



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

JUL 01 2013

Honorable Christopher D. Cerf
Acting Commissioner
New Jersey Department of Education
100 Riverview Plaza
PO Box 500, Route 29
Trenton, New Jersey 08625-0500

Dear Acting Commissioner Cerf:

Thank you for the timely submission of New Jersey's Federal fiscal year (FFY) 2011 Annual Performance Report (APR) and revised State Performance Plan (SPP) under Part B of the Individuals with Disabilities Education Act (IDEA).

The U.S. Department of Education (Department) has determined that, under IDEA section 616(d)(2)(A)(i), New Jersey meets the requirements of Part B of the IDEA. The Department's determination is based on the totality of the State's data and information, including the State's FFY 2011 APR and revised SPP, other State-reported data, and other publicly available information. The State's data are reflected in a new 2013 Compliance Matrix (Compliance Matrix), described below.

Your State's determination is based on the data reflected in the enclosed "2013 Part B Compliance Matrix" that the Office of Special Education Programs (OSEP) completed based on the State's data. Also, enclosed is the document entitled, "How the Department Made Determinations under Section 616(d) of the Individuals with Disabilities Education Act in 2013: Part B," which provides a detailed description of how OSEP evaluated States' data using the Compliance Matrix. The Compliance Matrix reflects the compliance data summarized in the State's FFY 2011 APR/SPP Response Table.

The enclosed New Jersey FFY 2011 Response Table provides OSEP's analysis of the State's FFY 2011 APR and revised SPP. The Response Table includes: (1) the Indicators; (2) the Results Data Summary; (3) the Results Data Summary Notes; (4) the Compliance Data Summary; and (5) the Compliance Data Summary Notes. In the Results Data Summary and the Compliance Data Summary, the Response Table sets forth, by indicator, the State's: (1) reported FFY 2010 data; (2) reported FFY 2011 data; and (3) FFY 2011 target(s), in a concise "dashboard" format. The Compliance Data Summary also includes a column that reflects the number of findings of noncompliance identified in FFY 2010, and the correction of those findings. In the "Notes" sections following the Results Data Summary and the Compliance Data Summary, OSEP has provided more detailed information regarding specific indicators, including, where appropriate, information regarding: (1) the State's correction of any remaining findings of noncompliance identified in years prior to FFY 2010; (2) any issues with the validity and reliability of the data that the State reported; and (3) any required actions. It is important that the State read the information for each indicator in the Results Data Summary and the Compliance Data Summary together with any Notes for that indicator.

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The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

We are also enclosing with this letter a Data Display, which presents certain State-reported data in a transparent, user-friendly manner. The Data Display will be helpful for the public in getting a broader picture of State performance in key areas.

Pursuant to IDEA section 616(b)(2)(C)(ii)(I) and 34 CFR §300.602(b)(1)(i)(A), your State must report annually to the public on the performance of each local educational agency (LEA) located in the State on the targets in the SPP as soon as practicable, but no later than 120 days after the State's submission of its FFY 2011 APR. In addition, your State must: (1) review LEA performance against targets in the State's SPP; (2) determine if each LEA "meets requirements" of Part B, or "needs assistance," "needs intervention," or "needs substantial intervention" in implementing Part B of the IDEA; (3) take appropriate enforcement action; and (4) inform each LEA of its determination. *See*, IDEA section 616(a)(1)(C) and 34 CFR §300.600(a)(2) and (3). For further information regarding these requirements, see "The Right IDEA" Web site at: <http://therightidea.tadnet.org/determinations>. Finally, please ensure that your updated SPP is posted on the State educational agency's Web site and made available to the public, consistent with IDEA section 616(b)(2)(C)(ii)(I) and 34 CFR §300.602(b)(1)(i)(B).

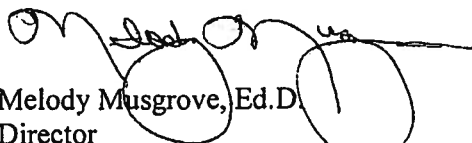
As you know, OSEP is redesigning its accountability system to more directly support States in improving results for infants, toddlers, children and youth with disabilities, and their families. Section 616 of the IDEA requires that the primary focus of IDEA monitoring must be on improving educational results and functional outcomes for children with disabilities, and ensuring that States meet the IDEA program requirements. The monitoring system implemented between 2004 and 2012 placed a heavy emphasis on compliance and we are moving towards a more balanced approach that considers results as well as compliance.

OSEP is committed to several key principles to guide the development of a results-driven accountability system, including transparency, stakeholder involvement, and burden reduction. In support of these principles, we are taking a number of steps. First, we solicited input from special education, early intervention, assessment, and early childhood outcomes experts, and gathered input from the public through conference calls, a blog on the Department's Web site, and through multiple meetings and conferences. Next, OSEP published for comment a new SPP/APR package for FFYs 2013 through 2018 that significantly reduces data collection and reporting burden by States, and shifts the focus of the SPP/APR to improving educational results and functional outcomes for children with disabilities. Third, as explained above, this year OSEP has incorporated compliance data into a matrix that is helpful in simultaneously processing multiple sets of data, and has used this matrix in making determinations. This Compliance Matrix includes a color-coded system (green, yellow, red) that provides a visual representation of a State's performance. Finally, as we move forward in using results data in determinations, OSEP will provide the public with an opportunity to comment on how we will use results when making IDEA determinations in 2014 under section 616.

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OSEP recognizes the State's efforts to improve results for children and youth with disabilities and looks forward to working with your State over the next year as we continue our important work of improving the lives of children with disabilities and their families. If you have any questions, would like to discuss this further, or want to request technical assistance, please contact Susan Falkenhan, your OSEP State Contact, at 202-245-7242.

Sincerely,

A handwritten signature in black ink, appearing to read "Melody Musgrove", written over a printed name and title.

Melody Musgrove, Ed.D.
Director
Office of Special Education Programs

Enclosures

cc: State Director of Special Education

New Jersey Part B FFY 2011 SPP/APR Response Table

Part B SPP/APR Indicators

1.	Percent of youth with IEPs graduating from high school with a regular diploma. [Results Indicator]
2.	Percent of youth with IEPs dropping out of high school. [Results Indicator]
3.	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/AMO targets for the disability subgroup. [Results Indicator] B. Participation rate for children with IEPs on statewide assessments. [Results Indicator] C. Proficiency rate for children with IEPs against grade level, modified and alternate academic achievement standards. [Results 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; [Results Indicator] 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. [Compliance 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; or C. In separate schools, residential facilities, or homebound/hospital placements. [Results Indicator]
6.	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, separate school or residential facility. [Results Indicator: New]
7.	Percent of preschool children age 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. [Results 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. [Results Indicator]
9.	Percent of districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification. [Compliance Indicator]

10. Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification. [Compliance 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. [Compliance 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. [Compliance 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. [Compliance Indicator]
14. Percent of youth who are no longer in secondary school, had IEPs in effect at the time they left school, and were: <ul style="list-style-type: none"> 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. [Results 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. [Compliance Indicator]
18. Percent of hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements. [Results Indicator]
19. Percent of mediations held that resulted in mediation agreements. [Results Indicator]
20. State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate. [Compliance Indicator]

**Timeliness of State Complaint and Due Process Hearing Decisions
(Collected as Part of IDEA Section 618 Data rather than through an SPP/APR Indicator)**

Timely Resolution of State 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.

Timely Adjudication of Due Process Hearing Requests: Percent of adjudicated due process hearing requests that were adjudicated within the 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.

New Jersey Part B FFY 2011 SPP/APR Results Data Summary

INDICATOR	FFY 2010 DATA	FFY 2011 DATA	FFY 2011 TARGET
1. Graduation		73%	≥ 75% ¹
2. Drop Out		15.36%	New Baseline
3. A. Percent of Districts Meeting AMO for Disability Subgroup		53.88%	100%
B. Statewide Assessment Participation Rate – Reading	98.63%	98.69%	≥ 97%
B. Statewide Assessment Participation Rate – Math	98.56%	98.64%	≥ 97%
C. Proficiency Rate- Reading		38.56%	≥ 45.7%
C. Proficiency Rate- Math		47.28%	≥ 53.3%
4. A. Percent of Districts with Significant Discrepancy in Suspension/Expulsion	1.58%	0.47%	≤ 1.5% ²
5. Educational Environment for Children with IEPs 6-21	48.23%	48%	≥ 48.0%
A. In Regular Education 80% or More of Day	16.21%	16.2%	≤ 16.5%
B. In Regular Education Less than 40% of Day	7.96%	7.7%	≤ 7.8%
C. In Separate Schools, Residential Facilities, or Homebound/Hospitals			
6. Percent of children aged 3 through 5 with IEPs attending:		38.69%	Baseline
A. Regular early childhood program and receiving majority of special education and related services in regular early childhood program;			
B. Separate special education class, separate school or residential facility.		40.06%	Baseline
7. Preschool Outcomes	See Attached Table	See Attached Table	See Attached Table
8. Parents Reporting Schools Facilitated Parent Involvement		84.2%	≥ 84 %
14. Percent of Youth No Longer in School, within One Year of Leaving High School:		42%	≥ 46%
A. Enrolled in Higher Education	48.8%		
B. Enrolled in Higher Education or Competitively Employed	74.9%	69%	≥ 75%
C. Enrolled in Higher Education or Other Postsecondary Education or Training or Competitively Employed or in Some Other Employment	84.9%	80%	≥ 86%
18. Hearing Requests Resolved through Resolution Session Agreements	57%	85%	> 55-65%
19. Mediations Held that Resulted in Mediation Agreements	32%	29%	≥ 36-42%

¹ As used in this table, the symbol “≥” means that, to meet the target, the State’s data must be greater than or equal to the established target.

² As used in this table, the symbol “<” means that, to meet the target, the State’s data must be less than or equal to the established target

7. Percent of Preschool Children Age 3 through 5 with IEPs Who Demonstrate Improved Outcomes

Summary Statement 1³		FFY 2010 Data	FFY 2011 Data	FFY 2011 Target
Outcome A: Positive social-emotional skills (including social relationships)		69.1%	73.6%	> 75.8%
Outcome B: Acquisition and use of knowledge and skills (including early language/ communication)		66.9%	68.4%	> 63.4%
Outcome C: Use of appropriate behaviors to meet their needs		53.9%	62.8%	> 64.0%
Summary Statement 2⁴		FFY 2010 Data	FFY 2011 Data	FFY 2011 Target
Outcome A: Positive social-emotional skills (including social relationships)		79.1%	82.0%	> 71.7%
Outcome B: Acquisition and use of knowledge and skills (including early language/ communication)		48.2%	57.5%	> 49.8%
Outcome C: Use of appropriate behaviors to meet their needs		59.0%	65.4%	> 58.2%

³ **Summary Statement 1:** Of those preschool children who entered or exited 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.

⁴ **Summary Statement 2:** The percent of preschool children who were functioning within age expectations in each Outcome by the time they turned 6 years of age or exited the program.

New Jersey Part B FFY 2011 Results Data Summary Notes

<p>INDICATOR 1: Because the State reported its FFY 2011 data based on a changed its methodology for this indicator, it is not appropriate to compare the FFY 2011 data with FFY 2010.</p>
<p>INDICATOR 2: The State revised the baseline, targets and improvement activities for this indicator and OSEP accepts those revisions. The State indicated that stakeholders were provided an opportunity to comment on the revised targets. The revised targets were more rigorous than the previously-established targets.</p>
<p>INDICATOR 3A: The State is reporting Annual Measurable Objectives (AMO) data used for accountability reporting under Title I of the Elementary and Secondary Education Act (ESEA) as a result of ESEA flexibility. The State has reported FFY 2011 baseline data for this indicator based on AMOs.</p>
<p>INDICATOR 3B: Because the State reported its FFY 2011 data based on a changed methodology for this indicator, it is not appropriate to compare the FFY 2011 data with FFY 2010.</p> <p>The State provided a Web link to 2011 publicly-reported assessment results.</p> <p>OSEP's June 2012 FFY 2010 SPP/APR Response Table required the State to include in the FFY 2011 APR, the number of LEAs that conduct districtwide assessments. In addition, the State was to provide within 30 days from the date of the FFY 2010 SPP/APR Response Table, documentation that it has developed procedures for districtwide assessments and the timeline for implementation of those procedures. The State provided all of the required information.</p>
<p>INDICATOR 3C: Because the State reported its FFY 2011 data based on a changed methodology for this indicator, it is not appropriate to compare the FFY 2011 data with FFY 2010.</p> <p>The State provided a Web link to 2011 publicly-reported assessment results.</p>

INDICATOR 4A: The State reported its definition of “significant discrepancy.”

The State reported that it did not use a minimum “n” size requirement for the FFY 2011 APR.

The State reported that three districts were identified as having a significant discrepancy in the rate of suspensions and expulsions of greater than ten days in a school year for children with IEPs.

The State reported that it reviewed the districts’ policies, procedures, and practices relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards to ensure compliance with the IDEA, as required by 34 CFR §300.170(b) for districts identified with significant discrepancies in FFY 2011. The State identified noncompliance through this review.

The State reported that it required the affected districts to revise the districts’ policies, procedures, and practices related to the development and implementation of IEPs, the use of behavioral interventions and supports, and procedural safeguards to ensure compliance with IDEA pursuant to 34 CFR §300.170(b) for the districts identified with significant discrepancies in FFY 2011.

The State reported that noncompliance identified in FFY 2010 through the review of policies, procedures, and practices, pursuant to 34 CFR §300.170(b), was corrected in a timely manner.

REQUIRED ACTIONS:

The State must report, in its FFY 2012 APR, on the correction of noncompliance that the State identified in FFY 2011 as a result of the review it conducted pursuant to 34 CFR §300.170(b). When reporting on the correction of this noncompliance, the State must report that it has verified that each LEA with noncompliance identified by the State: (1) is correctly implementing the specific regulatory requirements (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the LEA, consistent with OSEP Memo 09-02.⁵ In the FFY 2012 APR, the State must describe the specific actions that were taken to verify the correction.

INDICATOR 5: The State’s data reported in this indicator are not the same as the State’s 618 data reported in Table 3. The State provided an explanation.

INDICATOR 6: The State provided FFY 2011 baseline data, targets for FFY 2012 and improvement activities through FFY 2012 for this indicator and OSEP accepts the State’s submission for this indicator.

The State indicated that stakeholders were provided an opportunity to comment on the targets for FFY 2012.

⁵ OSEP Memorandum 09-02 (OSEP Memo 09-02), dated October 17, 2008, requires that the State report that it verified that each LEA with noncompliance: (1) is correctly implementing the specific regulatory requirements (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the LEA

INDICATOR 7:

REQUIRED ACTIONS

The State must report progress data and actual target data for FFY 2012 in the FFY 2012 APR.

New Jersey Part B FFY 2011 SPP/APR Compliance Summary

INDICATOR	FFY 2010 DATA	FFY 2011 DATA	FFY 2011 TARGET	CORRECTION OF FINDINGS OF NONCOMPLIANCE IDENTIFIED IN FFY 2010
4B. Significant discrepancy in suspension/expulsion by race/ethnicity, and policies, procedures or practices that contribute to the significant discrepancy and do not comply with specified requirements.	0.32%	0.31%	0%	The State reported that both of its findings of noncompliance identified in FFY 2010 were corrected in a timely manner.
9. Disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification.	1.40%	0.16%	0%	The State reported that all 18 of its findings of noncompliance identified in FFY 2010 were corrected in a timely manner.
10. Disproportionate representation by disability of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.	0.48%	0%	0%	The State reported that all 13 of its findings of noncompliance identified in FFY 2010 were corrected in a timely manner.
11. Timely Initial Evaluation	93%	90.8%	100%	The State reported that 108 of 109 findings of noncompliance identified in FFY 2010 were corrected in a timely manner. The State reported on the actions it took to address the one uncorrected finding of noncompliance.
12. Early Childhood Transition	91%	92.3%	100%	The State reported that all seven of the findings of noncompliance identified in FFY 2010 were corrected in a timely manner.
13. Secondary Transition	78.38%	92%	100%	The State reported that all 88 of the findings of noncompliance identified in FFY 2010 were corrected in a timely manner.

INDICATOR	FFY 2010 DATA	FFY 2011 DATA	FFY 2011 TARGET	CORRECTION OF FINDINGS OF NONCOMPLIANCE IDENTIFIED IN FFY 2010
15. Timely Correction	90.81%	96.54%	100%	The State reported that 1,032 of 1,069 findings of noncompliance identified in FFY 2010 were corrected in a timely manner and that 32 findings were subsequently corrected by February 15, 2013. The State reported on the actions it took to address the uncorrected noncompliance.
20. Timely and Accurate Data	100%	100%	100%	

New Jersey Part B FFY 2011 State Complaint and Hearing Data from IDEA Section 618 Data Reports

REQUIREMENT	FFY 2010 DATA	FFY 2011 DATA
Timely resolution of complaints	86%	99%
Timely adjudication of due process hearing requests	100%	97.6%

New Jersey Part B FFY 2011 Compliance Data Summary Notes

INDICATOR 4B

The State reported its definition of "significant discrepancy."

The State reported that 24 districts were identified as having a significant discrepancy, by race or ethnicity, in the rate of suspension and expulsion of greater than ten days in a school year for children with IEPs. The State reported that it reviewed the districts' policies, procedures, and practices relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards to ensure compliance with the IDEA, as required by 34 CFR §300.170(b) for the districts identified with significant discrepancies in FFY 2010.

The State also reported that 2 districts were identified as having 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.

The State reported that a total of 587 of 640 districts were not included in the calculation because they did not meet the minimum "n" size requirement of having five or more students of any racial/ethnic group, suspended for more than 10 days.

OSEP's June 2012 FFY 2010 SPP/APR Response Table required the State to report in the FFY 2011 APR, due February 15, 2013, whether as a result of the review, the State revised, or required the affected districts to revise, policies, procedures, and practices relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards to ensure compliance with the IDEA for the districts identified with noncompliance in FFY 2010 (based on 2009-2010 data). The State provided the required information.

REQUIRED ACTIONS:

Because the State reported greater than 0% actual target data for this indicator for FFY, the State must report on the status of correction of noncompliance identified in FFY 2011 for this indicator. The State must demonstrate, in the FFY 2012 APR, that the districts identified with noncompliance in FFY 2011 have corrected the noncompliance, including that the State verified that each district with noncompliance: (1) is correctly implementing the specific regulatory requirement(s) (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the district, consistent with OSEP Memo 09-02. In the FFY 2012 APR, the State must describe the specific actions that were taken to verify the correction.

INDICATOR 9

The State provided its definition of “disproportionate representation.”

The State reported that 34 districts were identified with disproportionate representation of racial and ethnic groups in special education and related services. The State also reported that one district was identified with disproportionate representation of racial and ethnic groups in special education and related services that was the result of inappropriate identification.

The State reported that a total of 134 districts did not meet the minimum “n” size of more than 25 children with disabilities above the expected number in the racial ethnic group analyzed.

REQUIRED ACTIONS:

Because the State reported greater than 0% actual target data for this indicator, the State must report on the status of correction of noncompliance identified in FFY 2011 for this indicator. The State must demonstrate, in the FFY 2012 APR, that the identified district in FFY 2011 with disproportionate representation of racial and ethnic groups in special education and related services that was the result of inappropriate identification is in compliance with the requirements in 34 CFR §§300.111, 300.201, and 300.301 through 300.311, including that the State verified that each district with noncompliance: (1) is correctly implementing the specific regulatory requirement(s) (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the district, consistent with OSEP Memo 09-02. In the FFY 2012 APR, the State must describe the specific actions that were taken to verify the correction.

INDICATOR 10: The State provided its definition of “disproportionate representation.”

The State reported that 33 districts were identified with disproportionate representation of racial and ethnic groups in specific disability categories. The State also reported that no districts were identified with disproportionate representation of racial and ethnic groups in specific disability categories that was the result of inappropriate identification.

The State reported that 126 districts did not meet the minimum “n” size of ten children with disabilities above the expected number in the racial ethnic group analyzed. The State reported that it included all districts in the denominator for this indicator.

INDICATOR 11: The State reported that the one remaining finding of noncompliance is part of a lawsuit and subsequent Court ordered settlement agreement in a large urban district. The Court ordered settlement agreement required the placement of a special monitor in the district, redeployment of district staff, regular submission of data, verification conducted by the special monitor and State staff, and the creation and implementation of a CAP.

REQUIRED ACTIONS:

The State must demonstrate, in the FFY 2012 APR, that the one remaining uncorrected noncompliance finding identified in FFY 2010 was corrected.

Because the State reported less than 100% compliance for FFY 2011, the State must report on the status of correction of noncompliance identified in FFY 2011 for this indicator. When reporting on the correction of noncompliance, the State must report, in its FFY 2012 APR, that it has verified that each LEA with noncompliance identified in FFY 2011 and the one remaining finding identified in FFY 2010 for this indicator: (1) is correctly implementing the specific regulatory requirements (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the LEA, consistent with OSEP Memo 09-02. In the FFY 2012 APR, the State must describe the specific actions that were taken to verify the correction.

INDICATOR 12:

REQUIRED ACTIONS:

Because the State reported less than 100% compliance for FFY 2011, the State must report on the status of correction of noncompliance identified in FFY 2011 for this indicator. When reporting on the correction of noncompliance, the State must report, in its FFY 2012 APR, that it has verified that each LEA with noncompliance identified in FFY 2011 for this indicator: (1) is correctly implementing the specific regulatory requirements (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the LEA, consistent with OSEP Memo 09-02. In the FFY 2012 APR, the State must describe the specific actions that were taken to verify the correction.

INDICATOR 13:

REQUIRED ACTIONS:

Because the State reported less than 100% compliance for FFY 2011, the State must report on the status of correction of noncompliance identified in FFY 2011 for this indicator. When reporting on the correction of noncompliance, the State must report, in its FFY 2012 APR, that it has verified that each LEA with noncompliance identified in FFY 2011 for this indicator: (1) is correctly implementing the specific regulatory requirements (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the LEA, consistent with OSEP Memo 09-02. In the FFY 2012 APR, the State must describe the specific actions that were taken to verify the correction.

INDICATOR 15:

The State reported that all 53 of the remaining findings of noncompliance identified in FFY 2009 were corrected.

The State was identified as being in need of assistance for two consecutive years based on the State's FFY 2010 APRs, was advised of available technical assistance, and was required to report, with the FFY 2011 APR, on: (1) the technical assistance sources from which the State received assistance; and (2) the actions the State took as a result of that technical assistance. The State reported on the technical assistance sources from which the State received assistance for this indicator and reported on the actions the State took as a result of that technical assistance.

REQUIRED ACTIONS:

The State must demonstrate, in the FFY 2012 APR, that the remaining five findings of noncompliance identified in FFY 2010 that were not reported as corrected in the FFY 2011 APR were corrected.

When reporting in the FFY 2012 APR on the correction of findings of noncompliance, the State must report that it verified that each LEA with findings of noncompliance identified in FFY 2011 and each LEA with a remaining finding of noncompliance identified in FFY 2010: (1) is correctly implementing the specific regulatory requirements (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the LEA, consistent with OSEP Memo 09-02. In the FFY 2012 APR, the State must describe the specific actions that were taken to verify the correction. In addition, in reporting on Indicator 15 in the FFY 2012 APR, the State must use and submit the Indicator 15 Worksheet.

Further, in responding to Indicators 4A, 4B, 9, 11, 12, and 13 in the FFY 2012 APR, the State must report on correction of the noncompliance described in this table under those indicators.

TIMELY RESOLUTION OF STATE COMPLAINTS:

The State was identified as being in need of assistance for two consecutive years based on the State's FFY 2010 APRs, was advised of available technical assistance, and was required to report, with the FFY 2011 APR, on: (1) the technical assistance sources from which the State received assistance; and (2) the actions the State took as a result of that technical assistance. The State reported on the technical assistance sources from which the State received assistance related to the timely resolution of State complaints and reported on the actions the State took as a result of that technical assistance.

OSEP's June 2012 FFY 2010 SPP/APR Response Table required that within 30 days of the date of the Response Table, the State was to provide documentation that the one remaining complaint from the Verification Letter of March 9, 2012 was resolved. On June 20, 2012, the State forwarded a copy of the final complaint investigation report.