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

JUN - 3 2010

Honorable Diane DeBacker
Interim Commissioner
Kansas State Department of Education
120 S.E. 10th Avenue
Topeka, Kansas 66612-1182

Dear Commissioner DeBacker:

Thank you for the timely submission of Kansas' Federal fiscal year (FFY) 2008 Annual Performance Report (APR) and revised State Performance Plan (SPP) under Part B of the Individuals with Disabilities Education Act (IDEA).

The Department has determined that, under IDEA section 616(d)(2)(A)(i), Kansas meets the requirements of Part B of IDEA. The Department's determination is based on the totality of the State's data and information, including the State's FFY 2008 APR and revised SPP, other State-reported data and other publicly available information. See the enclosure entitled "How the Department Made Determinations under Section 616(d) of the IDEA in 2010: Part B" for further details.

Specific factors affecting the determination made by the Office of Special Education Programs (OSEP) that Kansas meets requirements under IDEA section 616(d) include: (1) Kansas provided valid and reliable FFY 2008 data reflecting the measurement for each indicator; and (2) Kansas reported high levels of compliance or correction for Indicators 9, 10, 11, 12, 15, 16, 17, and 20. We commend Kansas for its performance.

The enclosed table provides OSEP's analysis of the State's FFY 2008 APR and revised SPP and identifies, by indicator, OSEP's review of any revisions the State made to its targets, improvement activities (timelines and resources), and baseline data in the State's SPP. The table also identifies, by indicator: (1) the State's reported FFY 2008 data; (2) whether such data met the State's FFY 2008 targets and reflect progress or slippage from prior year's data; and (3) whether the State corrected findings of noncompliance.

As you know, pursuant to IDEA section 616(b)(2)(C)(ii)(l) 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 June 1, 2010. 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. 34 CFR §300.600(a)(2) and (3). For further information regarding these requirements, see the SPP/APR Calendar at: http://spp-apr-calendar.rrfcnetwork.org/explorer/view/id/656. Finally, if your State included revisions to baseline, targets or improvement activities in its APR submission, and OSEP accepted those revisions, please ensure that your SPP is updated accordingly and that the updated SPP is posted

on the State's website and made available to the public, consistent with 34 CFR §300.602(b)(1)(i)(B).

OSEP is committed to supporting Kansas' efforts to improve results for children and youth with disabilities and looks forward to working with your State over the next year. If you have any questions, would like to discuss this further, or want to request technical assistance, please contact Ellen Safranek, your OSEP State Contact, at 202-245-7515.

Sincerely,

Patricia J. Guard

Patricia J. Guard
Deputy Director
Office of Special Education Programs

Enclosures

cc: State Director of Special Education

Kansas Part B FFY 2008 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
1. Percent of youth with IEPs graduating from high school with a regular diploma. [Results Indicator]	The State revised the indicator and measurement language (consistent with revisions in the Indicator Measurement Table) target and improvement activities for this indicator and OSEP accepts those revisions. The State's FFY 2008 reported data for this indicator are 84.14%. OSEP was unable to determine whether there was progress or slippage because the State changed the source and methodology of data collected and reported as required in the revised Indicator Measurement Table. The State met its FFY 2008 target of 75%. The State provided a narrative that describes the conditions youth must meet to graduate with a regular diploma. The State reported the required graduation rate calculation and timeline established by the Department under the Elementary and Secondary Education Act (ESEA). This means that the State submitted the most recent graduation data that the State reported to the Department as part of its Consolidated State Performance Report (CSPR). In its APR submitted February 1, 2010, the State reported FFY 2008 data for this indicator. The State explained that FFY 2008 data are the most recent data that the State has reported to the Department as part of its CSPR.	OSEP appreciates the State's efforts to improve performance.
2. Percent of youth with IEPs dropping out of high school. [Results Indicator]	The State revised the indicator and measurement language (consistent with revisions in the Indicator Measurement Table) baseline and improvement activities for this indicator and OSEP accepts those revisions. However, the State did not provide updated targets for subsequent years. The State's FFY 2007 reported data for this indicator are 4.15%. OSEP was unable to determine whether there was progress, slippage or whether the State met its target because the State changed the source and methodology of data collected and reported as required in the revised Indicator Measurement Table. The State provided a narrative that describes what counts as dropping out for all youth and, if different, what counts as dropping out for youth with IEPs. The State reported the required dropout rate calculation and timeline established by the Department under the ESEA. This means that the State submitted the most recent dropout data that the State reported to the Department as part of its CSPR. In its APR submitted February 1, 2010, the	OSEP looks forward to the State's data demonstrating improvement in performance in the FFY 2009 APR, due February 1, 2011.

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
	State reported FFY 2008 data for this 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. [Results Indicator]	The State's FFY 2008 reported data for this indicator are 85.4%. These data represent slippage from the FFY 2007 data of 87%. The State met its FFY 2008 target of 85.1%.	OSEP appreciates the State's efforts to improve performance.
3. Participation and performance of children with IEPs on statewide assessments: B. Participation rate for children with IEPs. [Results Indicator]	The State revised the indicator and measurement language (consistent with revisions in the Indicator Measurement Table) for this indicator and OSEP accepts those revisions. The State's FFY 2008 reported data for this indicator are 98.86% for reading and 98.85% for math. The data source for this indicator has changed. Therefore, OSEP cannot determine progress or slippage from the State's reported FFY 2007 data. The State met its FFY 2008 targets of 97.5%. The State provided a web link to 2008 publicly-reported assessment results. http://online.ksde.org/rcard.	OSEP appreciates the State's efforts to improve performance.
3. Participation and performance of children with disabilities on statewide assessments: C. Proficiency rate for children with IEPs against grade level, modified and alternate academic achievement standards. [Results Indicator]	The State revised the indicator and the measurement language (consistent with revisions in the Indicator Measurement Table) for this indicator and OSEP accepts those revisions. The State's FFY 2008 reported data for this indicator are 72.21% for reading and 66.19% for math. The data source for this indicator has changed. Therefore, OSEP cannot determine progress or slippage from the State's reported FFY 2007 data. The State met its FFY 2008 target of 70.8% for reading but did not meet its FFY 2008 target of 70.5% for math. The State provided a web link to 2008 publicly-reported assessment results.	OSEP appreciates the State's efforts to improve performance and looks forward to the State's data demonstrating improvement in performance in the FFY 2009 APR.

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
	http://online.ksde.org/rcard.	
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 [Results Indicator]	The State's FFY 2008 reported data for this indicator are .34%. Because the State's actual target data for this indicator are from the same year as the data reported for this indicator in the State's FFY 2007 APR, OSEP cannot comment on whether there is progress or slippage. The State met its target of 1.59%. The State reported that it identified .34% of districts with significant discrepancy in the rate of suspensions and expulsion of greater than ten days in a school year for children with IEPs. The State reported its definition of "significant discrepancy." The State reported that it reviewed the LEA's policies, procedures, and practices relating to the development and implementation of IEPs, the use of positive behavior interventions and supports, and procedural safeguards to ensure compliance with the IDEA, as required by 34 CFR §300.170(b) for the LEAs identified with significant discrepancy for FFY 2007. The State reported that it required the affected LEAs to revise the LEA's policies, procedures and practices relating to the development and implementation of IEPs, the use of positive behavioral supports, and procedural safeguards to ensure compliance with the IDEA, pursuant to 34 CFR §300.170(b) for the LEAs identified with significant discrepancies for FFY 2007. The State reported that noncompliance identified based on FFY 2007 data through the review of policies, procedures, and practices, pursuant to 34 CFR §300.170(b), was corrected in a timely manner.	OSEP appreciates the State's efforts to improve performance.
4. Rates of suspension and expulsion: 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,	The State is not required to report on this indicator in the FFY 2008 APR.	Indicator 4B is new for FFY 2009. Baseline data from 2008-2009, targets (0%), and improvement activities must be submitted with the FFY 2009 APR.

<table>
<tr><th>Monitoring Priorities and Indicators</th><th>Status of APR Data/SPP Revision Issues</th><th>OSEP Analysis/Next Steps</th></tr>
<tr><td>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; New for FFY 2009]</td><td></td><td></td></tr>
<tr><td>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]</td><td>The State revised the indicator and measurement language (consistent with the revision in the Indicator Measurement Table) for this indicator and OSEP accepts those revisions.

The State’s reported data for this indicator are:
<table>
<tr><th></th><th>FFY 2007 Data</th><th>FFY 2008 Data</th><th>FFY 2008 Target</th><th>Progress</th></tr>
<tr><td>A. % Inside the regular class 80% or more of the day</td><td>60.5</td><td>62.16</td><td>58.8</td><td>1.66%</td></tr>
<tr><td>B. % Inside the regular class less than 40% of the day</td><td>7.49</td><td>7.21</td><td>8.7</td><td>0.28%</td></tr>
<tr><td>C. % In separate schools, residential facilities, or homebound/hospital placements</td><td>2.19</td><td>2.71</td><td>2.30</td><td>-0.52%</td></tr>
</table>
The State met its FFY 2008 targets for 5A and 5B for this indicator, but did not meet its FFY 2008 target for 5C. These data represent progress for Indicators 5A and 5B and slippage for 5C.</td><td>OSEP appreciates the State’s efforts to improve performance and looks forward to the State’s data demonstrating improvement in performance in the FFY 2009 APR.</td></tr>
<tr><td>6. Percent of children aged 3 through 5 with IEPs attending a:</td><td>The State is not required to report on this indicator in the FFY 2008 APR.</td><td>The instruction package for the FFY 2009 APR/SPP will provide guidance regarding</td></tr>
</table>

<table>
<tr><th>Monitoring Priorities and Indicators</th><th>Status of APR Data/SPP Revision Issues</th><th>OSEP Analysis/Next Steps</th></tr>
<tr><td>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]</td><td></td><td>the information that States must report for this indicator in their FFY 2009 APRs.</td></tr>
<tr><td>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.

[Results Indicator]</td><td>The State revised the measurement language (consistent with revisions in the Indicator Measurement Table) for this indicator and OSEP accepts those revisions.

The State provided FFY 2008 baseline data, targets, and improvement activities for this indicator and OSEP accepts the State’s submission for this indicator.

The State’s reported baseline data for this indicator are:
<table>
<tr><th>08-09 Preschool Outcome Baseline Data</th><th><u>Summary Statement 1</u>[1]</th><th><u>Summary Statement 2</u>[2]</th></tr>
<tr><td>Outcome A:
Positive social-emotional skills (including social relationships) (%)</td><td>85.93</td><td>65.16</td></tr>
<tr><td>Outcome B:
Acquisition and use of knowledge and skills (including early language/ communication) (%)</td><td>86.38</td><td>63.6</td></tr>
</table></td><td>The State must report progress data and actual target data for FFY 2009 with the FFY 2009 APR.</td></tr>
</table>

[1] 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 six years of age or exited the program.
[2] Summary Statement 2: The percentage of preschool children who were functioning within age expectations in each Outcome by the time they turned six years of age or exited the program.

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
	Outcome C: Use of appropriate behaviors to meet their needs (%) | 86.24 | 76.79	
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]	The State revised the improvement activities for this indicator and OSEP accepts those revisions. The State's FFY 2008 reported data for this indicator are 62.93%. These data represent progress from the FFY 2007 data of 62.2%. The State met the FFY 2008 target of 59.2% for this indicator. In its description of its FFY 2008 data, the State addressed whether the response group was representative of the population.	OSEP appreciates the State's efforts to improve performance.
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]	The State's FFY 2008 reported data for this indicator are 0%. These data remain unchanged from the FFY 2007 data of 0%. The State met the FFY 2008 target of 0% for this indicator. The State reported that five districts were identified with disproportionate representation of racial and ethnic groups in special education and related services. The State reported that no districts were identified with disproportionate representation of racial and ethnic groups in special education and related services that was the result of inappropriate identification. The State provided the definition of disproportionate representation.	OSEP appreciates the State's efforts regarding this indicator. OSEP will be carefully reviewing each State's definition of disproportionate representation and will contact the State, if necessary.
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]	The State's FFY 2008 reported data for this indicator are 0%. These data remain unchanged from the FFY 2007 data of 0%. The State met the FFY 2008 target of 0% for this indicator. The State reported that 13 districts were identified with disproportionate representation of racial and ethnic groups in specific disability categories. The State reported that no districts were identified to have disproportionate representation of racial and ethnic groups in specific disability categories that were the result of inappropriate identification. The State provided the definition of disproportionate representation.	OSEP appreciates the State's efforts regarding this indicator. OSEP will be carefully reviewing each State's definition of disproportionate representation and will contact the State, if necessary.
11. Percent of children who were	The State revised the measurement language (consistent with revisions in the	OSEP appreciates the State's efforts and

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
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]	Indicator Measurement Table) for this indicator and OSEP accepts those revisions. The State's FFY 2008 reported data for this indicator are 98.83%. These data represent slippage from the FFY 2007 data of 100%. The State did not meet the FFY 2008 target of 100% for this indicator. The State reported that no findings were made in FFY 2007.	looks forward to reviewing in the FFY 2009 APR, the State's data demonstrating that it is in compliance with the timely initial evaluation requirements in 34 CFR §300.301(c)(1). Because the State reported less than 100% compliance for FFY 2008, the State must report on the status of correction of noncompliance reflected in the data the State reported for this indicator. When reporting the correction of noncompliance, the State must report, in its FFY 2009 APR, that it has verified that each LEA with noncompliance reflected in the data the State reported for this indicator: (1) is correctly implementing 34 CFR §300.301(c)(1) (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 completed the evaluation, although late, for any child whose initial evaluation was not timely, unless the child is no longer within the jurisdiction of the LEA, consistent with OSEP Memorandum 09-0, dated October 17, 2008 (OSEP Memo 09-02). In the FFY 2009 APR, the State must describe the specific actions that were taken to verify the correction. If the State does not report 100% compliance in the FFY 2009 APR, the State must review its improvement activities and revise them, if necessary.

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
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]	The State revised the measurement language (consistent with revisions in the Indicator Measurement Table) for this indicator and OSEP accepts those revisions. The State's FFY 2008 reported data for this indicator are 99.55%. These data represent progress from the FFY 2007 data of 99.52%. The State did not meet the FFY 2008 target of 100% for this indicator. The State reported that all six of its findings of noncompliance identified in FFY 2007 for this indicator were corrected in a timely manner.	OSEP appreciates the State's efforts and looks forward to reviewing in the FFY 2009 APR, the State's data demonstrating that it is in compliance with the early childhood transition requirements in 34 CFR §300.124(b). Because the State reported less than 100% compliance for FFY 2008, the State must report on the status of correction of noncompliance reflected in the data the State reported for this indicator. When reporting the correction of noncompliance, the State must report, in its FFY 2009 APR, that it has verified that each LEA with noncompliance reflected in the data the State reported for this indicator: (1) is correctly implementing 34 CFR §300.124(b) (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 developed and implemented the IEP, although late, for any child for whom implementation of the IEP was not timely, unless the child is no longer within the jurisdiction of the LEA, consistent with OSEP Memo 09-02. In the FFY 2009 APR, the State must describe the specific actions that were taken to verify the correction. If the State does not report 100% compliance in the FFY 2009 APR, the State must review its improvement activities and revise them, if necessary.
13. Percent of youth with IEPs	The State is not required to provide actual target data for FFY 2008 for this	In the FFY 2009 APR, the State must

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
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]	indicator. The State reported that all 16 of its findings of noncompliance identified in FFY 2007 for this indicator were corrected in a timely manner.	provide a revised baseline using data from 2009-2010. Targets must remain 100%.
14. 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	The State is not required to provide actual target data, targets or improvement activities for FFY 2008 for this indicator.	In the FFY 2009 APR, the State must report a new baseline, targets and, as needed, improvement activities.

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
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]	The State's FFY 2008 reported data for this indicator are 100%. These data remain unchanged from the FFY 2007 data of 100%. The State met the FFY 2008 target of 100% for this indicator. The State reported that all 57 of its findings of noncompliance identified in FFY 2007 were corrected in a timely manner.	OSEP appreciates the State's efforts in timely correcting noncompliance identified in FFY 2007. In reporting on correction of noncompliance in the FFY 2009 APR, the State must report that it verified that each LEA with noncompliance identified in FFY 2008: (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 2009 APR, the State must describe the specific actions that were taken to verify the correction. In responding to Indicators 11 and 12 in the FFY 2009 APR, the State must report on correction of the noncompliance described in this table under those indicators. In addition, in reporting on Indicator 15 in the FFY 2009 APR, the State must use the Indicator 15 Worksheet.
16. Percent of signed written complaints with reports issued that	The State revised the indicator language for this indicator (consistent with revisions in the Indicator Measurement Table) and OSEP accepts those	OSEP appreciates the State's efforts in achieving compliance with the timely

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
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. [Compliance Indicator]	revisions. The State's FFY 2008 reported data for this indicator are 100%. These data remain unchanged from the FFY 2007 data of 100%. The State met the FFY 2008 target of 100% for this indicator.	complaint resolution requirements in 34 CFR §300.152.
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. [Compliance Indicator]	The State revised the indicator language for this indicator (consistent with revisions in the Indicator Measurement Table) and OSEP accepts those revisions. The State's FFY 2008 reported data for this indicator are 100%. These data are based on two due process hearings. The State met the FFY 2008 target of 100% for this indicator.	OSEP appreciates the State's efforts in achieving compliance with the due process hearing timeline requirements in 34 CFR §300.515.
18. Percent of hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements. [Results Indicator]	The State's FFY 2008 reported data for this indicator are 40%. These data represent slippage from the FFY 2007 data of 42.1%. The State met the FFY 2008 target of 35.6%.	OSEP looks forward to reviewing the State's data in the FFY 2009 APR.
19. Percent of mediations held that resulted in mediation agreements. [Results Indicator]	The State's FFY 2008 reported data for this indicator are 78.3%. These data represent progress from the FFY 2007 data of 73.1%. The State met the FFY 2008 target of 78%.	OSEP looks forward to reviewing the State's data in the FFY 2009 APR.
20. State reported data (618 and State Performance Plan and Annual	The State's FFY 2008 reported data for this indicator are 100%. These data remain unchanged from the FFY 2007 reported data of 100%. The State met	OSEP appreciates the State's efforts in achieving compliance with the timely and

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
Performance Report) are timely and accurate. [Compliance Indicator]	its FFY 2008 target of 100%.	accurate data reporting requirements in IDEA sections 616 and 618 and 34 CFR §§76.720 and 300.601(b). In reporting on Indicator 20 in the FFY 2009 APR, the State must use the Indicator 20 Data Rubric.