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MEMORANDUM

TO: Members, Utah State Board of Education

FROM: Martell Menlove, Ph.D.
Chief Executive Officer

DATE: February 7, 2014

INFORMATION: IDEA Part B Annual Performance Plan (APR)

Background:

Under the Individuals with Disabilities Education Improvement Act (IDEA), each state must report on its annual performance on the 20 compliance and performance indicators of the State Performance Plan (SPP). Utah submitted its FFY 2011 APR and revised SPP on February 1, 2013, using data regarding State, LEA, and student performance collected during the 2011-2012 school year. Both the APR and SPP may be found at <http://schools.utah.gov/sars/Quick-Links/Performance-Plan.aspx>.

Key Points:

- Utah continues to be in substantial compliance with IDEA requirements (e.g., special education initial evaluation timelines, transition from Part C to Part B by a child's third birthday, correction of noncompliance, and maintaining a timely dispute resolution system).
- Utah substantially improved school to post-school transition rates to 86.03 percent over the last year.
- Utah continues efforts and activities to improve student with disability graduation rates, performance on statewide assessments, and decrease dropout rates.
- LEAs will receive their annual determinations in April 2014.

Anticipated Action:

The Standards and Assessment Committee will receive this information. No formal action is required.

Contact: Judy Park, 801-538-7550
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State of Utah

Individuals with Disabilities Education Act 2004

Annual Performance Report

**FFY 2012
(2012-2013)**

**Prepared by the
Utah State Office of Education
February 3, 2014**

Part B Annual Performance Report Overview

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 U.S. Secretary of Education 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 SPP, indicators, and targets were developed with broad stakeholder input and publicly disseminated.

In order to implement the SPP and develop the APR, teams of education specialists at the Utah State Office of Education Special Education Services section (USOE-SES) 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 and assisted in linking the improvement activities that crossed indicators. Various USOE data collection systems were developed, redesigned, and enhanced to support required elements of the APR process.

USOE-SES staff members participated in the July-August 2013 Office of Special Education Programs (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 ongoing OSEP teleconferences and the Mountain Plains Regional Resource Center (MPRRC) Director teleconferences. Further consultation was provided through telephone calls with Utah's OSEP State contact and through technical assistance provided by MPRRC Center staff.

During the FFY 2012 implementation of the SPP, and in preparation for the APR, SPP requirements and indicators continued to be shared with Local Education Agency (LEA) Special Education Directors. 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).

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 USOE's website (<http://www.schools.utah.gov/sars/Quick-Links/Performance-Plan.aspx>) and referenced in the State superintendent's annual report. The APR is shared at the first regularly scheduled meeting of the USEAP and with the LEA Special Education Directors after submission. Results are also shared with the Utah Parent Center, Utah's Parent Training and Information Center. Prior to April 15th of each year, the USOE-SES 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 (<http://www.schools.utah.gov/sars/Quick-Links/Performance-Plan.aspx>) 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 Directors, and other stakeholders as appropriate.

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 occurred. 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 the 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 35 total targets contained within the required 18 indicators that are required to be reported this year, Utah met 16 (an increase in five since FFY 2011). Utah continued to meet the (100% and/or 0% compliance) compliance targets on four of the seven compliance indicators

that are required to be submitted. The other three compliance indicators reflected 87.72%, 98.88%, and 99.36% levels of substantial compliance within required timelines.

Utah met performance targets in areas of decreasing dropouts, students with disabilities participating in Statewide assessments, Least Restrictive Environment (LRE) for students ages 3-21, parent involvement, and areas of post-school outcomes pertaining to employment and training. Although it did not meet all FFY 2012 targets, Utah continues to improve graduation rates for students with disabilities, proficiency of students with disabilities in Mathematics in Grades 3-8, the percentage of preschool students who substantially increased their rate of growth by the time they turned six years of age or exited the preschool program in the areas of social-emotion and knowledge and skills, and post-secondary outcomes in higher education.

Utah remains committed to improving the results for children and youth with disabilities and will address the Indicators in which targets were not met and/or showed no improvement in the new SPP.

Display I-1: Summary of Utah's Annual Performance Report (APR) for FFY 2012 (2012-2013) and Trend Data

Indicator #	Indicator	Indicator Description	FFY 2012 Actual Data	FFY 2012 Targets	FFY 2011 Rate	FFY 2010 Rate	FFY 2009 Rate	FFY 2008 Rate	FFY 2007 Rate	FFY 2006 Rate	Did State Meet Target?
1	Graduation Rate	Percent of youth with IEPs graduating from high school with a regular diploma.	60.9%	71.8%	58.6% ¹	85.1%	81.0%	80.1% ²	71.1%	72.9%	No
2	Drop Out Rate	Percent of youth with IEPs dropping out of high school.	4.5%	<5.32%	4.5%	4.2%	4.50%	5.65%*	4.8%	4.8%	Yes
3	Statewide Assessment	<i>Participation and performance of children with IEPs on Statewide assessments.</i>									
3A	State AMO Objectives	Percent of the LEAs with a disability subgroup that meets the State's minimum "n" size that meet the State's AMO targets for the disability subgroup in Mathematics Grades 3-8.	25.49%	58.39%	42.71%	N/A ³	N/A	N/A	N/A	N/A	No
		Percent of the LEAs with a disability subgroup that meets the State's minimum "n" size that meet the State's AMO targets for the disability subgroup in Mathematics Grade 10.	12.82%	42.38%	29.41%	N/A	N/A	N/A	N/A	N/A	No
		Percent of the LEAs with a disability subgroup that meets the State's minimum "n" size that meet the State's AMO targets for the disability subgroup in English Language Arts Grades 3-8.	26.47%	62.00%	52.08%	N/A	N/A	N/A	N/A	N/A	No
		Percent of the LEAs with a disability subgroup that meets the State's minimum "n" size that meet the State's AMO targets for the disability subgroup in English Language Arts Grade 10.	26.19%	63.16%	56.76%	N/A	N/A	N/A	N/A	N/A	No
3B	Participation Rate	Participation rate for children with IEPs.									
	English Language Arts	Participation rate of Grades 3-8 and grade 10 students.	99.56%	95.00%	99.49%	99.56%	99.66%	99.58%	99.53%	99.67%	Yes
	Mathematics	Participation rate of Grades 3-8 and 10-12 students.	99.70%	95.00%	99.12%	99.42%	99.69%	99.51%	98.06%	98.17%	Yes

¹ Calculation for graduation changed during FFY 2011.

² Change in indicator/calculation/target.

³ Indicator 3A was revised in FFY 2012 due to Utah's ESEA Flexibility Waiver.

Indicator #	Indicator	Indicator Description	FFY 2012 Actual Data	FFY 2012 Targets	FFY 2011 Rate	FFY 2010 Rate	FFY 2009 Rate	FFY 2008 Rate	FFY 2007 Rate	FFY 2006 Rate	Did State Meet Target?
3C	Proficiency Rate	Proficiency rate for children with IEPs against grade level, modified, and alternate academic achievement standards.									
	English Language Arts	Proficiency rate of Grades 3-8. Proficiency rate Grade 10.	51.61% 52.65%	62.00% 63.16%	52.07% ⁴ 54.39%	N/A	N/A	N/A	N/A	N/A	No No
	Mathematics	Proficiency rate of Grades 3-8. Proficiency rate of Grade 10.	47.11% 22.96%	58.39% 42.38%	45.79% 26.05%						No No
4	Suspension/Expulsion Rates	<i>Rates of Suspension/Expulsion</i>									
4A	Significant Discrepancy in Discipline by Disability	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%	0.00%	0.00%	0.00%	0.00%	Yes
4B	Significant Discrepancy in Discipline by Race or Ethnicity & Disability	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.	0.00%	0.00%	0.00%	0.00%	N/A	N/A	N/A	N/A	Yes
5	LRE for Students (6-21)	<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.	56.35%	55.84%	55.29%	54.98%	53.58%	52.36%	51.40%	50.64%	Yes
5B	Separate Classroom	Inside the regular class less than 40% of the day.	13.48%	<13.82%	13.96%	14.20%	15.06%	15.33%	15.40%	15.82%	Yes
5C	Separate Facilities	In separate schools, residential facilities, or homebound/hospital placements.	2.79%	<3.15%	3.15%	3.08%	3.06%	3.23%	3.25%	3.23%	Yes
6	LRE for Children (3-5)	<i>Percent of children aged 3 through 5 with IEPs attending:</i>									
6A	Regular EC Program	Regular early childhood program and receiving the majority of special education and related services in the regular early childhood program.	40.58%	36.41%	36.31%	N/A	N/A	N/A	N/A	N/A	Yes
6B	Separate Facilities	Separate special education class, separate school, or residential facility.	38.01%	<41.26%	41.36%	N/A	N/A	N/A	N/A	N/A	Yes
7	Preschool Outcomes for Children (3-5)	<i>Percent of preschool children aged 3 through 5 with IEPs who demonstrate improved:</i>									

⁴ Indicator 3C Targets were revised and baseline collected in FFY 2012 due to Utah's ESEA Flexibility Waiver.

Indicator #	Indicator	Indicator Description	FFY 2012 Actual Data	FFY 2012 Targets	FFY 2011 Rate	FFY 2010 Rate	FFY 2009 Rate	FFY 2008 Rate	FFY 2007 Rate	FFY 2006 Rate	Did State Meet Target?
7A	Social-Emotional	Positive social-emotional skills (including social relationships);	88.51% ⁵ 45.89% ⁶	94.10% 53.74%	88.2% 47.6%	94.83% 56.41%	94.00% 52.73%	N/A	N/A	N/A	No No
7B	Knowledge and Skills	Acquisition and use of knowledge and skills (including early language/communication and early literacy); and	87.95% ⁷ 40.30% ⁸	93.35% 50.20%	86.5% 43.7%	94.50% 54.78%	94.10% 51.84%	N/A	N/A	N/A	No No
7C	Appropriate Behaviors	Use of appropriate behaviors to meet their needs.	88.42% ⁹ 57.69% ¹⁰	93.79% 68.70%	88.7% 61.9%	94.35% 69.82%	93.68% 67.97%	N/A	N/A	N/A	No No
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.	89.83%	89.27%	89.18%	89.5%	87.24%	87.3%	85.2%	83.6%	Yes
9	Disproportionate Eligibility 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%	0.00%	0.00%	0.00%	0.00%	Yes
10	Disproportionate Eligibility 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%	0.00%	0.00%	0.00%	0.00%	Yes
11	Initial Evaluation Timelines	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.)	98.88%	100%	97.70%	94.58%	97.41%	96.9%	96.6%	95.2%	No

⁵ 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 six years of age or exited the program.

⁶ Summary Statement 2: The percent 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.

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¹⁰ Summary Statement 2: The percent 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.

Indicator #	Indicator	Indicator Description	FFY 2012 Actual Data	FFY 2012 Targets	FFY 2011 Rate	FFY 2010 Rate	FFY 2009 Rate	FFY 2008 Rate	FFY 2007 Rate	FFY 2006 Rate	Did State Meet Target?
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.	99.36%	100%	99.83%	99.6%	98.45%	98.6%	95.1%	93.1%	No
13	School to Post-School 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 service 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.	87.72%	100%	86.03%	58%	¹¹	¹²	78.64%	41.38%	No
14	Postsecondary Outcomes	<i>Percent of youth who are no longer in secondary school, had IEPs in effect at the time they left school, and were:</i>									
14A	Higher Ed	Enrolled in higher education within one year of leaving high school.	27.6%	28.6%	24.9%	33.1%	¹³	¹⁴	79.4%	71.5%	No
14B	Higher Ed or Competitively Employed	Enrolled in higher education or competitively employed within one year of leaving high school.	66.3%	55.3%	64.7%	68.1%					Yes
14C	Higher Ed, Training, Competitively Employed, or Employed	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.	81.01%	72.8%	80.9%	80.6%					Yes
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%	100%	100%	99.83%	99.48%	99.00%	98.00%	95.00%	Yes

¹¹ Not required for FFY 2009 APR.

¹² Change in Indicator/Calculation/Target and not required for FFY 2008 APR.

¹³ Not required for FFY 2009 APR.

¹⁴ Change in Indicator/Calculation/Target and not required for FFY 2008 APR.

Indicator #	Indicator	Indicator Description	FFY 2012 Actual Data	FFY 2012 Targets	FFY 2011 Rate	FFY 2010 Rate	FFY 2009 Rate	FFY 2008 Rate	FFY 2007 Rate	FFY 2006 Rate	Did State Meet Target?
16	General Supervision: Written Complaint Timelines	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.	No longer required	No longer required	No longer required	100%	100.00%	100.00%	90.00%	100.00%	N/A
17	General Supervision: Due Process Hearing Timelines	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.	No longer required	No longer required	No longer required	100%	100.00%	100.00%	100.00%	100.00%	N/A
18	General Supervision: Part B Resolutions	Percent of hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements.	N<10	85%	N/A <10	N/A <10	N/A <10	N/A <10	N/A <10	N/A <10	N/A <10
19	General Supervision: Part B Mediations	Percent of mediations held that resulted in mediation agreements.	N<10	90%	N/A <10	N/A <10	N/A <10	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.	Data not required	100%	100%	97.7%	95.24%	97.62%	100.00%	100.00%	N/A

