the State's conclusion that the LEA program is in noncompliance and includes the citation of the statute or regulation and a description of the data supporting the conclusion. Written notifications of findings occur as soon as possible and generally within three months of discovery. Except for findings identified through State complaints or due process hearings, individual instances of noncompliance in an LEA involving the same legal requirement under IDEA and Utah Special Education Rules are grouped together as one finding. An LEA will have multiple findings of noncompliance for the same time period if the LEA is noncompliant with more than one legal requirement. Upon written notification of noncompliance from the USOE, the LEA must correct the noncompliance in its policies, procedures and practices as soon as possible, but in no case later than one year from identification. Correction occurs when the LEA revises noncompliant policies, procedures, and/or practices and the USOE verifies the correction and notifies the LEA of the correction.

Correction of Previous Year's Noncompliance: Corrected to 100%

The two LEAs that were out of compliance in FFY 2007 were required to write a corrective action plan in order to ensure that in the future all children would have eligibility determined by their third birthdays as per 34 CFR §300.124. These LEAs are now in compliance as indicated in Display 12-4. The correction of noncompliance was verified by the USOE. Specifically, the USOE verified that these LEAs corrected their policies, procedures, and practices in ensuring that children served in Part C and referred to Part B for eligibility determination were determined eligible and had an IEP developed and implemented by the third birthday. Additionally, the USOE ensured that the IEPs, although late, were developed and implemented for the children in question. The USOE verified that LEAs are implementing the specific regulatory requirements of 34 CFR §300.124 as per OSEP's 09-02 Memorandum and IEPs, although late, were developed and implemented for the children in question. In the process of determining that the LEA corrected noncompliance this indicator, the USOE followed guidance provided in OSEP's 09-02 Memorandum, including accounting for all instances of noncompliance, identifying where the noncompliance occurred, the percentage level of noncompliance, and the root cause of the noncompliance, requiring the correction of LEA noncompliance in the policies, procedures, and practices that contributed to or resulted in the noncompliance, and determining that the LEA is correctly implementing the specific regulatory requirements of 34 CFR §300.124, including completing and implementing the IEP by the child's third birthday, based upon the USOE's review of updated data collected from either subsequent on-site monitoring or additional LEA data submissions (desk audits). While a sample of files were reviewed to determine ongoing LEA compliance with 34 CFR §300.124, each file with noncompliance was also reviewed to ensure correction at the individual student level. As a result of these USOE and LEA actions (as described above), each LEA is in accordance with 34 CFR §300.124, including completing and implementing the IEP by the child's third birthday.

Display 12-4: Percent of LEAs who Corrected Noncompliance

	FFY 2007
# of LEAs out of compliance	2
# of LEAs who corrected noncompliance within one year	2
% of LEAs who corrected noncompliance within one year	100.0%

Discussion of Completed Improvement Activities:

Each improvement activity was reviewed using the Utah State Office of Education SPP/APR Improvement Activity Review form in order to determine its impact on Indicator 12 (See Appendix C).

The following activities were completed and ongoing FFY 2008:

1. Provide LEAs with professional development on eligible, not eligible, and IEP in effect by 3 years of age. Completed and ongoing.
 - Three LEAs were provided with professional development upon request on issues causing noncompliance with this indicator.

This activity resulted in the LEA correcting noncompliance and providing verification of correction of noncompliance to the State as soon as possible, and in no case later than one year as documented by correction of noncompliance during the monitoring process.

2. Develop guidance on reporting requirements for Part C and Part B. Completed and ongoing.
 - During FFY 2008, meetings were conducted to determine how the two different databases from Part C and Part B would communicate. These discussions identified that Part C database changes needed to allow for an accurate reconciliation of students transitioning from Part C to Part B.

- Needed changes were made to the Part C database and are reflected in the guidance for reporting.
- Guidance for reporting has been drafted and will be completed in FFY 2009.

Results of this activity will be determined during FFY 2009 when the Transition from Early Intervention Data Information System (TEDI) procedures manual is completed and disseminated.

3. Collaborate with Part C to develop a web-based method to share data between the two agencies. Completed and ongoing.
 - The web-based system, TEDI, was available for a trial period in February, 2009 for LEAs to use to enter the indicator 12 data.
 - Part B and Part C, at the State level, met with each LEA and Part C provider to explain the data sharing process available within TEDI. This explanation included a discussion at each site regarding how the data was shared between the two agency databases and the effects the sharing would have on 3-3 transitions.

Results of this activity indicate that the TEDI database will provide benefit to Parts B & C and to families by easily providing data from one agency to the other. Thus, children will be easier to track, and LEAs can quickly see which children they need to determine eligibility for and within what timeline. This will result in higher compliance rates on this indicator.

4. Develop a new Memorandum of Understanding (MOU) with Part C upon approval of new State Special Education Rules. Completed and ongoing.
 - The Interagency Community Council (ICC) from Part C has supported the effort to begin the MOU process without the completion of the final Part C Regulations. MOU meetings will start in FFY 2009.

Results of this activity will include a completed State MOU that provides direction on this indicator during FFY 2009.

5. Continue to meet with Part C quarterly to coordinate information in order to improve transition for students and families. Completed and ongoing.
 - Parts B & C personnel, at the State level, have met approximately 20 times this reporting period to coordinate the ongoing updates of information sharing between the Parts B & C databases.

This activity has resulted in more effective communication at the State level which has assisted LEAs at the local level, as demonstrated by improved data on this indicator.

Impact of activities listed above:

These activities provided additional resources and supports to ensure a smooth and timely transition from Part C to Part B for students and their families and have improved the rate of compliance with this indicator.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources

Each improvement activity was reviewed using the Utah State Office of Education SPP/APR Improvement Activity Review form in order to determine its impact on Indicator 12 (See Appendix C).

The review indicated that no new or revised activities are needed at this time.

Activities	Timelines	Resources	Justifications

Part B State Annual Performance Report (APR) for FFY 2008

Overview of the Annual Performance Report Development:

Monitoring Priority: Effective General Supervision Part B / Effective Transition

Indicator 13: Percent of youth with IEPs aged 16 and above with an IEP that includes appropriate measurable postsecondary goals that are annually updated and based upon an age appropriate transition assessment, transition services, including courses of study, that will reasonably enable the student to meet those postsecondary goals, and annual IEP goals related to the student's transition services needs. There also must be evidence that the student was invited to the IEP Team meeting where transition services are to be discussed and evidence that, if appropriate, a representative of any participating agency was invited to the IEP Team meeting with the prior consent of the parent or student who has reached the age of majority.

(20 U.S.C. 1416(a)(3)(B))

Measurement:

Percent = [(# of youth with IEPs aged 16 and above with an IEP that includes appropriate measurable postsecondary goals that are annually updated and based upon an age appropriate transition assessment, transition services, including courses of study, that will reasonably enable the student to meet those postsecondary goals, and annual IEP goals related to the student's transition services needs. There also must be evidence that the student was invited to the IEP Team meeting where transition services are to be discussed and evidence that, if appropriate, a representative of any participating agency was invited to the IEP Team meeting with the prior consent of the parent or student who has reached the age of majority) divided by the (# of youth with an IEP age 16 and above)] times 100.

Correction of FFY 2007 Findings of Noncompliance:

Level of compliance (actual target data) State reported for FFY 2007 for this indicator: 70 findings

1. Number of findings of noncompliance the State made during FFY 2007 (the period from July 1, 2007 through June 30, 2008)	70
2. Number of FFY 2007 findings the State verified as timely corrected (corrected within one year from the date of notification to the LEA of the finding)	70
3. Number of FFY 2007 findings <u>not</u> verified as corrected within one year [(1) minus (2)]	0

Correction of FFY 2007 Findings of Noncompliance Not Timely Corrected (corrected more than one year from identification of the noncompliance):

4. Number of FFY 2007 findings not timely corrected (same as the number from (3) above)	0
5. Number of FFY 2007 findings the State has verified as corrected beyond the one-year timeline ("subsequent correction")	0
6. Number of FFY 2007 findings <u>not</u> yet verified as corrected [(4) minus (5)]	0

Correction of FFY 2007 Percent of IEPs with Findings of Noncompliance:

Level of compliance (actual target data) State reported for FFY 2007 for this indicator: 78.64%

	# files	% files
1. # and % of IEPs with findings of noncompliance found during FFY 2007 (the period from July 1, 2007 through June 30, 2008)	22	21.36%
2. # and % of IEPs with findings of noncompliance verified as timely corrected (corrected within one year from the date of notification to the LEA of the finding)	22	100%
3. # and % of IEPs with findings of noncompliance <u>not</u> verified as corrected within one year [(1) minus (2)]	0	0

Correction of FFY 2007 Percent of IEPs with Findings of Noncompliance Not Timely Corrected (corrected more than one year from identification of the noncompliance):

	# files	% files
4. # and % of IEPs with findings of noncompliance not timely corrected (same as the number from (3) above)	0	0
5. # and % of IEPs with findings of noncompliance the State has verified as corrected beyond the one-year timeline ("subsequent correction")	0	0
6. # and % of IEPs with findings of noncompliance <u>not</u> yet verified as corrected [(4) minus (5)]	0	0

Actions Taken if Noncompliance Not Corrected:

All findings were corrected as soon as possible and in no case later than one year.

Verification of Correction (either timely or subsequent):

As noncompliance is identified through the Utah Program Improvement Planning System (UPIPS) monitoring process, the State notifies the local education agency (LEA) of findings of noncompliance. The notification to the LEA contains the State's conclusion that the LEA program is in noncompliance and includes the citation of the statute or regulation and a description of the data supporting the conclusion. Written notification of findings occurs as soon as possible and generally within three months of discovery. Upon written notification of noncompliance from the USOE, the LEA must correct the noncompliance in its policies, procedures, and practices as soon as possible, but in no case later than one year. Correction occurs when the LEA revises noncompliant policies, procedures, and/or practices and the State verifies through follow-up review of data, other documentation, and/or interviews that the noncompliance has been corrected and notifies the LEA in writing of that correction.

The USOE verified that the LEAs are implementing the specific regulatory requirements of 34 CFR §300.320(b) as per OSEP's 09-02 Memorandum. In the process of determining that the LEA corrected noncompliance this indicator, the USOE followed guidance provided in OSEP's 09-02 Memorandum, including accounting for all instances of noncompliance, identifying where the noncompliance occurred, the percentage level of noncompliance, and the root cause of the noncompliance, requiring the correction of LEA noncompliance in the policies, procedures, and practices that contributed to or resulted in the noncompliance, and determining that the LEA is correctly implementing the specific regulatory

requirements of 34 CFR §300.320(b), including ensuring that youth with IEPs aged 16 and above have IEPs that include appropriate postsecondary goals that are annually updated and based upon age appropriate transition assessments, based upon the USOE's review of updated data collected from either subsequent on-site monitoring or additional LEA data submissions (desk audits). As a result of these USOE and LEA actions (as described above), each LEA is in accordance with 34 CFR §300.320(b), including ensuring that youth with IEPs aged 16 and above have IEPs that include appropriate postsecondary goals that are annually updated and based upon age appropriate transition assessments.

Correction of Remaining FFY 2006 Findings of Noncompliance (if applicable):

All findings were corrected within one year. The USOE verified that the LEAs are implementing the specific regulatory requirements of 34 CFR §300.320(b) as per OSEP's 09-02 Memorandum. In the process of determining that the LEA corrected noncompliance this indicator, the USOE followed guidance provided in OSEP's 09-02 Memorandum, including accounting for all instances of noncompliance, identifying where the noncompliance occurred, the percentage level of noncompliance, and the root cause of the noncompliance, requiring the correction of LEA noncompliance in the policies, procedures, and practices that contributed to or resulted in the noncompliance, and determining that the LEA is correctly implementing the specific regulatory requirements of 34 CFR §300.320(b), including ensuring that youth with IEPs aged 16 and above have IEPs that include appropriate postsecondary goals that are annually updated and based upon age appropriate transition assessments, based upon the USOE's review of updated data collected from either subsequent on-site monitoring or additional LEA data submissions (desk audits). Additionally, the USOE ensured that the IEPs in question included appropriate postsecondary goals that are annually updated and based upon age appropriate transition assessments. While a sample of files were reviewed to determine ongoing LEA compliance with 34 CFR §300.320(b), each file with noncompliance was also reviewed to ensure correction at the individual student level. As a result of these USOE and LEA actions (as described above), each LEA is in accordance with 34 CFR §300.320(b), including ensuring that youth with IEPs aged 16 and above have IEPs that include appropriate postsecondary goals that are annually updated and based upon age appropriate transition assessments.

1. Number of remaining FFY 2006 findings noted in OSEP's June 1, 2009 FFY 2007 APR response table for this indicator	0
2. Number of remaining FFY 2006 findings the State has verified as corrected	0
3. Number of remaining FFY 2006 findings the State has NOT verified as corrected [(1) minus (2)]	0

Correction of Any Remaining Findings of Noncompliance from FFY 2005 or Earlier (if applicable):

All findings were corrected, as reported in previous APRs. The USOE verified that the LEAs are implementing the specific regulatory requirements of 34 CFR §300.320(b) as per OSEP's 09-02 Memorandum. In the process of determining that the LEA corrected noncompliance this indicator, the USOE followed guidance provided in OSEP's 09-02 Memorandum, including accounting for all instances of noncompliance, identifying where the noncompliance occurred, the percentage level of noncompliance, and the root cause of the noncompliance, requiring the correction of LEA noncompliance in the policies, procedures, and practices that contributed to or resulted in the noncompliance, and determining that the LEA is correctly implementing the specific regulatory requirements of 34 CFR §300.320(b), including ensuring that youth with IEPs aged 16 and above have IEPs that include appropriate postsecondary goals that are annually updated and based upon age appropriate transition assessments, based upon the USOE's review of updated data collected from either subsequent on-site monitoring or additional LEA data submissions (desk audits). As a result of these USOE and LEA actions (as described above), each LEA is in accordance with 34 CFR §300.320(b), including ensuring that youth with IEPs aged 16 and above have IEPs that include appropriate postsecondary goals that are annually updated and based upon age appropriate transition assessments.

Additional Information Required by the OSEP APR Response Table for this Indicator (if applicable):

No additional information was required.

Part B State Annual Performance Report (APR) for FFY 2008

Overview of the Annual Performance Report Development:

Monitoring Priority: Effective General Supervision Part B/General Supervision

Indicator 15: General supervision system (including monitoring, complaints, hearings, etc.) identifies and corrects noncompliance as soon as possible but in no case later than one year from identification.
(20 U.S.C. 1416 (a)(3)(B) and 1442)

Measurement:

Percent of noncompliance corrected within one year of identification:

- a. # of findings of noncompliance.
- b. # of corrections completed as soon as possible but in no case later than one year from identification.

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

FFY	Measurable and Rigorous Targets
2008 (2008-2009)	The USOE general supervision system (including monitoring, complaints, hearings, etc.) identifies and corrects one hundred (100) percent of noncompliance as soon as possible but in no case later than one year from identification.

Actual Data for FFY 2008: 99%

Display 15-1: Percent of Correction of Identified Noncompliance within One Year

	FFY 2008 Identified 07-08 Corrected Within 1 Year
Target	100%
# of Total Findings	504
# Corrected within One Year	499
% Correction of Noncompliance	99%

The target of 100% was not met; however, the State achieved a 99% correction of noncompliance within one year. Furthermore, the five findings that were not corrected within one year were corrected as of September 2009.

Describe the Process for Selecting LEAs for Monitoring:

The State's general supervision system includes the Utah Program Improvement Planning System (UPIPS) monitoring process and dispute resolution process. UPIPS Monitoring Process: The Utah Program Improvement Planning System was developed to ensure that each LEA is included in the formal monitoring process. A stratified sample of districts is included in each year's cohort. The selection criteria for districts in each cohort include the following variables: student enrollment, urban/rural, and socioeconomic level. LEAs were then randomly assigned to one of the five years within the monitoring cycle. Because of the unique conformation of Utah's 41 school districts, there are four districts of 50,000+ students. Four of the five cohorts for monitoring contain one of these very large districts, and the fifth contains two districts with enrollments of at least 25,000 students. Each of the five cohorts also includes districts of medium and small size, as well as charter schools. Based upon analysis of data from the five cohorts in the UPIPS monitoring process, the cohorts are comparably representative of the State population in total student enrollment, poverty, prevalence of students with disabilities, and on an urban-rural continuum. The mean percentage of English Language Learner (ELL) students and of non-white students based on total enrollment varies. These data substantiate the representativeness of each cohort. LEAs are selected for State monitoring after being assigned to a cohort based upon location and size. Charter schools were assigned to the monitoring cycle as follows. As new charter schools open, they are assigned to the following year's monitoring cycle. They are not randomly assigned to a monitoring year because it is more important to let Utah charter schools know immediately what the rules and regulations are regarding IDEA. If they were randomly assigned to a monitoring year, it could be five years before a given charter school was monitored. This is unacceptable given the importance of adhering to special education law – with which some charter school staff members may be somewhat unfamiliar.

Each LEA is monitored each year throughout the five years using self assessment, on-site visits, desk audits, annual performance reports, and/or data reporting. Due process system data from complaints and hearings is also reviewed and included as part of the monitoring process. The UPIPS monitoring process places increased responsibility on each LEA by involving them in a continuous cycle of identification and improvement. In Year 1, the LEA is charged with involving key stakeholders in the development of a Self Assessment Report that analyzes the LEA's effectiveness in ensuring compliance and improving results for students. The LEA then develops a Corrective Action Plan (CAP) and Program Improvement Plan (PIP) that targets areas identified as needing improvement and aligns those identified areas with LEA interventions designed to correct them. During Year 2, based upon an off-site review of the LEA data, submitted as part of the Self Assessment Report and from annual 618 data, an on-site visit may be scheduled in which random student files will be reviewed for each visited LEA to collect additional data that validate the accuracy of the LEAs' self-collected data and to determine if improvement efforts, as part of the CAP and PIP, have been successful. Years 3-5 of the UPIPS process tracks the status of each LEA's CAP and PIP, including the correction of identified compliance errors within one year. The CAP is evaluated each year for evidence of completion of activities and results of those activities are then verified through additional student file reviews and 618 data. Some LEAs may have multiple on-site visits based upon their annual data.

As noncompliance is identified, it is reported as a finding. A finding is a written notification from the State to an LEA that contains the State's conclusion that the LEA program is in noncompliance and includes the citation of the statute or regulation and a description of the data supporting the conclusion. Written notifications of findings occur as soon as possible and generally within three months of discovery. Except for findings identified through State complaints or due process hearings, individual instances of noncompliance in an LEA involving the same legal requirement under IDEA and Utah Special Education Rules are grouped together as one finding. An LEA will have multiple findings of noncompliance for the same time period if the LEA is noncompliant with more than one legal requirement. Upon written notification of noncompliance from the USOE, the LEA must correct the noncompliance in its policies, procedures and practices as soon as possible, but in no case later than one year from identification.

In the process of determining that the LEA corrected noncompliance on this indicator, the USOE followed guidance provided in OSEP's 09-02 Memorandum, including accounting for all instances of noncompliance, identifying where the noncompliance occurred, the percentage level of noncompliance,

and the root cause of the noncompliance, requiring the correction of LEA noncompliance in the policies, procedures, and practices that contributed to or resulted in the noncompliance, and determining that the LEA is correctly implementing all specific regulatory requirements of IDEA, including the correction of noncompliance in conformance with the OSEP 09-02 memorandum, based upon the USOE's review of updated data collected from either subsequent on-site monitoring or additional LEA data submissions (desk audits). While a sample of files were reviewed to determine ongoing LEA compliance with all specific regulatory requirements of IDEA, each file with noncompliance was also reviewed to ensure correction at the individual student level. As a result of these USOE and LEA actions (as described above), each LEA is in accordance with IDEA.

Display 15-2: Part B Indicator 15 Worksheet

Indicator/Indicator Clusters	General Supervision System Components	# of LEAs Issued Findings in FFY 2007 (7/1/07 to 6/30/08)	(a) # of Findings of Noncompliance Identified in FFY 2007 (7/1/07 to 6/30/08)	(b) # of Findings of Noncompliance from (a) for which Correction was Verified no Later than One Year from Identification
1. Percent of youth with IEPs graduating from high school with a regular diploma. 2. Percent of youth with IEPs dropping out of high school.	Monitoring Activities: Self Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	0	N/A	N/A
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.	Dispute Resolution: Complaints, Hearings	0	N/A	N/A
3. Participation and performance of children with disabilities on statewide assessments. 7. Percent of preschool children with IEPs who demonstrated improved outcomes.	Monitoring Activities: Self Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	10	10	10
	Dispute Resolution: Complaints, Hearings	0	N/A	N/A

Indicator/Indicator Clusters	General Supervision System Components	# of LEAs Issued Findings in FFY 2007 (7/1/07 to 6/30/08)	(a) # of Findings of Noncompliance Identified in FFY 2007 (7/1/07 to 6/30/08)	(b) # of Findings of Noncompliance from (a) for which Correction was Verified no Later than One Year from Identification
4A. Percent of districts identified as having a significant discrepancy in the rates of suspensions and expulsions of children with disabilities for greater than 10 days in a school year.	Monitoring Activities: Self Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	0	N/A	N/A
	Dispute Resolution: Complaints, Hearings	0	N/A	N/A
5. Percent of children with IEPs aged 6 through 21 - educational placements. 6. Percent of preschool children aged 3 through 5 – early childhood placement.	Monitoring Activities: Self Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	33	105	102
	Dispute Resolution: Complaints, Hearings	2	2	1
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.	Monitoring Activities: Self Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	16	57	57
	Dispute Resolution: Complaints, Hearings	2	2	2
9. Percent of districts with disproportionate representation of racial and ethnic groups in special education that is the result of inappropriate identification.	Monitoring Activities: Self Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	0	N/A	N/A

Indicator/Indicator Clusters	General Supervision System Components	# of LEAs Issued Findings in FFY 2007 (7/1/07 to 6/30/08)	(a) # of Findings of Noncompliance Identified in FFY 2007 (7/1/07 to 6/30/08)	(b) # of Findings of Noncompliance from (a) for which Correction was Verified no Later than One Year from Identification
10. Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.	Dispute Resolution: Complaints, Hearings	0	N/A	N/A
11. Percent of children who were evaluated within 60 days** of receiving parental consent for initial evaluation or, if the State establishes a timeframe within which the evaluation must be conducted, within that timeframe. **State established timeline is 45 school days.	Monitoring Activities: Self Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	29	39	39
	Dispute Resolution: Complaints, Hearings	0	N/A	N/A
12. Percent of children referred by Part C prior to age 3, who are found eligible for Part B, and who have an IEP developed and implemented by their third birthdays.	Monitoring Activities: Self Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	3	4	4
	Dispute Resolution: Complaints, Hearings	0	N/A	N/A
13. Percent of youth aged 16 and above with IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable student to meet the post-secondary goals.	Monitoring Activities: Self Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	10	70	70
	Dispute Resolution: Complaints, Hearings	0	N/A	N/A

Indicator/Indicator Clusters	General Supervision System Components	# of LEAs Issued Findings in FFY 2007 (7/1/07 to 6/30/08)	(a) # of Findings of Noncompliance Identified in FFY 2007 (7/1/07 to 6/30/08)	(b) # of Findings of Noncompliance from (a) for which Correction was Verified no Later than One Year from Identification
Other areas of noncompliance: Evaluation and Eligibility	Monitoring Activities: Self Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	39	168	167
	Dispute Resolution: Complaints, Hearings	0	N/A	N/A
Other areas of noncompliance: Utah Requirements	Monitoring Activities: Self Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	27	47	47
	Dispute Resolution: Complaints, Hearings	0	N/A	N/A
Sum the numbers down Column a and Column b			504	499
Percent of noncompliance corrected within one year of identification = (column (b) sum divided by column (a) sum) times 100.			(b) / (a) X 100 =	99%

Display 15-2 shows the following results:

- Indicators 1, 2, 4A, 9, 10, and 14 had zero findings of noncompliance.
- Indicators 3 and 7 had 10 findings corrected as soon as possible but in no case later than one year of identification, as verified by additional data collection.
- Indicators 5 and 6 had 103 of 107 findings corrected as soon as possible but in no case later than one year of identification, as verified by additional data collection. The remaining findings were corrected on September 2, 2009 (three findings in one LEA) and November 27, 2008 (one finding in one LEA).
- Indicator 8 had 59 of 59 findings corrected as soon as possible but in no case later than one year of identification, as verified by additional data collection.
- Indicator 11 had 39 of 39 findings corrected as soon as possible but in no case later than one year of identification, as verified by additional data collection.

- Indicator 12 had four of four findings corrected as soon as possible but in no case later than one year of identification, as verified by additional data collection.
- Indicator 13 had 70 of 70 findings corrected as soon as possible but in no case later than one year of identification, as verified by additional data collection.
- Other areas of noncompliance (Evaluation and Eligibility) had 167 of 168 corrected as soon as possible but in no case later than one year of identification, as verified by additional data collection. The remaining one finding in one LEA was corrected on July 15, 2009, approximately three months over the required timeline.
- Timely correction occurred in other areas of noncompliance (Utah Requirements). Forty-seven of 47 findings of noncompliance were corrected as soon as possible but in no case later than one year of identification, as verified by additional data collection.

Valid and Reliable Data:

Data reliability and validity were ensured through a collection process that used multiple methods. Data were collected during on-site visits, desk audits, LEA Self Assessment Reports, and from the State dispute resolution process. Data are representative of the State due to the representativeness of the UPIPS cohort (see UPIPS Monitoring description). Contract reviewers and LEA representatives are trained in the UPIPS-SRR data collection system at least annually. LEAs who do not choose to use the UPIPS-SRR system submit their checklist to the USOE Monitoring Specialist for review. Data are also verified through a process in which some files are randomly selected to be reviewed twice, by two different reviewers, to ensure data are correct. In addition, monitoring results are verified in all monitored LEAs through cross data checking (between LEA submitted reports and data, USOE desk audits, LEA Self Assessment Reports, and additional on-site data collection by the LEA and/or the USOE).

Explanation of Progress of Slippage that Occurred for FFY 2008 (2008-09):

Progress:

- The implementation of several activities has resulted in progress through a significant increase in correction of noncompliance, as well as correction of policies, procedures, and practices within LEAs as soon as possible but in no case later than one year. LEAs are regularly informed of their progress and follow-up visits are scheduled by the USOE if timely and accurate data are not submitted documenting correction of noncompliance. LEAs have participated in multiple conversations with the USOE regarding the importance of corrections and ways to document the correction, and have responded positively to the requirements, as they now can see the correlation of this indicator with the SPP and their resulting Annual Performance Report (APR) determinations.
- All LEAs with findings of noncompliance in FFY 2005, FFY 2006, FFY 2007, and FFY 2008 have corrected their findings of noncompliance as of September 30, 2009. (The three LEAs exceeding the timeline for correction of noncompliance corrected their findings between November 27, 2008 and September 20, 2009) (see Slippage for explanation of State enforcement actions).
- 103 LEAs were monitored during FFY 2008. In those 103 LEAs, all findings were corrected in all LEAs as of September 2009. Of those, 99% were corrected as soon as possible, but in no case later than one year of identification.
- LEAs have seen how the result of correction of noncompliance affects their APR determinations in either a positive manner or through enforcement actions for continuing noncompliance.

Slippage:

- Although significant progress (99%) has been made on this indicator, Utah has not met the target of 100% compliance. Not all LEAs (three) met the required timelines for submitting documentation of the correction of noncompliance, although at this time, three of the three LEAs exceeding correction timelines during FFY 2008 have corrected their noncompliance.

Statewide, most LEAs have been able to implement changes and correct noncompliance rapidly.

- Enforcement actions have been implemented for all LEAs with identified findings of noncompliance that were not corrected within one year, including additional technical assistance, mandatory professional development, contact with the LEA Superintendent to inform of the noncompliance, requirement of a CAP to specifically address the continuing noncompliance, delay of IDEA funds, additional on-site visits, and notification in writing of the noncompliance. Enforcement actions were tailored to the needs of the LEAs, including length of time of noncompliance and documented LEA actions toward corrections. Fortunately, these enforcement actions have only needed to be used with a few select LEAs as the majority completed their corrections of noncompliance in a timely manner.

Correction of Previous Year’s Noncompliance: Corrected to 100%

Display 15-3 shows the corrections on findings that were not completed in a timely manner but have been corrected since the February 2009 submission of the APR. All findings of noncompliance have been corrected. The USOE verified that the LEAs are implementing the regulatory requirements **as per OSEP’s 09-02 Memorandum**.

In an analysis of the LEAs with findings of noncompliance not corrected in a timely manner, the underlying reason for exceeding the timeline generally is a result of school personnel not understanding the correction requirement, due to inexperienced or new staff. Of the three LEAs exceeding the timelines, two were charter schools. Utah is attempting to resolve this issue with increased communication that includes requirements for correction, deadlines, and consequences for non-correction.

**Display 15-3: Corrections on Findings which were Not Completed in a Timely Manner
Correction of FFY 2007 Findings of Noncompliance Timely Corrected (corrected within one year from identification of the noncompliance)**

1. Number of findings of noncompliance the State made during FFY 2007 (the period from July 2007 through June 30, 2008) (Sum of Column a on the Indicator B15 Worksheet)	518
2. Number of findings the State verified as timely corrected (corrected within one year from the date of notification to the LEA of the finding) (Sum of Column b on the Indicator B15 Worksheet)	507
3. Number of findings <u>not</u> verified as corrected within one year [(1) minus (2)]	11

Correction of FFY 2007 Findings of Noncompliance Not Timely Corrected (corrected more than one year from identification of the noncompliance):

4. Number of FFY 2007 findings not timely corrected (same as the number from (3) above)	11
5. Number of the findings the State has verified corrected beyond the one-year timeline (“subsequent correction”)	11
3. Number of findings <u>not</u> yet verified as corrected [(4) minus (5)]	0

Actions Taken if Noncompliance Not Corrected:

All findings of noncompliance prior to FFY 2007 have been subsequently corrected as documented in the FFY 2007 APR. The USOE verified that the LEAs are implementing all regulatory requirements **as per**

OSEP's 09-02 Memorandum. In the process of determining that the LEA corrected noncompliance on this indicator, the USOE followed guidance provided in OSEP's 09-02 Memorandum, including accounting for all instances of noncompliance, identifying where the noncompliance occurred, the percentage level of noncompliance, and the root cause of the noncompliance, requiring the correction of LEA noncompliance in the policies, procedures, and practices that contributed to or resulted in the noncompliance, and determining that the LEA is correctly implementing all specific regulatory requirements of IDEA, including the correction of noncompliance in conformance with the OSEP 09-02 memorandum, based upon the USOE's review of updated data collected from either subsequent on-site monitoring or additional LEA data submissions (desk audits). While a sample of files were reviewed to determine ongoing LEA compliance with all specific regulatory requirements of IDEA, each file with noncompliance was also reviewed to ensure correction at the individual student level. As a result of these USOE and LEA actions (as described above), each LEA is in compliance with IDEA regulatory requirements.

Enforcement actions have been implemented for all LEAs with identified findings of noncompliance that were not corrected within one year, including additional technical assistance, mandatory professional development, contact with the LEA Superintendent to inform of the noncompliance, requirement of a CAP to specifically address the continuing noncompliance, delay of IDEA funds, additional on-site visits, and notification in writing of the noncompliance. Enforcement actions were tailored to the needs of the LEAs, including length of time of noncompliance and documented LEA actions toward corrections. Fortunately, these enforcement actions have only needed to be used with a few select LEAs as the majority completed their corrections of noncompliance in a timely manner.

Verification of Correction (either timely or subsequent):

LEAs with findings of noncompliance were required by the USOE to submit evidence of professional development provided to LEA personnel regarding specific findings of noncompliance, as well as data that demonstrate that findings of noncompliance have been corrected in individual student files as well as LEA-wide as soon as possible but in no case later than one year of identification. The USOE reviews data that are submitted by the LEA to verify correction and then notifies the LEA of the correction. LEAs are notified of upcoming due dates of uncorrected findings of noncompliance 10 months after identification to allow for additional professional development and rechecking of data as needed. Enforcement actions are implemented as needed for LEAs who do not submit evidence of timely correction of noncompliance (see above enforcement actions).

In the process of determining that the LEA corrected noncompliance on this indicator, the USOE followed guidance provided in OSEP's 09-02 Memorandum, including accounting for all instances of noncompliance, identifying where the noncompliance occurred, the percentage level of noncompliance, and the root cause of the noncompliance, requiring the correction of LEA noncompliance in the policies, procedures, and practices that contributed to or resulted in the noncompliance, and determining that the LEA is correctly implementing all specific regulatory requirements of IDEA, including the correction of noncompliance in conformance with the OSEP 09-02 memorandum, based upon the USOE's review of updated data collected from either subsequent on-site monitoring or additional LEA data submissions (desk audits). As a result of these USOE and LEA actions (as described above), each LEA is in accordance with IDEA.

Display 15-4: Correction of Remaining FFY 2006 Findings of Noncompliance (if applicable):

1. Number of remaining FFY 2006 findings noted in OSEP's June 1, 2009 FFY 2007 APR response table for this indicator	0
2. Number of remaining FFY 2006 findings the State has verified as corrected	N/A
3. Number of remaining FFY 2006 findings the State has NOT verified as corrected	N/A

Discussion of Improvement Activities:

Each improvement activity was reviewed using the Utah State Office of Education SPP/APR Improvement Activity Review form in order to determine its impact on Indicator 15 (See Appendix C).

The following activities were completed and are ongoing:

1. Utilize UPIPS and UPIPS-SRR program to collect data on LEA compliance. Completed and ongoing.
 - The UPIPS monitoring data were collected, as needed, from LEAs.
 - The UPIPS-SRR was used to collect data from the USOE level from 23 LEAs and was known to be used at the LEA level for self assessment, additional data collection, and professional development for 19 LEAs.

Results of this activity include increased UPIPS-SRR statewide training activities and USOE/LEA file monitoring for Indicator 15, which in turn increased LEA staff knowledge, monitoring, and compliance with IDEA requirements, as documented by professional development logs, agendas, improved rates of correction of noncompliance, and decreased rates of noncompliance.

2. Track correction of LEA areas of noncompliance within one year timeline. Completed and ongoing.
 - A database is maintained and updated frequently (as LEAs submit data) to track progress of each LEA in their correction of noncompliance.
 - The database shows all findings, progress, and correction dates for each LEA.
 - The database is used to record both deadlines and dates of corrections.
 - As the data are received, the data are checked for accuracy by the USOE staff and approval is documented on the database.
 - A formal letter is then sent to the LEA updating them on the approval of submitted data and current status on UPIPS requirements.
 - Correction of noncompliance as soon as possible but in no case later than one year is documented and tracked, from written notification from the USOE to LEA of noncompliance to official notification from the USOE to LEA stating the noncompliance is corrected.
 - Data stored in the database are randomly checked for accuracy monthly by the USOE staff.

Results of this activity include LEA special education directors receiving ongoing and current information regarding findings of noncompliance for Indicator 15, which in turn increased LEA correction of noncompliance in a timely manner, as documented by UPIPS correspondence, UPIPS database, improved rates of correction of noncompliance, and decreased rates of noncompliance.

3. Provide LEAs with prompt feedback on FFY 2007 APR results. Completed and ongoing.
 - APR results were disaggregated to the LEA level, disseminated to each LEA, and a forum for discussion was provided at least twice at State special education meetings and charter school director meetings.
 - After discussions, each LEA was sent a determinations letter which prompted additional questions and conversations between the USOE and LEA staff.

Results of the activity resulted in increased statewide training activities and USOE/LEA file monitoring for Indicator 15, which in turn increased LEA staff knowledge, compliance, and correction of noncompliance in a timely manner, as documented by the UPIPS Manual,

UPIPS correspondence, UPIPS database, improved rates of correction of noncompliance, and decreased rates of noncompliance.

4. Implement actions described in the USOE Framework for Recognition, Assistance, and Intervention with all LEAs, including the use of incentives for LEAs with timely corrections and enforcement actions for LEAs with continuing uncorrected noncompliance. Completed and ongoing.
 - The USOE disaggregated FFY 2007 APR data to the LEA level.
 - The USOE applied the LEA level data to the Framework and made LEA determinations.
 - The USOE notified LEAs of their determination and resulting actions.

Results of the activity resulted in increased awareness of APR results, determination level, and consequences for Indicator 15, which in turn increased LEA staff knowledge, compliance, and correction of noncompliance in a timely manner, as documented by the UPIPS Manual, UPIPS correspondence, UPIPS database, improved rates of correction of noncompliance, and decreased rates of noncompliance.

5. Conduct professional development for LEA special education directors and staff in areas of noncompliance with re-collection of compliance data after training. Completed and ongoing.
 - Sixty hours of professional development was provided for 53 LEAs.
 - Re-collection of data after training occurred in 32 LEAs.

Results of this activity included increased statewide professional development activities and USOE/LEA file monitoring for Indicator 15, which in turn increased LEA staff knowledge, compliance, and correction of noncompliance in a timely manner, as documented by the UPIPS Manual, UPIPS correspondence, UPIPS database, improved rates of correction of noncompliance, and decreased rates of noncompliance.

Impact of completed activities listed above:

Each improvement activity was reviewed in terms of its impact on Indicator 15. Improvement activities resulted in statewide professional development activities and USOE/LEA file monitoring for Indicator 15, which in turn increased LEA staff knowledge, monitoring, and compliance with IDEA requirements, ensuring that appropriately identified students with a disability will receive a free appropriate public education needed to improve their educational performance.

Revisions, with Justification, to Proposed Targets/Improvement Activities/Timelines/Resources

Each improvement activity was reviewed using the Utah State Office of Education SPP/APR Improvement Activity Review form in order to determine its impact on Indicator 15 (See Appendix C).

The review indicated that no new or revised activities are needed at this time.

Activities	Timelines	Resources	Justifications

Part B State Annual Performance Report (APR) for FFY 2008

Overview of the Annual Performance Report Development:

Monitoring Priority: Effective General Supervision Part B/General Supervision

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

(20 U.S.C. 1416(a)(3)(B))

Measurement: Percent = [(1.1(b) + 1.1(c)) divided by 1.1] times 100.

FFY	Measurable and Rigorous Targets
2008 (2008-2009)	One hundred (100) percent of signed written complaints will have reports issued or be otherwise resolved within the 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint, or because the parent (or individual or organization) and the public agency agree to extend the time to engage in mediation or other alternative means of dispute resolution, if available in the State.

Actual Data for FFY2008: 100%

Display 16-1: Number and Percent of Complaints Resolved within the Timeline

	FFY 2008
Complaints received	10
Complaints resolved w/in timeline	10
Percent resolved w/in timeline	100%

The target of 100% was met.

Display 16-2 provides the details about the complaints received.

Display 16-2: Complaint Information

Section A: Written, Signed Complaints	
(1) Total number of written, signed complaints filed	11
(1.1) Complaints with reports issued	10

Section A: Written, Signed Complaints	
(a) Reports with findings of noncompliance	8
(b) Reports within timeline	8
(c) Reports within extended timelines	2
(1.2) Complaints pending	0
(a) Complaints pending a due process hearing	0
(1.3) Complaints withdrawn or dismissed	1

Valid and Reliable Data:

All written complaints are date stamped by the USOE and the timeline is monitored by the USOE compliance officer to ensure accurate timeline data. Final reports are disseminated to the parties providing an additional opportunity to review the accuracy of data. The USOE special education support staff are trained on procedures for stamping documents for date and receipt as well as the appropriate staff member to receive data. Procedures are intended to ensure reliable and valid data as well as maintain confidentiality.

Explanation of Progress or Slippage that occurred for FFY 2008 (2008-09):

The 100% rate was achieved during FFY 2008 with the State completing ten out of ten complaints within the timeline. This is an increase of ten percentage points from FFY 2007 resulting in compliance with the requirement.

Display 16-3: Number and Percent of Complaints Resolved within the Timeline, Results over Time

	2004-2005	2005-2006	2006-2007	2007-2008	2008-2009
Complaints received	20	9	9	10	10
Complaints resolved w/in timeline	18	9	9	9	10
Percent resolved w/in timeline	90%	100%	100%	90%	100%

Correction of Previous Year's Noncompliance:

The target of 100% was not achieved during the previous year, but the one complaint not completed within 60 days was completed prior to the FFY 2007 APR submission and two improvement activities (#1 and #5 below) were added and completed during 2008-2009 to ensure compliance. The USOE verified that the SEA and LEAs are implementing the **specific** regulatory requirements of **34 CFR §300.152 as per OSEP's 09-02 Memorandum**.

Discussion of Improvement Activities:

Each Improvement activity was reviewed using the Utah State Office of Education SPP/APR Improvement Activity Review form in order to determine its impact on Indicator 16 (See Appendix C).

The following activity was completed for FFY 2008:

1. To address the compliance officer's workload and ensure 100% compliance on this indicator, a .6 FTE was added. Completed.

- A .6 FTE was added during the 2008-2009 school year, which allowed for two complaint investigators at the USOE.
- The availability of two complaint investigators ensured that complaints were completed within the required timelines.

Results of this activity include the addition of .6 dispute resolution personnel which allowed the Utah State Office of Education to facilitate more collaborative and effective relationships between families and their advocates and LEAs in order to more effectively meet the needs of students and enabled the USOE to meet the required deadlines.

The following activities were completed and ongoing:

1. Conduct quarterly meetings with Disability Law Center (DLC) to coordinate efforts on state formal complaints. Completed and ongoing.
 - The USOE has conducted regular meetings and has endeavored to build a collaborative relationship with the DLC in order to resolve conflicts in a more expeditious, amicable manner and to identify and address potential problems proactively to prevent dispute. In addition to quarterly meetings, the Compliance Officer and USOE specialists effectively communicate and collaborate with the DLC for purposes of acquiring stakeholder input, providing technical assistance and training, and responding proactively to potential disputes.

Results of this activity include a collaborative relationship that has benefited all stakeholders. The activity has contributed to maintaining a low number of complaints.

2. Evaluate the results of activities from 2008-2009 and determine additional activities based on those data. Completed and ongoing.
 - The activities for indicator 16 were analyzed through the use of the USOE SPP/APR Improvement Activity form. In addition to successfully meeting the target goal of resolving 100% of the complaints filed within the 60 day timeline or a timeline extended for exceptional circumstances, Utah was also successful in facilitating continued positive collaboration with families and early dispute resolution to maintain low numbers of formal state complaints filed. The following activities contributed toward meeting the target goal for this indicator as well as facilitated keeping the numbers of formal complaints filed to a minimum.
 - Effective communication with the Disability Law Center (DLC) enabled potential topics of complaints to be addressed proactively and actual complaints to be resolved earlier.
 - Awareness of emerging issues was addressed through technical assistance to LEAs prior to the issue rising to a level of a formal State complaint.
 - Including the DLC as a partner in providing technical assistance training to LEAs allowed the DLC and LEAs an opportunity to communicate and collaborate directly without an adversarial relationship.

Results of this activity include a collaborative relationship that has benefited all stakeholders. The activity has contributed to maintaining a low number of complaints.

3. Continue to develop Utah's system of dispute resolution in order to encourage more productive communication as early resolution of problems. Completed and ongoing.
 - The USOE has convened a stakeholder group dedicated to early dispute prevention and resolution. The group has been meeting to examine Utah's dispute resolution system in order to determine its' effectiveness in light of Utah's identified areas of concern. The process will conclude with recommendations for revisions of current dispute resolution mechanisms as well as potential mechanisms designed to further Utah's goal of early dispute prevention and resolution.

- LEA special education directors and other LEA designees were provided with professional development designed to improve the ability to successfully collaborate and communicate with anxious parents.

Results of this activity include collaboration with stakeholder representatives to ensure consideration of broad and varied perspectives when designing dispute resolution mechanisms. This outcome will contribute to Utah’s goal of maintaining low numbers of formal state complaints and due process hearings filed by maximizing effective collaboration and early dispute prevention and resolution between families, LEAs, and other stakeholders.

4. Create and utilize a database to track timelines and corrective actions to ensure timelines are met and compliance corrected within one year. Completed and ongoing.
 - A database was created during 2008-2009 and used to track all dispute resolution requests, activities, timelines, and findings.

Results of this activity include accurate tracking of requests, activities, timelines, and findings, enabling the USOE to meet timeline requirements.

Impact of completed activities listed above:

Each improvement activity was reviewed in terms of its impact on Indicator 16. Improvement activities resulted in increased collaboration with stakeholder representatives which contributed to maintaining a low number of State complaints and due process hearings by maximizing effective collaboration, early dispute prevention and resolution between families, LEAs, and other stakeholders. The improvement activities also resulted in the USOE meeting required timelines.

Revisions, with Justification, to Proposed Targets/Improvement Activities/Timelines/Resources

Each improvement activity was reviewed using the Utah State Office of Education SPP/APR Improvement Activity Review form in order to determine its impact on Indicator 16 (See Appendix C).

The review indicated that no new or revised activities are needed at this time.

Activities	Timelines	Resources	Justifications

Part B State Annual Performance Report (APR) for FFY 2008

Overview of the Annual Performance Report Development:

Monitoring Priority: Effective General Supervision Part B/General Supervision

Indicator 17: Percent of adjudicated due process hearing requests that were adjudicated within the 45-day timeline or a timeline that is properly extended by the hearing officer at the request of either party or in the case of an expedited hearing, within the required timelines.

(20 U.S.C. 1416(a)(3)(B))

Measurement: Percent = [(3.2(a) + 3.2(b)) divided by 3.2] times 100.

FFY	Measurable and Rigorous Targets
2008 (2008 – 2009)	One hundred (100) percent of due process hearing requests that were adjudicated will have hearings completed within the 45-day timeline or a timeline that is properly extended by the hearing officer at the request of either party or in the case of an expedited hearing, within the required timelines.

Actual Data for FFY 2008: 100%

The target of 100% was met.

Display 17-1: Number and Percent of Due Process Hearings Resolved within the Timeline

	FFY 2008
Due Process Hearing requests filed	2
Resolution sessions	2
Resolutions reached or hearing request withdrawn prior to a decision by a hearing officer.	1
Decisions w/in timeline	0
Decisions w/in properly extended timeline	1
Percent resolved w/in timeline or properly extended timeline	100%

Display 17-2 provides the details about the hearing requests reported in Table 7.

Display 17-2: Hearing Request Information as Reported in Table 7

Section C. Due Process Complaints	
(3) Total number of due process complaints filed	2
(3.1) Resolution meetings	2
(a) Written settlement agreements	0
(3.2) Hearings fully adjudicated	1
(a) Decisions within timeline (including expedited)	0
(b) Decisions within extended timeline	1
(3.3) Resolved without a hearing	1

Valid and Reliable Data:

The State compliance officer monitors due process hearing complaints as they are filed and during the process. Support staff is trained on procedures for date stamping complaints upon receipt to ensure accuracy of the timeline.

Explanation of Progress or Slippage that occurred for FFY 2008:

As can be seen in Display 17-3, the percent of due process hearing requests resolved within the timeline has been 100% for the past four years. Both the LEA and parent are notified upon every request for a due process hearing. Utah strongly encourages mediation or facilitation as a way to resolve disputes in the most expeditious and amicable fashion. Mediation or facilitation is always offered and encouraged at the onset of the due process resolution session. During FFY 2008, two due process hearing requests were filed. One request was settled during the resolution time period and was withdrawn. One request was unable to be resolved during the resolution session and went to a hearing. During the hearing, the timeline was properly extended with the agreement of both parties.

Display 17-3: Number and Percent of Due Process Hearings Resolved within the Timeline, Results over Time

	FFY 2005	FFY 2006	FFY 2007	FFY 2008
Due Process Hearing requests filed	4	7	4	2
Resolution sessions	4	7	4	2
Resolution sessions reached without a hearing and within the timeline or properly extended timeline	4	6	4	1
Decisions w/in timeline	0	0	0	0
Decisions w/in properly extended timeline	0	1	0	1
Percent resolved w/in timeline or properly extended timeline	100%	100%	100%	100%

Correction of Previous Year's Noncompliance

Data on this indicator show that the target of 100% was met in FFY 2007. Therefore, since there was no noncompliance, no correction is indicated. The USOE verified that the SEA and LEAs are implementing the [specific regulatory requirements of 34 CFR §300.515 as per OSEP's 09-02 Memorandum](#).

Discussion of Improvement Activities:

Each improvement activity was reviewed using the Utah State Office of Education SPP/APR Improvement Activity Review form in order to determine its impact on Indicator 17 (See Appendix C).

The following activities were completed and are ongoing:

1. Recruit additional due process hearing officers (DPHOs) as needed to ensure an adequate pool in the event that a due process hearing request is filed. Completed and ongoing.
 - Utah added one new name to its list of hearing officers.

This activity resulted in a larger pool of DPHOs to draw from, thus ensuring continued adherence to timelines.

2. Notify LEA and parent of required timelines upon every request for a due process hearing. Completed and ongoing.
 - Both parties were notified, in writing, of the required timelines upon every request for a due process hearing.
 - Each LEA special education director was notified by telephone when a request for a due process hearing was received by the USOE. If the LEA special education director had not yet received the request for a due process hearing, a copy of the request was transmitted by fax to the Director.

This activity resulted in all parties being informed of timeline requirements, thus ensuring adherence to timelines.

3. Continue every other year required professional development for DPHOs. Completed and ongoing.
 - Training was conducted in August 2008.

As a result of this training, DPHOs will have current information to carry out due process hearings effectively and ensure that timelines continue to be met.

Impact of completed activities listed above:

The improvement activities for Indicator 17 are designed to ensure that hearing officers understand the timeline requirements for due process hearings and are prepared to manage the hearing to meet these timelines. The ability to assign a properly trained hearing officer expeditiously is a prerequisite to successful adherence to the timelines. Because Utah places great emphasis on early dispute prevention and resolution and has historically low numbers of due process hearing requests filed, hearing officers are not full time employees. Rather, as contract employees, the role of special education hearing officer represents a small percentage of their jobs. At times, the Utah State Office of Education is challenged to find a hearing officer who is available when a hearing request is received. Though the Utah State Office of Education has always been successful in assigning a hearing officer in a timely fashion, it is important to maintain a list of potential individuals who are properly trained to maintain this ability. An additional DPHO was added, thus ensuring an expanded pool to draw from in order to continue an adherence to timelines at 100% compliance.

Revisions, with Justification, to Proposed Targets/Improvement Activities/Timelines/Resources

Each improvement activity was reviewed using the Utah State Office of Education SPP/APR Improvement Review form in order to determine its impact on Indicator 17 (See Appendix C).

The review indicated that no new or revised activities are needed at this time.

Activities	Timelines	Resources	Justifications

Part B State Annual Performance Report (APR) for FFY 2008

Overview of the Annual Performance Report Development:

Monitoring Priority: Effective General Supervision Part B / General Supervision

Indicator 18: Percent of hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements.

(20 U.S.C. 1416(a)(3(B))

Measurement: Percent = (3.1(a) divided by 3.1) times 100.

FFY	Measurable and Rigorous Targets
2008 (2008–2009)	Eighty percent (80%) of the due process hearing complaints filed will be resolved through resolution settlement agreements.

Display 18-1: Number of Resolution Sessions Held

	FFY 2008
Number of Resolution Sessions Held	2

Since the number of resolution sessions held remained under 10 for FFY 2008, Utah is not required to report on this indicator.

Part B State Annual Performance Report (APR) for FFY 2008

Overview of the Annual Performance Report Development:

Monitoring Priority: Effective General Supervision Part B / General Supervision

Indicator 19: Percent of mediations held that resulted in mediation agreements.
(20 U.S.C. 1416(a)(3)(B))

Measurement: Percent = [(2.1(a)(i) + 2.1(b)(i)) divided by 2.1] times 100.

FFY	Measurable and Rigorous Targets
2008 (2008-2009)	Eighty-six (86) percent of mediations will result in mediation agreements.

Display 19-1: Number of Mediations

	FFY 2008
Number of mediations held	9

Since the number of mediations held remained under 10 for FFY 2008, Utah is not required to report on this indicator.

Part B State Annual Performance Report (APR) for 2008

Overview of the Annual Performance Report Development:

Monitoring Priority: Effective General Supervision Part B/General Supervision

Indicator 20: State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate.

(20 U.S.C. 1416(a)(3)(B))

Measurement:

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; November 1 for exiting, discipline, personnel; and February 1 for Annual Performance Reports); and
- b. Accurate (describe mechanisms for ensuring error free, consistent, valid and reliable data and evidence that these standards are met).

Data Sources: 618 data, UPIPS Monitoring data.

FFY	Measurable and Rigorous Targets
2008 (2008-2009)	One hundred (100) percent of 618 reports, State Performance Plan, and Annual Performance Report will be accurate and submitted on time.

Actual Data for FFY 2008: 100%

Display 20-1: Percent of 618 Data and APR Data Submitted on Time and Accurately

A. APR Grand Total	39
1. Timeliness (Timely Submission points)	5
2. Accuracy (Subtotal points)	34
B. 618 Grand Total	39
1. Timeliness (Timely Subtotal x 2)	13
2. Accuracy ((B. + C. + D. Subtotals) x 2)	26
C. APR Grand Total (A) + 618 Grand Total (B)	78
D. Subtotal (C/78)	1.000
a. Overall Timeliness Score ((A1+B1)/18)	100.0%
b. Overall Accuracy Score ((A2+B2)/60)	100.0%
E. Overall Indicator Score (Subtotal D x 100)	100.0%

The target of 100% was met.

All 618 data reports required by OSEP were completed and submitted on time. Child Count, FAPE and Assessment reports were submitted by February 1, 2009. Exit, Discipline and Personnel reports were submitted by November 1, 2009. The Utah Annual Performance Plan was submitted on time and modifications and suggestions for improvements and additional data required by OSEP were completed on time as per instructions. Displays 20-2 and 20-3 provide details of the timeliness and accuracy calculations.

Display 20-2: Detailed Information on the Timeliness and Accuracy of APR Data

SPP/APR Data - Indicator 20			
APR Indicator	Valid and Reliable	Correct Calculation	Total
1	1		1
2	1		1
3A	1	1	2
3B	1	1	2
3C	1	1	2
4A	1	1	2
5	1	1	2
7	1	1	2
8	1	1	2
9	1	1	2
10	1	1	2
11	1	1	2
12	1	1	2
13	N/A	N/A	0
14	N/A	N/A	0
15	1	1	2
16	1	1	2
17	1	1	2
18	1	1	2
19	1	1	2
		Subtotal	34
APR Score Calculation	Timely Submission Points - If the FFY 2008 APR was submitted on-time, place the number 5 in the cell on the right.		5
	Grand Total - (Sum of subtotal and Timely Submission Points) =		39.00

Display 20-3: Detailed Information on the Timeliness and Accuracy of 618 Data

Table	Timely	Complete Data	Passed Edit Check	Responded to Data Note Requests	Total
Table 1 - Child Count Due Date: 2/1/09	1	1	1	1	4
Table 2 - Personnel Due Date: 11/1/09	1	1	1	N/A	3
Table 3 - Ed. Environments Due Date: 2/1/09	1	1	1	1	4
Table 4 - Exiting Due Date: 11/1/09	1	1	1	N/A	3
Table 5 - Discipline Due Date: 11/1/09	1	1	1	N/A	3
Table 6 - State Assessment Due Date: 2/1/10	1	N/A	N/A	N/A	1
Table 7 - Dispute Resolution Due Date: 11/1/09	1	1	1	N/A	3
				Subtotal	21
618 Score Calculation			Grand Total (Subtotal X 1.857) =		39.00
Indicator #20 Calculation					
A. APR Grand Total					39.00
B. 618 Grand Total					39.00
C. APR Grand Total (A) + 618 Grand Total (B) =					78.00
Total N/A in APR					0
Total N/A in 618					0
Base					78.00
D. Subtotal (C divided by Base*) =					1.000
E. Indicator Score (Subtotal D x 100) =					100.00

Valid and Reliable Data:

All 618 data are collected in the USOE data clearinghouse. Data errors are detected through an editing process and are sent back to LEAs for correction. Submissions are only accepted if they clear all editing procedures. Sign off signatures are required for some of the 618 data ensuring validity, accuracy, and

reliability. 618 Data have been collected for many years. The USOE conducts a yearly comparison for consistency as an additional check. Utah has constructed an effective clearinghouse data system in order to meet the reporting requirements of IDEA and other Federal programs. Public reporting has also helped ensure that data received from the LEAs are accurate, valid and reliable.

Explanation of Progress or Slippage that occurred for FFY 2008 (2008-09):

As indicated in Display 20-4, the 100% rate of timeliness and accuracy has been maintained.

Correction of Previous year’s Noncompliance:

Since the 100% rate of timeliness and accuracy has been maintained over the past 4 years, no correction was necessary.

Display 20-4: Percent of Timeliness and Accurate Data, Results over Time

	FFY 2005	FFY 2006	FFY 2007	FFY 2008
a. Overall Timeliness Score	100.0%	100.0%	100.0%	100.0%
b. Overall Accuracy Score	100.0%	100.0%	100.0%	100.0%
Overall Indicator Score	100.0%	100.0%	100.0%	100.0%

Discussion of Improvement Activities:

Each improvement activity was reviewed using the Utah State Office of Education SPP/APR Improvement Activity Review form in order to determine its impact on Indicator 20 (See Appendix C).

The following activity was completed in FFY 2008:

1. Train LEA data managers and special education directors on new data collection procedures and timelines. Completed.
 - All LEA data managers and special education directors were trained and are aware of new data collection procedures and timelines.

This activity has improved the awareness of data deadlines, data needed for each submission, and the accuracy and timeliness of data collections, thus ensuring continued compliance with this indicator.

The following activities were completed and are ongoing:

1. Inform LEAs of all new data collection elements based on the 618 reports, SPP and APR, and procedures for collection and submission of the data. Completed and ongoing.
 - All LEAs were made aware of the new data collection elements and how to collect and submit these data.

Results of this activity indicate that all LEAs are aware of and comply with data collection requirements, thus ensuring continued timely and accurate data submissions.

2. Collaborate and communicate with USOE personnel regarding data needs. Completed and ongoing.
 - Several USOE interdepartmental meetings have been held. All departments are aware of special education data needs and are collaborating to ensure that those needs are met.

- Data are regularly disseminated at special education staff meetings to keep staff members informed. The Utah Professional Development Center is also provided with data as needed to align professional development provision.
- Data are shared at various committee meetings in order to drive decision making.
- Data are shared at meetings with all LEA special education directors statewide.

Results of this activity have been improved levels of collaboration and effectiveness within the USOE and LEAs, and made all aware of the data needs for special education activities.

3. Utilize 618 data profile and UPIPS data in decision making and professional development activities. Completed and ongoing.
 - Each LEA was given a profile sheet with the data points and targets of the 20 indicators found in Utah's APR.
 - Comparisons were made between each LEA's data and the State data to determine if each LEA did or did not meet the targets.
 - UPIPS monitoring data were also used to provide data for the profile sheets.
 - Technical assistance was provided to LEAs to facilitate specific professional development planning based on the 618 data and UPIPS monitoring data provided.

Results of this activity indicate that LEAs are more aware of data and how data can be used in creating professional development plans, targeting problem areas, and helping LEAs make better program and personnel decisions based on data.

4. Train new charter school data managers and new LEA special education directors on all data collection requirements, including timelines.
 - Quarterly professional development was provided to seven new charter school data managers and seven new special education directors.

Results of this activity include LEA data managers and new special education directors being knowledgeable of data collection requirements.

Impact of completed activities listed above:

LEAs are more aware of data and its importance in positively impacting the outcomes of students with disabilities. A great deal of effort has gone into making the data more accurate, reliable and valid through continued collaboration with the computer department at the USOE. Each LEA enters their data into the USOE clearinghouse and the data are cleared through edit checks, thus ensuring reliability and accuracy. The data profiles provided annually to all LEAs have made LEAs aware of yearly progress or slippage and have provided a basis for improvement through professional development activities and data based decision making.

Revisions, with Justification, to Proposed Targets/Improvement Activities/Timelines/Resources

Each improvement activity was reviewed using the Utah State Office of Education SPP/APR Improvement Activity Review form in order to determine its impact on Indicator 20 (See Appendix C).

The review indicated that no new or revised activities are needed at this time.

Activities	Timelines	Resources	Justifications

APPENDIX A

ACRONYMS

APR	Annual Performance Report
AUT	Autism
AYP	Adequate Yearly Progress
BIP	Behavior Intervention Plan
CAP	Corrective Action Plan
CRT	Criterion-Reference Test
CSPR	Consolidated State Plan Report
CTE	Career and Technical Education
DIBELS	Dynamic Indicators of Basic Early Literacy Skills
DLC	Disability Law Center
DPHO	Due Process Hearing Officer
DWS	Department of Workforce Services
ECO	Early Childhood Outcome Center
ECSE	Early Childhood Special Education
ED	Emotional Disturbance
EDEN	Education Data Exchange Network
EI	Early Intervention
ELL	English Language Learner
ESEA	Elementary and Secondary Education Act
ESY	Extended School Year
FAPE	Free Appropriate Public Education
FBA	Functional Behavioral Assessment
FERPA	Family Education Rights and Privacy Act
FFY	Federal Fiscal Year
GED	General Educational Development
ID	Intellectual Disability
IDEA	Individuals with Disabilities Education Act
IEP	Individual Education Program
IHE	Institute of Higher Education
KSDE	Kansas State Department of Education
LEA	Local Education Agency
LRBI	Least Restrictive Behavior Initiative
LRE	Least Restrictive Environment
MPRRC	Mountain Plains Regional Resource Center
NCLB	No Child Left Behind
NECTAC	National Early Childhood Technical Assistance Center
NSTTAC	National Secondary Transition Technical Assistance Centers
OSEP	Office of Special Education Programs
P&A	Protection and Advocacy
PBIS	Positive Behavioral Interventions and Supports

PIP	Program Improvement Plan
PLAAFP	Present Levels of Academic Achievement and Functional Performance
RISEP	Research Institute for Safe and Effective Programs
RR	Risk Ratio
RtI	Response to Intervention
SCM	Success Case Method
SES	Special Education Services
SET	School-wide Evaluation Tool
SLD	Specific Learning Disabilities
SLP	Speech-Language Pathologist
SMH	School Mental Health
SPP	State Performance Plan
SRR	Student Record Review
SWAT	Statewide Assistance Team
SWD	Student with Disabilities
TEDI	Transition from Early Intervention Data Information System
UAA	Utah's Alternate Assessment
UBCST	Utah Basic Competency Skills Test
UBI	Utah's Behavior Initiatives
U-PASS	Utah Performance Assessment System for Students
UPC	Utah Parent Center
UPDC	Utah Personnel Development Center
UPIPS	Utah Program Improvement Planning System
UPOD	Utah Preschool Outcomes Data
USBE	Utah State Board of Education
USEAP	Utah Special Education Advisory Panel
USOE	Utah State Office of Education
USOR	Utah State Office of Rehabilitation
WIA	Workforce Investment Act
YIC	Youth in Custody

APPENDIX B

Parent Survey—Special Education

This is a survey for parents of students receiving special education services. Your responses will help guide efforts to improve services and results for children and families. For each statement below, please circle either yes (Y), no (N) or not applicable (NA) when available.

Procedural Safeguards

- | | <u>Yes</u> | <u>No</u> |
|---|-------------------|------------------|
| 1. Did you receive a copy of your procedural safeguards (parent's rights)? | Y | N |
| 2. Were your procedural safeguards (parent's rights) explained so that you understood them? | Y | N |
| 3. If you speak a language other than English, does the school communicate with you in that language? | Y | N NA |

Evaluation and Eligibility

- | | | |
|---|---|---|
| 4. Did you sign a consent form before your child was evaluated? | Y | N |
| 5. Did you have the opportunity to provide input during your child's evaluation? | Y | N |
| 6. Did the evaluation team listen to and consider your input? | Y | N |
| 7. Were you invited to a meeting to discuss the results of your child's evaluation? | Y | N |

IEP Development

- | | | |
|--|---|------|
| 8. Was the IEP meeting scheduled at a mutually agreeable time? | Y | N |
| 9. Did you receive notice of the time and place before each IEP meeting? | Y | N |
| 10. Were you informed of your right to invite individuals who have knowledge or special expertise about your child to the IEP meeting? | Y | N |
| 11. Did you bring someone to the IEP meeting? | Y | N |
| 12. Did a general education teacher attend the IEP meeting? | Y | N NA |
| 13. Did the principal or his/her representative attend the IEP meeting? | Y | N |
| 14. Did the team ask for and consider your input on goals for your child's IEP? | Y | N |
| 15. Were all of your child's needs addressed during the IEP meeting? | Y | N |
| 16. At your child's IEP meeting, did the team discuss how your child would participate in statewide and district-wide testing? | Y | N |
| 17. At your child's IEP meeting, did the IEP team discuss classroom accommodations and modifications your child needs? | Y | N |
| 18. Did you sign a consent form before your child was placed in special education? | Y | N |

IEP Implementation

- | | | |
|---|---|---|
| 19. Are your child's general education teachers aware of your child's learning needs? | Y | N |
|---|---|---|

- | | | | |
|---|---|---|----|
| 20. Does the staff in the general classroom consistently provide the accommodations and modifications written in your child's IEP? | Y | N | NA |
| 21. Do your child's general education and special education teachers work together to implement the IEP? | Y | N | NA |
| 22. Is your child getting all of the services listed on the IEP? | Y | N | |
| 23. Are the related services your child receives (i.e., speech therapy, occupational therapy, counseling) helping him/her to benefit from special education services? | Y | N | NA |
| 24. Does your child participate in school activities such as assemblies, after school activities and field trips with non-disabled students? | Y | N | |
| 25. Do you receive periodic reports on your child's progress toward IEP goals? | Y | N | |
| 26. Is your child making progress toward meeting the goals on his/her IEP? | Y | N | |

Transition (School to Post-School)

- | | | | |
|---|---|---|----|
| 27. If your child is 15 years old or older, did the IEP team discuss transition services (e.g., career interests, employment, high school classes)? | Y | N | NA |
| 28. Does your child's IEP provide the direction and plan for helping your child reach his/her long term goals after he/she leaves public school? | Y | N | NA |
| 29. Do you understand your child's graduation requirements? | Y | N | NA |

Discipline

- | | | | |
|---|---|---|----|
| 30. Has your child been removed from his/her special education program as a result of a disciplinary action this school year (suspended or expelled) for more than 10 days? | Y | N | |
| 31. Did he/she receive special education services in a different setting during that time? | Y | N | NA |

General

- | | | | |
|--|---|---|--|
| 32. Does the school provide the information you need to have a positive effect on the quality of your child's program? | Y | N | |
| 33. Does the school facilitate opportunities for you to provide input about your child's education other than at IEP meetings? | Y | N | |
| 34. Is there a communication system in place that provides you the opportunity to exchange important information about your student as often as necessary? | Y | N | |
| 35. Does your school encourage your involvement as a means of improving services and results for your child with disabilities? | Y | N | |
| 36. Were you ever given information about organizations that offer support for parents with students with disabilities by your school/district? | Y | N | |
| 37. Have you participated in any training offered by the district, school, other parent groups or the Utah Parent Center? | Y | N | |

Comments:

APPENDIX C

Utah State Office of Education

Special Education Department

SPP/APR Improvement Activity Review

For activities that have been completed or are completed/ongoing

Background

Review Date: _____

Name of Improvement Activity:

Indicator Number to which this activity is connected: _____

Reviewer(s): _____

Ratings of Activities Carried Out in 2008-09

	No	Probably Not	Maybe	Probably	Yes, Definitely
1. Did this activity improve the LEA/state performance on this indicator	1	2	3	4	5
2. Can the impact of this activity on the indicator be documented (e.g., do we have valid and reliable data that supports or refutes this activity).....	1	2	3	4	5
3. Can this activity be used to support the TA needs of local LEAs	1	2	3	4	5
4. Should this improvement activity be continued	1	2	3	4	5

5. What data do we have that documents the effectiveness of this activity?

- Immediate Output

- Intermediate Outcome(s)

- End Outcome(s)

6. Do additional data need to be collected/analyzed to measure this activity's impact on indicator performance? 1 No 2 Yes
If yes, please describe.

7. Does this activity need to change in some way for the 2008-09 school year or beyond? 1 No 2 Yes
If yes, describe the change.

8. Summary Statement (Impact):

Utah State Office of Education
Special Education Department
SPP/APR Improvement Activity Review

For new activities scheduled to be carried out in 2009-10 or later

Background

Review Date: _____

Name of Improvement Activity:

Indicator Number to which this activity is connected: _____

Reviewer(s): _____

Ratings of Activities That Will Start in 2009-10 or Later

	Probably No	Probably Not	Maybe	Probably	Yes, Definitely
1. Will this activity improve the LEA/state performance on this indicator	1	2	3	4	5
2. Can the impact of this activity on the indicator be documented (e.g., can we get valid and reliable data that would support or refute this activity)					
• Immediate Output:					
• Intermediate Outcome(s):					
• End Outcome(s):					
3. Can this activity be used to support the TA needs of local LEAs	1	2	3	4	5
4. Should this improvement activity be carried out	1	2	3	4	5

5. What are the necessary action steps to carry out this activity?

6. What data need to be collected/analyzed to measure this activity's impact on indicator performance?

-
-
-

7. Summary Statement (Impact)

APPENDIX D

Table 7

Report of Dispute Resolution Under Part B. of the
Individuals with Disabilities Education Act
2008-09

SECTION A: WRITTEN SIGNED COMPLAINTS	
(l) Written, signed complaints total	11
(l.1) Complaints with reports issued	10
(a) Reports with findings	8
(b) Reports within timeline	8
(c) Reports within extended timelines	2
(1.2) Complaints withdrawn or dismissed	0
(1.3) Complaints pending	0
(a) Complaint pending a due process hearing	1
SECTION B: MEDIATION REQUESTS	
(2) Mediation requests total	12
(2.1) Mediations held	9
(a) Mediations related to due process complaints	0
(l) Mediation agreements	0
(b) Mediations not related to due process complaints	9
(1) Mediation agreements	8
(2.2) Mediations not held (including pending)	3
SECTION C. DUE PROCESS COMPLAINTS	
(3) Due process complaints total	2
(3.1) Resolution meetings	2
(a) Written settlement Agreements	1
(3.2) Hearings (fully adjudicated)	1
(a) Decisions within timeline (include expedited)	0
(b) Decisions within extended timeline	1
(3.3) Resolved without a hearing	1
SECTION D: EXPEDITED DUE PROCESS COMPLAINTS (RELATED TO DISCIPLINARY DECISION)	
(4) Expedited due process complaints total	0
(4.1) Resolution meetings	0
(a) Written settlement agreements	0
(4.2) Expedited hearings (fully adjudicated)	0
(a) Change of placement ordered	0

APPENDIX E

Table 6