

1.1 Overview

The State Performance Plan (SPP) and Annual Performance Report (APR)

In accordance with the Individuals with Disabilities Education Improvement Act (IDEA) of 2004, each state is required to have in place a State Performance Plan (SPP) that is used to evaluate the state's efforts to implement the requirements of IDEA. The SPP must include measurable, rigorous targets for 20 indicators that address the monitoring priority areas established by the U.S. Department of Education, Office of Special Education Programs (OSEP).

The SPP outlines Ohio's targets and activities through school year 2010-2011 for the 20 compliance and results indicators. Compliance indicators have required annual targets of 100 percent, as established by OSEP. Results indicators have targets established by the state based on input from stakeholders.

Accountability

States must report annually on their performance on the targets identified in the SPP through an annual performance report (APR). The APR provides the actual target data, explanation of progress or slippage, and discussion of improvement activities completed by the state for each indicator during the reporting year.

The IDEA accountability process is significant for local education agencies (LEA) in three major ways:

- The APR is the mechanism through which states annually report to OSEP on the state's performance in relation to the SPP targets. Subsequently, the Ohio Department of Education's (ODE) Office for Exceptional Children (OEC) uses the data reported by each LEA for each indicator to analyze individual LEAs' progress toward meeting SPP targets and to evaluate Ohio's progress as a whole.
- IDEA requires public reporting of the state's progress toward meeting the SPP targets for each of the 20 indicators and each LEA's progress toward meeting the targets for a subset of SPP indicators.
- Based on the data reported in the APR, OSEP annually places each state's implementation of IDEA requirements into one of four categories. States must use these same four categories annually when determining each LEA's implementation of IDEA requirements, based on the data reported for a subset of SPP indicators.

States are required to take appropriate enforcement actions or sanctions in response to an LEA's performance status. The determination categories and enforcement actions, as specified in section 616(e) of IDEA:

1. Meets Requirements
2. Needs Assistance

When the state determines that an LEA needs assistance for two consecutive years, the state must:

- a. Advise the LEA of available sources of technical assistance to address deficient areas in which the LEA needs assistance; or
- b. Identify the LEA as a high- risk grantee and impose conditions on use of funds.

3. Needs Intervention

When the state determines that an LEA needs intervention for three or more consecutive years, the state must:

- a. Require the LEA to prepare or implement an action plan to correct the identified area(s); or
- b. Withhold, in whole or in part, further payments to the LEA.

4. Needs Substantial Intervention.

When the state determines that an LEA needs substantial intervention at any time, the state must withhold, in whole or in part, further payments to the LEA.

Although the specific enforcement actions required by IDEA are based on the length of time the LEA has been in a given category, in order for Ohio to receive a "Meets Requirements" determination on state-level compliance indicators performance, OEC must identify noncompliance among LEAs each year and ensure correction within timelines.

LEAs should become familiar with the targets for the compliance and results indicators outlined in Ohio's SPP and make efforts to ensure they are reporting accurate data on the indicators in a timely manner.

Reports of LEA performance data are available online at <http://education.ohio.gov>; keyword search *district-level performance data*. Stakeholders can review the progress of their local school districts or community schools on a subset of SPP indicators.

Monitoring Priority: FAPE in the LRE

LEAs' compliance regarding free, appropriate public education and least restrictive environment (LRE) are judged on these monitoring priorities:

1. Graduation:

Percent of youth with IEPs graduating from high school with a regular high school diploma compared to percent of all youth in the state graduating with a regular diploma. (20 U.S.C. 1416 (a) (3) (A))

2. Dropout:

Percent of youth with IEPs dropping out of high school compared to the percent of all youth in the state dropping out of high school. (20 U.S.C. 1416 (a) (3) (A))

3. Participation and performance of children with disabilities on statewide assessments:

A. Percent of districts that have a disability subgroup that meets the state's minimum "n" size and also meets the state's "adequate yearly progress" (AYP) objectives for progress for a disability subgroup. [In other words, of the districts that have a disability subgroup large enough to require evaluation, the percent that meet the state's AYP objectives for subgroup progress.]

B. Participation rate for children with IEPs in a regular assessment with no accommodations; regular assessment with accommodations; alternate assessment against grade-level standards; and alternate assessment against alternate achievement standards.

C. Proficiency rate for children with IEPs against grade-level standards and alternate achievement standards. (20 U.S.C. 1416 (a) (3) (A))

4. Rates of suspension/ expulsion:

A. Percent of districts identified by the state as having a significant discrepancy in the rates of suspensions and expulsions of children with disabilities as compared to children without disabilities for greater than 10 days in a school year; and

B. Percent of districts identified by the state as having a significant discrepancy in the rates of suspensions and expulsions of greater than 10 days in a school year of children with disabilities by race and ethnicity. (20 U.S.C. 1416 (a) (3) (A); 1412(a) (22))

5. Least restrictive environment - school-age: Percent of children with IEPs aged 6 through 21:

A. Removed from regular class less than 21 % of the day;

B. Removed from regular class greater than 60 % of the day; or

C. Served in public or private separate schools, residential placements, or homebound or hospital placements. (20 U.S.C. 1416 (a) (3) (A))

Procedures and Guidance for Ohio Educational Agencies serving Children with Disabilities

(October, 2011)

6. Least restrictive environment - preschool:

Percent of preschool children with IEPs who received special education and related services in settings with typically developing peers (i.e., early childhood settings, home, and part-time early childhood special education settings). (20 U.S.C. 1416 (a) (3) (A))

7. Preschool outcomes: Percent of preschool children with IEPs who demonstrate improved:

A. Positive social- emotional skills (including social relationships);

B. Acquisition and use of knowledge and skills (including early language/ communication and early literacy); and

C. Use of appropriate behaviors to meet their needs. (20 U.S.C. 1416 (a) (3) (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. (20 U.S.C. 1416 (a) (3) (A))

Monitoring Priority: Disproportionality

9. Disproportionality in special education by race/ ethnicity:

Percent of districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification. (20 U.S.C. 1416 (a) (3) (C))

10. Disproportionality in specific disability categories by race/ ethnicity:

Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification. (20 U.S.C. 1416 (a) (3) (C))

Monitoring Priority: Effective General Supervision Part B

11. Child find:

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

12. Early childhood transition:

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))

13. Secondary transition:

Percent of youth age 16 and above with an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the child to meet the post- secondary goals. (20 U.S.C. 1416 (a) (3) (B))

14. Postsecondary outcomes:

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

Procedures and Guidance for Ohio Educational Agencies serving Children with Disabilities

(October, 2011)

15. General supervision:

General supervision system (including monitoring, complaints, hearings) 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))

16. Complaint timelines:

Percent of signed written complaints with reports issued that were resolved within the 60- day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint. (20 U.S.C. 1416 (a) (3) (B))

17. Due process timelines:

Percent of due process hearing requests that were fully adjudicated within the 45- day timeline or a timeline that is properly extended by the hearing officer at the request of either party. (20 U.S.C. 1416 (a) (3) (B))

18. Resolution sessions:

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))

19. Mediations:

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

20. State reported data:

State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate. (20 U.S.C. 1416 (a) (3) (B))