

## Part B State Annual Performance Report (APR) for Federal Fiscal Year (FFY) 2007

### FEBRUARY 2009

#### INTRODUCTION

##### Overview of the Annual Performance Report Development:

##### Background

In December 2005, the Nevada Department of Education (NDE) submitted a State Performance Plan (SPP) to the U.S. Office of Special Education Programs (OSEP) describing baseline data, six-year targets, and improvement activities for making improvements in 20 key areas over the next six years. The following 20 Performance Indicators were established by OSEP to ensure compliance with state and federal special education laws and to improve results for students with disabilities. The 20 Performance Indicators are designed to:

- (1) increase high-school graduation rates for students with disabilities earning regular diplomas;
- (2) decrease the dropout rate for students with disabilities;
- (3) ensure that all students participate in statewide assessments and improve the performance of students with disabilities in those assessments;
- (4) reduce suspension and expulsion rates when those rates significantly exceed statewide averages;
- (5) provide school-age students with disabilities ages 6-21 with services in the least restrictive environment;
- (6) provide preschool children with disabilities ages 3-5 with services in the least restrictive environment;
- (7) improve cognitive and social outcomes for preschool children with disabilities;
- (8) improve parents' involvement in their children's special education programs;
- (9) reduce disproportionate identification of students in race/ethnic groups as having a disability when it is the result of inappropriate identification;
- (10) reduce disproportionate identification of students in race/ethnic groups as having a particular disability when it is the result of inappropriate identification;
- (11) improve efforts to evaluate students with disabilities in a timely manner;
- (12) ensure a smooth transition from infant/toddler programs to school-based programs for preschool children with disabilities at age three;
- (13) improve transition planning for students with disabilities at the secondary school level;
- (14) improve post-school outcomes for students with disabilities in the areas of post-secondary education/training and employment;
- (15) ensure that noncompliance with special education statutes and regulations is corrected within one year of identification;
- (16) ensure that complaint investigations are conducted by the NDE within required timelines;
- (17) ensure that due process hearings are conducted within required timelines;
- (18) promote resolution sessions as a mechanism for resolving disputes;
- (19) promote mediations as a mechanism for resolving disputes; and
- (20) ensure that timely and accurate data are reported from the NDE to OSEP.

Progress for Indicators 1, 2, 3, 4a, 5, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, and 20 is reported in this February 2009 Annual Performance Report (APR) for the 2007-2008 school year. The state's SPP has been revised as of February 2009 to include 2007-2008 progress data for Indicator 7.

The February 2009 APR and the February 2009 SPP should be read as companion documents. The SPP contains more complete descriptions of Nevada's systems for ensuring compliance with the Individuals with Disabilities Education Act (IDEA) and for improving results for Nevada's students with disabilities. These more complete descriptions of Nevada's special education systems provide the context for understanding the progress that is being made toward Nevada's goals.

**Issues Identified in Nevada's February/April 2008 SPP/APR Response Table**

In June 2008, OSEP sent correspondence to the NDE acknowledging the state's submission of its February/April 2008 SPP/APR for 2006-2007. Attached to the correspondence was the "Nevada Part B FFY 2006 SPP/APR Response Table" addressing issues identified by OSEP that required additional information to be submitted in Nevada's February 2009 SPP/APR submission. Nevada has taken necessary steps to address the issues identified, and those steps are summarized below.

**Indicator 1 (Graduation Rates):** No action needed.

**Indicator 2 (Dropout Rates):** No action needed.

**Indicator 3 (Participation and Performance on Statewide Assessments):** No action needed.

**Indicator 4a (Suspension and Expulsion Rates):** As directed, the February 2009 APR describes the results of Nevada's examination of data from FFY 2007. In addition, Nevada has described the review and, if appropriate, revision of 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 one LEA identified with a significant discrepancy in FFY 2006 (Clark County School District), as required by 34 CFR §300.170(b).

**Indicator 5 (LRE for Students Aged 6-21):** No action needed.

**Indicator 6 (LRE for Students Aged 3-5):** No action needed.

**Indicator 7 (Early Childhood Outcomes):** As directed, the February 2009 SPP includes progress data for FFY 2007. Baseline data and targets will be included in the FFY 2008 SPP due February 1, 2010.

**Indicator 8 (Parent Involvement):** No action needed.

**Indicator 9 (Disproportionate Representation in Special Education that is the Result of Inappropriate Identification):** No action needed.

**Indicator 10 (Disproportionate Representation in Specific Disability Categories that is the Result of Inappropriate Identification):** No action needed.

**Indicator 11 (Initial Evaluation Timeline):** As directed, in its February 2009 APR Nevada has included data demonstrating correction of noncompliance identified in FFY 2005 (i.e., the uncorrected noncompliance reported in the FFY 2006 APR).

**Indicator 12 (Part C to Part B Transition—IEPs by Third Birthday):** As directed, in its February 2009 APR Nevada has included data demonstrating correction of noncompliance identified in FFY 2004 (i.e., the uncorrected noncompliance reported in the FFY 2006 APR). Note that Nevada's Response Table includes the following statement: "The State did not report that noncompliance identified in FFY 2005 was corrected in a timely manner." The NDE notes that there was no noncompliance identified in FFY 2005.

**Indicator 13 (Annual Goals and Transition Services):** As directed, in its February 2009 APR Nevada has included data demonstrating correction of noncompliance identified in FFY 2005 (i.e., the uncorrected noncompliance reported in the FFY 2006 APR).

**Indicator 14 (Post-School Outcomes):** No action needed.

**Indicator 15 (Correction of Noncompliance in One Year):** As directed, in its February 2009 APR Nevada has included data demonstrating correction of noncompliance identified in FFY 2004 and FFY 2005. In addition, Nevada has specifically identified and addressed the noncompliance identified for Indicators 11, 12, and 13 under those indicator sections in the APR.

**Indicator 16 (Complaint Timelines):** No action needed.

**Indicator 17 (Due Process Hearing Timelines):** No action needed.

**Indicator 18 (Resolution Session Agreements):** No action needed.

**Indicator 19 (Mediation Session Agreements):** No action needed.

**Indicator 20 (Timely and Accurate Data):** As directed, the February 2009 APR includes timely and accurate data for all indicators.

### **Justification for Revisions to Improvement Activities/Timelines/Resources**

As the NDE prepared for submission of the FFY 2007 APR, staff members participated in an October 2008 webinar on State Improvement Systems hosted by the Mid-South Regional Resource Center. Included in the materials was a Systems Improvement Self-Assessment, which stressed the importance of considering improvement activities on the system level. The term "system" was defined as "interacting, interrelated, or interdependent elements that form a complex whole." The NDE then reviewed its framing of the state's "Improvement Initiatives" and concluded that the FFY 2005 and FFY 2006 presentation of initiatives failed to describe how the initiatives functioned as a "system" – as a set of elements that formed a complex whole.

With this in mind, the NDE revised its presentation of Improvement Activities/Timelines/Resources. First, the activities were reorganized around three primary "system" goals:

- (1) Increasing Capacity
- (2) Increasing Compliance
- (3) Increasing Performance

Then, within these goals, improvement activities are organized and presented—all in an attempt to make clear how the improvement activities support achievement of the three primary "system" goals in addition to supporting improvement on the selected indicators in the State Performance Plan.

Although many of the improvement activities remain the same as in previous presentations, the framework has been modified to accomplish these major purposes:

- to define the shared vision underlying the work of the NDE and its partners
- to make explicit the connections among the various improvement activities
- to describe the work being done by the NDE in a way that comprehensively explains our "system"
- to create "improvement activity implementation" descriptions consisting of tasks, timelines, and resources
- to provide a level of detail in tasks that is more consistent throughout the document

This discussion is intended to present the "justification" for the reorganization and reframing of Nevada's improvement activities, and it will not be repeated throughout the document. Minor adjustments have been made to the timelines and activities to account for progress made, delays encountered, resources allocated, and competing priorities. More substantive revisions to the content of the improvement activities/timelines/resources are described and justified within each improvement activity.

**February 2009 APR Development**

The NDE began data collection for the FFY 2007 APR with the collection of the special education child count data on December 1, 2007, including the disability category, age, grade, race/ethnic category, and placement category for each student with a disability age 3 through 21. Data collection continued through the summer of 2008, with the annual collection of §618 IDEA program data for 2007-2008 from local school districts. These data included data on the basis for students exiting special education and suspension/expulsion data. During the summer of 2008, the NDE analyzed assessment data, including participation and performance data, and determined whether districts made adequate yearly progress in accordance with the No Child Left Behind (NCLB) requirements.

In July 2008, the NDE conducted a preliminary analysis of Nevada's data for Indicators 1, 2, 3, 4a, 5, 8, 9, 10, 11, 12, 13, and 15. Preliminary statewide and district-level data were presented for these indicators to an August 2008 meeting of Nevada's Special Education District Administrators (SEDA) group for review and discussion of the implementation of improvement strategies.

The NDE participated in a Leadership Conference sponsored by OSEP in August 2008. The SPP and APR requirements were a central focus in this meeting. Throughout the late summer, fall and early winter, staff members from the NDE participated in technical assistance conference calls offered by OSEP, the Western Regional Resource Center (WRRC), and other OSEP-supported technical assistance centers in order to clarify our understanding of the requirements and strengthen the presentation of our data.

**February 2009 APR Dissemination**

Final data analysis for each indicator to be reported in the APR (Indicator 1, 2, 3, 4a, 5, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, and 20) was completed in January 2009, and reported to OSEP on February 2, 2009. The APR, along with the 2009 revised version of the SPP which includes progress data for Indicator 7, will be made available to the public by April 2009 on the NDE website at <http://www.doe.nv.gov/edteam/ndeoffices/spec-diversity-improve/resources.html> following the submission to OSEP and an opportunity for clarification, if necessary. Progress will also be reported whenever the NDE has an opportunity to meet with and address local and statewide organizations such as parent and professional organizations, other state and local agencies, university and community college groups, and other community groups.

**April 2009 Reporting of District-Level Performance Indicator Data**

The progress of school districts toward the state targets for Performance Indicators 1, 2, 3, 4a, 5, 8, 9, 10, 11, 12, 13, and 14 will be reported to the public by April 2009 on the NDE website listed above and will be disseminated directly to SEDA and Nevada's Special Education Advisory Committee (SEAC). OSEP has advised the state that Performance Indicators 15-20 are not appropriate for reporting at the local education agency level, because they concern general supervision activities (e.g., monitoring, complaint investigations, mediation systems, due process hearing systems, and submission of data to OSEP) for which the NDE has unique responsibility.

**Mandatory Technical Assistance**

Nevada was determined by OSEP to "need assistance" for two consecutive years based on the FFY 2005 and FFY 2006 APR submissions. In accordance with section 616(e) of the IDEA and 34 CFR §300.604, the U.S. Secretary of Education advised Nevada of available sources of technical assistance related to Indicator 11 (timely initial evaluations), Indicator 12 (early childhood transition), Indicator 13 (secondary transition), and Indicator 15 (timely correction of noncompliance). Within each of these indicators are tables describing the technical assistance sources from which the state received assistance and what actions the state took as a result of that technical assistance.

**Part B State Annual Performance Report (APR) for Federal Fiscal Year (FFY) 2007  
INDICATOR 1**

**Monitoring Priority: FAPE in the LRE**

**Indicator 1:** Percent of youth with IEPs graduating from high school with a regular diploma compared to percent of all youth in the State graduating with a regular diploma.

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

**Measurement:** Measurement for youth with IEPs should be the same measurement as for all youth. Explain calculation.

FFY	Measurable and Rigorous Target
<b>2007 (2007-2008)</b>	23% of Nevada's youth with IEPs will graduate from high school with a regular diploma.

**Actual Target Data for FFY 2007:**

During FFY 2007, 16.3% of Nevada's youth with IEPs graduated from high school with a regular diploma [(433 ÷ 2,655) x 100 = 16.3%].

Nevada's calculation for high school graduation rates was the same in 2007-2008 as it was described in the December 2005 State Performance Plan and the April 2008 APR.

Nevada uses a longitudinal formula to compute high school graduation rates for the total student population. In the formula, all graduates with standard, advanced, and adult diplomas are divided by the total number of completers, plus 12th grade dropouts in the previous year (d<sup>12</sup>), 11th grade dropouts from two years ago (d<sup>11</sup>), 10th grade dropouts from three years ago (d<sup>10</sup>), and 9th grade dropouts from four years ago (d<sup>9</sup>). This formula is expressed as:

$$\frac{\text{\# Standard, Advanced, Adult Diploma Recipients ("Regular Diplomas")}}{\text{\# Completers (Regular Diplomas, Other Diplomas, Other Completers) + } d^{12} + d^{11} + d^{10} + d^9}$$

It is not currently possible to calculate a longitudinal graduation rate for students with disabilities within the state data system, because there are an insufficient number of years of data available in a form that can be disaggregated by disability status. Therefore, graduation rates for students with disabilities in FFY 2007 have been calculated by dividing the number of students with disabilities who received a standard diploma according to the federal exit data table, by the total number of students with disabilities in grade 12 plus any "ungraded" students with disabilities ages 17-21 as reported on the federal child count. This formula is expressed as:

$$\frac{\text{\# Students with Disabilities who are Standard Diploma Recipients, ages 14-21}}{\text{\# Students with Disabilities in Grade 12 + "Ungraded" Students with Disabilities Ages 17-21}}$$

During 2007-2008, 16.3% of Nevada's youth with IEPs graduated from high school with a regular diploma. There were 433 regular diploma recipients, and 2,655 students in Grade 12 plus "ungraded" students ages 17-21 [(433 ÷ 2,655) x 100 = 16.3%].

Note: Data do not include four students reported on §618 Table 4 who are served in a state-sponsored charter schools that are not and do not operate as Local Education Agencies.

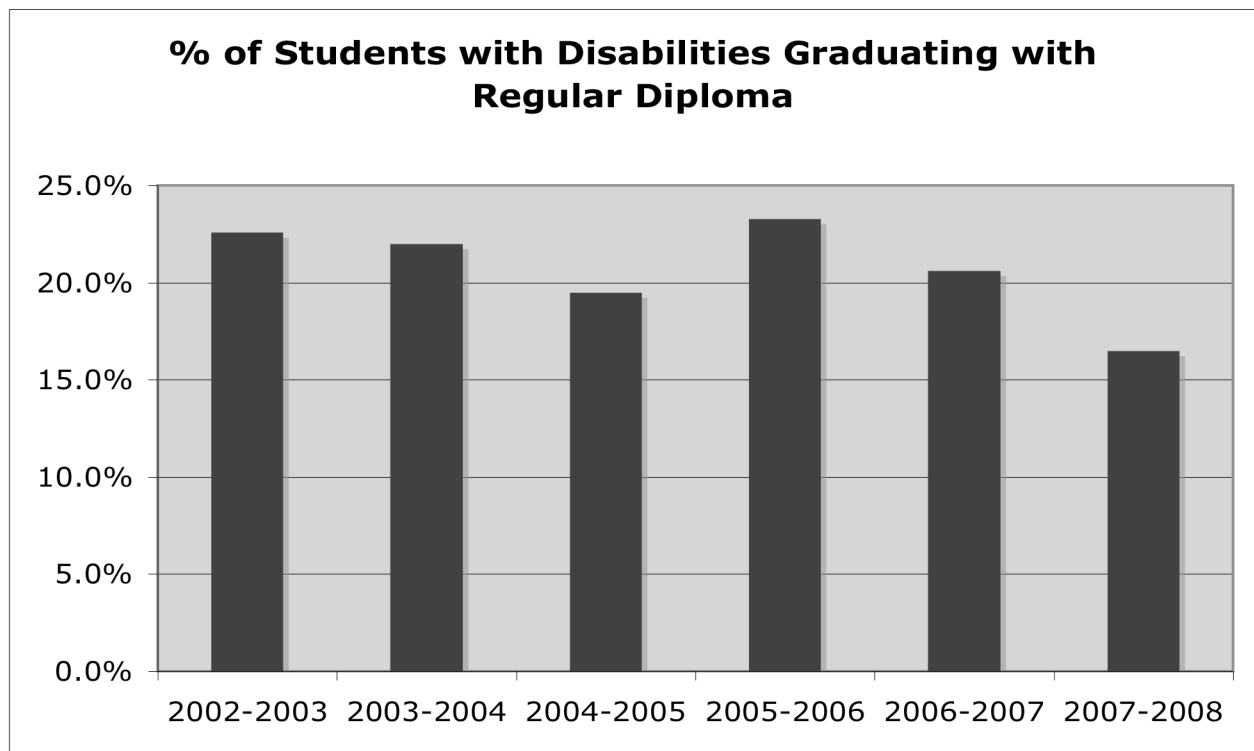
**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2007:**

**Explanation of Progress or Slippage that Occurred for FFY 2007:**

The graduation rate for students with disabilities earning a regular diploma was 19.5% in the 2004-2005 school year, 23.3% in the 2005-2006 school year, and 20.6% in the 2006-2007 school year. In FFY 2007, the graduation rate was 16.3%. The target established for FFY 2007 was 23%, so Nevada experienced slippage and did not reach its target graduation rate.

One factor which complicates making progress and reaching the target on this indicator is the fact that the High School Proficiency Examination (HSPE) is becoming more difficult with the addition of test items designed to measure high-order thinking skills. Thus, it is becoming more difficult to pass the HSPE, while at the same time the target for passing the HSPE and earning a regular diploma is increasing. Despite these factors which complicate the comparison of actual target data from one year to the next, Nevada remains committed to improving instruction and student performance at the secondary level so that more students with disabilities earn regular diplomas.

The following chart shows the percent of students with disabilities graduating with a regular diploma during each of the last six school years. After a three-year decline between 2002-2003 and 2004-2005, the rate increased in 2005-2006, before declining again in 2006-2007 and 2007-2008.



**Discussion of Improvement Activities Completed for FFY 2007:**

See APR Attachment 1, Improvement Activities/Timelines/Resources, for a detailed listing of activities completed during 2007-2008 for the following activities:

- Improvement Activity 1.1: School, District, and State Improvement Planning and Implementation (p. 3)
- Improvement Activity 1.2: Special Education Data Collection, Reporting, and Use (p. 6)
- Improvement Activity 1.3: Personnel Preparation, Recruitment, and Retention (p. 9)
- Improvement Activity 1.4: Student Assessment (p. 12)

- Improvement Activity 3.1: Academic and Behavioral Supports (p. 24)
- Improvement Activity 3.2: Transition Planning and Postsecondary Outcomes (p. 29)
- Improvement Activity 3.3: Parent Involvement (p. 33)

**Revisions, with Justification, to Proposed Targets/Improvement Activities/Timelines/Resources for FFY 2008:**

See summary of revisions, with justifications, that appears in each Improvement Activity referenced above.

## Part B State Annual Performance Report (APR) for Federal Fiscal Year (FFY) 2007

### INDICATOR 2

#### Overview of the Annual Performance Report Development:

See description in Introduction.

**Monitoring Priority: FAPE in the LRE**

**Indicator 2:** 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))

**Measurement:** Measurement for youth with IEPs should be the same measurement as for all youth. Explain calculation.

FFY	Measurable and Rigorous Target
2007 (2007-2008)	7.1% of Nevada's youth with IEPs will drop out of high school.

#### Actual Target Data for FFY 2007:

During FFY 2007, 9.2% of Nevada's youth with IEPs dropped out of high school  $[(1,219 \div 13,199) \times 100 = 9.2\%]$ .

Nevada uses an "event rate" to describe the percentage of all students who leave school each year without completing a high school program. These numbers are also submitted to the Common Core of Data (CCD) universe collection at the National Center for Education Statistics (NCES) for inclusion in a national database of public school dropout rates. Nevada adheres exactly to the standard definition and collection procedures outlined by the CCD. The overall dropout rate for grades 9-12 in the state is calculated with the following formula: Total Dropouts in Grades 9-12 (Codes 4 through 7 plus Non>Returns), divided by Fall Enrollment and Non>Returns for Grades 9-12. Codes 4 through 7 include: withdrawal of pupil at the request of the school; withdrawal of pupil by pupil, parent, or guardian; absence for 10 consecutive school days if whereabouts are unknown; incarceration; and withdrawal for unexplained absence. This formula is expressed as:

$$\frac{\text{Total Dropouts in Grades 9-12 (Codes 4 through 7, plus Non>Returns)}}{\text{Fall Enrollment + Non>Returns for Grades 9-12}}$$

It is not currently possible to calculate an event rate that reflects the percentage of special education students who drop out of school each year because there are an insufficient number of years for which data are available in disaggregated form. Therefore, dropout rates for students with disabilities for FFY 2007 have been calculated by dividing the number of students with disabilities who were dropouts according to the federal exit data table, by the total number of students with disabilities in grades 9-12 plus any "ungraded" students ages 14-21 as reported on the federal child count. This formula is expressed as:

$$\frac{\# \text{ Students with Disabilities who are Dropouts, Ages 14-21}}{\# \text{ Students with Disabilities in Grades 9-12 + "Ungraded" Students with Disabilities Ages 14-21}}$$

During 2007-2008, 9.2% of Nevada's youth with IEPs dropped out of high school. There were 1,219 students who dropped out of high school, and 13,199 students with disabilities in Grades 9-12 plus "ungraded" students ages 14-21  $[(1,219 \div 13,199) \times 100 = 9.2\%]$ .

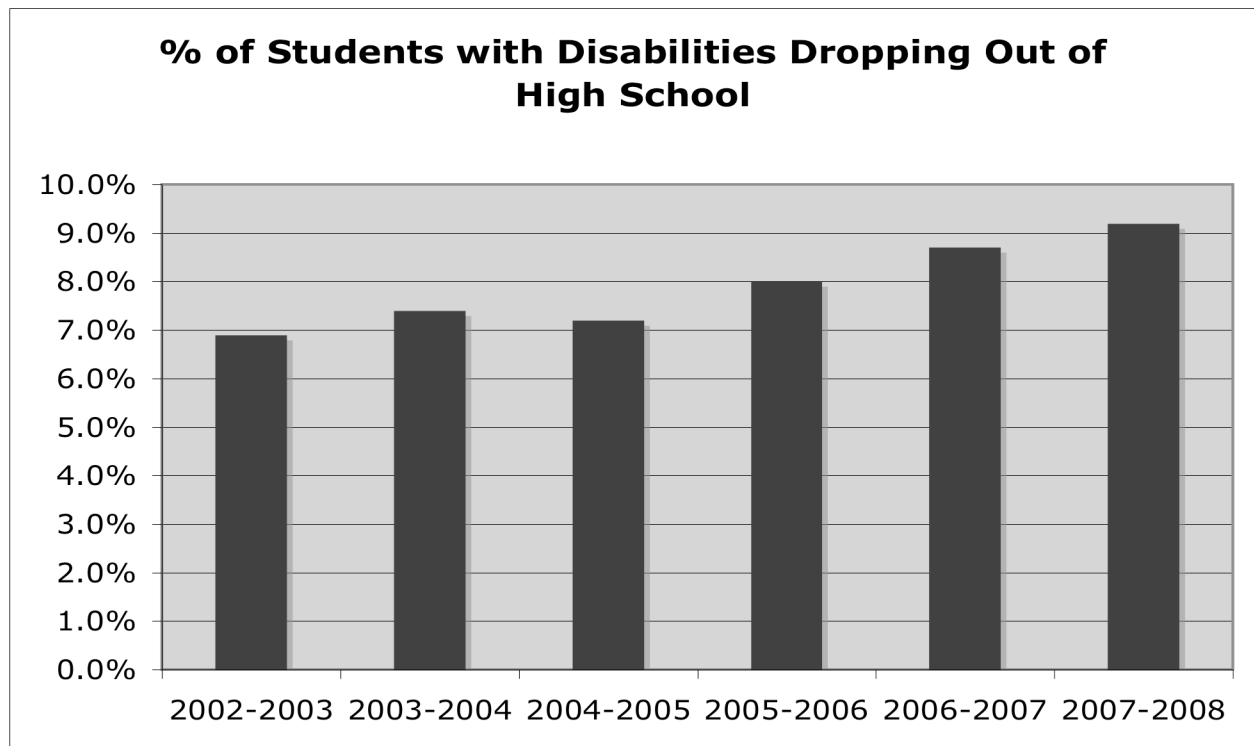
**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2007:**

**Explanation of Progress or Slippage that occurred for FFY 2007:**

The dropout rate for students with disabilities in high school was 7.4% in the 2003-2004 school year, and 7.2% in the 2004-2005 school year. In the 2005-2006 school year, the dropout rate for students with disabilities in high school was 8.0%, and in 2006-2007 the dropout rate for students with disabilities was 8.7%. In 2007-2008, the dropout rate was 9.2%. The target established for FFY 2007 was 7.1%, so Nevada experienced slippage and did not reach its target graduation rate.

As discussed under Indicator 1, the High School Proficiency Examination (HSPE) is becoming more difficult to pass, which can result in fewer students with disabilities passing the HSPE from one year to the next. Because passing the HSPE is necessary for earning a regular diploma, the increased difficulty in passing the examination affects the likelihood that students with disabilities who are frustrated with their performance on the examination may drop out of high school. Despite the way that the increasing difficulty of the HSPE may affect dropout rates, Nevada remains committed to improving instruction and student performance at the secondary level so that more students with disabilities stay in school.

The following chart shows the percent of students with disabilities dropping out of high school during each of the last six school years. After an increase in the dropout rate between 2002-2003 and 2003-2004, the rate lowered slightly in 2004-2005, before increasing in 2005-2006, 2006-2007, and again in 2007-2008.



**Discussion of Improvement Activities Completed for FFY 2007:**

See APR Attachment 1, Improvement Activities/Timelines/Resources, for a detailed listing of activities completed during 2007-2008 for the following activities:

- Improvement Activity 1.1: School, District, and State Improvement Planning and Implementation (p. 3)
- Improvement Activity 1.2: Special Education Data Collection, Reporting, and Use (p. 6)
- Improvement Activity 1.3: Personnel Preparation, Recruitment, and Retention (p. 9)
- Improvement Activity 1.4: Student Assessment (p. 12)
- Improvement Activity 3.1: Academic and Behavioral Supports (p. 24)
- Improvement Activity 3.2: Transition Planning and Postsecondary Outcomes (p. 29)
- Improvement Activity 3.3: Parent Involvement (p. 33)

**Revisions, with Justification, to Proposed Targets/Improvement Activities/Timelines/Resources for FFY 2008:**

See summary of revisions, with justifications, that appears in each Improvement Activity referenced above.

## Part B State Annual Performance Report (APR) for Federal Fiscal Year (FFY) 2007

### INDICATOR 3

#### Overview of the Annual Performance Report Development:

See description in Introduction.

#### Monitoring Priority: FAPE in the LRE

**Indicator 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 meeting the State's AYP objectives for progress for disability subgroup.
- B. Participation rate for children with IEPs in a regular assessment with no accommodations; regular assessment with accommodations; alternate assessment against grade level standards; 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))

#### Measurement:

- A. Percent =  $[(\# \text{ of districts meeting the State's AYP objectives for progress for the disability subgroup (children with IEPs)) \div (\text{total } \# \text{ of districts that have a disability subgroup that meets the State's minimum "n" size in the State})] \times 100$ .
- B. Participation rate =
  - a. # of children with IEPs in assessed grades;
  - b. # of children with IEPs in regular assessment with no accommodations (percent =  $[(b) \div (a)] \times 100$ );
  - c. # of children with IEPs in regular assessment with accommodations (percent =  $[(c) \div (a)] \times 100$ );
  - d. # of children with IEPs in alternate assessment against grade level achievement standards (percent =  $[(d) \div (a)] \times 100$ ); and
  - e. # of children with IEPs in alternate assessment against alternate achievement standards (percent =  $[(e) \div (a)] \times 100$ ).

Account for any children included in a but not included in b, c, d, or e above.

Overall Percent =  $[(b + c + d + e) \div (a)]$ .

- C. Proficiency rate =
  - a. # of children with IEPs in assessed grades;
  - b. # of children with IEPs in assessed grades who are proficient or above as measured by the regular assessment with no accommodations (percent =  $[(b) \div (a)] \times 100$ );
  - c. # of children with IEPs in assessed grades who are proficient or above as measured by the regular assessment with accommodations (percent =  $[(c) \div (a)] \times 100$ );
  - d. # of children with IEPs in assessed grades who are proficient or above as measured by the alternate assessment against grade level achievement standards (percent =  $[(d) \div (a)] \times 100$ ); and
  - e. # of children with IEPs in assessed grades who are proficient or above as measured against alternate achievement standards (percent =  $[(e) \div (a)] \times 100$ ).

Account for any children included in a but not included in b, c, d, or e above.

Overall Percent =  $[(b + c + d + e) \div (a)]$ .

**INDICATOR 3A**

<b>FFY</b>	<b>Measurable and Rigorous Target</b>
<b>2007 (2007-2008)</b>	85.7% of districts that have a disability subgroup that meets Nevada's minimum "n" size will meet Nevada's AYP objectives for progress for disability subgroup.

**INDICATOR 3B**

<b>FFY</b>	<b>Measurable and Rigorous Target</b>
<b>2007 (2007-2008)</b>	95% of students with disabilities will participate in statewide assessments.

**INDICATOR 3C**

<b>FFY</b>	<b>Measurable and Rigorous Target</b>													
<b>2007 (2007-2008)</b>	<b>Mathematics</b>							<b>Reading</b>						
	3rd	4th	5th	6th	7th	8th	10th	3rd	4th	5th	6th	7th	8th	10th
	36%	33%	28%	26%	17%	20%	17%	28%	28%	23%	22%	19%	20.5%	28%

**Actual Target Data for FFY 2007:**

**A. 2007-2008 Data for Percent of Districts Meeting Nevada's AYP Objectives for Disability Subgroup**

During 2007-2008, 100% of Nevada's districts with the minimum "n" size for English Language Arts (ELA) and Math met Nevada's AYP objectives for progress for the disability subgroup  $[(8 \div 8) \times 100 = 100\%]$ . See Table 3-A-1 below.

<b>Table 3-A-1                      Percent of Districts That Have a Disability Subgroup that Meets the State's Minimum "n" Size Meeting Nevada's AYP Objectives for Progress For Disability Subgroup                      2007-2008 School Year</b>		
<b># Districts With Minimum "n" Size for ELA and Math</b>	<b># Districts With Minimum "n" Size for ELA and Math that Met Nevada's AYP Objectives for Progress for Disability Subgroup</b>	<b>% of Districts With Minimum "n" Size Meeting Nevada's AYP Objectives for Progress for Disability Subgroup</b>
<b>8</b>	<b>8</b>	<b>100%</b>

The following Table 3-A-2 shows the specific analysis of whether each of Nevada's 17 school districts had the minimum "n" size for ELA and Math assessments and, if so, whether the district made AYP objectives for both ELA and Math.

<b>Table 3-A-2                      AYP Objectives for Disability Subgroup                      In Nevada's 17 School Districts                      2007-2008 School Year</b>				
<b>DISTRICT</b>	<b>AYP AREAS</b>	<b>Does District Have Disability Subgroup that meets the State's Minimum "n" Size at Elementary, Middle, and High School Levels?</b>	<b>Did District Meet AYP Objectives? *</b>	<b>Did District Meet AYP Objectives in Both ELA and Math? **</b>
Carson City	ELA	Y	Y	Y
	Math	Y	Y	
Churchill	ELA	Y	Y	Y
	Math	Y	Y	
Clark	ELA	Y	Y	Y
	Math	Y	Y	
Douglas	ELA	Y	Y	Y
	Math	Y	Y	
Elko	ELA	Y	Y	Y
	Math	Y	Y	
Esmeralda	ELA	No	NA	NA
	Math	No	NA	
Eureka	ELA	No	NA	NA
	Math	No	NA	
Humboldt	ELA	N	NA	NA
	Math	N	NA	
Lander	ELA	No	NA	NA
	Math	No	NA	
Lincoln	ELA	No	NA	NA
	Math	No	NA	
Lyon	ELA	Y	Y	Y
	Math	Y	Y	
Mineral	ELA	No	NA	NA
	Math	No	NA	
Nye	ELA	Y	Y	Y
	Math	Y	Y	
Pershing	ELA	No	NA	NA
	Math	No	NA	
Storey	ELA	No	NA	NA
	Math	No	NA	
Washoe	ELA	Y	Y	Y
	Math	Y	Y	
White Pine	ELA	No	NA	NA
	Math	No	NA	

\* Y = means district met targets in participation + either achievement or safe harbor at any level (elementary, middle, or high)

\*\* NA = means district did not have the minimum "n" size for IEP students in both content areas (ELA and Math) in all three grade levels (elementary, middle, and high), so the district is not counted in the indicator calculation.

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2007:****Explanation of Progress or Slippage that occurred for FFY 2007:**

During FFY 2006 (2006-2007), the percent of districts with the minimum "n" size making established AYP objectives for the IEP subgroup was 100%.

During FFY 2007 (2007-2008), there were 8 districts that met the state's minimum "n" size for calculation of AYP, and all 8 of those districts met the established AYP objectives for the IEP subgroup. The target established for FFY 2007 was 85.7%, so Nevada reached its target for districts meeting Nevada's AYP objectives for the disability subgroup. Because the FFY 2006 performance was also 100%, there is no progress or slippage to report.

**Discussion of Improvement Activities Completed for FFY 2007:**

See APR Attachment 1, Improvement Activities/Timelines/Resources, for a detailed listing of activities completed during 2007-2008 for the following activities:

- Improvement Activity 1.1: School, District, and State Improvement Planning and Implementation (p. 3)
- Improvement Activity 1.2: Special Education Data Collection, Reporting, and Use (p. 6)
- Improvement Activity 1.3: Personnel Preparation, Recruitment, and Retention (p. 9)
- Improvement Activity 1.4: Student Assessment (p. 12)
- Improvement Activity 3.1: Academic and Behavioral Supports (p. 24)
- Improvement Activity 3.2: Transition Planning and Postsecondary Outcomes (p. 29)
- Improvement Activity 3.3: Parent Involvement (p. 33)

**Revisions, with Justification, to Proposed Targets/Improvement Activities/Timelines/Resources for FFY 2008:**

See summary of revisions, with justifications, that appears in each Improvement Activity referenced above.

**B. 2007-2008 Data for Participation Rates**

During FFY 2007, 99.0% of IEP students participated in the statewide Math assessment  $[(8,724 + 14,791 + 1,726) \div 25,505] \times 100 = 98.9\%$ . During FFY 2007, 98.8% of IEP students participated in the statewide ELA/Reading assessment  $[(9,531 + 13,931 + 1,730) \div 25,505] \times 100 = 98.8\%$ . These students participated in the statewide assessments by participating in a regular assessment with no accommodations (“a” in the OSEP calculation), a regular assessment with accommodations (“b”), or an alternate assessment against alternate achievement standards (“e”). During 2007-2008, Nevada did not administer alternate assessments against grade level academic achievement standards or modified academic achievement standards (“d”). Participation rates for 2007-2008 were calculated by dividing the number of students with disabilities who participated in each examination by the total number of students with disabilities in accordance with the OSEP measurement calculation. See below for Table 3B—Math Participants and Table 3B—ELA/Reading Participants for specific calculations.

The No Child Left Behind Act (NCLB) establishes a requirement that 95% of students participate in statewide assessments.

<b>Table 3-B—Math Participants</b>					
<b>Participation Rates for Students with Disabilities in Criterion-Referenced Assessments</b>					
<b>2007-2008 School Year</b>					
<b>Grades Assessed</b>	<b># Students with IEPs (a)</b>	<b># Students with IEPs Assess. With No Accommodations (b)</b>	<b># Students with IEPs Assess. With Accommodations (c)</b>	<b># Students with IEPs Assess. Against Alt. Standards (e)</b>	<b>Overall Percent <math>[(b+c+e) \div a] \times 100</math></b>
3rd Grade	3,762	1,609	1,890	245	99.5%
4th Grade	3,905	1,477	2,155	249	99.4%
5th Grade	3,831	1,282	2,268	255	99.3%
6th Grade	3,728	1,212	2,209	285	99.4%
7th Grade	3,701	1,171	2,272	227	99.2%
8th Grade	3,570	1,172	2,098	260	98.9%
10th Grade	3,008	801	1,899	205	96.6%
<b>Overall Total</b>	<b>25,505</b>	<b>8,724</b>	<b>14,791</b>	<b>1,726</b>	<b>98.9%</b>

Note: Students included in (a) but not included in (b), (c), or (e) had invalid results, were absent, or were exempt for other reasons.

<b>Table 3-B—ELA/Reading Participants</b>					
<b>Participation Rates for Students with Disabilities in Criterion-Referenced Assessments</b>					
<b>2007-2008 School Year</b>					
<b>Grades Assessed</b>	<b># Students with IEPs (a)</b>	<b># Students with IEPs Assess. With No Accommodations (b)</b>	<b># Students with IEPs Assess. With Accommodations (c)</b>	<b># Students with IEPs Assess. Against Alt. Standards (e)</b>	<b>Overall Percent <math>[(b+c+e) \div a] \times 100</math></b>
3rd Grade	3,762	1,776	1,727	246	99.7%
4th Grade	3,905	1,693	1,945	249	99.5%
5th Grade	3,831	1,468	2,086	256	99.5%
6th Grade	3,728	1,250	2,165	285	99.2%
7th Grade	3,701	1,180	2,257	228	99.0%
8th Grade	3,570	1,195	2,079	261	99.0%
10th Grade	3,008	969	1,672	205	94.6%
<b>Overall Total</b>	<b>25,505</b>	<b>9,531</b>	<b>13,931</b>	<b>1,730</b>	<b>98.8%</b>

Note: Students included in (a) but not included in (b), (c), or (e) had invalid results, were absent, or were exempt for other reasons.

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2007:****Explanation of Progress or Slippage that occurred for FFY 2007:**

During FFY 2007 (2007-2008), 98.9% of Nevada's students with disabilities participated in the Math assessments required under NCLB; 98.8% of Nevada's students with disabilities participated in the ELA/Reading assessments. For every grade except 10<sup>th</sup>, more than 98% of students with disabilities participated in both assessments. During FFY 2006, the participation rate for Math was 98.8%, and the participation rate for ELA/Reading was 98.6%, so the state made very slight progress. The target established for FFY 2007 was 95%, so Nevada reached its target for the overall percent of students with disabilities participating in statewide NCLB assessments.

**Discussion of Improvement Activities Completed for FFY 2007:**

See APR Attachment 1, Improvement Activities/Timelines/Resources, for a detailed listing of activities completed during 2007-2008 for the following activities:

- Improvement Activity 1.1: School, District, and State Improvement Planning and Implementation (p. 3)
- Improvement Activity 1.2: Special Education Data Collection, Reporting, and Use (p. 6)
- Improvement Activity 1.3: Personnel Preparation, Recruitment, and Retention (p. 9)
- Improvement Activity 1.4: Student Assessment (p. 12)
- Improvement Activity 3.1: Academic and Behavioral Supports (p. 24)
- Improvement Activity 3.2: Transition Planning and Postsecondary Outcomes (p. 29)
- Improvement Activity 3.3: Parent Involvement (p. 33)

**Revisions, with Justification, to Proposed Targets/Improvement Activities/Timelines/Resources for FFY 2008:**

See summary of revisions, with justifications, that appears in each Improvement Activity referenced above.

**C. 2007-2008 Data for Proficiency Rates**

Proficiency rates for 2007-2008 were calculated by dividing the number of students who were proficient or above in each examination by the total number of students with disabilities (“a” in the OSEP calculation). Proficiency is measured by students’ performance in the following assessments:

- Regular assessment with no accommodations (“b”)
- Regular assessment with accommodations (“c”)
- Alternate assessment against alternate achievement standards (“e”)

Note that as directed, data from OSEP Table 6 are used in these calculations, and Table 6 combines “b” and “c.”

See below for Table 3-C-1—Math Proficiency and Table 3-C-2—ELA/Reading Proficiency for specific calculations.

<b>Grades Assessed</b>	<b># Students with IEPs (a)</b>	<b># Students with IEPs Proficient or Above In Regular Assess. With or Without Accommodations (b) + (c)</b>	<b># Students with IEPs Proficient or Above In Assess. Against Alt. Ach. Standards (e)</b>	<b>Overall Percent [(b + c + e) ÷ a x 100]</b>
3rd Grade	3,762	1,149	239	36.9%
4th Grade	3,905	1,327	244	40.2%
5th Grade	3,831	920	252	30.6%
6th Grade	3,728	733	274	27.0%
7th Grade	3,701	591	221	21.9%
8th Grade	3,570	427	255	19.1%
10th Grade	3,008	287	196	16.1%

Note: Students included in (a) but not included in (b), (c), or (e) were not proficient; or had invalid results, were absent, or were exempt for other reasons.

<b>Grades Assessed</b>	<b># Students with IEPs (a)</b>	<b># Students with IEPs Proficient or Above In Regular Assess. With or Without Accommodations (b) + (c)</b>	<b># Students with IEPs Proficient or Above In Assess. Against Alt. Ach. Standards (e)</b>	<b>Overall Percent [(b + c + e) ÷ a x 100]</b>
3rd Grade	3,762	923	239	30.9%
4th Grade	3,905	851	246	28.1%
5th Grade	3,831	478	250	19.0%
6th Grade	3,728	606	278	23.7%
7th Grade	3,701	674	223	24.2%
8th Grade	3,570	434	252	19.2%
10th Grade	3,008	892	203	36.4%

Note: Students included in (a) but not included in (b), (c), or (e) were not proficient; or had invalid results, were absent, or were exempt for other reasons.

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2007:**

**Explanation of Progress or Slippage that occurred for FFY 2007:**

As shown on the chart below, Nevada met its targets for proficiency in Math and ELA/Reading in 10 of 14 categories: 3<sup>rd</sup>, 4<sup>th</sup>, 5<sup>th</sup>, 6<sup>th</sup> and 7<sup>th</sup> Grade Math, and 3<sup>rd</sup>, 4<sup>th</sup>, 6<sup>th</sup>, 7<sup>th</sup>, and 10<sup>th</sup> Grade ELA/Reading. Targets for proficiency were not made in the four remaining categories: 8<sup>th</sup> and 10<sup>th</sup> Grade Math, and 5<sup>th</sup> and 8<sup>th</sup> Grade ELA/Reading.

<b>Content Area</b>	<b>Grade</b>	<b>Target</b>	<b>% Proficient 2007-2008</b>	<b>Target Met?</b>
<b>Math</b>	3rd	36%	36.9%	<b>Y</b>
	4th	33%	40.2%	<b>Y</b>
	5th	28%	30.6%	<b>Y</b>
	6th	26%	27.0%	<b>Y</b>
	7th	19%	21.9%	<b>Y</b>
	8th	20%	19.1%	<b>N</b>
	10th	17%	16.1%	<b>N</b>
<b>ELA/Reading</b>	3rd	28%	30.9%	<b>Y</b>
	4th	28%	28.1%	<b>Y</b>
	5th	23%	19.0%	<b>N</b>
	6th	22%	23.7%	<b>Y</b>
	7th	19%	24.2%	<b>Y</b>
	8th	20.5%	19.2%	<b>N</b>
	10th	28%	36.4%	<b>Y</b>

In 2007-2008, Nevada made 10 out of 14 targets (71%) for improved performance on NCLB assessments. During the previous year, 9 out of 14 targets (64%) were achieved, and during the year before that, 38% of the targets were achieved. These data suggest that the improvement initiatives which have been implemented during the last two years are contributing to the improved academic performance. In many areas, such as the development and implementation of general education intervention systems, school districts have begun their work, but much needs to be done before these systems are implemented with fidelity throughout all schools in each district. These data suggest that Nevada is on the right track.

Proficiency results for students with disabilities taking criterion-referenced tests in Mathematics and ELA/Reading in grades 3, 5, 8, and 10 for the last five years are shown in the chart below. Arrows (up or down) reflect whether the 2004-2005 data showed an increase (↑) or a decrease (↓) when compared to the 2003-2004 data, whether the 2005-2006 data showed an increase (↑) or a decrease (↓) when compared to the 2004-2005 data, whether the 2006-2007 data showed an increase (↑) or a decrease (↓) when compared to the 2005-2006 data, and whether the 2007-2008 data showed an increase (↑) or a decrease (↓) when compared to the 2006-2007 data.

<b>Table 3-C-3</b>			
<b>Students with Disabilities</b>			
<b>Comparison of Proficiency Rates in Mathematics and Reading</b>			
<b>2003-2004, 2004-2005, 2005-2006, 2006-2007, and 2007-2008</b>			
<b>School Years</b>			
<b>Grade</b>	<b>School Year</b>	<b>% Proficient in Mathematics</b>	<b>% Proficient in Reading</b>
3rd Grade	2003-2004	24.4%	21.0%
	2004-2005	30.8% ↑	23.6% ↑
	2005-2006	30.5% ↓	25.7% ↑
	2006-2007	34.8% ↑	33.1% ↑
	2007-2008	36.9% ↑	30.9% ↓
5th Grade	2003-2004	19.9%	16.3%
	2004-2005	22.5% ↑	18.3% ↑
	2005-2006	23.8% ↑	14.1% ↓
	2006-2007	28.2% ↑	21.7% ↑
	2007-2008	30.6% ↑	19.0% ↓
8th Grade	2003-2004	12.8%	14.9%
	2004-2005	15.5% ↑	17.5% ↑
	2005-2006	15.0% ↓	16.0% ↓
	2006-2007	17.4% ↑	17.7% ↑
	2007-2008	19.1% ↑	19.2% ↑
10th Grades	2003-2004	14.3%	35.0%
	2004-2005	12.2% ↓	25.8% ↓
	2005-2006	11.6% ↓	30.1% ↑
	2006-2007	15.1% ↑	36.7% ↑
	2007-2008	16.1% ↑	36.4% ↓

Considerable attention was given in 2007-2008 to the development of school- and district-improvement plans that focused specifically on analysis of performance data for students with disabilities, and on designing specific improvement activities targeted at improving results for students with disabilities.

It is also important to note that the NDE reallocated its staff resources in FFY 2006, so there are now two consultant positions who work primarily on the development and improvement of Nevada's alternate assessment system. Nevada has developed a Compliance Agreement with the U.S. Department of Education regarding the state's alternate assessment system, including both the 1% and the 2% assessments. While work on developing the assessments is important and necessary, the performance of students with disabilities on those assessments will be actually be improved as the result of parallel work being done to develop technical assistance materials targeted at improving instruction (e.g., model lesson plans).

Title I and non-Title I school support team leaders for schools in need of improvement for three years and beyond have been trained on how to analyze proficiency data for students with disabilities, and how to interpret that data in light of other special education data. For example, team leaders were trained on how to triangulate referral data, identification rates, and placement in the least restrictive environment to understand the ways in which identification rates and placement affect the extent to which students with disabilities learn general education curriculum. The NDE contracted with an expert in this data analysis who continues to provide trend data across the state in order to reinforce the linkages among lower identification rates, higher rates of inclusive placements, and higher performance on statewide achievement tests.

In addition, school districts were encouraged to apply for District Improvement Grants (DIGs) to support their work in improving the achievement of students with disabilities, and several districts applied for and received this state set-aside IDEA funding.

During FFY 2005 and FFY 2006, and continuing into FFY 2007 and beyond, the NDE has invested considerable resources in the implementation of the Instructional Consultation model for improving the performance of students through increasing the quality of instruction they receive—from both general education and special education teachers. This model, developed at the University of Maryland, has a considerable scientific research base, and it has shown results in increasing not only academic and behavior performance in students, but also in reducing disproportionate identification within race/ethnic groups. Nevada's school districts have been invited to participate in the implementation of this model on a volunteer basis, and the details about their participation are provided in the "Academic and Behavioral Supports" Improvement Activity (p. 24).

District-level data on the performance of students with disabilities on statewide Math and ELA/Reading assessments are not yet available. These data will be available and published by April 2009, and the NDE anticipates that there will be considerable variability among districts. When it is clear which districts did not make the performance targets, the NDE will provide technical assistance to those districts in drilling-down data and developing school- and district-improvement plans that focus more specifically on improving results for students with disabilities.

**Discussion of Improvement Activities Completed for FFY 2007:**

See APR Attachment 1, Improvement Activities/Timelines/Resources, for a detailed listing of activities completed during 2007-2008 for the following activities:

- Improvement Activity 1.1: School, District, and State Improvement Planning and Implementation (p. 3)
- Improvement Activity 1.2: Special Education Data Collection, Reporting, and Use (p. 6)
- Improvement Activity 1.3: Personnel Preparation, Recruitment, and Retention (p. 9)
- Improvement Activity 1.4: Student Assessment (p. 12)
- Improvement Activity 3.1: Academic and Behavioral Supports (p. 24)
- Improvement Activity 3.2: Transition Planning and Postsecondary Outcomes (p. 29)
- Improvement Activity 3.3: Parent Involvement (p. 33)

**Revisions, with Justification, to Proposed Targets/Improvement Activities/Timelines/Resources for FFY 2008:**

See summary of revisions, with justifications, that appears in each Improvement Activity referenced above.

## Part B State Annual Performance Report (APR) for Federal Fiscal Year (FFY) 2007

### INDICATOR 4-A

#### Overview of the Annual Performance Report Development:

See description in Introduction.

<b>Monitoring Priority: FAPE in the LRE</b>
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#### Indicator 4: Rates of suspension and 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 for greater than 10 days in a school year.

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

<b>Measurement:</b>
---------------------

- |  |
|--|
| A. Percent = [(# of districts identified by the State as having significant discrepancies in the rates of suspensions and expulsions of children with disabilities for greater than 10 days in a school year) divided by the (# of districts in the State)] times 100. |
|--|

Include State's definition of "significant discrepancy."
--

FFY	Measurable and Rigorous Target
<b>2007 (2007-2008)</b>	0% of districts will be identified by the State as having a significant discrepancy in the rates of suspensions and expulsions of children with disabilities for greater than 10 days in a school year.

#### Actual Target Data for FFY 2007:

During FFY 2007, 5.9% (representing one of Nevada's 17 school districts) were identified as having a significant discrepancy in the rate of suspension and expulsion of children with disabilities for greater than 10 days in a school year  $[(1 \div 17) \times 100 = 5.9\%]$ .

**Sub-Indicator A.** (Per OSEP instructions, reporting on Indicator 4B is not required in the FFY 2007 APR.) Nevada compares district rates for suspension/expulsion of students with disabilities to the statewide average rate of suspension/expulsion of students with disabilities to evaluate comparability. Although the state collects suspension/expulsion data for all students, no data exist for students who do not have disabilities that are precisely comparable to the definitions required in the federal IDEA data collection (which is required to be the data set used in this analysis).

Nevada defines a district's suspension/expulsion rate as "significantly discrepant" if it is more than 25% higher than the statewide average rate. Annually, in conjunction with submission of their eligibility documents for Part B funding, each district submits data to the NDE concerning students who are suspended or expelled for more than 10 days in a school year. These data are reported annually to OSEP in Table 5, Section A, Column 3B, Report of Children with Disabilities Subject to Disciplinary Removal.

The statewide average rate is calculated by dividing the statewide total number of students with disabilities suspended/expelled for more than 10 school days (1,239) by the statewide total number of students with disabilities in the districts reporting suspensions/expulsions totaling more than 10 school days (47,638). The calculation for 2007-2008 is  $1,239 \div 47,638 = 2.6\%$ . The threshold for significant discrepancy is calculated by adding 25% to the statewide average. The threshold calculation for 2007-

2008 is 3.25% [ $2.6\% + (0.25 \times 2.6) = 3.25\%$ ]. District rates are calculated by dividing the district's total number of students with disabilities suspended/expelled for more than 10 school days by the total number of students with disabilities in the district. District rates are examined to determine whether they exceed the statewide average rate by more than 25%.

If a district exceeds the statewide average rate for suspensions/expulsions by more than 25%, the NDE conducts a review of district policies, procedures and practices to ensure compliance with IDEA Part B requirements concerning suspensions/expulsions. In addition, the NDE reviews, and if appropriate requires affected school districts to revise, policies, practices and procedures relating to development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards. The NDE also examines whether the district has established strategies to reduce high rates of suspension and expulsions. Policies and procedures that do not comply with IDEA Part B requirements are revised; noncompliant practices are modified through training and technical assistance.

Complaint investigation and due process findings of noncompliance with IDEA Part B requirements for suspension/expulsion are corrected through orders requiring, for example, that a student be returned to the placement the student was in prior to an improper disciplinary removal and/or that compensatory services be provided.

During 2007-2008, 5.9% of Nevada's school districts (1 of 17) were identified by the State as having a significant discrepancy in the rates of suspensions and expulsions of children with disabilities for more than 10 days in a school year. The statewide and school district calculations are shown below in Table 4-A. Suspension/expulsion data with cell sizes smaller than 10 are included in the statewide calculations but are not considered significant for analysis.

Eleven school districts in Nevada during 2007-2008 reported suspensions or expulsions of students with disabilities for more than 10 days (Carson City, Churchill, Clark, Douglas, Elko, Humboldt, Lander, Lyon, Mineral, Nye, and Washoe). A significant discrepancy was identified for Clark County School District, whose district suspension/expulsion rate was 3.59%, only slightly higher than the threshold rate of 3.25%.

<b>Table 4-A Statewide and District Suspension/Expulsion Rates 2007-2008 School Year</b>		
	<b>Number of Students with Disabilities with Out-of-School Suspensions/Expulsions Totaling &gt; 10 Days As % of All Students with Disabilities</b>	
	<b># Students</b>	<b>% of Students with Disabilities</b>
<b>Students with Disabilities in Districts with Reported Suspensions = 47,638</b>	<b>1,239</b>	<b>2.6%</b>
<b>Statewide Average Suspension Rate + 25% = Threshold for Significant Discrepancy</b>	<b>3.25%</b>	
<b>Carson City Sch. Dist. (Child Count = 1,079)</b>	7*	0.65%*
<b>Churchill Co. Sch. Dist. (Child Count = 651)</b>	2*	0.31%*
<b>Clark Co. Sch. Dist. (Child Count = 32,462)</b>	1,166	<b>3.59%</b>
<b>Douglas Co. Sch. Dist. (Child Count = 823)</b>	2*	0.24%*
<b>Elko Co. Sch. Dist. (Child Count = 1,123)</b>	9*	0.8%*
<b>Humboldt Co. Sch. Dist. (Child Count = 472)</b>	4*	0.85%*
<b>Lander Co. Sch. Dist. (Child Count = 129)</b>	1*	0.78%*
<b>Lyon Co. Sch. Dist. (Child Count = 1,217)</b>	2*	0.16%*
<b>Mineral Co. Sch. Dist. (Child Count = 105)</b>	2*	1.9%*
<b>Nye Co. Sch. Dist. (Child Count = 1,015)</b>	27	2.66%
<b>Washoe Co. Sch. Dist. (Child Count = 8,562)</b>	17	0.2%

\* Cell size smaller than 10 students; results not considered significant.

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2007:**

**Explanation of Progress or Slippage that occurred for FFY 2007:**

Nevada targeted that 0% of districts would be identified by the NDE as having a significant discrepancy in the rates of suspension and expulsions of children with disabilities for greater than 10 days in a school year. In FFY 2007, 5.9% of districts were identified as having a significant discrepancy in the rate of suspension and expulsion of children with disabilities for greater than 10 days in a school year  $[(1 \div 17) \times 100 = 5.9\%]$ . Consequently, Nevada did not reach its target for this indicator. The rate was the same in FFY 2006 so there is no progress or slippage to explain.

Significant discrepancies do not necessarily reflect systemic noncompliance with IDEA requirements, and they do not necessarily reflect a lack of commitment to positive behavioral interventions and supports. A significant discrepancy can result when, as in this case, a large district (Washoe) has had a policy which discourages the suspension or expulsion of students with disabilities, but when Washoe County School District's child count is added to the denominator in the calculation, a district like Clark County will be found to have a significant discrepancy from the statewide average.

**Review/Revision of Policies, Procedures and Practices relating to the development and implementation of IEPs; Use of Positive Behavioral Interventions and Supports, and Procedural Safeguards:**

The scope and process for Nevada's review and revision, if appropriate, of policies, procedures and practices relating to development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards, is described more fully in the February/April 2008 APR. Policies and procedures were reviewed through reviews of procedures manuals, training materials, technical assistance documents, and other communications to staff members. Practices were reviewed through complaint investigations in FFY 2006 and FFY 2007, and through an NDE review of a sample of special education records for students subjected to disciplinary removals beyond 10 school days.

**Review/Revision of Policies, Procedures and Practices Related to Development and Implementation of IEPs – Clark County School District Results**

During FFY 2006 and FFY 2007, Clark County was the only school district identified as having a rate of suspension and expulsion that was significantly discrepant from the statewide average.

In each year, the NDE reviewed Clark County's policies and procedures regarding the development and implementation of IEP provisions concerning present levels of performance; consideration of behavior as a special factor; development of goals and services regarding behavior; descriptions of special education services, related services, and supplementary aids and services, including behavior intervention plans and provisions of accommodations/modifications, and found no noncompliant policies or procedures.

The NDE also reviewed Clark County's practices regarding development/implementation of IEPs. No relevant findings of noncompliance regarding development/implementation of IEPs for Clark County were issued during FFY 2006 or FFY 2007 based on complaint investigations. In addition, a sample of special education records was reviewed by the NDE to determine whether there was noncompliance related to IEP development or implementation concerning present levels of performance; consideration of behavior as a special factor; development of goals and services regarding behavior; descriptions of special education services, related services, and supplementary aids and services, including behavior intervention plans and provisions of accommodations/modifications. Records were sampled for both the 2006-2007 and 2007-2008 school years. No noncompliance was identified in this review.

Review/Revision of Policies, Procedures and Practices Related to Use of Positive Behavioral Interventions and Supports – Clark County School District Results

In FFY 2006 and FFY 2007, the NDE reviewed Clark County's policies and procedures related to the use of positive behavioral interventions and supports, and found no noncompliant policies or procedures.

As described in the FFY 2006 APR, Clark County School District is actively engaged in developing systems of support for behavioral interventions, with an emphasis on providing positive behavioral interventions and support. This important work continues and is expanded each year.

The NDE also reviewed Clark County's practices regarding the use of positive behavioral interventions and supports. No relevant findings of noncompliance regarding development and/or implementation of positive behavioral supports were issued for Clark County during FFY 2006 or FFY 2007 based on complaint investigations. In addition, a sample of special education records was reviewed by the NDE to determine whether there was noncompliance regarding requirements to address behavior that impedes the learning of the students, including the development of behavior intervention plans if appropriate. Records were sampled for both the 2006-2007 and 2007-2008 school years. No noncompliance was identified.

Review/Revision of Policies, Procedures and Practices Related to Procedural Safeguards – Clark County School District Results

In FFY 2006 and FFY 2007, the NDE reviewed Clark County's policies and procedures related to the implementation of discipline provisions within the procedural safeguards, including requirements for providing notice, conducting manifestation determinations, conducting functional behavioral assessments, developing behavioral intervention plans, and providing services on the 11th and each subsequent day of removal in a school year. The NDE found no noncompliant policies or procedures.

The NDE also reviewed Clark County's practices regarding discipline provisions within the procedural safeguards. As previously reported in the FFY 2006 APR, during 2006-2007, one complaint investigation was filed against Clark County School District alleging noncompliance with Part B IDEA disciplinary requirements. Noncompliance findings were found in this single investigation for failure to provide prior written notice of a proposal to conduct a manifestation determination at an IEP meeting and failure to provide services on the 11<sup>th</sup> day of removal. As a consequence of these findings, policies, procedures, and practices in Clark County School District were reviewed but no revisions were necessary. Compensatory services were provided to remedy and correct the noncompliance created by the failure to provide services on the 11<sup>th</sup> day of removal.

No findings of noncompliance regarding the implementation of procedural safeguards related to discipline were issued for Clark County during 2007-2008 based on complaint investigations.

In addition, a sample of special education records was reviewed by the NDE to determine whether there was noncompliance related to the procedural safeguards set forth in the IDEA discipline provisions. Records were sampled for both the 2006-2007 and 2007-2008 school years. No noncompliance was identified in this review.

**Correction of Previously Identified Noncompliance**

No findings of noncompliance remain uncorrected.

**Discussion of Improvement Activities Completed for FFY 2007:**

See APR Attachment 1, Improvement Activities/Timelines/Resources, for a detailed listing of activities completed during 2007-2008 for the following activities:

- Improvement Activity 1.2: Special Education Data Collection, Reporting, and Use (p. 6)
- Improvement Activity 1.3: Personnel Preparation, Recruitment, and Retention (p. 9)

- Improvement Activity 2.1: Monitoring (p. 16)
- Improvement Activity 2.2: Technical Assistance and Enforcement (p. 18)
- Improvement Activity 2.3: Dispute Resolution (p. 20)
- Improvement Activity 3.1: Academic and Behavioral Supports (p. 24)

**Revisions, with Justification, to Proposed Targets/Improvement Activities/Timelines/Resources for FFY 2008:**

See summary of revisions, with justifications, that appears in each Improvement Activity referenced above.

## Part B State Annual Performance Report (APR) for Federal Fiscal Year (FFY) 2007

### INDICATOR 5

#### Overview of the Annual Performance Report Development:

See description in Introduction.

<b>Monitoring Priority: FAPE in the LRE</b>
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**Indicator 5:** 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))

<b>Measurement:</b>
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- |   |
|---|
| <ul style="list-style-type: none"> <li>A. Percent = [(# of children with IEPs removed from regular class less than 21% of the day) divided by the (total # of students aged 6 through 21 with IEPs)] times 100.</li> <li>B. Percent = [(# of children with IEPs removed from regular class greater than 60% of the day) divided by the (total # of students aged 6 through 21 with IEPs)] times 100.</li> <li>C. Percent = [(# of children with IEPs served in public or private separate schools, residential placements, or homebound or hospital placements) divided by the (total # of students aged 6 through 21 with IEPs)] times 100.</li> </ul> |
|---|

FFY	Measurable and Rigorous Target
<b>2007 (2007-2008)</b>	A. 54.5% of students with IEPs will be removed from regular class less than 21% of the day.
	B. 15.5% of students with IEPs will be removed from regular class greater than 60% of the day.
	C. 1.7% of students with IEPs will be served in public or private separate schools, residential placements or homebound or hospital placements.

#### Actual Target Data for FFY 2007:

- A. During 2007-2008, 60.7% of students with IEPs were removed from regular class less than 21% of the day [(25,801 ÷ 42,471) x 100 = 60.7%].
- B. During 2007-2008, 13% of students with IEPs were removed from regular class greater than 60% of the day [(5,514 ÷ 42,471) x 100 = 13%].
- C. During 2007-2008, 1.7% of students with IEPs were served in public or private separate schools, residential placements or homebound or hospital placements [(722 ÷ 42,471) x 100 = 1.7%].

Note: Data do not include 146 students reported on §618 Table 3 who are served in a state-operated correctional facility or in state-sponsored charter schools that are not and do not operate as Local Education Agencies.

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2007:**

**Explanation of Progress or Slippage that occurred for FFY 2007:**

The target for 2007-2008 was 54.5% of students with IEPs that were removed from regular class less than 21% of the day, and the actual data reflected 60.7% of students removed from regular class less than 21% of the day. In this instance, a higher percentage than the target represents progress, and Nevada reached its target. During 2006-2007, the percentage was 58.9%, so slight progress was made in increasing the number of students in this category.

Progress was also made in the percent of students with IEPs that were removed from regular class greater than 60% of the day. The target for 2007-2008 was 15.5%, but only 13% of students were removed from regular class greater than 60% of the day. In this instance, a lower percentage than the target represents progress, and Nevada reached its target. During 2006-2007, the percentage was 13.2%, so slight progress was made in lowering the percentage of students in this category.

Regarding the percent of students with IEPs served in public or private separate schools, residential placements or homebound or hospital placements, the target for 2007-2008 was 1.7%, and 1.7% of students were served in these placements. Therefore, Nevada reached its target. During 2006-2007, the percentage was also 1.7%; this percentage reflects the fact that although students with disabilities are removed from regular education environments only when necessary to implement their IEPs, school districts do maintain a continuum of placements as required by federal and state law.

Title I and non-Title I school support team leaders for schools in need of improvement for three years and beyond have been trained on how to analyze proficiency data for students with disabilities, and how to interpret that data in light of other special education data. For example, team leaders were trained on how to triangulate referral data, identification rates, and placement in the least restrictive environment to understand the ways in which identification rates and placement affect the extent to which students with disabilities learn general education curriculum. The NDE contracted with an expert in this data analysis who continues to provide trend data across the state in order to reinforce the linkages among lower identification rates, higher rates of inclusive placements, and higher performance on statewide achievement tests.

**Discussion of Improvement Activities Completed for FFY 2007:**

See APR Attachment 1, Improvement Activities/Timelines/Resources, for a detailed listing of activities completed during 2007-2008 for the following activities:

- Improvement Activity 1.1: School, District, and State Improvement Planning and Implementation (p. 3)
- Improvement Activity 1.2: Special Education Data Collection, Reporting, and Use (p. 6)
- Improvement Activity 1.3: Personnel Preparation, Recruitment, and Retention (p. 9)
- Improvement Activity 3.1: Academic and Behavioral Supports (p. 24)
- Improvement Activity 3.3: Parent Involvement (p. 33)

**Revisions, with Justification, to Proposed Targets/Improvement Activities/Timelines/Resources for FFY 2008:**

See summary of revisions, with justifications, that appears in each Improvement Activity referenced above.

## Part B State Annual Performance Report (APR) for Federal Fiscal Year (FFY) 2007

### INDICATOR 6

#### Overview of the Annual Performance Report Development:

See description in Introduction.

<b>Monitoring Priority: FAPE in the LRE</b>
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**Indicator 6:** 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/part-time early childhood special education settings).

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

#### Data for FFY 2007:

OSEP has directed states not to report on Indicator 6 for the FFY 2007 APR.

## Part B State Annual Performance Report (APR) for Federal Fiscal Year (FFY) 2007

### INDICATOR 8

#### Overview of the Annual Performance Report Development:

See description in Introduction.

**Monitoring Priority: FAPE in the LRE**

**Indicator 8:** Percent of parents with a child receiving special education services who report that schools facilitated parent involvement as a means of improving services and results for children with disabilities.

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

#### Measurement:

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

FFY	Measurable and Rigorous Target
<b>2007 (2007-2008)</b>	73% of parents with a child receiving special education services will report that schools facilitated parent involvement as a means of improving statements and results for children with disabilities.

#### Actual Target Data for FFY 2007:

During 2007-2008, 71.7% of Nevada parents responded in agreement to this question, up slightly from 68.2% during 2006-2007  $[(1,431 \div 1,996) \times 100 = 71.7\%]$ .

#### Discussion of Survey Results

The NDE has elected to purchase a survey instrument from the National Center for Special Education Accountability Monitoring (NCSEAM) to measure the percent of parents who report that their children's schools facilitated parent involvement as a means of improving services and results for students with disabilities. The NDE used the same survey instrument included in the February/April 2008 SPP. The NCSEAM parent survey used by the NDE was developed in collaboration with a national stakeholder group. The questions on the survey were ranked by the stakeholder group, which established a standard value for each question. Standard values range from 490, determined to be the "easiest" question on which to get a response in the agreement range, to 673, which the group believed represented the most difficult question on which to obtain an agreement response. The stakeholder group determined that a standard value of 600 represented the threshold for indicating whether schools facilitated parent involvement as a means of improving services and results for children with disabilities. Therefore, NCSEAM recommended that a standard score of 600 be used to establish the degree to which Indicator 8 is being met. The question on the survey that has a standard value of 600 is question #25: "The school explains what options parents have if they disagree with a decision of the school."

Nevada's sampling plan for dissemination of this survey was approved and is described in the April 2008 version of the SPP (see pp. 36-38 in the April 2008 SPP).

During 2007-2008, parent surveys were disseminated to parents of all students with disabilities in four districts scheduled for a comprehensive compliance monitoring visit (Carson City, Douglas, Mineral, and Nye). In addition, a sample was selected for parent survey in Clark and Washoe County school districts because they have an average daily membership (ADM) of more than 50,000 students. Surveys were successfully sent to 10,515 parents, and a total of 2,089 responses were received (including 623

responses partially completed), for a 19.9% response rate. According to NCSEAM, this number exceeds the minimum number required for an adequate confidence level based on established survey sample guidelines (e.g., <http://www.surveysystem.com/sscalc.htm>).

Although response rate is an important indicator of the validity of survey results, the representativeness of survey respondents when compared to the pool of possible respondents from which they were drawn is also a very important indicator. In order to examine the representativeness of the respondents in the 2007-2008 parent survey, student-level data regarding disability category and race/ethnic category are available for each survey response. Then, the disability and race/ethnic category data for survey responses were compared to the disability and race/ethnic category data in the December 1, 2007, child count of students ages 3-21 in the surveyed districts.

In the disability category comparison, the response data were comparable to the statewide child count data in many categories. For example, 9% of the responding parents were the parents of children with developmental delays (compared to 7% in the child count); 3% were the parents of children with emotional disturbance (compared to 4% in the child count); and 3% were the parents of children with multiple impairments (compared to 2% in the child count). In the autism category, the data were somewhat more comparable than during 2006-2007, with 7% of the respondents representing parents of children with autism (compared to 5.5% in the child count). Approximately 41% of the responding parents were the parents of children with learning disabilities (compared to 52% in the child count).

Analysis of the race/ethnicity in the responses when compared to the December 1, 2007, child count showed very close representativeness in categories for American Indian/Alaskan Native (2% of the respondents; 2% in the child count), and Asian/Pacific Islander (5% of the respondents; 4% in the child count). However, responses in the other three race/ethnic categories were not representative of the child count data. Only 23% of the responses were for students in the Hispanic/Latino category, although Hispanic/Latino students represent 32% of the child count. Responses for the Black/African American category were also not representative (5% of the responses; 16% in the child count). A total of 64% of the responses were for students in the White category, while 46% of students in the child count were White. The NDE is working with its partners and with NCSEAM to increase responses on behalf of children in the Black/African American and Hispanic/Latino categories.

Following is a table showing statewide and district-level data for respondents to the parent survey during 2007-2008.

<b>School District</b>	<b># of Surveys Received</b>	<b># Surveys Responding "Agree, Strongly Agree, Very Strongly Agree" with Question #25</b>	<b>% Responding "Agree, Strongly Agree, Very Strongly Agree" with Question #25</b>
Statewide	1,996	1,431	71.7%
Carson City	233	150	64.4%
Clark	633	478	75.5%
Douglas	178	136	76.4%
Mineral	15	9	60.0%
Nye	199	119	59.8%
Washoe	738	539	73.0%

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2007:**

**Explanation of Progress or Slippage that occurred for FFY 2007:**

During 2007-2008, 71.7% of Nevada parents responded in agreement to this question, up slightly from 68.2% during 2006-2007. Even though there was improvement, Nevada did not reach its target of 73% for this indicator. The response rate increased considerably from 10.6% to 19.9%, which reflects some success for the efforts of the NDE and its partners to increase survey responses. Work remains to be done to increase the representativeness of the responses, particularly within race/ethnic categories.

Although NCSEAM uses Question 25 as a "proxy" for measuring the extent to which "parents with a child receiving special education services report that schools facilitated parent involvement as a means of improving services and results for children with disabilities" (the actual "indicator" for this measure), it is also important to note that 90% or more of parents agreed with the following survey items:

- At the IEP meeting, we discussed accommodations and modifications that my child would need. (91%)
- Teachers and administrators respect my cultural heritage. (93%)

Between 80-89% of parents agreed with the following survey items, many of which directly reflect the extent to which schools actually do facilitate parent involvement:

- My child's evaluation report is written in terms I understand. (89%)
- Written information I receive is written in an understandable way. (89%)
- Teachers are available to speak with me. (89%)
- Teachers and administrators ensure that I have fully understood the Procedural Safeguards. (88%)
- I am considered an equal partner with teachers and other professionals in planning my child's program. (86%)
- All of my concerns and recommendations were documented on the IEP. (86%)
- The school has a person on staff who is available to answer parents' questions. (85%)
- Teachers treat me as a team member. (84%)
- Teachers and administrators encourage me to participate in the decision-making process. (83%)
- Teachers and administrators show sensitivity to the needs of students with disabilities. (81%)
- The school offers parents a variety of ways to communicate with teachers. (77%)
- Written justification was given for the extent that my child would not receive services in the regular classroom. (77%)
- Teachers and administrators seek out parent input. (76%)
- The school gives the parents the help they may need to plan an active role in their child's education. (75%)
- **The school explains what options parents have if they disagree with a decision of the school. (72%) (This is the question NCSEAM established as the "proxy" for measuring parent involvement.)**
- The school communicates regularly with me regarding my child's progress on IEP goals. (72%)
- At the IEP meeting, we discussed how my child would participate in statewide assessments. (71%)
- The school gives me choices with regard to services that address my child's needs. (70%)

Fewer than 70% of parents agreed with the following survey items:

- I have been asked for my opinion about how well special education services are meeting my child's needs. (67%)
- The school provides information on agencies that can assist my child in the transition from school. (55%) \*\*
- I was given information about organizations that offer support for parents of students with disabilities. (48%)
- The school offers parents training about special education issues. (48%)
- I was offered special assistance (such as child care) so that I could participate in the IEP meeting. (43%)

\*\* Given that only 23% of the responses were related to students in 9-12<sup>th</sup> grade, this percentage is quite positive.

Notably, in 18 out of the 25 questions, the percentage of parents who agreed with the statement increased from the 2006-2007 school year. Only three questions had a lower percentage of parents who agreed with the statement when compared to the 2006-2007 school year; responses to the remaining four questions maintained the same percentage as in 2006-2007.

**Discussion of Improvement Activities Completed for FFY 2007:**

See APR Attachment 1, Improvement Activities/Timelines/Resources, for a detailed listing of activities completed during 2007-2008 for the following activities:

- Improvement Activity 1.1: School, District, and State Improvement Planning and Implementation (p. 3)
- Improvement Activity 1.2: Special Education Data Collection, Reporting, and Use (p. 6)
- Improvement Activity 1.3: Personnel Preparation, Recruitment, and Retention (p. 9)
- Improvement Activity 2.3: Dispute Resolution
- Improvement Activity 3.1: Academic and Behavioral Supports (p. 24)
- Improvement Activity 3.2: Transition Planning and Postsecondary Outcomes (p. 29)
- Improvement Activity 3.3: Parent Involvement (p. 33)
- Improvement Activity 3.4: Early Childhood Outcomes (p. 35)

**Revisions, with Justification, to Proposed Targets/Improvement Activities/Timelines/Resources for FFY 2008:**

See summary of revisions, with justifications, that appears in each Improvement Activity referenced above.

## Part B State Annual Performance Report (APR) for Federal Fiscal Year (FFY) 2007

### INDICATOR 9

#### Overview of the Annual Performance Report Development:

See description in Introduction.

<b>Monitoring Priority: Disproportionality</b>
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**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.

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

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

Include State's definition of "disproportionate representation."

Describe how the State determined that disproportionate representation of racial and ethnic groups in special education and related services was the result of inappropriate identification, e.g., monitoring data, review of policies, practices and procedures under 618(d), etc.

FFY	Measurable and Rigorous Target
<b>2007 (2007-2008)</b>	0% of school districts will have disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification.

#### Actual Target Data for FFY 2007:

During FFY 2007, 0% of Nevada's 17 school districts had disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification. The measurement is calculated as  $[(0 \div 17) \times 100 = 0\%]$ .

#### Criteria for Defining "Disproportionate Representation"

A weighted risk ratio analysis is used to identify disproportionate over- and under-representation of racial and ethnic groups in special education for the five race/ethnic groups (Black/Non-Hispanic, Hispanic, Asian/Pacific Islander, American Indian/Alaska Native, and White). Disproportionate over-representation will be identified when the weighted risk ratio is 3.0 or greater for three consecutive years for any racial/ethnic group in which there are at least twenty-five students in the special education population or in a particular disability category within the district. Disproportionate under-representation will be identified when the weighted risk ratio is -0.3 or less for three consecutive years for any racial/ethnic group in which there are at least twenty-five students in the special education population or in a particular disability category within the district. This analysis results in the identification of districts with disproportionate over- or under-representation possibly resulting from inappropriate identification.

#### Determining "Inappropriate Identification"

If disproportionate representation is identified in a district, the district's policies, procedures, and practices will be evaluated to determine whether the disproportionate representation is the result of inappropriate identification of students as students with disabilities. The scope and details of the review of policies,

procedures, and practices is described in the SPP as well as in the FFY 2006 APR. See the SPP for a discussion of the process used to develop this approach.

If the review of policies, procedures and practices reveals noncompliance with federal and/or state requirements for identification and evaluation, appropriate corrective actions will be taken.

#### **Determination of Disproportionate Representation for FFY 2007**

Nevada calculated its determination of whether disproportionate over- or under-representation existed for students in any of the five race/ethnic groups during FFY 2007 by analyzing child count data for 12/1/2005, 12/1/2006, and 12/1/2007 using the WESTAT disproportionality analysis tool, which compares district child count data to district enrollment data. Data were analyzed across these three years to determine if a three-year trend existed for any district, for any race/ethnic subgroup. No district had a three-year trend demonstrating disproportionate over- or under-representation of students as students with disabilities for any race/ethnic subgroup. Thus, there was no disproportionate representation in any district, in any race/ethnic subgroup, in the FFY 2007 "annual" determination of disproportionate representation of race/ethnic groups in special education.

#### **Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2007:**

##### **Explanation of Progress or Slippage that occurred for FFY 2007:**

Because there was no disproportionate representation in FFY 2006, there was no requirement to analyze whether the disproportionate representation was the result of inappropriate identification. In FFY 2007, there was no disproportionate representation, so there was no requirement to analyze whether the disproportionate representation was the result of inappropriate identification. The state met its target. There is no progress or slippage to report.

##### **Discussion of Improvement Activities Completed for FFY 2007:**

See APR Attachment 1, Improvement Activities/Timelines/Resources, for a detailed listing of activities completed during 2007-2008 for the following activities:

- Improvement Activity 1.1: School, District, and State Improvement Planning and Implementation (p. 3)
- Improvement Activity 1.2: Special Education Data Collection, Reporting, and Use (p. 6)
- Improvement Activity 1.3: Personnel Preparation, Recruitment, and Retention (p. 9)
- Improvement Activity 2.1: Monitoring (p. 16)
- Improvement Activity 2.2: Technical Assistance and Enforcement (p. 18)
- Improvement Activity 2.3: Dispute Resolution (p. 20)
- Improvement Activity 3.1: Academic and Behavioral Supports (p. 24)

#### **Revisions, with Justification, to Proposed Targets/Improvement Activities/Timelines/Resources for FFY 2008:**

See summary of revisions, with justifications, that appears in each Improvement Activity referenced above.

## Part B State Annual Performance Report (APR) for Federal Fiscal Year (FFY) 2007

### INDICATOR 10

#### Overview of the Annual Performance Report Development:

See description in Introduction.

**Monitoring Priority: Disproportionality**

**Indicator 10:** 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))

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

Include State's definition of "disproportionate representation."

Describe how the State determined that disproportionate representation of racial and ethnic groups in specific disability categories was the result of inappropriate identification, e.g., monitoring data, review of policies, practices and procedures under 618(d), etc.

FFY	Measurable and Rigorous Target
<b>2007 (2007-2008)</b>	0% of school districts will have disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.

#### Actual Target Data for FFY 2007:

During FFY 2007, 0% of Nevada's 17 school districts had disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification. The measurement is calculated as  $[(0 \div 17) \times 100 = 0\%]$ .

#### Criteria for Defining "Disproportionate Representation"

A weighted risk ratio analysis is used to identify disproportionate over- and under-representation within each race/ethnicity category, for the following disability categories:

- Mental retardation
- Specific learning disabilities
- Emotional disturbance
- Speech or language impairments
- Other health impairments
- Autism

A weighted risk ratio analysis is used to identify disproportionate over- and under-representation of racial and ethnic groups in special education for five race/ethnic groups (Black/Non-Hispanic, Hispanic, Asian/Pacific Islander, American Indian/Alaska Native, and White). Disproportionate over-representation is identified when the weighted risk ratio is 3.0 or greater for three consecutive years for any racial/ethnic group in which there are at least 25 students in the special education population or in a particular disability category within the district. Disproportionate under-representation will be identified when the weighted risk ratio is -0.3 or less for three consecutive years for any racial/ethnic group in which there are at least twenty-five students in the special education population or in a particular disability category within

the district. This analysis results in the identification of districts with possible disproportionate over- or under-representation resulting from inappropriate identification.

#### Determining "Inappropriate Identification"

If disproportionate representation is identified in a district, the district's policies, procedures, and practices will be evaluated to determine whether the disproportionate representation is the result of inappropriate identification of students as students with disabilities. The scope and details of the review of policies, procedures, and practices is described in the SPP as well as in the FFY 2006 APR. See the SPP for a discussion of the process used to develop this approach.

If the review of policies, procedures and practices reveals noncompliance with federal and/or state requirements for identification and evaluation, appropriate corrective actions will be taken.

#### Determination of Disproportionate Representation for FFY 2007

Nevada calculated its determination of whether disproportionate over- or under-representation existed for students with particular disabilities in any of the five race/ethnic groups during FFY 2007. To accomplish this task, child count data were analyzed for 12/1/2005, 12/1/2006, and 12/1/2007 using the WESTAT disproportionality analysis tool, which compares district child count data in six different disability categories (autism, mental retardation, learning disabilities, emotional disturbance, speech and language impairments, and other health impairments) to district enrollment data. Data were analyzed across these three years to determine if a three-year trend existed for any district, for any race/ethnic subgroup, in any of the six disability categories. This analysis revealed the following:

- *Clark County School District had under-representation of Hispanic and Asian students in the emotional disturbance category.*
- *Washoe County School District had under-representation of Hispanic students in the emotional disturbance category and in the other health impaired category.*

The existence of disproportionate representation does not violate Part B. Analysis under this indicator requires that the NDE must determine whether any disproportionate representation is the result of inappropriate identification policies, procedures, or practices. See analysis below.

#### Disproportionate Representation as the Result of Inappropriate Identification

Clark County School District. This discussion addresses the data for FFY 2007 revealing disproportionate representation associated with the under-representation of Hispanic and Asian students in the emotional disturbance category for the purpose of determining whether this disproportionate under-representation is the result of inappropriate identification policies, procedures, or practices.

During FFY 2004, the NDE conducted a comprehensive monitoring of all policies and procedures in Clark County School District, and they were found to comply with the requirements in Part B for the identification and evaluation of students suspected of having a disability. In 2007-2008, these policies and procedures were reviewed again, and found to comply with Part B. Importantly, these policies and procedures describe a referral process that is race/ethnic neutral and based upon actual academic and behavioral performance data. In addition, the policies and procedures describe an evaluation process that emphasizes tests/evaluation instruments and assessment measures that triangulate data from many sources and perspectives, so that there is no over-reliance on any particular form of assessment (e.g., standardized testing).

The NDE also reviewed Clark County's practices for referral, evaluation, and eligibility decision-making. Data gathered through on-site monitoring of student records in FFY 2004, FFY 2005 and FFY 2006, and FFY 2007 revealed no information to suggest that inappropriate identification practices associated with race-based decision-making were occurring in the referral of students suspected of having an emotional disturbance, in the evaluation of students suspected of having an emotional disturbance, or in eligibility determinations. There have been no allegations and no findings of noncompliance concerning

inappropriate identification of students with emotional disturbance in due process hearings or complaint investigations in Clark County during FFY 2005, FFY 2006, or FFY 2007.

Clark County School District has undertaken a significant effort to review its child count data for evidence of disproportionate representation, focused on identifying over-representation within race/ethnic categories at the school level, but also examining the data for evidence of under-representation. School-level data have been analyzed since 2003 in the categories of mental retardation, emotional disturbance, and learning disabilities, and the district has used this data to develop and implement the following proactive technical assistance activities to address race/ethnic disproportionality in the identification of students with disabilities:

- support for the Student Intervention Program teams that include web-based training and the implementation of the multidisciplinary evaluation team "Evidence Scale"
- expanding the development of its program for the Response to Intervention process
- district-wide training regarding the issue of disproportionality at the district, region, and school levels
- data-based analysis of region and school data for annual child counts
- implementation of the Inclusive Schools Project and the Positive Behavioral Supports Program to assist schools in dealing with individual student academic and behavior problems

In addition, the Clark County School District has developed specific training materials for the "problem-solving process" with students who are English Language Learners. The training explains Tier One and Tier Two considerations for staff who are implementing a tiered approach to general education interventions. Infused into the process are careful considerations of the following factors when a special education referral is contemplated: age at which second language was introduced, preschool experiences, prior educational history, instruction in literacy skills in primary language, intervention data collected over a period of time, and measures of limited English proficiency. The comprehensiveness of this process is likely to produce referrals for students with limited English proficiency who do have disabilities. Further, the implementation of an intervention model with features to support English Language Learners is likely to ensure that students who do have disabilities are not overlooked in the referral process. Thus, the intervention model for students who are English Language Learners will assist the district in addressing disproportionate representation among a certain group of Hispanic students.

Based on the Clark County School District analysis of data between the years 2003-2008, the district made the following recommendations, among others, in its annual report issued in November 2008. These recommendations align precisely with the perspectives and priorities of the NDE:

1. Prevention efforts regarding low achievement and behavioral problems are especially important because changing special education needs and placements *subsequent* to chronic failure in general education is nearly impossible. Prevention was endorsed in the National Research Council report on the disproportionate representation of minority students in special and gifted education as the most effective method to address overrepresentation
2. Efforts to improve representation patterns should focus on research validated interventions for achievement (especially early reading and math) and behavior problems through prevention and early identification/treatment in general education. Prevention and early identification/treatment in general education are significantly more effective in changing representation patterns rather than waiting until after students have been referred to special education for eligibility determination.

Based on the NDE's review of policies and procedures, the monitoring data gathered by the NDE during each of the last four fiscal years, the analysis of due process hearings and complaint investigations, the most recent analysis of referral data, together with the comprehensive and ongoing evaluation of disproportionality occurring in Clark County School District, the NDE has determined that the under-representation occurring in FFY 2007 was not the result of inappropriate identification policies, procedures, or practices.

Washoe County School District. This discussion addresses the data for FFY 2007 revealing disproportionate representation associated with the under-representation of Hispanic students with emotional disturbance and other health impairments for the purpose of determining whether this disproportionate representation is the result of inappropriate identification policies, procedures, or practices.

During FFY 2005, the NDE conducted a comprehensive monitoring of all policies and procedures in Washoe County School District, and those policies and procedures were found to comply with the requirements in Part B for the identification and evaluation of students suspected of having a disability. In 2007-2008, these policies and procedures were reviewed again, and found to comply with Part B. Importantly, these policies and procedures describe a referral process that is race/ethnic neutral and based upon actual academic and behavioral performance data. In addition, the policies and procedures describe an evaluation process that emphasizes tests/evaluation instruments and assessment measures that triangulate data from many sources and perspectives, so that there is no over-reliance on any particular form of assessment (e.g., standardized testing).

The NDE also reviewed Washoe County's practices for referral, evaluation, and eligibility decision-making. Data gathered through on-site monitoring of student records in FFY 2005, FFY 2006, and FFY 2007 revealed no information to suggest that inappropriate identification practices associated with race-based decision-making were occurring in the referral of students suspected of having an emotional disturbance or a health impairment, in the evaluation of students suspected of having an emotional disturbance or a health impairment, or in eligibility determinations. There have been no allegations and no findings concerning inappropriate identification of students with emotional disturbance or health impairments in due process hearings or complaint investigations in Washoe County during FFY 2005, FFY 2006, or FFY 2007.

In addition, the Washoe County School District in FFY 2006 and FFY 2007 has undertaken a district-wide effort to implement improvements in its general education intervention system, including the development of procedures for providing student-targeted interventions to improve performance in academic achievement and behavior.

Based on the NDE's review of policies and procedures, the monitoring data gathered by the NDE during each of the last three fiscal years, the analysis of due process hearings and complaint investigations, and the most recent analysis of referral data, the NDE has determined that the under-representation occurring in Washoe County in FFY 2007 was not the result of inappropriate identification policies, procedures, or practices.

Statewide General Education Intervention Initiative. During FFY 2005 and FFY 2006, and continuing into FFY 2007 and beyond, the NDE has invested considerable resources in the implementation of the Instructional Consultation model for improving the performance of students through increasing the quality of instruction they receive—from both general education and special education teachers. This model, developed at the University of Maryland, has a considerable scientific research base, and it has shown results in increasing not only academic and behavior performance in students, but also in reducing disproportionate identification within race/ethnic groups. Nevada's school districts have been invited to participate in the implementation of this model on a volunteer basis, and the details about their participation are provided in the "Academic and Behavioral Supports" Improvement Activity (p. 24).

#### **Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2007:**

##### **Explanation of Progress or Slippage that occurred for FFY 2007:**

Based on its review of policies, procedures, and practices, the NDE has determined that the under-representation of students with disabilities in the emotional disturbance and other health impairment categories was not due to inappropriate identification in FFY 2007. The state has made its target for this indicator for FFY 2007. Because the state also met its target in FFY 2006, there is no progress or slippage to report.

**Discussion of Improvement Activities Completed for FFY 2007:**

See APR Attachment 1, Improvement Activities/Timelines/Resources, for a detailed listing of activities completed during 2007-2008 for the following activities:

- Improvement Activity 1.1: School, District, and State Improvement Planning and Implementation (p. 3)
- Improvement Activity 1.2: Special Education Data Collection, Reporting, and Use (p. 6)
- Improvement Activity 1.3: Personnel Preparation, Recruitment, and Retention (p. 9)
- Improvement Activity 2.1: Monitoring (p. 16)
- Improvement Activity 2.2: Technical Assistance and Enforcement (p. 18)
- Improvement Activity 2.3: Dispute Resolution (p. 20)
- Improvement Activity 3.1: Academic and Behavioral Supports (p. 24)

**Revisions, with Justification, to Proposed Targets/Improvement Activities/Timelines/Resources for FFY 2008:**

See summary of revisions, with justifications, that appears in each Improvement Activity referenced above.

## Part B State Annual Performance Report (APR) for Federal Fiscal Year (FFY) 2007

### INDICATOR 11

#### Overview of the Annual Performance Report Development:

See description in Introduction.

**Monitoring Priority: Effective General Supervision Part B / Child Find**

**Indicator 11:** Percent of children with parental consent to evaluate, who were evaluated and eligibility determined within 60 days (or State established timeline).

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

#### Measurement:

- a. # of children for whom parental consent to evaluate was received.
- b. # determined not eligible whose evaluations were completed within 60 days (or State established timeline).
- c. # determined eligible whose evaluations were completed within 60 days (or State established timeline).

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

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

FFY	Measurable and Rigorous Target
<b>2007 (2007-2008)</b>	100% of children with parental consent to evaluate will be evaluated within Nevada's 45-school-day timeline.

#### Actual Target Data for FFY 2007:

During 2007-2008, 95.6% percent of children with parental consent to evaluate were evaluated within 45 school days  $(((0 + 43) \div 45) \times 100 = 95.6\%)$ . In Nevada, the completion of the initial evaluation occurs when the eligibility team, including the parent, has made an eligibility decision; under state regulations this decision must occur within 45 school days after the parent provides written consent for the initial evaluation.

During 2007-2008, Nevada discontinued using a data collection for this indicator, and instead collected data during comprehensive on-site monitoring of districts to calculate the statewide compliance percentage.

Selection of School Districts for Monitoring: The NDE has established a four-year monitoring cycle. The schedule has been established to ensure selection of a representative group of districts to be monitored each year. A stratified random sampling is used to ensure a representative group of school districts in each of the four years of Nevada's four-year monitoring cycle. Nevada's 17 school districts, which are contiguous with Nevada's 17 counties, have been assigned status as either "urban" (4 districts), "medium rural" (5 districts), or "small rural" (8 districts) depending on the relative size of the county and the relative urbanicity of the county seat. In each of the four years in the special education monitoring cycle, the districts selected for monitoring will include one "urban" district, one "medium rural" district, and two "small rural" districts. Each year the districts are randomly sampled from within the three subgroups, without replacement, in order to ensure that all 17 districts are monitored at least once during the four-year cycle. Because there are 5 districts in the "medium rural" subgroup, 2 of these districts will be monitored in one of the four years. (Note: This monitoring cycle was approved by OSEP in April 2008 as part of the Indicator 8 sampling description. See pp. 36-38 in the April 2998 SPP.)

See Table 11-A below for specific data and calculation according to the OSEP measurement instructions.

<b>Table 11-A</b>					
<b>PERCENT OF CHILDREN WITH PARENTAL CONSENT TO EVALUATE, WHO WERE EVALUATED WITHIN 45 SCHOOL DAYS (2007-2008)</b>					
	# Students with Consent for Initial Evaluation* (a)	# Students Evaluated within 45 School Days and Determined Not Eligible (b)	# Students Evaluated within 45 School Days and Determined Eligible (c)	# Students Evaluated within 45 School Days as % of Students with Consent for Initial Evaluation [(b + c) ÷ (a) x 100]	Number of Findings Issued for Noncompliance
<b>Statewide</b>	45	0	43	95.6%	NA
<b>Carson City</b>	8	0	8	100%	0
<b>Douglas</b>	14	0	14	100%	0
<b>Mineral</b>	8	0	8	100%	0
<b>Nye</b>	15	0	13	86.7%	1

\* Data do not include students with consent for initial evaluation if the evaluation was not completed because the child moved prior to completing the evaluation, or because consent was withdrawn by the parent prior to completing the evaluation. Data also do not include children whose parent repeatedly failed or refused to produce the child for the evaluation, usually based upon the illness of the child.

Of the 2 children whose evaluations and eligibility determinations were not made within 45 school days, both (100%) were evaluated 1-15 school days beyond the 45 school day timeline. One delay was the result of parent scheduling issues (cancelled/rescheduled meetings), and one was the result of district scheduling/staffing issues.

Therefore, 50% of the delays were caused by parent scheduling issues ( $2 \div 4 = 50\%$ ). If this delay were subtracted from the number of children with consent for an initial evaluation, the statewide compliance percentage would have been about 98% [ $((0 + 43) \div 44) \times 100 = 98\%$ ]. Fifty percent (50%) of the delays were the result of district scheduling/staffing issues.

#### **Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2007:**

##### **Explanation of Progress or Slippage that occurred for FFY 2007:**

During 2007-2008, 95.6% percent of children with parental consent to evaluate were evaluated within 45 school days. Nevada did not reach its target for this indicator, but its compliance percentage improved when compared to the 83% compliance rate reported in 2006-2007. Note, however, that because the calculation for this indicator is based on the on-site monitoring findings in a different set of school districts in each year of a four-year cycle, the comparison to the compliance percentage in the previous year is not a comparison to the same districts.

##### **Noncompliance Identified During 2007-2008**

During 2007-2008, four districts (Carson City, Douglas, Mineral, Nye) were scheduled for a comprehensive record review as part of Nevada's four-year monitoring cycle. A noncompliance finding for failure to complete initial evaluations within 45 school days was issued for Nye County. For the two students in Nye County School District whose evaluations exceeded 45 school days, both students had been evaluated and their eligibility determinations had been made by the time the records were reviewed during on-site monitoring. Consequently, within the 2007-2008 school year, the noncompliance for these two students was already corrected and they were receiving services in accordance with their IEPs. In addition, Nye County was directed to collect and report

data verifying that students initially referred for evaluations received timely evaluations during the 2008-2009 school year.

#### **Correction of Previously Identified Noncompliance**

During 2004-2005, Clark County School District was issued a noncompliance finding for failure to complete initial evaluations within 45 school days. As of the date of the on-site monitoring in the spring of 2005, all students had been evaluated and their eligibility determinations had been made. Thus, the student-level noncompliance was already corrected within the 2004-2005 school year. Based upon a random selection of records examined during 2005-2006, the system-level noncompliance finding was not yet corrected. During 2007-2008 the NDE took several enforcement steps to support the district in ensuring correction of this identified noncompliance, including collection and submission of data to verify that students initially referred for evaluations received timely evaluations during the 2007-2008 school year. In response to a directive from the NDE, Clark County School District submitted data verifying that for the period from August 7-26, 2008, consent to conduct initial evaluations was obtained for 50 students, and each of the 50 had his or her initial evaluation completed within 45 school days.

During 2005-2006, four districts (Churchill, Lyon, Storey, and Washoe) were scheduled for a comprehensive record review as part of Nevada's four-year monitoring cycle. Noncompliance findings for failure to complete initial evaluations within 45 school days were issued for Lyon County and Storey County. As of the date of the on-site monitoring in the spring of 2006, all students had been evaluated and their eligibility determinations had been made. Thus, the student-level noncompliance was already corrected within the 2005-2006 school year. As previously reported in the state's FFY 2006 APR, Lyon County corrected the identified noncompliance at the system-level within one year. However, the noncompliance identified in Storey County was not yet corrected as of the FFY 2006 APR submission. During 2007-2008 the NDE took several enforcement steps to support the district in ensuring correction of this identified noncompliance, including collection and submission of data verifying that all students initially referred for evaluations received timely evaluations during the 2007-2008 school year, with no noncompliance.

During 2006-2007, eight districts were scheduled for a comprehensive record review as part of Nevada's four-year monitoring cycle. Noncompliance findings for failure to complete initial evaluations within 45 school days were issued for Humboldt County and Lincoln County. For the three students in these districts whose evaluations exceeded 45 school days, the students had been evaluated and their eligibility determinations had been made by the time the records were reviewed during on-site monitoring. Consequently, within the 2006-2007 school year, the noncompliance for these three students was already corrected and they were receiving services in accordance with their IEPs. To verify correction at the system-level, Humboldt County and Lincoln County collected and reported data verifying that all students initially referred for evaluations received timely evaluations during the 2007-2008 school year, with no noncompliance.

Based on its review of data submitted by these districts during 2007-2008, the NDE verified that all remaining noncompliance had been corrected. Correction of noncompliance for Indicator 11 is summarized in the following table:

<b>Year of Findings</b>	<b>Total Findings of Noncompliance with Indicator 11</b>	<b>Findings Verified as Corrected within One Year</b>	<b>Findings Subsequently Verified as Corrected</b>	<b>Total Findings Corrected as of Submission</b>	<b>Findings of Noncompliance Remaining</b>
FFY 2006	2	2	NA	2	0
FFY 2005	2	1	1	2	0
FFY 2004	1	0	1	1	0

**Discussion of Improvement Activities Completed for FFY 2007:**

See APR Attachment 1, Improvement Activities/Timelines/Resources, for a detailed listing of activities completed during 2007-2008 for the following activities:

- Improvement Activity 1.2: Special Education Data Collection, Reporting, and Use (p. 6)
- Improvement Activity 1.3: Personnel Preparation, Recruitment, and Retention (p. 9)
- Improvement Activity 2.1: Monitoring (p. 16)
- Improvement Activity 2.2: Technical Assistance and Enforcement (p. 18)

**Revisions, with Justification, to Proposed Targets/Improvement Activities/Timelines/Resources for FFY 2008:**

See summary of revisions, with justifications, that appears in each Improvement Activity referenced above.

**OSEP Determination – Needs Assistance (Second Year)****Technical Assistance Sources/Actions Taken**

Nevada was determined by OSEP to "need assistance" for two consecutive years based on the FFY 2005 and FFY 2006 APR submissions. In accordance with section 616(e) of the IDEA and 34 CFR §300.604, the U.S. Secretary of Education advised Nevada of available sources of technical assistance related to Indicator 11 (timely initial evaluations). Below is a table describing the technical assistance sources from which the state received assistance and what actions the state took as a result of that technical assistance.

<b>Indicator 11 Technical Assistance Sources/Actions Taken</b>		
<b>TA Sources</b>	<b>Type of TA</b>	<b>Actions Taken</b>
Marie Mayor, Alma McPherson, OSEP	State-specific TA in OSEP Verification visit, September 2007	The NDE enhanced its monitoring system to include student-specific descriptions of noncompliant IEPs and specific instructions for teachers to correct the noncompliance. These instructions are now returned to school districts to facilitate the correction of student-specific noncompliance. Evidence of correction of student-specific noncompliance is provided to the NDE when revised IEPs and other documents (e.g., written notice of proposals/refusals) are submitted for NDE approval and verification of correction.
Jane Nell Luster, DAC/LSU	State-specific TA via telephone conference in September 2008	NDE designed a spreadsheet and disseminated it to school districts as mandatory technical assistance for case management of initial evaluation timelines. Data from the spreadsheet are required to be submitted on a quarterly basis to assist the NDE to verify correction of noncompliance.
Western RRC	Regional and state-specific TA conference "SPP/APR Clinic" in December 2008	NDE enhanced its APR document to more specifically describe its compliance enforcement and verification activities, including development of charts clarifying the extent to which previously uncorrected noncompliance has been corrected.
NECTAC/WRRC/DAC	<b>Consulted Documents:</b> TA document: "Local Corrective Action Plans: Collection and Use of Valid and Reliable Data for Determining Factors Contributing to Noncompliance"	NDE designed a noncompliance analysis protocol and disseminated it to school districts as mandatory technical assistance for analyzing the root causes of noncompliance regarding initial evaluation timelines. This analysis is required to be submitted along with specific steps outlined in a corrective action plan.

OSEP	SPP/APR Calendar "Investigative Questions" (adapted to relate to school district actions)  State sample of "Corrective Action (CAP) Template"  NCSEAM "Checklist" template for reviewing/approving CAPS	The NDE also enhanced its corrective action plan requirements to include more student-specific evidence of correction of systemic noncompliance. The spreadsheet described above is now submitted by school districts as evidence for systemic correction of noncompliance related to time-specific requirements, such as the completion of initial evaluations within 45 school days.
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## Part B State Annual Performance Report (APR) for Federal Fiscal Year (FFY) 2007

### INDICATOR 12

#### Overview of the Annual Performance Report Development:

See description in Introduction.

<b>Monitoring Priority: Effective General Supervision Part B / Effective Transition</b>
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**Indicator 12:** Percent of children referred by Part C prior to age 3, who are found eligible for Part B, and who have an IEP developed and implemented by their third birthdays.

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

<b>Measurement:</b>
---------------------

- |   |
|---|
| <ul style="list-style-type: none"> <li>a. # of children who have been served in Part C and referred to Part B for eligibility determination.</li> <li>b. # of those referred determined to be NOT eligible and whose eligibilities were determined prior to their third birthdays.</li> <li>c. # of those found eligible who have an IEP developed and implemented by their third birthdays.</li> <li>d. # of children for whom parent refusal to provide consent caused delays in evaluation or initial services.</li> </ul> |
|---|

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

Percent = [(c) divided by (a – b – d)] times 100.
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FFY	Measurable and Rigorous Target
<b>2007 (2007-2008)</b>	100% of children referred by Part C prior to age 3, who are found eligible for Part B, will have an IEP developed and implemented by their third birthdays.

#### Actual Target Data for FFY 2007:

During 2007-2008, 73.9% percent of children referred by Part C prior to age 3, who were found eligible for Part B, had an IEP developed and implemented by their third birthdays [ $17 \div (24 - 1) \times 100 = 73.9\%$ ].

During 2007-2008, Nevada discontinued using a data collection for this indicator, and instead collected data during comprehensive on-site monitoring of districts to calculate the statewide compliance percentage.

**Selection of School Districts for Monitoring:** The NDE has established a four-year monitoring cycle. The schedule has been established to ensure selection of a representative group of districts to be monitored each year. A stratified random sampling is used to ensure a representative group of school districts in each of the four years of Nevada's four-year monitoring cycle. Nevada's 17 school districts, which are contiguous with Nevada's 17 counties, have been assigned status as either "urban" (4 districts), "medium rural" (5 districts), or "small rural" (8 districts) depending on the relative size of the county and the relative urbanicity of the county seat. In each of the four years in the special education monitoring cycle, the districts selected for monitoring will include one "urban" district, one "medium rural" district, and two "small rural" districts. Each year the districts are randomly sampled from within the three subgroups, without replacement, in order to ensure that all 17 districts are monitored at least once during the four-year cycle. Because there are 5 districts in the "medium rural" subgroup, 2 of these districts will be monitored in one of the four years. (Note: This monitoring cycle was approved by OSEP in April 2008 as part of the Indicator 8 sampling description. See pp. 36-38 in the April 2008 SPP.)

See Table 12-A below for specific data and calculation according to the OSEP measurement instructions.

<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 (2007-2008)</b>						
	<b># Children Served By Part C And Referred To Part B For Eligibility Determination* (a)</b>	<b># Children Found Not Eligible Whose Eligibilities Were Determined Prior To 3rd Birthday (b)</b>	<b># Children Found Eligible With IEPs Developed and Implemented By 3rd Birthday (c)</b>	<b># Children For Whom Parent Refusal to Provide Consent Caused Delays in Evaluation or Initial Services (d)</b>	<b>Children Found Eligible With IEPs Developed and Implemented By 3rd Birthday As % Of Children Served By Part C And Referred To Part B For Eligibility Determination (c) ÷ (a-b-d)</b>	<b>Number of Findings Issued for Noncompliance</b>
<b>Statewide</b>	24	0	17	1	73.9%	NA
<b>Carson City</b>	10	0	7	0	70%	1
<b>Douglas</b>	7	0	6	0	85.7%	1
<b>Mineral</b>	2	0	2	0	100%	0
<b>Nye</b>	5	0	2	1	50%	1

\* Data do not include referrals that did not result in an eligibility determination because the child moved prior to completing the eligibility determination, or because the parent did not consent to the initial evaluation for special education and related services. Data also do not include children whose parent repeatedly failed or refused to produce the child for the evaluation.

Of the seven children who were found eligible who did not have an IEP developed and implemented by their third birthday, three (43%) had an IEP developed and implemented 1-30 days beyond their third birthday, and four (57%) had an IEP developed and implemented 31 days or more beyond their third birthday.

To recap, there were seven children who were found eligible who did not have an IEP developed and implemented by their third birthdays. Using the OSEP measurement calculation, one of these children has been subtracted from the denominator because the delay was caused by parental delay in providing consent. The reasons for the six remaining delays beyond the third birthday included the following:

- 4 were delayed because of parent scheduling issues (cancelled/rescheduled meetings)
- 2 were delayed because of district scheduling/staffing issues

Therefore, 67% of the remaining six delays were caused by parent scheduling issues ( $4 \div 6$  delays = 67%). If these four delays were subtracted from the number of children served in Part C and referred to Part B for an evaluation and eligibility determination, the compliance percentage would have been about 90% [ $17 \div (24-1-4) \times 100$ ]. Thirty-three percent (33%) of the remaining six delays were the result of district scheduling/staffing issues ( $2 \div 6 = 33\%$ ).

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2007:****Explanation of Progress or Slippage that occurred for FFY 2007:**

During 2007-2008, 73.9% of children referred by Part C prior to age 3, who were found eligible for Part B, had an IEP developed and implemented by their third birthdays. Nevada did not reach its target for this indicator, and experienced slippage from the 81% compliance percentage reported for 2006-2007. Note, however, that because the calculation for this indicator is based on the on-site monitoring findings in a different set of school districts in each year of a four-year cycle, the comparison to the compliance percentage in the previous year is not a comparison to the same districts.

**Noncompliance Identified During 2007-2008**

During 2007-2008, four districts (Carson City, Douglas, Mineral, Nye) were scheduled for a comprehensive record review as part of Nevada's four-year monitoring cycle. Noncompliance findings were issued for Carson City, Douglas County, and Nye County for failure to develop and implement IEPs by the third birthday for children transitioning from Part C. For each of the seven Part C transitioning students in these school districts whose IEP had not been developed and implemented by the child's third birthday, their eligibility determinations had been made by the time the records were reviewed during on-site monitoring and their IEPs had been developed and implemented. Consequently, within the 2007-2008 school year, the noncompliance for these seven students was already corrected and they were receiving services in accordance with their IEPs. In addition, Carson City, Douglas County, and Nye County were directed to revise policies and procedures if necessary, as well as collect and report system-level data verifying that students transitioning from Part C during 2008-2009 had an IEP developed and implemented by their third birthdays.

**Correction of Previously Identified Noncompliance**

During 2004-2005 Clark County School District was issued a noncompliance finding for failing to develop and implement IEPs by the third birthday for children who were referred by Part C and found eligible for Part B. As of the date of the on-site monitoring in the spring of 2005, all eligible Part C transitioning students had been evaluated and the IEPs were developed and implemented for each eligible child. Thus, the student-level noncompliance was already corrected within the 2004-2005 school year.

Based upon a random selection of records examined during 2005-2006, the system-level noncompliance was not yet corrected. During 2007-2008 the NDE took several enforcement actions to support the district in ensuring correction of identified noncompliance at the system-level, including collection and submission of data to verify that children who were referred by Part C and found eligible for Part B had IEPs developed and implemented by their third birthdays during the 2007-2008 school year. In response to a directive from the NDE, Clark County School District submitted data verifying that for the period from August 1-25, 2008, each child transitioning from Part C to Part B whose third birthday occurred within this period had his/her IEP developed and implemented by the child's third birthday (a total of 21 children).

As the February 2007 and February 2008 APR submissions stated, no findings of noncompliance for Indicator 12 were issued during FFY 2005 or FFY 2006.

Correction of noncompliance for Indicator 12 is summarized in the following table:

Year of Findings	Total Findings of Noncompliance with Indicator 12	Findings Verified as Corrected within One Year	Findings Subsequently Verified as Corrected	Total Findings Corrected as of Submission	Findings of Noncompliance Remaining
FFY 2006	0	NA	NA	NA	0
FFY 2005	0	NA	NA	NA	0
FFY 2004	1	0	1	1	0

**Discussion of Improvement Activities Completed for FFY 2007:**

See APR Attachment 1, Improvement Activities/Timelines/Resources, for a detailed listing of activities completed during 2007-2008 for the following activities:

- Improvement Activity 1.2: Special Education Data Collection, Reporting, and Use (p. 6)
- Improvement Activity 1.3: Personnel Preparation, Recruitment, and Retention (p. 9)
- Improvement Activity 2.1: Monitoring (p. 16)
- Improvement Activity 2.2: Technical Assistance and Enforcement (p. 18)
- Improvement Activity 3.4: Early Childhood Outcomes (p. 35)

**Revisions, with Justification, to Proposed Targets/Improvement Activities/Timelines/Resources for FFY 2008:**

See summary of revisions, with justifications, that appears in each Improvement Activity referenced above.

**OSEP Determination – Needs Assistance (Second Year)**

**Technical Assistance Sources/Actions Taken**

Nevada was determined by OSEP to "need assistance" for two consecutive years based on the FFY 2005 and FFY 2006 APR submissions. In accordance with section 616(e) of the IDEA and 34 CFR §300.604, the U.S. Secretary of Education advised Nevada of available sources of technical assistance related to Indicator 12 (early childhood transition). Below is a table describing the technical assistance sources from which the state received assistance and what actions the state took as a result of that technical assistance.

TA Sources	Type of TA	Actions Taken
Marie Mayor, Alma McPherson, OSEP	State-specific TA in OSEP Verification visit, September 2007	The NDE enhanced its monitoring system to include student-specific descriptions of noncompliant IEPs and specific instructions for teachers to correct the noncompliance. These instructions are now returned to school districts to facilitate the correction of student-specific noncompliance. Evidence of correction of student-specific noncompliance is provided to the NDE when revised IEPs and other documents (e.g., written notice of proposals/refusals) are submitted for NDE approval and verification of correction.
Jane Nell Luster, DAC/LSU	State-specific TA via telephone conference in September 2008	NDE designed a spreadsheet and disseminated it to school districts as mandatory technical assistance for case management of IEP development/implementation by 3rd birthdays for children transitioning from Part C. Data from the spreadsheet are required to be submitted on a quarterly basis to assist the NDE to verify correction of noncompliance.

Western RRC	Regional and state-specific TA conference "SPP/APR Clinic" in December 2008	NDE enhanced its APR document to more specifically describe its compliance enforcement and verification activities, including development of charts clarifying the extent to which previously uncorrected noncompliance has been corrected.
NECTAC/WRRC/DAC  OSEP	<p><b>Consulted Documents:</b> TA document: "Local Corrective Action Plans: Collection and Use of Valid and Reliable Data for Determining Factors Contributing to Noncompliance"</p> <p>SPP/APR Calendar "Investigative Questions" (adapted to relate to school district actions)</p> <p>State sample of "Corrective Action (CAP) Template"</p> <p>NCSEAM "Checklist" template for reviewing/approving CAPS</p> <p>"Early Childhood Part C and Part B Requirements Related to Transition"</p> <p>"Designing and Implementing Effective Early Transition Processes"</p> <p>"Early Childhood Transition Worksheet"</p>	<p>NDE designed a noncompliance analysis protocol and disseminated it to school districts as mandatory technical assistance for analyzing the root causes of noncompliance regarding IEP development/implementation by 3rd birthdays for children transitioning from Part C. This analysis is required to be submitted along with specific steps outlined in a corrective action plan.</p> <p>The NDE also enhanced its corrective action plan requirements to include more student-specific evidence of correction of systemic noncompliance. The spreadsheet described above is now submitted by school districts as evidence for systemic correction of noncompliance related to time-specific requirements, such as the development and implementation of an IEP by the 3rd birthday for children transitioning from Part C to Part B.</p>
NECTAC	NECTAC listserv	Ideas generated from the listserv are used to assist school districts in analyzing the root causes of noncompliance and developing corrective action plans

## Part B State Annual Performance Report (APR) for Federal Fiscal Year (FFY) 2007

### INDICATOR 13

#### Overview of the State Performance Plan Development:

See description in Introduction.

**Monitoring Priority: Effective General Supervision Part B / Effective Transition**

**Indicator 13:** Percent of youth aged 16 and above with an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals.

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

**Measurement:** Percent = [(# of youth with disabilities aged 16 and above with an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals) divided by the (# of youth with an IEP age 16 and above)] times 100.

FFY	Measurable and Rigorous Target
<b>2007 (2007-2008)</b>	100% of youth aged 16 and above will have an IEP that includes coordinated, measurable annual goals and transition services that will reasonably advance the student to meet the post-secondary goals.

#### Actual Target Data for FFY 2007:

During FFY 2007, 39.1% of youth aged 16 and above had an IEP that included coordinated, measurable annual goals and transition services that would reasonably advance the student to meet the post-secondary goals  $[(9 \div 23) \times 100 = 39.1\%]$ .

During 2007-2008, the NDE conducted comprehensive on-site monitoring in four school districts (Carson City, Douglas, Mineral, Nye). A total of 23 records were reviewed for students who were aged 15 or older to ensure that the requirements were contained in IEPs to be "in effect" when the student turned 16. Each of these records was reviewed for evidence that the IEPs included coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet his/her post-secondary goals. In 9 of these records, the IEPs included annual goals and transition services as required, for a compliance percentage of 39.1%  $[(9 \div 23) \times 100 = 39.1\%]$ .

**Selection of School Districts for Monitoring:** The NDE has established a four-year monitoring cycle. The schedule has been established to ensure selection of a representative group of districts to be monitored each year. A stratified random sampling is used to ensure a representative group of school districts in each of the four years of Nevada's four-year monitoring cycle. Nevada's 17 school districts, which are contiguous with Nevada's 17 counties, have been assigned status as either "urban" (4 districts), "medium rural" (5 districts), or "small rural" (8 districts) depending on the relative size of the county and the relative urbanicity of the county seat. In each of the four years in the special education monitoring cycle, the districts selected for monitoring will include one "urban" district, one "medium rural" district, and two "small rural" districts. Each year the districts are randomly sampled from within the three subgroups, without replacement, in order to ensure that all 17 districts are monitored at least once during the four-year cycle. Because there are 5 districts in the "medium rural" subgroup, 2 of these districts will be monitored in one of the four years. (Note: This monitoring cycle was approved by OSEP in April 2008 as part of the Indicator 8 sampling description. See pp. 36-38 in the April 2008 SPP.)

See Table 13-A below for specific data and calculation according to the OSEP measurement instructions.

<b>PERCENT OF YOUTH AGED 16 AND ABOVE WITH AN IEP THAT INCLUDES COORDINATED, MEASURABLE, ANNUAL IEP GOALS AND TRANSITION SERVICES THAT WILL REASONABLY ENABLE THE STUDENT TO MEET THE POSTSECONDARY GOALS</b>				
<b>2007-2008 School Year</b>				
	<b># Students Whose Records Were Monitored</b>	<b># Students with IEPs that Included Coordinated, Measurable, Annual IEP Goals and Transition Services that will Reasonably Enable Student to Meet the Post-Secondary Goals</b>	<b>Students with IEPs that Included Goals/Services as % of Students Whose Records Were Monitored</b>	<b>Number of Findings Issued for Noncompliance</b>
<b>Statewide</b>	23	9	39.1%	NA
<b>Carson City</b>	5	1	20%	1
<b>Douglas</b>	5	4	80%	1
<b>Mineral</b>	6	4	66.7%	1
<b>Nye</b>	7	0	0%	1

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2007:**

**Explanation of Progress or Slippage that occurred for FFY 2007:**

During 2007-2008, the percentage of students whose aged 16 and above with an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals was 39.1%. The NDE did not reach its target of 100% compliance for this Indicator. When the compliance percentage for these four school districts is compared to the compliance percentage for the eight school districts monitored during 2006-2007 (71%), slippage exists. Note, however, that because the calculation for this indicator is based on the on-site monitoring findings in a different set of school districts in each year of a four-year cycle, the comparison to the compliance percentage in the previous year is not a comparison to the same districts. Most of the noncompliance in this area was related to the fact that monitors examined IEPs in Carson City and Nye County where the IEP form itself did not yet conform to changes made by the NDE in early 2007.

**Correction of Noncompliance Identified During 2007-2008:**

For each record monitored during 2007-2008 where there was noncompliance for coordinated, measurable, annual IEP goals and transition services, detailed instructions for correction of the noncompliance were returned to the student's teacher, and IEPs were accordingly revised and corrected. The NDE will report on this correction of noncompliance in the 2008-2009 APR submitted in February 2010, but it is worth noting that as of this point in the 2008-2009 school year, all noncompliance identified for this indicator during 2007-2008 has been completely corrected.

**Correction of Previously Identified Noncompliance:**

Each of the school districts identified with noncompliance in FFY 2006 (Elko, Eureka, Humboldt, Pershing) and in FFY 2005 (Washoe) was given a list of the students whose records were found noncompliant in IEP development for measurable annual goals and transition services to support the students' post-secondary goals. The districts were directed to revise the IEPs and submit the revised IEPs to the NDE for verification that the noncompliance had been corrected. Revised IEPs were submitted and all previously uncorrected noncompliance was corrected during 2007-2008.

Correction of noncompliance for Indicator 13 is summarized in the following table:

Year of Findings	Total Findings of Noncompliance with Indicator 13	Findings Verified as Corrected within One Year	Findings Subsequently Verified as Corrected	Total Findings Corrected as of Submission	Findings of Noncompliance Remaining
FFY 2006	4	4	NA	4	0
FFY 2005	1	0	1	1	0

As this table demonstrates, all noncompliance identified during 2006-2007 was corrected within one year; and the uncorrected noncompliance identified during 2005-2006 was subsequently corrected during 2007-2008.

**Discussion of Improvement Activities Completed for FFY 2007:**

See APR Attachment 1, Improvement Activities/Timelines/Resources, for a detailed listing of activities completed during 2007-2008 for the following activities:

- Improvement Activity 1.1: School, District, and State Improvement Planning and Implementation (p. 3)
- Improvement Activity 1.2: Special Education Data Collection, Reporting, and Use (p. 6)
- Improvement Activity 1.3: Personnel Preparation, Recruitment, and Retention (p. 9)
- Improvement Activity 2.1: Monitoring (p. 16)
- Improvement Activity 2.2: Technical Assistance and Enforcement (p. 18)
- Improvement Activity 3.1: Academic and Behavioral Supports (p. 24)
- Improvement Activity 3.2: Transition Planning and Postsecondary Outcomes (p. 29)
- Improvement Activity 3.3: Parent Involvement (p. 33)

**Revisions, with Justification, to Proposed Targets/Improvement Activities/Timelines/Resources for FFY 2008:**

See summary of revisions, with justifications, that appears in each Improvement Activity referenced above.

**OSEP Determination – Needs Assistance (Second Year)**

**Technical Assistance Sources/Actions Taken**

Nevada was determined by OSEP to "need assistance" for two consecutive years based on the FFY 2005 and FFY 2006 APR submissions. In accordance with section 616(e) of the IDEA and 34 CFR §300.604, the U.S. Secretary of Education advised Nevada of available sources of technical assistance related to Indicator 13 (secondary transition). Below is a table describing the technical assistance sources from which the state received assistance and what actions the state took as a result of that technical assistance.

<b>Indicator 13 Technical Assistance Sources/Actions Taken</b>		
<b>TA Sources</b>	<b>Type of TA</b>	<b>Actions Taken</b>
Marie Mayor, Alma McPherson, OSEP	State-specific TA in OSEP Verification visit, September 2007	The NDE enhanced its monitoring system to include student-specific descriptions of noncompliant IEPs and specific instructions for teachers to correct the noncompliance. These instructions are now returned to school districts to facilitate the correction of student-specific noncompliant components of IEPs, including components for secondary transition planning. Evidence of correction of student-specific noncompliance is provided to the NDE when revised IEPs are submitted for NDE approval and verification of correction.

Jane Nell Luster, DAC/LSU	State-specific TA via telephone conference in September 2008	NDE designed a spreadsheet and disseminated it to school districts as mandatory technical assistance for case management of secondary transition components in IEPs. Data from the spreadsheet are required to be submitted on a quarterly basis to assist the NDE to verify correction of noncompliance.
Western RRC	Regional and state-specific TA conference "SPP/APR Clinic" in December 2008	NDE enhanced its APR document to more specifically describe its compliance enforcement and verification activities, including development of charts clarifying the extent to which previously uncorrected noncompliance has been corrected.
NECTAC/WRRC/DAC  OSEP  National Secondary Transition Technical Assistance Center (NSTTAC)	<p><b>Consulted Documents:</b> TA document: "Local Corrective Action Plans: Collection and Use of Valid and Reliable Data for Determining Factors Contributing to Noncompliance"</p> <p>SPP/APR Calendar "Investigative Questions" (adapted to relate to school district actions)</p> <p>State sample of "Corrective Action (CAP) Template"</p> <p>NCSEAM "Checklist" template for reviewing/approving CAPS</p> <p>NSTTAC "Indicator 13 Checklist"</p>	NDE designed a noncompliance analysis protocol and disseminated it to school districts as mandatory technical assistance for analyzing the root causes of noncompliance regarding secondary transition components in IEPs. This analysis is required to be submitted along with specific steps outlined in a corrective action plan.
Western RRC Mountain Plains RRC	Two days of state-specific, on-site training provided by Dr. Ed O'Leary in October 2008	NDE began creation of technical assistance materials for school districts which focused on ensuring compliance and best practices in transition planning for youth with disabilities
National Secondary Transition Technical Assistance Center (NSTTAC)	2nd Annual Secondary Transition State Planning Institute in May 2008	NDE created the Nevada Transition Advisory Committee (NTAC) Core Team to create transition and postsecondary training modules and use them to provide training for teachers, counselors, administrators, parents, and students.
National Post-School Outcomes Center	Ongoing participation in Community of Practice teleconferences	NDE utilizes this technical assistance, including materials developed, to support the work of the Nevada Transition Advisory Committee (NTAC) Core Team.

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

**INDICATOR 14**

**Overview of the State Performance Plan Development:**

See description in Indicator 1.

**Monitoring Priority: Effective General Supervision Part B / Effective Transition**

**Indicator 14:** Percent of youth who had IEPs, are no longer in secondary school and who have been competitively employed, enrolled in some type of postsecondary school, or both, within one year of leaving high school.

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

**Measurement:** 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) divided by the (# of youth assessed who had IEPs and are no longer in secondary school)] times 100.

FFY	Measurable and Rigorous Target
<b>2007 (2007-2008)</b>	63.9% of youth who had IEPs and are no longer in secondary school have been competitively employed, enrolled in some type of postsecondary school, or both, within one year of leaving high school.

**Actual Target Data for FFY 2007:**

During FFY 2007, 65.7% of youth who had IEPs and are no longer in secondary school had been competitively employed, enrolled in some type of postsecondary school, or both, within one year of leaving high school  $(((258 + 209 + 122) \div 897) \times 100 = 65.7\%)$ .

During 2007-2008, the NDE collected data from students with disabilities one year after exit from secondary school. See the February 2009 SPP for a complete description of Nevada's post-school outcome survey process, including definitions for competitive employment and enrollment in postsecondary school.

During 2007-2008, survey responses were received from 897 students; 258 of those students reported being employed within one year of leaving high school (but not having enrolled in postsecondary school); 209 reported being enrolled in some type of postsecondary school (but not having been competitively employed); and 122 reported being competitively employed and enrolled in some type of postsecondary school within one year of leaving high school. The 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 was 65.7%  $(((258 + 209 + 122) \div 897) \times 100 = 65.7\%)$ . See Table 14 below.

Table 14

**PERCENT OF YOUTH WHO HAD IEPS, ARE NO LONGER IN SECONDARY SCHOOL AND WHO HAVE BEEN COMPETITIVELY EMPLOYED, ENROLLED IN SOME TYPE OF POSTSECONDARY SCHOOL, OR BOTH, WITHIN ONE YEAR OF LEAVING HIGH SCHOOL**  
2007-2008 School Year

	<b>RESPONDING YOUTH WHO HAD IEPS WHO ARE NO LONGER IN SECONDARY SCHOOL (a)</b>	<b>YOUTH COMPETITIVELY EMPLOYED ONLY (b)</b>	<b>YOUTH ENROLLED IN SOME TYPE OF POSTSECONDARY SCHOOL ONLY (c)</b>	<b>YOUTH COMPETITIVELY EMPLOYED AND ENROLLED IN SOME TYPE OF POSTSECONDARY SCHOOL (d)</b>	<b>PERCENT (b + c + d) + (a)</b>
<b>Statewide</b>	<b>897</b>	<b>258</b>	<b>209</b>	<b>122</b>	<b>65.7%</b>

**Response Rate:**

Surveys of students with disabilities who exited secondary school during 2006-2007 were sent to 2,023 students; 95 were returned as undeliverable and current addresses for these students could not be identified. Therefore, surveys reached 1,928 former students (2,023 – 95 = 1,928). Responses were received from 980 students, including 83 who were reached by telephone and declined to complete the survey. The response rate was calculated as the number of respondents (including those who declined to complete the survey) divided by the number of surveys that reached former students. The response rate for the 2007-2008 survey was 51%  $[(980 \div 1,928) \times 100 = 51\%]$ . This response rate compares favorably to the 52% response rate for 2006-2007.

**Representativeness:**

Although response rate is an important indicator of the validity of survey results, the representativeness of survey respondents when compared to the pool of possible respondents from which they were drawn is also a very important factor. In order to examine the representativeness of the respondents in the 2007-2008 student survey, the NDE first calculated the percentage of students in three disability categories (learning disabilities, emotional disturbance, and mental retardation) in the 18-21 age group in the December 1, 2006, child count (the 2006 child count is used because it is these students who are surveyed one year later in 2007-2008). Note that students in the 18-21 age group have slightly different proportions of students in disability categories than the special education population as a whole. For example, the statewide proportion of students with learning disabilities ages 6-21 in 2006 was 59%, while the proportion of 18-21-year-old students with learning disabilities was 54%. The statewide proportion of students with emotional disturbance ages 6-21 in 2006 was 5%, but in the 18-21-year-old students, the proportion was 6%. The statewide proportion of students with mental retardation ages 6-21 in 2006 was 5%, but in the 18-21-year-old students, the proportion was 17%.

The NDE also calculated the percentage of students with disabilities in the five race/ethnic categories in the 18-21 age group in the December 1, 2006, child count. Then, these percentages were compared to the responding students in the survey to evaluate the representativeness of the responding students.

Respondents were compared to the original survey population to determine the representativeness of the responding students when compared to the surveyed students, using the Response Calculator developed by the National Post-School Outcomes Center. Representativeness was compared by disability category for students with learning disabilities, students with emotional disturbance, and students with mental retardation, with the following results:

- 54% of the students in the 18-21 age group had learning disabilities; 49% of the survey respondents had learning disabilities (a difference of 5%).
- 5% of the students in the 18-21 age group had emotional disturbance; 1.2% of the survey respondents had emotional disturbance (a difference of 4.8%).

- 17% of the students in the 18-21 age group had mental retardation; 6% of the respondents had mental retardation (a difference of 11%).

Students were also compared for representativeness according to race/ethnic category. 52% of the students in the child count were minority students (non-White); 42% of the survey respondents were minority students (a difference of 10%). According to the NPSO Response Calculator, differences between the respondent group and the surveyed group of +/- 3% are important. Based on these data, Nevada was underrepresented in the categories of learning disabilities, emotional disturbance, and mental retardation, and underrepresented in minority populations. These data for disability category and race/ethnic category indicate that additional work must be done with Life Tracks to improve the response rates of students in minority race/ethnic categories and low-incidence disability categories.

In the February/April 2008 SPP, the NDE reported that it would begin collecting demographic information for dropout status, LEP status, and gender. The following discussion provides an update on those plans. In February of each year, the NDE works with school districts to gather the names of students who will be exiting school that year due to graduation or dropping out. For the students who exited in 2007 and participated in the post-school outcomes survey in 2008, their information was provided to the NDE in February 2007. At that time, the NDE did not realize it needed to collect information about the students' dropout status, LEP status, or gender, and this information was not routinely collected as part of the demographic information gathered for each student who would be surveyed. Consequently, for the 2007-2008 survey results, the NDE was unable to calculate representativeness according to dropout status, LEP status, or gender. For students whose information was submitted to the NDE in February 2008, this information was collected by the NDE. Therefore, the NDE will have the capacity in FFY 2008 to analyze survey distribution and responses for representativeness in dropout status, LEP status, and gender.

#### **Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2007:**

##### **Explanation of Progress or Slippage that Occurred for FFY 2007:**

During 2006-2007, 62.9% of students with disabilities at the time they responded to the survey were competitively employed, enrolled in some type of postsecondary school, or both, within one year of leaving high school. During 2007-2008, 65.6% of students at the time they responded to the survey were competitively employed, enrolled in some type of postsecondary school, or both, within one year of leaving high school. The target established for FFY 2007 was 63.9%, so Nevada met the target.

OSEP has developed and disseminated proposals for the revision of Indicator 14 which will dramatically change the definitions for counting students' experiences in work and postsecondary school. These proposals represent significant changes in the measurement for this Indicator, and the NDE anticipates major revisions to its survey as a result.

##### **Discussion of Improvement Activities Completed for FFY 2007:**

See APR Attachment 1, Improvement Activities/Timelines/Resources, for a detailed listing of activities completed during 2007-2008 for the following activities:

- Improvement Activity 1.1: School, District, and State Improvement Planning and Implementation (p. 3)
- Improvement Activity 1.2: Special Education Data Collection, Reporting, and Use (p. 6)
- Improvement Activity 1.3: Personnel Preparation, Recruitment, and Retention (p. 9)
- Improvement Activity 3.1: Academic and Behavioral Supports (p. 24)
- Improvement Activity 3.2: Transition Planning and Postsecondary Outcomes (p. 29)
- Improvement Activity 3.3: Parent Involvement (p. 33)

#### **Revisions, with Justification, to Proposed Targets/Improvement Activities/Timelines/Resources for FFY 2008:**

See summary of revisions, with justifications, that appears in each Improvement Activity referenced above.

**Part B State Annual Performance Report (APR) for Federal Fiscal Year (FFY) 2007**

**INDICATOR 15**

**Overview of the Annual Performance Report Development:**

See description in Introduction.

**Monitoring Priority: Effective General Supervision Part B / General Supervision**

**Indicator 15:** General supervision system (including monitoring, complaints, hearings, etc.) identifies and corrects noncompliance as soon as possible but in no case later than one year from identification.

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

**Measurement:**  
 Percent of noncompliance corrected within one year of identification:

- a. # of findings of noncompliance.
- b. # of corrections completed as soon as possible but in no case later than one year from identification.  
 Percent = [(b) divided by (a)] times 100.

For any noncompliance not corrected within one year of identification, describe what actions, including technical assistance and enforcement actions that the State has taken.

FFY	Measurable and Rigorous Target
<b>2005 (2005-2006)</b>	100% of noncompliance is corrected within one year of identification.

**Actual Target Data for FFY 2007:**

During FFY 2007, 100% of noncompliance identified during FFY 2006 was corrected within one year of identification [(254 ÷ 254) x 100 = 100%].

Selection of School Districts for Monitoring: The NDE has established a four-year monitoring cycle. The schedule has been established to ensure selection of a representative group of districts to be monitored each year. A stratified random sampling is used to ensure a representative group of school districts in each of the four years of Nevada's four-year monitoring cycle. Nevada's 17 school districts, which are contiguous with Nevada's 17 counties, have been assigned status as either "urban" (4 districts), "medium rural" (5 districts), or "small rural" (8 districts) depending on the relative size of the county and the relative urbanicity of the county seat. In each of the four years in the special education monitoring cycle, the districts selected for monitoring will include one "urban" district, one "medium rural" district, and two "small rural" districts. Each year the districts are randomly sampled from within the three subgroups, without replacement, in order to ensure that all 17 districts are monitored at least once during the four-year cycle. Because there are 5 districts in the "medium rural" subgroup, 2 of these districts will be monitored in one of the four years. (Note: This monitoring cycle was approved by OSEP in April 2008 as part of the Indicator 8 sampling description. See pp. 36-38 in the April 2998 SPP.)

Monitoring Data: During 2006-2007, eight school districts (Elko, Esmeralda, Eureka, Humboldt, Lander, Lincoln, Pershing, White Pine) were selected for comprehensive on-site monitoring. Two-hundred thirty-five (235) noncompliance findings were made in conjunction with **monitoring** for legal requirements related to the SPP Indicators on the following table. During 2007-2008, correction of noncompliance within one year of identification had occurred for every one of the compliance findings. This correction

was verified through submission of corrected notices and other evidence of compliance with procedural safeguards, as well as corrected IEPs and other documents.

Dispute Resolution Data: During 2006-2007, complaint investigations were conducted in five school districts (Churchill, Clark, Elko, Lyon, Washoe), and 19 findings of noncompliance were made in conjunction with **dispute resolution** for the compliance requirements included on the following table. Within one year, correction had occurred for each of these findings. Documentation of child-specific documentation was required as verification of corrective actions, and each district submitted required information within established timelines. Where necessary, policies and procedures were reviewed and revised. The NDE reviewed all proposed revisions before implementation. Once approved by the NDE, districts were required to train appropriate staff and provide documentation that training occurred within established timelines. Note that there were no findings of noncompliance issued in conjunction with due process hearing decisions or mediations.

Total Findings: A total of 254 noncompliance findings were issued (235 from monitoring, plus 19 from dispute resolution). Nevada required correction of these findings on a student-specific basis, and required submission of documents for verification. Consequently, 100% of noncompliance findings made in conjunction with monitoring or dispute resolution were corrected as soon as possible but in no case later than one year from identification.

**Table 15-A  
SUMMARY OF NONCOMPLIANCE FINDINGS (2006-2007) AND  
CORRECTIONS OF THOSE FINDINGS WITHIN ONE YEAR (2007-2008)**

<b>Indicator</b>	<b>General Supervision System Components</b>	<b># of Programs <u>Monitored</u>*</b>	<b>(a) # of Findings of Noncompliance Identified in 2006-2007</b>	<b>(b) # of Findings From (a) For Which Correction was Verified No Later Than One Year From Identification</b>
1. Regular diploma graduation rate 2. Dropout rate 13. IEP goals and transition services 14. Postsecondary outcomes	Monitoring: On-site visits, self-assessment, etc.	8	55	55
	Dispute Resolution			
3. Participation and performance on assessments 7. Preschool outcomes	Monitoring: On-site visits, self-assessment, etc.	8	53	53
	Dispute Resolution (Complaints)	NA*	10	10
4A. Suspension/expulsion rates	Monitoring: On-site visits, self-assessment, etc.	8	1	1
	Dispute Resolution (Complaints)	NA*	2	2
5. LRE for 6-21 6. LRE for 3-5	Monitoring: On-site visits, self-assessment, etc.	8	39	39
	Dispute Resolution (Complaint)	NA*	1	1
8. Parent Involvement	Monitoring: On-site visits, self-assessment, etc.	8	25	25
	Dispute Resolution (Complaints)	NA*	2	2
9-10. Disproportionate Representation	Monitoring: On-site visits, self-assessment, etc.	8	60	60
	Dispute Resolution (Complaints)	NA*	3	3
11. Initial evaluation timeline	Monitoring: On-site visits, self-assessment, etc.	8	2	2
	Dispute Resolution (Complaints)	NA*	1	1
12. Part C transition—IEP by third birthday	Monitoring: On-site visits, self-assessment, etc.	8	0	0
	Dispute Resolution			
<b>Totals</b>			254	254

**Percent of noncompliance corrected within one year of identification (254 ÷ 254) = 100%**

\*NA = The "dispute resolution" findings were the result of complaint investigations, not "monitoring."

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2007:**

**Explanation of Progress or Slippage that occurred for FFY 2007:**

During 2004-2005, 49% of noncompliance identified during 2003-2004 had been corrected within one year of identification. During 2005-2006, 52% of noncompliance identified during 2004-2005 had been corrected within one year of identification, and by 2006-2007, 87% of noncompliance identified during 2005-2006 had been corrected within one year of identification.

During 2007-2008, 100% of the noncompliance identified during 2006-2007 was corrected within one year of identification. This progress is due to the fact that in the fall of 2007, based on technical assistance from OSEP received during the OSEP Verification meetings in September, Nevada's on-site monitoring system was revised to ensure that a comprehensive record is made for the noncompliance findings for each student's file, and those detailed records are returned to teachers to make corrections. Correction is ensured because the actual revised notices, consents, IEP forms, etc., for each student where noncompliance was identified, are returned to the NDE for verification approximately six-nine months after identification. In the event that the NDE cannot conclude that corrections have been made to the state's standards for compliance, additional instructions are provided to special education administrators and staff members until the corrections made meet NDE standards.

For noncompliance findings that cannot be corrected at a student-specific level (e.g., missed requirements for notice, consent, evaluations, and timelines) because the clock cannot be "rewound," the NDE requires engages in three separate inquiries to verify correction of noncompliance as soon as possible but no later than one year from identification. First, records are examined during the on-site monitoring visit to determine if correction has already occurred at the student-specific level. For example, even if an evaluation was not conducted within the state-mandated timeline, the NDE determines if the evaluation was complete at the time of the record review—if not, the district is directed to conduct the evaluation immediately and provide evidence to the NDE to verify correction. Second, the NDE reviews policies, procedures, and practices. Based upon these reviews, forms and procedures are revised as necessary, and extensive staff training is required to ensure that compliant practices occur in the future. Third, districts are also required to participate in system-level correction verification activities mandated by the NDE. Data are collected and reported on an NDE-mandated spreadsheet on a quarterly basis to ensure system-level correction and provide required verification to the NDE.

Because the NDE now requires student-specific correction of noncompliance which was identified, but not yet corrected as of the date of the monitoring visit, and submission of data to verify system-level correction for requirements that are not susceptible to student-specific correction (e.g., a notice that was required at a point in time where the clock cannot be rewound), the NDE is now able to ensure 100% correction of noncompliance within one year of identification. This progress was facilitated considerably through the technical assistance offered by OSEP during the September 2007 verification visit; through the technical assistance offered by DAC (who suggested utilization of a spreadsheet to collect data as a compliance verification tool); and through the technical assistance offered by the WRRC (who provided data analysis and presentation suggestions).

**Correction of Previously Identified Noncompliance**

In the FFY 2006 APR submitted in February/April 2008, three findings of noncompliance identified in FFY 2004 remained uncorrected. During 2007-2008, the NDE took several enforcement steps to support the district in ensuring correction of this identified noncompliance, including submission of IEPs and other documents to verify correction of noncompliance findings in the three remaining areas of (1) IEP notices to parents/students notifying them that transition services would be discussed; (2) documentation that parents were advised of the rights transfer at age 18; and (3)

supplementary aids and services. Based on submission of these documents, the NDE verified correction of this remaining noncompliance.

Also in the FFY 2006 APR submitted in February/April 2008, a total of 17 noncompliance findings identified in FFY 2005 in four school districts (Churchill, Lyon, Storey, and Washoe) were reported as not corrected within one year. These findings were made during 2005-2006, and were required to be corrected by 2006-2007. During the fall and winter of 2007, based on the new protocol described above, detailed records of the noncompliance found in students' files during the 2005-2006 on-site monitoring were provided to teachers with instructions to make corrections. Correction of the remaining 17 noncompliance findings was ensured because the actual revised notices, consents, IEP forms, etc., for each student where noncompliance was identified were returned to the NDE for verification. Based on submission of these documents, the NDE verified correction of this remaining noncompliance.

Correction of previously identified noncompliance for Indicator 15 is summarized in the following table:

<b>Year of Findings</b>	<b>Number of LEAs with Remaining Noncompliance as of FFY 2006 APR Submission</b>	<b>Number of Findings Remaining Uncorrected as of FFY 2006 APR Submission</b>	<b>Number of Remaining Findings Verified as Corrected as of FFY 2007 APR Submission</b>	<b>Number of Findings of Remaining Uncorrected</b>
<b>FFY 2005</b>	<b>4</b>	<b>17</b>	<b>0</b>	<b>0</b>
<b>FFY 2004</b>	<b>1</b>	<b>3</b>	<b>0</b>	<b>0</b>

**Discussion of Improvement Activities Completed for FFY 2007:**

See APR Attachment 1, Improvement Activities/Timelines/Resources, for a detailed listing of activities completed during 2007-2008 for the following activities:

- Improvement Activity 1.2: Special Education Data Collection, Reporting, and Use (p. 6)
- Improvement Activity 1.3: Personnel Preparation, Recruitment, and Retention (p. 9)
- Improvement Activity 2.1: Monitoring (p. 16)
- Improvement Activity 2.2: Technical Assistance and Enforcement (p. 18)
- Improvement Activity 2.3: Dispute Resolution (p. 20)
- Improvement Activity 3.2: Transition Planning and Postsecondary Outcomes (p. 29)
- Improvement Activity 3.4: Early Childhood Outcomes (p. 35)

**Revisions, with Justification, to Proposed Targets/Improvement Activities/Timelines/Resources for FFY 2008:**

See summary of revisions, with justifications, that appears in each Improvement Activity referenced above.

**OSEP Determination – Needs Assistance (Second Year)**

**Technical Assistance Sources/Actions Taken**

Nevada was determined by OSEP to "need assistance" for two consecutive years based on the FFY 2005 and FFY 2006 APR submissions. In accordance with section 616(e) of the IDEA and 34 CFR §300.604, the U.S. Secretary of Education advised Nevada of available sources of technical assistance related to Indicator 15 (timely correction of noncompliance). Below is a table describing the technical assistance sources from which the state received assistance and what actions the state took as a result of that technical assistance.

<b>Indicator 15</b>		
<b>Technical Assistance Sources/Actions Taken</b>		
<b>TA Sources</b>	<b>Type of TA</b>	<b>Actions Taken</b>
Marie Mayor, Alma McPherson, OSEP	State-specific TA in OSEP Verification visit, September 2007	The NDE enhanced its monitoring system to include student-specific descriptions of noncompliant IEPs and specific instructions for teachers to correct the noncompliance. These instructions are now returned to school districts to facilitate the correction of student-specific noncompliance. Evidence of correction of student-specific noncompliance is provided to the NDE when revised IEPs and other documents (e.g., written notice of proposals/refusals) are submitted for NDE approval and verification of correction.
Jane Nell Luster, DAC/LSU	State-specific TA via telephone conference in September 2008	NDE designed a spreadsheet and disseminated it to school districts as mandatory technical assistance for case management of timelines. Data from the spreadsheet are required to be submitted on a quarterly basis to assist the NDE to verify correction of noncompliance.
Western RRC	Regional and state-specific TA conference "SPP/APR Clinic" in December 2008	NDE enhanced its APR document to more specifically describe its compliance enforcement and verification activities, including development of charts clarifying the extent to which previously uncorrected noncompliance has been corrected.
NECTAC/WRRRC/DAC  OSEP	<p><b>Consulted Documents:</b> TA document: "Local Corrective Action Plans: Collection and Use of Valid and Reliable Data for Determining Factors Contributing to Noncompliance"</p> <p>SPP/APR Calendar "Investigative Questions" (adapted to relate to school district actions)</p> <p>State sample of "Corrective Action (CAP) Template"</p> <p>State sample for "Developing Root Cause Questions"</p> <p>NCSEAM "Checklist" template for reviewing/approving CAPS</p>	<p>NDE designed a noncompliance analysis protocol and disseminated it to school districts as mandatory technical assistance for analyzing the root causes of noncompliance. This analysis is required to be submitted along with specific steps outlined in a corrective action plan.</p> <p>The NDE also enhanced its corrective action plan requirements to include more student-specific evidence of correction of systemic noncompliance. The spreadsheet described above is now submitted by school districts as evidence for systemic correction of noncompliance related to time-specific requirements.</p>

**Part B State Annual Performance Report (APR) for Federal Fiscal Year (FFY) 2007**

**INDICATOR 16**

**Overview of the Annual Performance Report Development:**

See description in Introduction.

**Monitoring Priority: Effective General Supervision Part B / General Supervision**

**Indicator 16:** Percent of signed written complaints with reports issued that were resolved within 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint.

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

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

FFY	Measurable and Rigorous Target
<b>2007 (2007-2008)</b>	100% of signed written complaints with reports issued will be resolved within 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint.

**Actual Target Data for FFY 2007:**

During 2007-2008, 100% of signed written complaints with reports issued were resolved within the 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint  $(((4 + 1) \div 5) \times 100 = 100\%)$ . There were 8 complaint investigation reports issued during 2007-2008, and each complaint investigation was completed within the 60-day timeline or within a timeline extended for exceptional circumstances with respect to a particular complaint.

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2007:**

**Explanation of Progress or Slippage that occurred for FFY 2007:**

100% of signed written complaints with reports issued were resolved within the 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint, so the NDE met the target. Because the Department has maintained this standard of timeliness for several years, there is no progress or slippage to explain.

**Discussion of Improvement Activities Completed for FFY 2007:**

See APR Attachment 1, Improvement Activities/Timelines/Resources, for a detailed listing of activities completed during 2007-2008 for the following activities:

- Improvement Activity 1.2: Special Education Data Collection, Reporting, and Use (p. 6)
- Improvement Activity 2.3: Dispute Resolution (p. 20)

**Revisions, with Justification, to Proposed Targets/Improvement Activities/Timelines/Resources for FFY 2008:**

See summary of revisions, with justifications, that appears in each Improvement Activity referenced above.

## Part B State Annual Performance Report (APR) for Federal Fiscal Year (FFY) 2007

### INDICATOR 17

#### Overview of the Annual Performance Report Development:

See description in Introduction.

<b>Monitoring Priority: Effective General Supervision Part B / General Supervision</b>
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**Indicator 17:** Percent of fully adjudicated 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))

<b>Measurement:</b> Percent = [(3.2(a) + 3.2(b)) divided by 3.2] times 100.
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FFY	Measurable and Rigorous Target
<b>2007 (2007-2008)</b>	100% of fully adjudicated due process hearing requests will be fully adjudicated within the 45-day timeline or a timeline that is properly extended by the hearing officer at the request of either party.

#### Actual Target Data for FFY 2007:

During 2007-2008, 100% of fully adjudicated due process hearing requests were fully adjudicated within the 45-day timeline or a timeline that was properly extended by the hearing officer at the request of either party  $[(0 + 1) \div 1] \times 100 = 100\%$ . There was one due process hearing conducted during 2007-2008 that was fully adjudicated as of June 30, 2007. The hearing was conducted and a decision rendered within a timeline that was properly extended by the hearing officer.

#### Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2007:

##### Explanation of Progress or Slippage that occurred for FFY 2007:

100% of fully adjudicated due process hearing requests were fully adjudicated within the 45-day timeline or a timeline that was properly extended by the hearing officer at the request of either party, so the NDE met the target. Because the Department has maintained this standard of timeliness for several years, there is no progress or slippage to explain. This high standard of compliance is reinforced by an independent contractor hired by the NDE to facilitate the administration of the due process hearing system. This contractor assists the NDE in closely monitoring adherence to all timelines required in the Part B due process hearing system.

##### Discussion of Improvement Activities Completed for FFY 2007:

See APR Attachment 1, Improvement Activities/Timelines/Resources, for a detailed listing of activities completed during 2007-2008 for the following activities:

- Improvement Activity 1.2: Special Education Data Collection, Reporting, and Use (p. 6)
- Improvement Activity 2.3: Dispute Resolution (p. 20)

#### Revisions, with Justification, to Proposed Targets/Improvement Activities/Timelines/Resources for FFY 2008:

See summary of revisions, with justifications, that appears in each Improvement Activity referenced above.

**Part B State Annual Performance Report (APR) for Federal Fiscal Year (FFY) 2007**

**INDICATOR 18**

**Overview of the Annual Performance Report Development:**

See description in Introduction.

**Monitoring Priority: Effective General Supervision Part B / General Supervision**

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

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

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

FFY	Measurable and Rigorous Target
<b>2007 (2007-2008)</b>	85% of resolution sessions held will result in settlement agreements.

**Actual Target Data for FFY 2007:**

During 2007-2008, 48% of hearing requests that went to resolution sessions were resolved through resolution session settlement agreements [(21 ÷ 44) x 100 = 48%].

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2007:**

**Explanation of Progress or Slippage that occurred for FFY 2007:**

During 2007-2008, 48% of resolutions sessions held resulted in resolution session agreements, down from the 67% during 2006-2007. Consequently, the NDE did not meet the target. During 2005-2006, 91% of resolution sessions held resulted in settlement agreements that resolved the dispute between the parties without the necessity of holding a due process hearing. Nevada thus experienced slippage in the resolution agreement rate.

However, written resolution settlement agreements are not the only means for settling disputes, and during 2007-2008, of the 45 hearings requests resolved without a hearing by 6/30/08, 44 were settled through various means without a hearing. Consequently, Nevada's actual resolution rate was 98%. This overall resolution rate is significant—it suggests that although resolution sessions per se may not always result in written settlement agreements, there are various other means that are successfully used in Nevada to resolve disputes without due process hearings.

**Discussion of Improvement Activities Completed for FFY 2007:**

See APR Attachment 1, Improvement Activities/Timelines/Resources, for a detailed listing of activities completed during 2007-2008 for the following activities:

- Improvement Activity 1.2: Special Education Data Collection, Reporting, and Use (p. 6)
- Improvement Activity 2.3: Dispute Resolution (p. 20)

**Revisions, with Justification, to Proposed Targets/Improvement Activities/Timelines/Resources for FFY 2008:**

See summary of revisions, with justifications, that appears in each Improvement Activity referenced above.

**Part B State Annual Performance Report (APR) for Federal Fiscal Year (FFY) 2007**

**INDICATOR 19**

**Overview of the Annual Performance Report Development:**

See description in Introduction.

**Monitoring Priority: Effective General Supervision Part B / General Supervision**

**Indicator 19:** Percent of mediations held that resulted in mediation agreements.

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

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

FFY	Measurable and Rigorous Target
<b>2007 (2007-2008)</b>	80% of mediations held will result in mediation agreements.

**Actual Target Data for FFY 2007:**

During 2007-2008, 100% (4 of 4) of mediations held resulted in full or partial mediation agreements  $(((1 + 3) \div 4) \times 100 = 100\%)$ . During FFY 2007, fewer mediations were held than in FFY 2006 when 9 were held. This circumstance is not unexpected given the requirement for parties (with few exceptions) to participate in resolution sessions prior to proceeding to a due process hearing.

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2007:**

**Explanation of Progress or Slippage that occurred for FFY 2007:**

During 2007-2008, 100% of mediations held resulted in mediation agreements. Consequently, the NDE met the target. During 2006-2007, 100% of Nevada's mediations resulted in mediation agreements—so there was neither progress nor slippage to explain.

The pursuit of a target for mediation agreements could have a coercive effect on the process, which is an undesirable, unintended consequence of establishing a "success" rate as a performance indicator. It is more important that parties in a mediation session are satisfied with the process, than whether they can reach an agreement. The NDE conducts an evaluation of each mediation session, and in 2007-2008, 100% of district representatives (17) who participated in mediation and responded to the survey rated the session as positive. 100% of parents (7) who participated in mediation and responded to the survey rated the session as positive. Although the number of respondents is not large, their satisfaction with the mediation system is not inconsequential.

It is clearly not possible nor appropriate for the NDE to ensure that all mediations result in agreements; however, it is possible for the NDE to ensure that its mediators are knowledgeable and well-trained, and that parties are made aware of the value of settling disputes through mediation. The NDE's mediation system meets these criteria.

**Discussion of Improvement Activities Completed for FFY 2007:**

See APR Attachment 1, Improvement Activities/Timelines/Resources, for a detailed listing of activities completed during 2007-2008 for the following activities:

- Improvement Activity 1.2: Special Education Data Collection, Reporting, and Use (p. 6)
- Improvement Activity 2.3: Dispute Resolution (p. 20)

**Revisions, with Justification, to Proposed Targets/Improvement Activities/Timelines/Resources for FFY 2008:**

See summary of revisions, with justifications, that appears in each Improvement Activity referenced above.

## Part B State Annual Performance Report (APR) for Federal Fiscal Year (FFY) 2007

### INDICATOR 20

#### Overview of the Annual Performance Report Development:

See description in Introduction.

**Monitoring Priority: Effective General Supervision Part B / General Supervision**

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

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

#### Measurement:

State reported data, including 618 data and annual performance reports, are:

- a. Submitted on or before due dates (February 1 for child count, including race and ethnicity; placement; November 1 for exiting, discipline, personnel; and February 1 for Annual Performance Reports); and
- b. Accurate (describe mechanisms for ensuring error free, consistent, valid and reliable data and evidence that these standards are met).

FFY	Measurable and Rigorous Target
2007 (2007-2008)	100% of State reported data (618 and State Performance Plan and Annual Performance Report) will be timely and accurate.

#### Actual Target Data for FFY 2007:

During 2007-2008, 100% of Nevada's state-reported data were timely and accurate for all required elements in the submissions. The 2007-2008 annual §618 data (child count and placement in February 2008; exiting, discipline, personnel reports, and dispute resolution in November 2008) were submitted on time and accurately.

The revised State Performance Plan (SPP) and the Annual Performance Plan (APR) for FFY 2006 were submitted on time in February 2008. Clarification was provided upon OSEP request within the time allotted.

#### Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2007:

##### Explanation of Progress or Slippage that occurred for FFY 2007:

100% of Nevada's state-reported data were timely and accurate for all required elements in the submissions, so the NDE met the target. The NDE also met the target in FFY 2006, so there is no progress or slippage to explain.

The NDE annually collects data from its 17 local school districts. All IDEA §618 data are now collected electronically and software tools are used to compile submissions, search for duplicates, perform error checks, and prepare data for submission to OSEP on OSEP-supplied data files each year in November and February.

The February/April 2008 SPP describes the steps taken by the NDE to ensure that data are reported in a timely manner, the steps taken to ensure that data are accurate, and the steps taken to ensure that local agencies collect and report data that is consistent with the federal requirements (see February/April 2008 SPP, pp. 74-75).

In addition to those routine steps, during May 2008 Nevada sponsored the third annual "Data School"—a one-day training for special education administrators and the school district special education data managers. The training focused on further implementation and clarification regarding changes to the federal data collections that were implemented for data collected during the 2006-2007 school year, including significant changes to the following data collections: child count, placement, and suspension/expulsion. In addition, sessions focused on timely and accurate submissions of all special education data to the NDE. Tools were reviewed and disseminated for calculating early childhood placement data and for collecting student-level suspension/expulsion data. This training will continue to be held annually, as part of the NDE's efforts to ensure that timely and accurate data are collected from school districts and reported to OSEP. These efforts are particularly important given the extensive changes recently made to the federal data collections, and the importance attached to the data analyses when used to determine Nevada's accountability for its programs and services for students with disabilities.

Finally, in FFY 2007, the NDE maintained its capacity to provide timely and accurate data to OSEP through the assistance of two independent contractors who were hired to enhance data collection, verification, and reporting activities. One of these contractors not only ensures that data are timely submitted, she also develops tools and protocols, and provides district-specific technical assistance to ensure that data are accurate and valid. The work of these contractors has improved the accuracy and timeliness of Nevada's §618 and APR data, but it has also enhanced the NDE's ability to make school- and district-level data available to districts for their use in data-based improvement planning.

**Discussion of Improvement Activities Completed for FFY 2007:**

See APR Attachment 1, Improvement Activities/Timelines/Resources, for a detailed listing of activities completed during 2007-2008 for the following activities:

- Improvement Activity 1.2: Special Education Data Collection, Reporting, and Use (p. 6)
- Improvement Activity 2.1: Monitoring (p. 16)
- Improvement Activity 2.2: Technical Assistance and Enforcement (p. 18)
- Improvement Activity 2.3: Dispute Resolution (p. 20)

**Revisions, with Justification, to Proposed Targets/Improvement Activities/Timelines/Resources for FFY 2008:**

See summary of revisions, with justifications, that appears in each Improvement Activity referenced above.