

Part B State Annual Performance Report (APR) for Federal Fiscal Year (FFY) 2005**FEBRUARY 2007****INDICATOR 1****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;
- (10) reduce disproportionate identification of students in race/ethnic groups as having a particular disability;
- (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.

Among the indicators were those considered to be "not new" because they were reported previously to OSEP under Biennial and Annual Performance Report requirements (Indicators 1, 2, 3, 4a, 5, 6, 12, 15, 16, 17, 19, and 20). Progress for these indicators is reported in this Annual Performance Report (APR).

Other indicators were considered to be "new" and OSEP established two timelines for providing baseline data, setting targets, and reporting progress for these Indicators. The February 2007 version of the SPP has been revised to include 2005-2006 baseline data, targets, and improvement activities for Indicators 4b, 8, 9, 10, 11, and 18. Progress for these indicators will be reported in the February 2008 APR.

The February 2008 version of the SPP will be revised to include 2006-2007 baseline data, targets, and improvement activities for Indicators 7 and 14. Progress for these indicators will be reported in the February 2009 APR.

The February 2007 APR and the February 2007 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 the December 2005 State Performance Plan (SPP)

In February 2006, the U.S. Office of Special Education Programs (OSEP) sent correspondence to the NDE approving the state's submission of its December 2005 SPP. Attached to the correspondence was Table A addressing issues identified by OSEP that required additional information to be submitted in the February 2007 SPP/APR submission. Specifically, OSEP stated that for Indicators 1 (graduation rates) and 2 (dropout rates), the NDE must include baseline data from 2004-2005 and progress data from 2005-2006 in its February 2007 submission. Both of these Indicators require collection of data and comparison to statewide graduation and dropout rates for the general education population, and these data are not collected and reported to various officials (including other agencies within the U.S. Department of Education) on the same timeline that OSEP requires for the SPP/APR. Following is a description of the updated data provided in this submission.

Indicator 1 (Graduation Rates): The February 2007 SPP has been revised to include baseline data for 2004-2005. The February 2007 APR includes progress data from 2005-2006 for students with disabilities; however, the statewide graduation rate for all students for 2005-2006 is not yet available so the rate for 2004-2005 has been included.

Indicator 2 (Dropout Rates): The February 2007 SPP has been revised to include baseline data for 2004-2005. The February 2007 APR does not include progress data from 2005-2006 because counts of dropouts (including students with disabilities) are collected and reported with timelines established for submission to the Common Core of Data (CCD), and the data are not yet available. Consequently, the February 2007 APR includes 2004-2005 data as progress data. The statewide dropout rate for all students for 2005-2006 is not yet available so the rate for 2004-2005 has been included.

The NDE continues to make efforts to improve coordination of its data collection and analysis, so that demands by various entities can be met within its limited resources.

February 2007 APR Development

The NDE began data collection for the 2005-2006 APR with the collection of the special education child count data on December 1, 2005, 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 2006, with the annual collection of §618 IDEA program data for 2005-2006 from local school districts. These data included data on the reasons for students exiting special education and suspension/expulsion data. During the summer of 2006, 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 August 2006, the NDE conducted a preliminary analysis of Nevada's data for Indicators 1, 2, 3, 4a, 5, 6, and 12. Preliminary statewide and district-level data were presented for these Indicators to an August 2006 meeting of the 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 2006, and in the National Monitoring Conference sponsored by OSEP in September 2006. The SPP and APR

requirements were a central focus for both of these conferences. Throughout the late summer, fall and early winter, staff members from the NDE participated in technical assistance conference calls offered by OSEP to review measurement criteria for various indicators, in particular those indicators where measurement criteria had been revised since submission of Nevada's original SPP in December 2005.

February 2007 APR Dissemination

Final data analysis for each indicator to be reported in the APR (Indicator 1, 2, 3, 4a, 5, 6, 12, 15, 16, 17, 19, and 20) was completed in January 2007, and reported to OSEP on February 1, 2007. The APR will be made available to the public by March 2007 on the NDE website, following the February submission to OSEP. 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 2007 Reporting of District-Level Performance Indicator Data

The progress of school districts toward the state targets for Performance Indicators 1, 2, 3, 4a, 5, 6 and 12 will be reported to the public by April 2007 on the NDE website and will be disseminated directly to SEDA and 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.

Part B State Annual Performance Report (APR) for Federal Fiscal Year (FFY) 2005

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
2005 (2005-2006)	22% of Nevada's youth with IEPs will graduate from high school with a regular diploma.

Actual Target Data for FFY 2005:

Nevada's calculation for high school graduation rates was the same in 2005-2006 as it was described in the December 2005 State Performance Plan.

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^{12}), 11th grade dropouts from two years ago (d^{11}), 10th grade dropouts from three years ago (d^{10}), and 9th grade dropouts from four years ago (d^9). 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 the baseline data for FFY 2004 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 2005-2006, 23.3% of Nevada's youth with IEPs graduated from high school with a regular diploma. There were 593 regular diploma recipients, and 2,545 students in Grade 12 plus "ungraded" students ages 17-21 ($593 \div 2,545 = 23.3\%$).

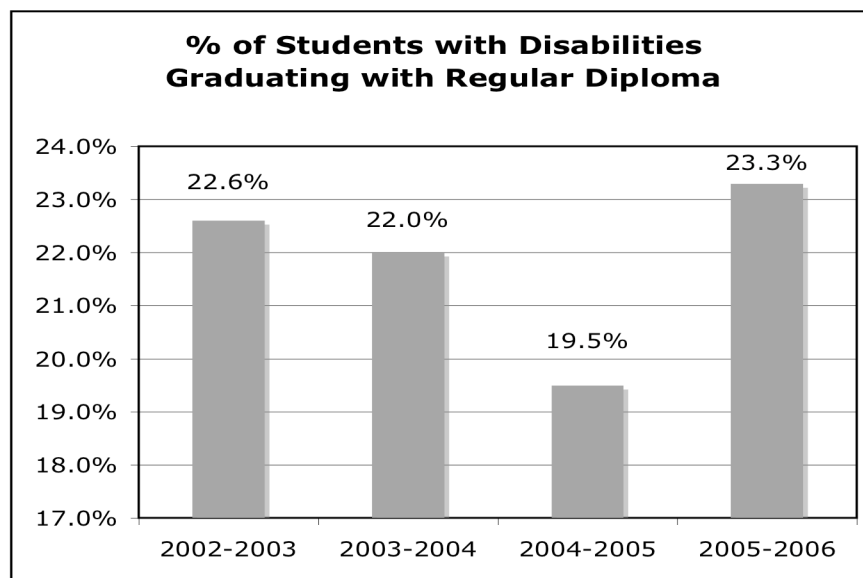
Data are not yet available for the percent of all youth in Nevada graduating with a regular diploma during the 2005-2006 school year; however, the percent of all youth in Nevada graduating with a regular diploma during 2004-2005 was 64.9%.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2005:

Explanation of Progress or Slippage that Occurred for FFY 2005:

The graduation rate for students with disabilities earning a regular diploma was 19.5% in the 2004-2005 school year (see February 2007 SPP, p. 5). In FFY 2005 (2005-2006), the graduation rate was 23.3%. The target established for FFY 2005 was 22%, so Nevada made progress and reached its target graduation rate.

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



Discussion of Improvement Activities Completed for FFY 2005:

See APR Attachment 2, Improvement Activities/Timelines/Resources, for a detailed listing of activities completed during 2005-2006 for the following initiatives:

- Access to General Education Curriculum in Regular Education Environments (p. 1)
- Assessment and Accountability (p. 4)
- Intervention Systems for Academic and Behavior Supports (p. 19)
- Secondary Transition Planning and Post-School Outcomes (p. 27)
- Special Education Focused Monitoring and Program Improvement System (p. 30)
- STARS--Nevada's Blueprint for High School Improvement (p. 32)

Revisions, with Justification, to Proposed Targets/Improvement Activities/Timelines/Resources for FFY 2005:

Nevada's SPP Indicator 1 has been updated to reflect FFY 2004 (2004-2005 school year) baseline data, which was not available at the time the SPP was first submitted in December 2005 (see February 2007 SPP, p. 5). Minor adjustments have been made to the timelines and activities in various Improvement Initiatives to account for progress made, delays encountered, resources allocated, and competing priorities.

Part B State Annual Performance Report (APR) for Federal Fiscal Year (FFY) 2005

INDICATOR 2

Overview of the Annual Performance Report Development:

See description in Indicator 1.

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
2005 (2005-2006)	7.4% of Nevada's youth with IEPs will drop out of high school.

Actual Target Data for FFY 2005:

Nevada's calculation for high school dropout rates was the same in 2005-2006 as it was described in the December 2005 State Performance Plan.

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:

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

As of the 2004-2005 school year, the most recent year for which statewide dropout data are available, 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 have been calculated by dividing the number of students with disabilities grades 9-12 who were dropouts in the state CCD data set, 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:

$$\frac{\text{\# Students with Disabilities Designated as Dropouts in Grades 9-12 (codes 4 through 7, plus Non>Returns)}}{\text{\# Students with Disabilities in Grades 9-12 + "Ungraded" Students with Disabilities Ages 14-21}}$$

During 2004-2005, 7.2% of Nevada's youth with IEPs dropped out of high school. There were 908 students who dropped out of high school, and 12,564 students with disabilities in Grades 9-12 plus "ungraded" students ages 14-21 ($908 \div 12,564 = 7.2\%$). The percent of all youth in Nevada who dropped out during 2004-2005 was 5.66%.

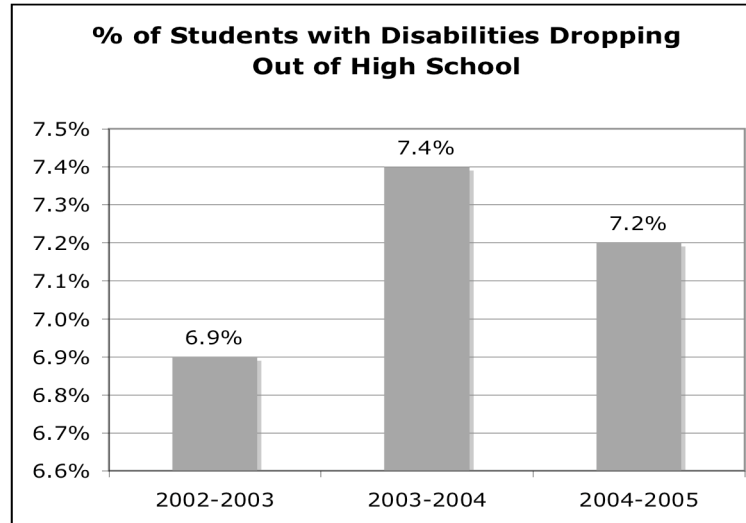
The most recent year for which statewide data are available is 2004-2005. Data for 2005-2006 will not be available until approximately May 2007, because these data are collected and reported by the Nevada Department of Education in accordance with the deadlines and requirements for submission to the 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. Timelines for submission of the CCD data do not coincide with timelines for the SPP/APR submissions. Nevada adheres exactly to the standard definition and collection procedures outlined by the CCD, and therefore does not use its §618 data collection for dropout counts. In the APR submission in February 2008, the NDE will update the actual target data for 2005-2006.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2005:

Explanation of Progress or Slippage that Occurred for FFY 2005:

The dropout rate for students with disabilities in high school was 7.4% in the 2003-2004 school year (see February 2007 SPP, p. 7). In FFY 2004 (2004-2005) the most current year for which data are available, the dropout rate was 7.2%. The target established for FFY 2005 was 7.4%, so Nevada made progress and reached its target dropout rate.

The following chart shows the percent of students with disabilities dropping out of high school during each of the last three school years. After an increase in the dropout rate between 2002-2003 and 2003-2004, the rate lowered in 2004-2005.



Discussion of Improvement Activities Completed for FFY 2005:

See APR Attachment 2, Improvement Activities/Timelines/Resources, for a detailed listing of activities completed during 2005-2006 for the following initiatives:

- Access to General Education Curriculum in Regular Education Environments (p. 1)
- Intervention Systems for Academic and Behavior Supports (p. 19)
- Secondary Transition Planning and Post-School Outcomes (p. 27)
- Special Education Focused Monitoring and Program Improvement System (p. 30)
- STARS--Nevada's Blueprint for High School Improvement (p. 32)

Revisions, with Justification, to Proposed Targets/Improvement Activities/Timelines/Resources for FFY 2005:

Nevada's SPP Indicator 2 has been updated to reflect FFY 2004 (2004-2005 school year) baseline data, which was not available at the time the SPP was first submitted in December 2005. Minor adjustments have been made to the timelines and activities in various Improvement Initiatives to account for progress made, delays encountered, resources allocated, and competing priorities.

Part B State Annual Performance Report (APR) for Federal Fiscal Year (FFY) 2005

INDICATOR 3

Overview of the Annual Performance Report Development:

See description in Indicator 1.

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

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

Overall Percent = $\left[\frac{b + c + d + e}{a} \right]$.

- 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 = $\left[\frac{b}{a} \right] \times 100$);
 - c. # of children with IEPs in assessed grades who are proficient or above as measured by the regular assessment with accommodations (percent = $\left[\frac{c}{a} \right] \times 100$);
 - 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 = $\left[\frac{d}{a} \right] \times 100$); and
 - e. # of children with IEPs in assessed grades who are proficient or above as measured against alternate achievement standards (percent = $\left[\frac{e}{a} \right] \times 100$).

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

Overall Percent = $\left[\frac{b + c + d + e}{a} \right]$.

INDICATOR 3A

FFY	Measurable and Rigorous Target
2005 (2005-2006)	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

FFY	Measurable and Rigorous Target
2005 (2005-2006)	95% of students with disabilities will participate in statewide assessments.

INDICATOR 3C

FFY	Measurable and Rigorous Target													
2005 (2005-2006)	Mathematics							Reading						
	3rd	4th	5th	6th	7th	8th	10th	3rd	4th	5th	6th	7th	8th	10th
	32%	No FFY 2005 Target	24%	No FFY 2005 Target	No FFY 2005 Target	17%	14%	25%	No FFY 2005 Target	20%	No FFY 2005 Target	No FFY 2005 Target	18.5%	26%

Actual Target Data for FFY 2005:**A. 2005-2006 Data for Percent of Districts Meeting Nevada's AYP Objectives for Disability Subgroup**

During 2005-2006, 87.5% 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. See Table 3-A-1 below.

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 2005-2006 School Year		
# Districts With Minimum "n" Size for ELA and Math	# Districts With Minimum "n" Size for ELA and Math that Met Nevada's AYP Objectives for Progress for Disability Subgroup	% of Districts With Minimum "n" Size Meeting Nevada's AYP Objectives for Progress for Disability Subgroup
8	7	87.5%

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.

Table 3-A-2 AYP Objectives for Disability Subgroup In Nevada's 17 School Districts 2005-2006 School Year				
DISTRICT	AYP AREAS	Does District Have Disability Subgroup that meets the State's Minimum "n" Size at Elementary, Middle, and High School Levels?	Did District Meet AYP Objectives?	Did District Meet AYP Objectives in Both ELA and Math?
Carson City	ELA	Y	Y*	Y
	Math	Y	Y	
Churchill	ELA	Y	Y	Y
	Math	Y	Y	
Clark	ELA	Y	N	N
	Math	Y	N	
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	Y	Y	Y
	Math	Y	Y	
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	NA
	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

**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, 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 2005:

Explanation of Progress or Slippage that Occurred for FFY 2005:

During FFY 2005 (2005-2006), Nevada added one school district to those that met the state's minimum "n" size for calculation of AYP. Therefore, the denominator changed from 7 in 2004-2005 to 8 in 2005-2006, and one of the eight districts did not make its AYP objectives. The percent of districts with the minimum "n" size making established AYP objectives was 87.5% ($7 \div 8 = 87.5\%$). The target established for FFY 2005 was 85.7%, so Nevada made progress and reached its target for districts meeting Nevada's AYP objectives for the disability subgroup.

Discussion of Improvement Activities Completed for FFY 2005:

See APR Attachment 2, Improvement Activities/Timelines/Resources, for a detailed listing of activities completed during 2005-2006 for the following initiatives:

- Access to General Education Curriculum in Regular Education Environments (p. 1)
- Assessment and Accountability System (p. 4)
- Intervention Systems for Academic and Behavior Supports (p. 19)
- Professional Development (p. 22)
- Special Education Focused Monitoring and Program Improvement System (p. 30)
- STARS--Nevada's Blueprint for High School Improvement (p. 32)

Revisions, with Justification, to Proposed Targets/Improvement Activities/Timelines/Resources for FFY 2005:

Targets for Indicator 3A in the SPP were revised to reflect the change in the measurement calculation which requires that only districts whose disability subpopulation meets Nevada's minimum "n" size be included in the calculations. The targets established for FFYs 2005, 2006, and 2007 were revised to align with the recalculated baseline for 2004-2005 (6 of 7 districts meeting AYP for 85.7%). For FFYs 2008 and 2009, the target was increased to 88.9, anticipating that another two districts might be added to those whose "n" size meets the state's minimum "n" size requirement (8 of 9 districts meeting AYP for 88.9%), and the target for FFY 2010 was set for 90%, anticipating that there might be 10 districts whose "n" size meets the state's minimum "n" size requirement (9 of 10 districts meeting AYP for 90%). Since the denominator of the calculation (number of districts whose "n" size meets the state's minimum "n" size requirement) is likely to vary from year to year, and because Nevada only has 17 school districts, estimating the percentage of districts that will meet AYP objectives is particularly challenging.

Minor adjustments have been made to the timelines and activities in various Improvement Initiatives to account for progress made, delays encountered, resources allocated, and competing priorities.

B. 2005-2006 Data for Participation Rates

During 2005-2006, 97.7% (Math) and 97.3% (ELA/Reading) of Nevada's students with disabilities participated in the statewide assessments by participating in a regular assessment with no accommodations, a regular assessment with accommodations, or an alternate assessment against alternate achievement standards. During 2005-2006, Nevada did not administer alternate assessments against grade level standards.

Participation rates for 2005-2006 were calculated by dividing the number of students with disabilities who participated in each examination by the total number of students with disabilities. The No Child Left Behind Act (NCLB) establishes a requirement that 95% of students participate in statewide assessments.

Grades Assessed	# Students With IEPs	Math Participants		ELA/Reading Participants	
		# Assessed	% Assessed	# Assessed	% Assessed
3rd Grade	3,830	3,816	99.6%	3,814	99.6%
4th Grade	3,872	3,855	99.6%	3,856	99.6%
5th Grade	4,052	4,036	99.6%	4,036	99.6%
6th Grade	3,774	3,717	98.5%	3,710	98.3%
7th Grade	3,643	3,549	97.4%	3,542	97.2%
8th Grade	3,642	3,580	98.3%	3,587	98.5%
10th Grade	3,132	2,796	89.3%	2,702	86.3%
Overall Total	25,945	25,349	97.7%	25,247	97.3%

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2005:

Explanation of Progress or Slippage that Occurred for FFY 2005:

During FFY 2005 (2005-2006), 97.7% of Nevada's students with disabilities participated in the Math assessments required under NCLB; 97.3% of Nevada's students with disabilities participated in the ELA/Reading assessments. For every grade except 10th, more than 97% of students with disabilities participated in both assessments. Compared with the 2004-2005 school year, a slightly higher percent of students with disabilities participated in the Math assessment (87.8% compared to 89.3%), and a slightly lower percent of students with disabilities participated in the ELA/Reading assessment (86.9% compared to 86.3%).

The target established for FFY 2005 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 2005:

See APR Attachment 2, Improvement Activities/Timelines/Resources, for a detailed listing of activities completed during 2005-2006 for the following initiatives:

- Access to General Education Curriculum in Regular Education Environments (p. 1)
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- Professional Development (p. 22)
- Special Education Focused Monitoring and Program Improvement System (p. 30)
- STARS--Nevada's Blueprint for High School Improvement (p. 32)

Revisions, with Justification, to Proposed Targets/Improvement Activities/Timelines/Resources for FFY 2005:

Targets for Indicator 3B in the SPP were revised to align with the NCLB requirement that 95% of students with disabilities participate in statewide assessments, in accordance with recent guidance from OSEP indicating that the NCLB standard was acceptable as a target. There is no legal justification for holding districts to a higher standard, particularly when "determinations" about whether districts meet requirements are made by the NDE based upon each district's performance against statewide targets.

Minor adjustments have been made to the timelines and activities in various Improvement Initiatives to account for progress made, delays encountered, resources allocated, and competing priorities.

C. 2005-2006 Data for Proficiency Rates

Proficiency rates for 2005-2006 were calculated by dividing the number of students who were proficient or above in each examination by the total number of students with disabilities. Proficiency is measured by students' performance in the following assessments:

- Regular assessment with no accommodations
- Regular assessment with accommodations
- Alternate assessment against alternate achievement standards

Grades Assessed	# Students With IEPs	Math Participants		ELA/Reading Participants	
		# Proficient	% Proficient	# Proficient	% Proficient
3rd Grade	3,830	1,169	30.5%	985	25.7%
4th Grade	3,872	1,194	30.8%	998	25.8%
5th Grade	4,052	964	23.8%	573	14.1%
6th Grade	3,774	868	23.0%	764	20.2%
7th Grade	3,643	629	17.3%	629	17.3%
8th Grade	3,642	546	15.0%	584	16.0%
10th Grade	3,132	363	11.6%	958	30.1%

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2005:

Explanation of Progress or Slippage that Occurred for FFY 2005:

As shown on the chart below, Nevada met its targets for proficiency in Math and ELA/Reading in three of eight categories: 5th Grade Math, 3rd Grade ELA/Reading, and 10th Grade ELA/Reading. Targets for proficiency were not made in the five remaining categories: 3rd Grade Math, 8th Grade Math, 10th Grade Math, 5th Grade ELA/Reading, and 8th Grade ELA/Reading.

Content Area	Grade	Target	% Proficient 2005-2006	Target Met?
Math	3rd	32%	30.5%	N
	5th	24%	23.8%	Y
	8th	17%	15.0%	N
	10th	14%	11.6%	N
ELA/Reading	3rd	25%	25.7%	Y
	5th	20%	14.1%	N
	8th	18.5%	16.0%	N
	10th	26%	30.1%	Y

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 three 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, and whether the 2005-2006 data showed an increase (↑) or a decrease (↓) when compared to the 2004-2005 data.

Grade	School Year	% Proficient in Mathematics	% Proficient in Reading
3rd Grade	2003-2004	24.4%	21.0%
	2004-2005	30.8% ↑	23.6% ↑
	2005-2006	30.5% ↓	25.7% ↑
5th Grade	2003-2004	19.9%	16.3%
	2004-2005	22.5% ↑	18.3% ↑
	2005-2006	23.8% ↑	14.1% ↓
8th Grade	2003-2004	12.8%	14.9%
	2004-2005	15.5% ↑	17.5% ↑
	2005-2006	15.0% ↓	16.0% ↓
10th Grades	2003-2004	14.3%	35.0%
	2004-2005	12.2% ↓	25.8% ↓
	2005-2006	11.6% ↓	30.1% ↑

Between 2004-2005 and 2005-2006, in Mathematics, grades 3, 8, and 10 showed a decrease in the % Proficient, while grade 5 showed an increase. Between 2004-2005 and 2005-2006, in Reading, grades 5 and 8 showed a decrease in the % Proficient, while grades 3 and 10 showed an increase.

Although Nevada did not make its performance targets, no adjustments are being made to the improvement initiatives outlined in the December 2005 SPP. Many of these initiatives were just underway during the spring of 2006 when Nevada's students with disabilities participated in criterion-referenced testing for the 2005-2006 school year. For example, Nevada's pilot sites for implementing the instructional consultation model for improving general education instruction and interventions had just been identified in the spring of 2006, and school-based teams had just begun comprehensive training prior to implementation.

Considerable attention was also given in 2005-2006 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.

Another factor which may contribute to declining performance scores is related to the declining rate of identifying students as students with disabilities in Nevada. The overall identification rate during 2004-2005 was 10.4%, and the rate lowered to 10.2% in 2005-2006. During 2005-2006, 14 of Nevada's 17 school districts lowered their identification rates; 3 of the 17 districts had identification rates that were one-tenth of one percent higher than the previous year. As the identification rate lowers, it is possible that the group of students with disabilities as a whole has impairments that are slightly more significant than if the group were larger.

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 2007, 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 2005:

See APR Attachment 2, Improvement Activities/Timelines/Resources, for a detailed listing of activities completed during 2005-2006 for the following initiatives:

- Access to General Education Curriculum in Regular Education Environments (p. 1)
- Assessment and Accountability System (p. 4)
- Intervention Systems for Academic and Behavior Supports (p. 19)
- Professional Development (p. 22)
- Special Education Focused Monitoring and Program Improvement System (p. 30)
- STARS--Nevada's Blueprint for High School Improvement (p. 32)

Revisions, with Justification, to Proposed Targets/Improvement Activities/Timelines/Resources for FFY 2005:

Targets for Indicator 3C in the SPP were revised to add grades 4, 6, and 7 that were assessed for NCLB in 2005-2006 but were not assessed in 2004-2005. For these grades, the targets for FFY 2006 were set based upon the 2005-2006 proficiency levels, with increases of approximately one percentage point in each successive year through FFY 2010.

Minor adjustments have been made to the timelines and activities in various Improvement Initiatives to account for progress made, delays encountered, resources allocated, and competing priorities.

Part B State Annual Performance Report (APR) for Federal Fiscal Year (FFY) 2005

INDICATOR 4-A

Overview of the Annual Performance Report Development:

See description in Indicator 1.

Monitoring Priority: FAPE in the LRE

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))

Measurement:

- | |
|---|
| <p>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.</p> |
|---|

<p>Include State's definition of "significant discrepancy."</p>

FFY	Measurable and Rigorous Target
2005 (2005-2006)	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 2005:

Nevada's calculation for suspension/expulsion rates was the same in 2005-2006 as it was described in the December 2005 State Performance Plan.

Sub-Indicator A. 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, Report of Children with Disabilities Unilaterally Removed or Suspended/Expelled for More than 10 Days. Summative data are submitted for the following three categories for suspensions or expulsions that do not involve removals for drugs/controlled substances, weapons, or dangerous behavior:

- An unduplicated count of students ages 3-21 who were suspended/expelled for more than 10 days during the school year for any offense or combination of offenses
- The number of times students ages 3-21 were subject to a single suspension/expulsion of more than 10 days (students may be counted more than once)
- An unduplicated count of students ages 3-21 who were subject to multiple short-term suspensions summing to more than 10 days

The statewide average rate is calculated by dividing the statewide totals in each of these "counts" by the total number of students with disabilities in the districts reporting suspensions/expulsions in these categories. District rates are calculated by dividing the district's total in each of these "counts" 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 inquires about the extent to which students with disabilities are provided the positive behavior interventions and supports necessary to maximize participation in regular education environments, and 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 2005-2006, 6% 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 greater than 10 days in a school year. Significant discrepancies are identified if a district exceeds the statewide average rate for suspensions/expulsions by more than 25%. The statewide average rate is calculated by dividing the total number of students suspended/expelled > 10 days, the total number of single suspension/expulsions > 10 days, and the total number of students with multiple suspension/expulsions summing to > 10 days, by the total number of students with disabilities in the relevant districts. The calculation is shown below in Table 4a. Suspension/expulsion data with cell sizes smaller than 10 are included in the statewide calculations but are not considered significant for analysis.

Ten school districts in Nevada during 2005-2006 reported suspensions or expulsions of students with disabilities for more than 10 days (Churchill, Clark, Douglas, Elko, Humboldt, Lander, Lyon, Nye, Washoe, White Pine). Significant discrepancy was identified for Clark County School District in two categories: (1) number of students suspended/expelled > 10 days, (2) and number of students with multiple suspension/expulsions summing to > 10 days. See Table 4a below.

Table 4a Statewide and District Suspension/Expulsion Rates 2005-2006 School Year						
	Suspensions or Expulsions > 10 Days					
	Students Suspended/Expelled > 10 Days As % of Total Students with Disabilities		Single Suspension/Expulsions > 10 Days As % of Total Students with Disabilities		Students with Multiple Suspension/Expulsions Summing to > 10 Days As % of Total Students with Disabilities	
	# Students	% of Students with Disabilities	# Suspensions/Expulsions	% of Students with Disabilities	# Students	% of Students with Disabilities
Students with Disabilities = 45,975	636	1.38%	207	0.45%	473	1.03%
Statewide Average + 25% = Threshold for Significant Discrepancy	1.73%		0.56%		1.29%	
Churchill Co. Sch. Dist. (Child Count = 723)	3	0.41%*	3	0.41%*	0	0%
Clark Co. Sch. Dist. (Child Count = 31,921)	588	1.84%	178	0.56%	446	1.40%
Douglas Co. Sch. Dist. (Child Count = 867)	6	0.69%*	4	0.46%*	2	0.23%*
Elko Co. Sch. Dist. (Child Count = 1,138)	7	0.62%*	4	0.35%*	6	0.53%*
Humboldt Co. Sch. Dist. (Child Count = 494)	5	1.01%*	9	1.82%*	1	0.20%*
Lander Co. Sch. Dist. (Child Count = 148)	1	0.68%*	1	0.68%*	1	0.68%*
Lyon Co. Sch. Dist. (Child Count = 1,227)	1	0.08%*	1	0.08%*	0	0%
Nye Co. Sch. Dist. (Child Count = 1,059)	10	0.94%	5	0.47%*	4	0.38%*
Washoe Co. Sch. Dist. (Child Count = 8,200)	14	0.17%	1	0.01%*	13	0.16%
White Pine Co. Sch. Dist. (Child Count = 198)	1	0.51%*	1	0.51%*	0	0%

* 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 2005:

Explanation of Progress or Slippage that Occurred for FFY 2005:

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. One of 17 districts (Clark County) was identified as having a significant discrepancy in its rate of suspension and expulsion of children with disabilities for greater than 10 days in a school year ($1 \div 17 = 5.9\%$). Consequently, Nevada did not reach its target for this indicator.

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's child count is added to the denominator in the calculation, a district like Clark will be found to have a significant discrepancy from the statewide average.

As part of Nevada's Special Education Focused Monitoring and Program Improvement System, policies and procedures for each district are reviewed for compliance with state and federal discipline requirements. The NDE has published a technical assistance document describing discipline procedures in detail, and most of Nevada's school districts incorporate this manual into their policies and procedures documents. (The manual is currently under revision in response to changes in IDEA-2004 and the 2006 regulations.) Model forms for manifestation determinations, functional behavior assessments, and behavior intervention plans have also been developed and disseminated to districts. These forms are in use in most of Nevada's school districts; and if districts do not use the model forms, their forms are evaluated by the NDE for compliance with legal requirements.

In addition, IEPs are monitored to determine whether IEP committees consider whether students have behavior that impedes their learning or the learning of others, and, if so, whether IEPs contain services and supports to address behavior needs. No findings of noncompliance have been made concerning this requirement during the last five years.

Formal training in the discipline requirements under the IDEA is offered to Nevada's special education administrators at least annually at various SEDA meetings. Technical assistance is offered to districts on a case-by-case basis to ensure that proper procedures are followed.

During 2005-2006, two complaint investigations were filed against Clark County School District alleging noncompliance with Part B IDEA disciplinary requirements. The district was found in compliance for the conduct of a manifestation determination and for procedures related to a removal for 10 school days or less in a school year. Noncompliance findings were found for (1) failure to provide prior written notice of a proposed disciplinary removal and intent to conduct a manifestation determination, and (2) failure to provide services on the 11th and each subsequent day of removal thereafter in a school year. As a consequence of these findings, policies, procedures, and practices in Clark County School District were reviewed and revised as necessary.

Clark County School District Improvement Activities

Clark County School District (CCSD) has been involved in Positive Behavioral Supports/School-wide Behavior Plan Training since the 2003-2004 school year. Initially two projects were implemented, which included PBS Nevada and Dr. Randy Sprick's *Safe & Civil Schools*. During the initial year, 7 schools began in the PBS Nevada Project and 13 schools began in Cohort I with Dr. Sprick. One additional Cohort was added each year. During the 2005-2006 school year the two Projects were combined into one School-wide Positive Behavioral Supports Project. Components of both Projects were incorporated into one program. Currently there are four Cohorts and 45 schools that are involved in the project.

The School-wide Positive Behavioral Supports Project is primarily based upon the *Foundations* program. *Foundations* is a comprehensive, multimedia program that guides schools through the process of designing a proactive and positive school-wide discipline plan. It assists schools in developing and implementing effective behavior management and motivational practices and behavioral supports for all students.

Schools considering the implementation of the Program must identify a heterogeneous team of administrators, teachers and support personnel to commit to a three-year training process. Additionally, to be successful and improve the school-wide climate, sustainability and team

collaboration continue to be a priority once the training cycle has been completed. Anticipated outcomes of the implementation include a reduction of unnecessary discipline referrals, improved school climate, enhanced school safety, increased positive interactions between staff and students, and improved staff skill in effective supervision and positive behavioral support.

When schools are accepted through the application process, they agree to the following terms:

- School teams will develop and implement a school-wide behavior plan
- An administrator will actively lead and support team efforts
- Teams will attend 3 training sessions throughout the school year
- School teams will collect, analyze, and submit school discipline/behavior data and project evaluation data as required
- Schools agree to participate in the project for three years
- Schools are willing to share outcomes and successes with other schools

Throughout the three-year training process, schools are provided support through site visits by Dr. Sprick's consultants and CCSD Behavior Mentors. When needed, technical support is also provided by personnel within the district, including the Project Facilitator involved in the project and other cohort team members.

In addition to the School-wide Positive Behavioral Supports training, the district has provided staff development for the SEC (Specialized Emotionally Challenged) Program teachers and paraprofessionals in positive behavioral supports and classroom management, specifically utilizing the "CHAMPs" curriculum, developed by Dr. Randy Sprick. These training opportunities take place on district-wide staff development days, which usually occur four times per school year. Additionally, the Professional Development Department offers after-school roundtable meetings for those teachers who are unable to attend during school hours. It is the goal of the Student Support Services Division to train as many SEC teachers and paraprofessionals as possible in the "CHAMPs" curriculum so as to provide continuity across the district as students move through grade levels as well as to different areas of the district, which addresses the transient students in the CCSD.

As Clark County School District is currently the 5th largest district in the United States, and continues to grow, it is imperative for the district to provide quality training in the area of positive behavioral supports. Based upon the feedback received from school personnel and administration, as well as discipline data and attendance information, continued progress is being made in the endeavor to enhance the quality of schools and educate students in a healthy environment.

Discussion of Improvement Activities Completed for FFY 2005:

See APR Attachment 2, Improvement Activities/Timelines/Resources, for a detailed listing of activities completed during 2005-2006 for the following initiatives:

- Access to General Education Curriculum in Regular Education Environments (p. 1)
- Intervention Systems for Academic and Behavior Supports (p. 19)
- Professional Development (p. 22)
- Special Education Focused Monitoring and Program Improvement System (p. 30)
- STARS--Nevada's Blueprint for High School Improvement (p. 32)

Revisions, with Justification, to Proposed Targets/Improvement Activities/Timelines/Resources for FFY 2005:

Minor adjustments have been made to the timelines and activities in various Improvement Initiatives to account for progress made, delays encountered, resources allocated, and competing priorities.

Part B State Annual Performance Report (APR) for Federal Fiscal Year (FFY) 2005

INDICATOR 5

Overview of the Annual Performance Report Development:

See description in Indicator 1.

Monitoring Priority: FAPE in the LRE

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))

Measurement:

- 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.
- 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.
- 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.

FFY	Measurable and Rigorous Target
2005 (2005-2006)	A. 53.5% of students with IEPs will be removed from regular class less than 21% of the day.
	B. 15.7% 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 2005:

- A. During 2005-2006, 63.8% of students with IEPs were removed from regular class less than 21% of the day (23,972 students removed from regular class less than 21% of the day, divided by 37,593 students with IEPs ages 6-21).
- B. During 2005-2006, 15.6% of students with IEPs were removed from regular class greater than 60% of the day (5,870 students removed from regular class greater than 60% of the day, divided by 37,593 students with IEPs ages 6-21).
- C. During 2005-2006, 2.0% of students with IEPs were served in public or private separate schools, residential placements or homebound or hospital placements (757 students served in public or private separate schools, residential placements or homebound or hospital placements, divided by 37,593 students with IEPs ages 6-21).

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2005:

Explanation of Progress or Slippage that Occurred for FFY 2005:

Significant progress was made in the percent of students with IEPs that were removed from regular class less than 21% of the day. The target for 2005-2006 was 53.1%, and the actual data reflected 63.8% 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.

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 2005-2006 was 15.7%, but only 15.6% 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.

Slippage occurred in the percent of students with IEPs served in public or private separate schools, residential placements or homebound or hospital placements. The target for 2005-2006 was 1.7%, but 2.0% of students were served in these placements. In this instance, a higher percentage than the target represents slippage. However, given the relatively small percentage in this category, compared to national averages (4.15% in 2003-2004, according to the 25th Annual Report to Congress on the Implementation of the Individuals with Disabilities Education Act, 2005); the inappropriateness of establishing strict numerical targets when placement decisions are team decisions, individualized to each student's needs; and the fact that progress was made in the other two placement categories, satisfactory progress has been made in increasing the inclusiveness of placements for IEP students ages 6-21.

Discussion of Improvement Activities Completed for FFY 2005:

See APR Attachment 2, Improvement Activities/Timelines/Resources, for a detailed listing of activities completed during 2005-2006 for the following initiatives:

- Access to General Education Curriculum in Regular Education Environments (p. 1)
- Intervention Systems for Academic and Behavior Supports (p. 19)
- Professional Development (p. 22)
- Secondary Transition Planning and Post-School Outcomes (p. 27)
- Special Education Focused Monitoring and Program Improvement System (p. 30)

Revisions, with Justification, to Proposed Targets/Improvement Activities/Timelines/Resources for FFY 2005:

Minor adjustments have been made to the timelines and activities in various Improvement Initiatives to account for progress made, delays encountered, resources allocated, and competing priorities.

Part B State Annual Performance Report (APR) for Federal Fiscal Year (FFY) 2005

INDICATOR 6

Overview of the Annual Performance Report Development:

See description in Indicator 1.

Monitoring Priority: FAPE in the LRE

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))

Measurement: Percent = [(# of preschool children with IEPs who received special education services in settings with typically developing peers) divided by the (total # of preschool children with IEPs)] times 100.

FFY	Measurable and Rigorous Target
2005 (2005-2006)	37.5% of preschool students with IEPs will receive special education services in settings with typically developing peers.

Actual Target Data for FFY 2005:

During 2005-2006, 33.1% of preschool students with IEPs received special education services in settings with typically developing peers (1,816 students served in early childhood settings, home, part time in early childhood and part time in early childhood special education settings, itinerant service outside home, and reverse mainstream settings, divided by 5,472 preschool students with IEPs ages 3-5).

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2005:

Explanation of Progress or Slippage that Occurred for FFY 2005:

Slippage occurred in the percent of preschool students with IEPs receiving special education services in settings with typically developing peers. The target for 2005-2006 was 37.5%, but only 33.1% of students were served in these placements. In this instance, a lower percentage than the target represents slippage, and Nevada did not reach its target for this Indicator.

An analysis of district-level data shows considerable variability among districts that reached the statewide target. Clark County School District (where Las Vegas is located) did not reach the target, nor did neighboring Nye County—both communities have for several years experienced extraordinary growth and transiency, and the concomitant difficulty of forming and maintaining contractual relationships with private early childhood providers that are not well established in the community. Rural communities like Elko and White Pine where school districts have had long-standing relationships with Head Start and Community College early childhood programs met the statewide targets. Fast-growing, larger rural communities like Lyon County (near Washoe County where Reno is located), are also experiencing student population growth, without a corresponding increase in available community-based early childhood service providers.

Because the IDEA does not require districts to establish regular early childhood programs for the purpose of providing inclusive early childhood special education services, Nevada's districts—many among the fastest growing in the nation—are challenged to develop placement alternatives

in programs that have stable ownership, skilled staff members, and available capacity for placement of children with disabilities.

Beginning in 2006-2007, federal early childhood placement categories are being revised, and those revisions will alter the way in which early childhood inclusive placements are categorized and calculated. Necessary changes to Nevada's targets will be made as a result of the revised federal data collection.

Discussion of Improvement Activities Completed for FFY 2005:

See APR Attachment 2, Improvement Activities/Timelines/Resources, for a detailed listing of activities completed during 2005-2006 for the following initiatives:

- Access to General Education Curriculum in Regular Education Environments (p. 1)
- Early Childhood Services and Outcomes (p. 15)
- Intervention Systems for Academic and Behavior Supports (p. 19)
- Professional Development (p. 22)
- Special Education Focused Monitoring and Program Improvement System (p. 30)

During 2005-2006, the NDE accomplished the following activities, specifically targeted toward increasing inclusive placements for early childhood students with disabilities:

- An NDE staff member provided training at the NV Autism Summit regarding inclusive settings for preschoolers with IEPs.
- An NDE staff member provided training to pre-service teachers during education classes at the University of Nevada Reno in Spring 2006, regarding inclusive settings for preschoolers with IEPs.
- NDE staff participated in meetings to support the implementation of a Health and Human Services (HHS) project (Early Childhood Comprehensive System—ECCS), designed to engage in resource mapping across the state to determine what agencies were addressing which functions, to determine gaps in services and resources, and to facilitate the inclusion of children with disabilities (birth to five).
- NDE staff provided technical assistance to four school districts (Churchill, Elko, Mineral, White Pine) regarding specific activities that these districts could undertake to increase the number of students participating in inclusive settings and to improve the quality of services provided to students with disabilities in inclusive settings.
- Information and resource materials were provided to special education directors to facilitate the effective inclusion of preschoolers with disabilities and to support developmentally appropriate practices within those settings.

Revisions, with Justification, to Proposed Targets/Improvement Activities/Timelines/Resources for FFY 2005:

Minor adjustments have been made to the timelines and activities in various Improvement Initiatives to account for progress made, delays encountered, resources allocated, and competing priorities.

Part B State Annual Performance Report (APR) for Federal Fiscal Year (FFY) 2005

INDICATOR 12

Overview of the Annual Performance Report Development:

See description in Indicator 1.

Monitoring Priority: Effective General Supervision Part B / Effective Transition

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))

Measurement:

- a. # of children who have been served in Part C and referred to Part B for eligibility determination.
- b. # of those referred determined to be NOT eligible and whose eligibilities were determined prior to their third birthdays.
- c. # of those found eligible who have an IEP developed and implemented by their third birthdays.
- d. # of children for whom parent refusal to provide consent caused delays in evaluation or initial services.

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.

FFY	Measurable and Rigorous Target
2005 (2005-2006)	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 2005:

During 2005-2006, 83.9% 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 ($502 \div 598 = 83.9\%$). See Table 12 below for specific data and calculation.

# Children Served By Part C And Referred To Part B For Eligibility Determination* (a)	# Children Found Not Eligible Whose Eligibilities Were Determined Prior To 3rd Birthday (b)	# Children Found Eligible With IEPs Developed and Implemented By 3rd Birthday (c)	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) \div (a-b)
638	40	502	83.9%

* 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.

Of the 96 ($638 - 542 = 96$) children who did not have an IEP developed and implemented by the third birthday, 52 had an IEP developed and implemented 1-30 days beyond their third birthday, and 44 had an IEP developed and implemented 31 days or more beyond their third birthday.

Reasons for delays beyond the third birthday included the following:

- 18 were delayed because the child was frequently unavailable for assessment
- 39 were delayed because of parent scheduling issues (cancelled/rescheduled meetings)
- 3 were delayed because Part C staff did not schedule the transition meeting 90 days before the child's third birthday
- 29 were delayed because of district scheduling/staffing issues
- 7 were delayed for other reasons

Therefore, 63.5% of the delays were caused by the unavailability of the child for assessment, parent scheduling issues, and delayed transition meetings ($18 + 39 + 3 = 60 \div 96$ delays = 63.5%).

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2005:

Explanation of Progress or Slippage that Occurred for FFY 2005:

During 2005-2006, 83.9% 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; 63.5% of the delays occurred because of the unavailability of the child for assessment, parent scheduling issues, and delayed transition meetings. During 2004-2005, 66% of these children had an IEP developed and implemented by their third birthdays. Considerable progress was made but the state has not reached the OSEP-established target of 100% compliance.

The establishment of this requirement as one of 14 key Performance Indicators for districts has properly heightened district awareness of the requirement to have IEPs developed and implemented for Part C transferring students by their third birthdays. As the data show, significant progress has been made—from 66% compliance in 2004-2005 to nearly 84% compliance in 2005-2006. Training and technical assistance has been offered to the school district special education administrators concerning this requirement, and closer coordination with

Part C service providers has been established in many districts through joint planning and the execution of Memoranda of Understanding.

Because there is no compulsory attendance for students below age 7 in Nevada, districts are at a disadvantage when the child is not made available for the assessments necessary to make an eligibility decision or when scheduling is delayed by parents or Part C staff. If these 60 cases were added to the numerator in the calculation, the compliance percentage would have been 94% ($562 \div 598 = 94\%$). Even though 94% would not meet the 100% compliance target, this calculation does suggest that even if districts eliminate all delays that are within their control, the 100% compliance target will still remain elusive because within the calculation there is no allowance for delays that are not within the control of the district.

Discussion of Improvement Activities Completed for FFY 2005:

See APR Attachment 2, Improvement Activities/Timelines/Resources, for a detailed listing of activities completed during 2005-2006 for the following initiatives:

- Early Childhood Services and Outcomes (p. 15)
- Special Education Focused Monitoring and Program Improvement System (p. 30)

Revisions, with Justification, to Proposed Targets/Improvement Activities/Timelines/Resources for FFY 2005:

Minor adjustments have been made to the timelines and activities in various Improvement Initiatives to account for progress made, delays encountered, resources allocated, and competing priorities.

Part B State Annual Performance Report (APR) for Federal Fiscal Year (FFY) 2005

INDICATOR 15

Overview of the Annual Performance Report Development:

See description in Indicator 1.

Monitoring Priority: Effective General Supervision Part B / General Supervision
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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
2005 (2005-2006)	100% of noncompliance is corrected within one year of identification.

Actual Target Data for FFY 2005:

During 2005-2006, 52% percent of noncompliance identified during 2004-2005 had been corrected within one year of identification (29 noncompliance findings corrected ÷ 56 noncompliance findings = 52%). See Table 15 below for specific data and calculation.

During 2004-2005, one district—Clark County School District representing 65% of the population of students with disabilities that year—was selected for comprehensive on-site monitoring. Noncompliance findings were made in 32 of the compliance requirements included on the following table. By 2005-2006, correction had occurred for 5 of the compliance requirements. For the remaining noncompliance areas, the district made considerable increases in the compliance percentages, and follow-up monitoring in 2006-2007 is expected to demonstrate significant correction of noncompliance in the remaining areas.

Complaint investigations were conducted in seven school districts (Churchill, Clark, Douglas, Elko, Lyon, Nye, and Washoe), and 24 findings of noncompliance were made in the compliance requirements included on the following table. By 2005-2006, correction to the extent possible had occurred for 24 of these findings.

Table 15		
SUMMARY OF NONCOMPLIANCE FINDINGS (2004-2005) AND		
CORRECTIONS OF THOSE FINDINGS WITHIN ONE YEAR (2005-2006)		
IDEA Part B Compliance Requirements	# Findings (2004-05)	# Corrections Within One Year (2005-06)
Confidentiality		
Access, amendment, removal, destruction of educational records	1	1
Procedural Safeguards		
Prior written notice of proposed/refused identification/evaluations/reevaluations	2	1
Statement of rights upon initial referral for evaluation	2	2
Prior written notice of proposed/refused placement	1	1
Prior written notice of proposed/refused FAPE	2	2
Prior written notice to implement IEP without parent consensus	1	0
Prior written notice of reevaluation without additional assessments	1	0
Consent for reevaluation requiring additional assessments	1	0
Protection in Evaluation		
Scope of evaluation for initial evaluation, if appropriate	1	0
Scope of evaluation for reevaluation	2	1
Initial evaluation within 45 school days	1	0
Three-year reevaluation (current reevaluation within 3 years of previous evaluation)	1	0
Minimum criteria for eligibility	1	0
Eligibility team members	1	0
Required assessments	2	1
Written report of results of evaluation/copy to parents	1	1
Written statement of eligibility/copy to parents	1	0
IEP Development		
Annual IEP (current IEP within 12 months of previous IEP)	2	1
IEP meeting notice (date, time, location, attendees, transition information)	2	1
IEP participants	2	1
Copy of IEP to parents	1	1
IEP Contents/Considerations		
Transfer of rights explanation at least one year before student reaches age 18	1	0
Present levels of performance	1	0
IEP considerations (student strengths, preferences/interests; parent concerns)	1	0
Transition services at age 14	1	0
Transition services in IEP to be in effect when student turns 16	1	0
Measurable annual goals and short-term objectives	1	0
Special education services (services, beginning/ending dates, frequency, location)	1	0
Supplementary aids/services (services, beginning/ending dates, frequency, location)	1	0
Related services (services, beginning/ending dates, frequency, location)	1	0
Placement		
Justification for placement involving removal from regular education environment	1	0
Consideration of potential harmful effects in selecting least restrictive environment	1	0
Annual placement decisions	1	0
IEP Implementation		
Provision of services/placement specified in IEP at no cost to parent	9	9
Discipline		
Conduct of manifestation determination	2	2
Conduct of functional behavioral assessment and/or development of BIP	1	1
Services on 11th and each subsequent day of removal during school year	2	2
Determination of services/setting	1	1
TOTALS	56	29
# FINDINGS CORRECTED WITHIN ONE YEAR DIVIDED BY # FINDINGS	52%	

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2005:

Explanation of Progress or Slippage that Occurred for FFY 2005:

During 2004-2005, 49% of noncompliance identified during 2003-2004 had been corrected within one year of identification (43 noncompliance findings corrected ÷ 88 noncompliance findings = 49%). During 2005-2006, 52% percent of noncompliance identified during 2004-2005 had been corrected within one year of identification (29 noncompliance findings corrected ÷ 56 noncompliance findings = 52%). Progress was made but the state has not reached the OSEP-established target that 100% of noncompliance must be corrected within one year of identification.

Update on Noncompliance Findings from 2003-2004 Reported in December 2005 SPP

The Revised SPP being submitted with this APR contains revised baseline data for this Indicator, because the measurement calculation changed after submission of the original SPP in December 2005. The revised baseline data in the SPP show noncompliance findings from 2003-2004, and whether those findings were corrected as of 2004-2005. It must be noted that for the noncompliance findings established through monitoring in 2003-2004, the NDE did not conduct focused follow-up monitoring to evaluate correction of noncompliance until 2005-2006 (two years after the original documentation of noncompliance). During those two years, the districts monitored during 2003-2004 were engaged in corrective actions, including training and revision of policies and procedures. During 2004-2005, the NDE was only in the second year of its first four-year phase of implementing its new system for monitoring (Special Education Focused Monitoring and Program Improvement System), and the NDE had not yet fully implemented its new requirement to have NDE-facilitated focused monitoring in each district, each year. In addition, because the reauthorization of IDEA in 2004 created new requirements and eliminated or modified previous requirements, follow-up monitoring was delayed to ensure that districts were held accountable to current rather than previous legal requirements.

As a result, NDE verification of correction of noncompliance through focused monitoring activities in Carson City, Douglas, Mineral, and Nye County school districts did not occur until 2005-2006. At that time, 49% of noncompliance had been corrected. Since that time, the NDE has provided additional technical assistance to these school districts, and several have used outside consultants to provide specific training to school district staff. Each district has used technical assistance material (guidelines and examples) recently developed by the NDE to promote compliant practices.

During the 2006-2007 school year, focused monitoring will occur in these districts (Carson City, Douglas, Mineral, Nye) to evaluate continuing progress toward eliminating noncompliance. Focused monitoring will also occur during 2006-2007 for districts that were engaged in comprehensive, on-site monitoring during 2004-2005 (Clark) and 2005-2006 (Churchill, Lyon, Storey, Washoe). Also, during 2006-2007, the NDE will conduct comprehensive on-site monitoring in the final districts in the four-year cycle (Elko, Esmeralda, Eureka, Humboldt, Lander, Lincoln, Pershing, White Pine). As a result, each district will be engaged in monitoring activities during 2006-2007, either in a focused review of previous noncompliance findings, or in a comprehensive review of all requirements.

Noncompliance Findings from 2004-2005 Reported in February 2007

During 2005-2006, the NDE worked with seven school districts (Churchill, Clark, Douglas, Elko, Lyon, Nye, Washoe) to ensure that any noncompliance found as a result of complaint investigations was corrected within one year. Documentation of child-specific documentation was required as evidence 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.

During 2005-2006, the NDE worked with the Clark County School District to ensure that noncompliance found as a result of monitoring in 2004-2005 was corrected within one year. The district developed and distributed a general distribution memorandum, which identified the findings from the 2005 compliance monitoring activities conducted by the NDE and the requirements for the corrective action. The district also reviewed its forms and made changes to align them with changes in the Nevada Administrative Code and IDEA-2004. The new forms were added to the District's web based IEP program which is used by all special education staff. The format for the web based IEP includes internalized monitoring functions for improved compliance in the areas of procedural safeguards, IEP components, and evaluation/reevaluation components.

Three one hour training modules were developed to present at Student Support Services Division and special education instructional facilitator/liaison staff development meetings and targeted:

- Revised Policies and Procedures
- Prior Notices
- Annual IEPs
- Consent for Initial Provision of Services
- Justification Statement
- Timelines
- Annual IEPs
- Age of Majority
- Present Levels
- Transition
- Goals and Benchmarks
- Specially Designed Instruction
- Supplemental Services
- Related Services
- New Forms
- Scope of Evaluation

Once the staff development trainings were completed the district conducted follow-up monitoring at 35 randomly selected schools and each Charter School. Five (5) confidential folders at each school were reviewed using the NDE record review protocol form. The areas that were monitored were the areas where the district had been found to be in non-compliance and that were the focus of the recent district training.

In Fall 2006 all Special Education Instructional Facilitators/Liaisons, school psychologists, speech and language pathologists, special schools teachers, East Region elementary special education teachers and adapted physical education teachers participated in a three-hour folder review. The objective of this review was to become familiar with the confidential folder and the specific requirements that a folder needs to be compliant.

Currently the district is reviewing the Student Support Services Division Procedures Manual entitled, "Achieving Educational Equity for Students with Disabilities" and making revisions as appropriate to meet recently revised federal and state regulatory requirements. During 2006-2007, a focused monitoring of selected records will be conducted to evaluate progress toward achieving full compliance in areas found to be noncompliant during 2005.

Correction of Noncompliance Within One Year

Nevada maintains a system of general supervision that is based upon a thorough understanding of the law and the rigorous application of legal requirements when reviewing records in monitoring or complaint investigations. The legal requirements are complex, and the NDE's standards for review are high. The fact that records are so carefully reviewed and that noncompliance is identified is indicative of the rigor with which the NDE carries out its general supervision responsibilities.

It is important to note that 100% correction of noncompliance within one year, although a critical goal, is perhaps not feasible as a practical matter. In a given student's record, if a district failed to provide prior written notice at the time when notice was required to be provided, it is not possible to "rewind the clock" and correct the noncompliance. Systemic findings can be similarly intractable, because of factors related to staff shortages and turnover (many of those staff trained "last year" are not necessarily the same staff working in a district "this year"). At the beginning of the 2005-2006 school year, Clark County School District, the 5th largest in the nation, had between 200-300 vacancies in special education teachers—as vacancies are filled, they are filled by staff members who have not yet been given the extensive training required to ensure compliance with the complex requirements of the IDEA and the Nevada Administrative Code. Despite these factors, the NDE remains committed to correcting noncompliance and to ensuring that all programs in the state operate within the requirements of state and federal law. Every reasonable effort will be made to improve performance in the future.

Discussion of Improvement Activities Completed for FFY 2005:

See APR Attachment 2, Improvement Activities/Timelines/Resources, for a detailed listing of activities completed during 2005-2006 for the following initiatives:

- Dispute Resolution System (p. 11)
- Special Education Focused Monitoring and Program Improvement System (p. 30)

Revisions, with Justification, to Proposed Targets/Improvement Activities/Timelines/Resources for FFY 2005:

Targets were consolidated because OSEP revised the measurement for the indicator (see February 2007 SPP, p. 61). Baseline data in the SPP were recalculated based on revised measurement for the indicator (see February 2007 SPP, p. 60).

Minor adjustments have been made to the timelines and activities in various Improvement Initiatives to account for progress made, delays encountered, resources allocated, and competing priorities.

Part B State Annual Performance Report (APR) for Federal Fiscal Year (FFY) 2005

INDICATOR 16

Overview of the Annual Performance Report Development:

See description in Indicator 1.

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
2005 (2005-2006)	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 2005:

During 2005-2006, 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.

See APR Attachment 1. There were 16 complaint investigation reports issued during 2005-2006, 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 (see APR Attachment 1).

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2005:

Explanation of Progress or Slippage that Occurred for FFY 2005:

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 2005:

See APR Attachment 2, Improvement Activities/Timelines/Resources, for a detailed listing of activities completed during 2005-2006 for the following initiative:

- Dispute Resolution System (p. 11)

Revisions, with Justification, to Proposed Targets/Improvement Activities/Timelines/Resources for FFY 2005:

Minor adjustments have been made to the timelines and activities in various Improvement Initiatives to account for progress made, delays encountered, resources allocated, and competing priorities.

Part B State Annual Performance Report (APR) for Federal Fiscal Year (FFY) 2005

INDICATOR 17

Overview of the Annual Performance Report Development:

See description in Indicator 1.

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

Measurement: Percent = [(3.2(a) + 3.2(b)) divided by 3.2] times 100.

FFY	Measurable and Rigorous Target
2005 (2005-2006)	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 2005:

During 2005-2006, 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.

See APR Attachment 1. There was one due process hearing conducted during 2005-2006 that was fully adjudicated as of June 30, 2006 (see APR Attachment 1). The hearing was conducted and a decision rendered within 45 days of the end of the 30-day resolution period.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2005:

Explanation of Progress or Slippage that Occurred for FFY 2005:

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.

Discussion of Improvement Activities Completed for FFY 2005:

See APR Attachment 2, Improvement Activities/Timelines/Resources, for a detailed listing of activities completed during 2005-2006 for the following initiative:

- Dispute Resolution System (p. 11)

Revisions, with Justification, to Proposed Targets/Improvement Activities/Timelines/Resources for FFY 2005:

Minor adjustments have been made to the timelines and activities in various Improvement Initiatives to account for progress made, delays encountered, resources allocated, and competing priorities.

Part B State Annual Performance Report (APR) for Federal Fiscal Year (FFY) 2005

INDICATOR 19

Overview of the Annual Performance Report Development:

See description in Indicator 1.

Monitoring Priority: Effective General Supervision Part B / General Supervision
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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
2005 (2005-2006)	80% of mediations held will result in mediation agreements.

Actual Target Data for FFY 2005:

During 2005-2006, 80% of mediations held resulted in mediation agreements.

See APR Attachment 1. During 2005-2006, 10 mediations were conducted and 8 (80%) resulted in full or partial agreements (see APR Attachment 1).

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2005:

Explanation of Progress or Slippage that Occurred for FFY 2005:

In the February 2007 SPP, the NDE revised its target for mediations held that result in mediation agreements, from 86% to 80%. During 2005-2006, 80% of mediations held resulted in mediation agreements. Consequently, the NDE met the target.

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 to a mediation are satisfied with the process, than whether they can reach an agreement. The NDE conducts an evaluation of each mediation, and in 2005-2006, 88% of district representatives (8 of 9) who participated in mediation and responded to the survey rated the session as positive. 100% of parents (2 of 2) 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.

During 2005-2006, 80% of Nevada's mediations resulted in mediation agreements—a rate clearly within the range that is consistent with national mediation success rate data.

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 does meet these criteria.

Discussion of Improvement Activities Completed for FFY 2005:

See APR Attachment 2, Improvement Activities/Timelines/Resources, for a detailed listing of activities completed during 2005-2006 for the following initiatives:

- Dispute Resolution System (p. 11)

Revisions, with Justification, to Proposed Targets/Improvement Activities/Timelines/Resources for FFY 2005:

When the December 2005 SPP was developed, and targets were set for the percent of mediations that resulted in agreement, the NDE had been advised that targets could not be set below baseline performance, and that all targets had to show increases in performance over time. In accordance with this advisement, the NDE established 86% as its target for the percent of mediations that result in agreement for 2005-2006, and added 1% for each target over the next five years. Per OSEP advisement in September 2006, "the consensus among practitioners is that 75-85% is a reasonable rate of mediations that result in agreements and is consistent with national mediation success rate data." (Source: Part B SPP—Indicator Measurement Table, December 2006.) Based on the NDE's concern that aggressive targets for "success" could have a coercive effect on the mediation process, the NDE has revised its targets for each of the six years from FFY 2005 through 2010 to 80%—the mid-range of the 75-85% now suggested by OSEP as consistent with national mediation success rate data.

Minor adjustments have been made to the timelines and activities in various Improvement Initiatives to account for progress made, delays encountered, resources allocated, and competing priorities.

Part B State Annual Performance Report (APR) for Federal Fiscal Year (FFY) 2005

INDICATOR 20

Overview of the Annual Performance Report Development:

See description in Indicator 1.

Monitoring Priority: Effective General Supervision Part B / General Supervision
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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
2005 (2005-2006)	100% of State reported data (618 and State Performance Plan and Annual Performance Report) will be timely and accurate.

Actual Target Data for FFY 2005:

During 2005-2006, 100% of Nevada's state-reported data were timely and accurate for all required elements in the submissions. The 2005-2006 annual §618 data (child count and placement in February 2006; exiting, discipline, and personnel reports in November 2006) were submitted on time and accurately. A resubmission was necessary to correct an error in the exit table for data concerning 22-year-olds (an optional data field).

The State Performance Plan was submitted on time and accurately in December 2005. There was no Annual Performance Report due during 2005-2006.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2005:

Explanation of Progress or Slippage that Occurred for FFY 2005:

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 annually collects data from its 17 local school districts, the Nevada Youth Training Center, and state-sponsored charter schools. Child count and placement data are 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 February 1. Paper submissions are provided by local education agencies for exiting, discipline,

and personnel data. These submissions are entered into a database for compilation and submission to OSEP on OSEP-supplied data files each November 1.

The February 2007 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 2007 SPP, pp. 71-72).

In addition to those routine steps, during June 2006 Nevada sponsored "Data School"—a one-day training for special education administrators and the school district special education data managers. The training focused on changes to the federal data collections that were scheduled to be 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 developed and disseminated for calculating early childhood placement data and for collecting student-level suspension/expulsion data. This training is anticipated to be repeated yearly, 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.

Discussion of Improvement Activities Completed for FFY 2005:

See APR Attachment 2, Improvement Activities/Timelines/Resources, for a detailed listing of activities completed during 2005-2006 for the following initiatives:

- Data-Based Decision Making (p. 8)

Revisions, with Justification, to Proposed Targets/Improvement Activities/Timelines/Resources for FFY 2005:

Minor adjustments have been made to the timelines and activities in various Improvement Initiatives to account for progress made, delays encountered, resources allocated, and competing priorities.