

Part B State Annual Performance Report (APR) for Federal Fiscal Year (FFY) 2009

APRIL 2011

INTRODUCTION

Overview of the Annual Performance Report Development:

Background

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

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

Progress for Indicators 1, 2, 3, 4A, 5, 7, 8, 9, 10, 11, 12, 13 (correction of previously identified noncompliance only), 15, 16, 17, 18, 19, and 20 is reported in this February 2011 Annual Performance Report (APR) for the 2009-2010 school year. The state's SPP has been revised as of February 2011 to include measurements, targets, baseline data, and improvement activities for Indicators 4B, 13, and 14, in addition to adding annual targets and improvement activities for 2011-2012 and 2012-2013 for all other indicators. The February 2011 APR and the February 2011 SPP should be read as companion documents. The SPP contains more complete descriptions of Nevada's systems for ensuring compliance with the Individuals with Disabilities Education Act (IDEA) and for improving results for Nevada's students

with disabilities. These more complete descriptions of Nevada's special education systems provide the context for understanding the progress that is being made toward Nevada's goals.

Issues Identified in Nevada's June 2010 SPP/APR Response Table

In June 2010, OSEP sent correspondence to the NDE acknowledging the state's submission of its February 2010 SPP/APR for FFY 2008 (2008-2009). Attached to the correspondence was the "Nevada Part B FFY 2008 SPP/APR Response Table" addressing issues identified by OSEP that required additional information to be submitted in Nevada's February 2011 SPP/APR submission. The NDE has taken necessary steps to address the issues identified, and those steps are summarized below and within the section for each indicator, as applicable.

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

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

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

Indicator 4a (Suspension and Expulsion Rates): No specific action needed.

Indicator 4b (Suspension and Expulsion Rates by Race or Ethnicity): As directed, the February 2011 SPP includes baseline data from 2008-2009, targets, and improvement activities.

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

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

Indicator 7 (Early Childhood Outcomes): As directed, the February 2011 APR includes FFY 2009 progress data and actual target data for FFY 2009.

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

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

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

Indicator 11 (Initial Evaluation Timeline): As directed, the February 2011 APR includes FFY 2009 data demonstrating its compliance with the requirements in 34 CFR §300.301(c)(1), including correction of the noncompliance reported under this indicator in the FFY 2008 APR. As directed, the NDE has reported that it has verified that each LEA with noncompliance reported by the state under this indicator in the FFY 2008 APR: (1) is correctly implementing 34 CFR §300.301(c)(1) (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has completed the evaluation, although late, for any child whose initial evaluation was not timely, unless the child is no longer within the jurisdiction of the LEA, consistent with OSEP Memorandum 09-02, dated October 17, 2008 (OSEP Memo 09-02). In the February 2011 APR for FFY 2009, the state describes the specific actions that were taken to verify the correction.

The state was also directed to review its improvement activities and revise them, if necessary, if the state did not report 100% compliance in the FFY 2009 APR. Because the state reported 100% compliance in the FFY 2009 APR, this review and revision was not necessary.

Indicator 12 (Part C to Part B Transition—IEPs by Third Birthday): No specific action needed.

Indicator 13 (Annual Goals and Transition Services): As advised by Nevada's OSEP state contact, in the February 2011 SPP, the state has provided a revised baseline using data from 2009-2010. Targets remain 100%. As directed in the Response Table, in the February 2011 APR, the NDE has reported that it has verified that each LEA with noncompliance reported by the state under this indicator in the FFY 2007 APR: (1) is correctly implementing the specific regulatory requirements; and (2) has developed an IEP that includes the required transition content for each youth, unless the youth is no longer within the jurisdiction of the LEA, consistent with OSEP Memo 09-02.

Indicator 14 (Post-School Outcomes): As directed, in the February 2011 SPP, the state has reported a new baseline, targets, and improvement activities.

Indicator 15 (Correction of Noncompliance in One Year): As directed, in its February 2011 APR the NDE has reported that it verified that each LEA with noncompliance identified in FFY 2008: (1) is correctly implementing the specific regulatory requirements (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a state data system; and (2) has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the LEA, consistent with OSEP Memo 09-02. In the February 2011 APR for FFY 2009, the state describes the specific actions that were taken to verify the correction.

The text of the Indicator 15 Worksheet is incorporated into the FFY 2009 APR, and it is attached as a separate excel spreadsheet (Attachment 1).

Correction of noncompliance reported in FFY 2008 for Indicator 11 is described in Indicator 15 and in Indicator 11.

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

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

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

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

Indicator 20 (Timely and Accurate Data): As directed, in its February 2011 APR the NDE has attached the Indicator 20 Data Rubric (Attachment 2).

Justification for Revisions to Improvement Activities/Timelines/Resources

The NDE's improvement activities are organized around three primary "system" goals:

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

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

Minor adjustments have been made to the timelines and activities to account for progress made, delays encountered, resources allocated, and competing priorities. More substantive revisions to the content of the improvement activities/timelines/resources are described and justified within each improvement activity. Nevada's Improvement Activities are provided as Attachment 3.

February 2011 APR Development

The NDE began data collection for the FFY 2009 APR with the collection of the special education child count data on October 1, 2009, including the disability category, age, grade, race/ethnic category, and placement category for each student with a disability ages 3 through 21. Data collection continued through the summer of 2010, with the annual collection of §618 IDEA program data for 2009-2010 from local school districts, including suspension/expulsion data. During the fall of 2010, the NDE analyzed assessment data, including participation and performance data, and determined whether districts made adequate yearly progress in accordance with the Elementary and Secondary Education Act (ESEA) requirements. Also in the fall of 2010, the NDE analyzed the survey data on parent involvement obtained from an outside vendor. In July 2010 the NDE generated graduation and dropout data for FFY 2008 (2008-2009) according to the calculation established under the ESEA, disaggregated by IEP population.

In July 2010, the NDE conducted a preliminary analysis of Nevada's data for Indicators 1, 2, 3-C, 4a, 5, 9, 10, 11, 12, 13 and 15. Preliminary statewide and district-level data were presented for these indicators to an August 2010 meeting of Nevada's Special Education District Administrators (SEDA) group for review and discussion of the implementation of improvement strategies.

The NDE participated in the Data Meeting sponsored by OSEP in June 2010 and in the Leadership Conference sponsored by OSEP in August 2010. The SPP and APR requirements were a central focus in these meetings. Throughout the late summer, fall and early winter, staff members from the NDE participated in technical assistance conference calls offered by OSEP, the Western Regional Resource Center (WRRC), and other OSEP-supported technical assistance centers in order to clarify our understanding of the requirements and strengthen the presentation of our data.

February 2011 APR Dissemination

Final data analysis for each indicator to be reported in the FFY 2009 APR was completed in January 2011, and reported to OSEP on February 1, 2011. The APR and SPP will be made available to the public by on the NDE website at http://www.doe.nv.gov/SpecialEducation_Reports.htm following the submission to OSEP and an opportunity for clarification, if necessary. The final documents will be distributed to the media via press release and disseminated directly to an extensive list of interested parties, including a variety of agencies and organizations. 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.

May 2011 Reporting of District-Level Performance Indicator Data

The progress of school districts toward the state targets will be reported to the public by May 2011 on the NDE website listed above and will be disseminated directly to SEDA and Nevada's Special Education Advisory Committee (SEAC).

Part B State Annual Performance Report (APR) for Federal Fiscal Year (FFY) 2009

INDICATOR 1

Overview of the Annual Performance Report Development:

See description in the Introduction.

Monitoring Priority: FAPE in the LRE

Indicator 1: Percent of youth with IEPs graduating from high school with a regular diploma.

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

Measurement: States must report using the graduation rate calculation and timeline established by the Department under the ESEA.

FFY	Measurable and Rigorous Target
2009 (2009-2010)	50% of Nevada's youth with IEPs will graduate from high school with a regular diploma.

Actual Target Data for FFY 2009 (data from 2008-2009):

OSEP has directed the NDE to describe the results of the NDE's examination of graduation data for the year before the reporting year to report progress in the FFY 2009 report (i.e., for the FFY 2009 APR reporting year, use data from FFY 2008-2009). Consequently, 2008-2009 data are presented below for this FFY 2009 report.

As of the FFY 2008 reporting year, the NDE was required to report using the graduation rate calculation and timeline established by the Department under the ESEA. In addition, the NDE must use the same graduation target as the annual graduation rate target established under Title I of the ESEA for all students.

Graduation Rate Calculation under the ESEA:

No difference exists between the conditions required of a youth with an IEP and a youth without to earn a regular diploma in Nevada. Nevada uses the NCES "leaver rate" to calculate high school graduation rates for the total student population. In the formula, all graduates with standard, advanced, and adult diplomas (the "regular diplomas") are divided by the total number of completers, plus the number of 12th grade dropouts in the previous year (DO 12Y), 11th grade dropouts from two years ago (DO 11Y-1), 10th grade dropouts from three years ago (DO 10Y-2), and 9th grade dropouts from four years ago (DO 9Y-3). This formula is expressed as:

For a given year Y:

Standard, Advanced, Adult Diploma Recipients ("Regular Diplomas")
 # Completers (Regular Diplomas, Adjusted Diplomas, Certificates of Attendance) +
 DO 12Y + DO 11Y-1 + DO 10Y-2 + DO 9Y-3

Completers = Standard + Advanced + Adult + Adjusted + Certificates of Attendance
 DO 12Y = Number of 12th grade dropouts from current year
 DO 11Y-1 = Number of 11th grade dropouts from year previous
 DO 10Y-2 = Number of 10th grade dropouts from two years previous
 DO 9Y-3 = Number of 9th grade dropouts from three years previous

Graduation data for 2008-2009 IEP students:

IEP students earning standard diplomas = 625
 IEP students earning advanced diplomas = 79
 IEP students earning adult diplomas = 7
 IEP students earning adjusted diplomas = 1,303
 IEP students earning certificates of attendance = 24
 Completer Total = 2,038

DO 12Y (Number of 12th grade dropouts from current year) = 287
 DO 11Y-1 (Number of 11th grade dropouts from year previous) = 145
 DO 10Y-2 (Number of 10th grade dropouts from two years previous) = 280
 DO 9Y-3 (Number of 9th grade dropouts from three years previous) = 289

The calculation of the state's IEP graduation rate for the 2007-2008 school year is:

$$\frac{(625 + 79 + 7)}{(2,038 + 287 + 145 + 280 + 289)} \times 100 = 23.4\%$$

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that Occurred for FFY 2009:

Discussion of Improvement Activities Completed for FFY 2009:

See APR Attachment 3, Improvement Activities/Timelines/Resources, for a detailed listing of activities completed during 2009-2010 for the following activities:

- Improvement Activity 1.1: School, District, and State Improvement Planning and Implementation (p. 3)
- Improvement Activity 1.2: Special Education Data Collection, Reporting, and Use (p. 6)
- Improvement Activity 1.3: Personnel Preparation, Recruitment, and Retention (p. 8)
- Improvement Activity 1.4: Student Assessment (p. 11)
- Improvement Activity 3.1: Academic and Behavioral Supports (p. 22)
- Improvement Activity 3.2: Transition Planning and Postsecondary Outcomes (p. 26)
- Improvement Activity 3.3: Parent Involvement (p. 29)

Explanation of Progress or Slippage that Occurred for FFY 2009 (data from 2008-2009):

The target established for FFY 2009 was 50%, and Nevada's graduation rate with a regular diploma was 23.4%. Because the actual graduation rate was lower than the target, Nevada did not reach its target.

Because the graduation rate for FFY 2008 (based on 2007-2008 data) was 25.1%, there is slippage to explain. The criteria for passing Nevada's High School Proficiency Examination has been increasing, which complicates comparisons to graduation rates in previous years. Nevada remains committed to improving instruction and student performance at the secondary level so that more students with disabilities earn regular diplomas.

Revisions, with Justification, to Proposed Targets/Improvement Activities/Timelines/Resources for FFY 2010:

See APR Attachment 3 for a summary of revisions, with justifications, that appears in each Improvement Activity referenced above.

Part B State Annual Performance Report (APR) for Federal Fiscal Year (FFY) 2009

INDICATOR 2

Overview of the Annual Performance Report Development:

See description in the Introduction.

Monitoring Priority: FAPE in the LRE

Indicator 2: Percent of youth with IEPs dropping out of high school.

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

Measurement: States must report using the dropout data used in the ESEA graduation rate calculation and follow the timeline established by the Department under the ESEA.
--

FFY	Measurable and Rigorous Target
2009 (2009-2010)	6.5% of Nevada's youth with IEPs will drop out of high school.

Actual Target Data for FFY 2009 (data from 2008-2009):

OSEP has directed the NDE to describe the results of the NDE's examination of dropout data for the year before the reporting year to report progress in the FFY 2009 report (i.e., for the FFY 2009 APR reporting year, use data from 2008-2009). Consequently, 2008-2009 data are presented below for this FFY 2009 report.

As of the FFY 2008 reporting year, the NDE was required to report using the dropout data used in the ESEA graduation rate calculation and follow the timeline established by the Department under the ESEA.

Dropout Rate Calculation:

No difference exists between youth with and without an IEP in their treatment as a dropout. There is no difference between what counts as dropping out for all youth and what counts as dropping out for youth with IEPs. Dropouts are determined by the student's withdrawal code. Nevada has revised the state's withdrawal codes in anticipation of calculating a cohort graduation rate in future years. See the following page for a list of the withdrawal codes that qualify as a "dropout" withdrawal.

The following formula defines how Nevada calculates a high school dropout rate. Total IEP Dropouts are determined through the student's withdrawal code and their program participation status. Total IEP Enrollment is the sum of students eligible for and receiving services under an IEP. Total IEP NonReturns are included in the Total IEP Dropouts and also added to the enrollment in the denominator as they are students expected to be in membership at the beginning of school (also known as summer dropouts).

In a given year, the formula is expressed as:

$$\frac{\text{Total IEP Dropouts}}{\text{Total IEP Enrollment} + \text{Total IEP NonReturns}} \times 100$$

Withdrawal Codes that Qualify as a "Dropout" Withdrawal:

Dropouts are determined by the student's withdrawal code. Nevada has revised the state's withdrawal codes in anticipation of the cohort graduation rate, and the following reasons for withdrawal qualify as a dropout.

W3(a)i	Credit deficiency;
W3(a)ii	Pregnancy;
W3(a)iii	Marriage;
W3(a)iv	Employment;
W3(a)v	Student has long term medical condition, or in drug treatment or a rehabilitative setting that prevents them from receiving services (NRS 392.050);
W3(a)vi	Authorization by juvenile division for the district court pursuant to NRS 392.090;
W3(a)vii	Self-supported or parental support in accordance with NRS 392.100;
W3(a)viii	Apprenticeship in accordance with NRS 392.110;
W3(a)ix	Any other reason not specified in paragraphs 3(a)i through 3(a)viii, inclusive.
W3(b)	Student withdrawn because age exceeds age restrictions.
W3(c)i	Permanent expulsion;
W3(c)ii	Disciplinary or other eligibility reasons; or
W3(c)iii	Incarceration.
W3(d)i	Student withdrawn to GED program; or
W3(d)ii	Student withdrawn to adult vocational/technical program.
W3(e)i	Absence of the student for 10 consecutive days and whose whereabouts are unknown;
W3(e)ii	Absence of the student for the entire month with no expected date of return; or
W3(e)iii	Unexplained absence as set forth in NAC 387.220.
W3(g)	Attendance excused for distance residence from nearest school (NRS 392.080).

Dropout Data for 2008-2009 IEP students:

Total IEP Dropouts = 724
 Total IEP Enrollment = 12,471
 Total IEP NonReturns = 282

The calculation of the state's IEP dropout rate for the 2008-2009 school year is:

$$\frac{724}{(12,471 + 282)} \times 100 = 5.7\%$$

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that Occurred for FFY 2009:**Discussion of Improvement Activities Completed for FFY 2009:**

See APR Attachment 3, Improvement Activities/Timelines/Resources, for a detailed listing of activities completed during 2009-2010 for the following activities:

- Improvement Activity 1.1: School, District, and State Improvement Planning and Implementation (p. 3)
- Improvement Activity 1.2: Special Education Data Collection, Reporting, and Use (p. 6)
- Improvement Activity 1.3: Personnel Preparation, Recruitment, and Retention (p. 8)
- Improvement Activity 1.4: Student Assessment (p. 11)
- Improvement Activity 3.1: Academic and Behavioral Supports (p. 22)
- Improvement Activity 3.2: Transition Planning and Postsecondary Outcomes (p. 26)
- Improvement Activity 3.3: Parent Involvement (p. 29)

Explanation of Progress or Slippage that Occurred for FFY 2009 (data from 2008-2009):

The target established for FFY 2009 was 6.5%, and Nevada's dropout rate was 5.7%. Because the actual dropout rate was lower than the target, Nevada reached its target. Because the dropout rate for FFY 2008 (based on 2007-2008 data) was 5.6%, there is slight slippage to report. The slight increase in dropout rates is likely related to the severe economic downturn in Nevada in 2008-2009, combined with the increasing proficiency necessary to pass the High School Proficiency Examination.

Revisions, with Justification, to Proposed Targets/Improvement Activities/Timelines/Resources for FFY 2010:

See APR Attachment 3 for a summary of revisions, with justifications, that appears in each Improvement Activity referenced above.

Part B State Annual Performance Report (APR) for Federal Fiscal Year (FFY) 2009

INDICATOR 3

Overview of the Annual Performance Report Development:

See description in the Introduction.

Monitoring Priority: FAPE in the LRE

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

- A. Percent of the districts with a disability subgroup that meets the State’s minimum “n” size that meet the State’s AYP targets for the disability subgroup.
- B. Participation rate for children with IEPs.
- C. Proficiency rate for children with IEPs against grade level, modified and alternate academic achievement standards.

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

Measurement:

- A. AYP percent = [(# of districts with a disability subgroup that meets the State’s minimum “n” size that meet the State’s AYP targets for the disability subgroup) divided by the (total # of districts that have a disability subgroup that meets the State’s minimum “n” size)] times 100.
- B. Participation rate percent = [(# of children with IEPs participating in the assessment) divided by the (total # of children with IEPs enrolled during the testing window, calculated separately for reading and math)]. The participation rate is based on all children with IEPs, including both children with IEPs enrolled for a full academic year and those not enrolled for a full academic year.
- C. Proficiency rate percent = [(# of children with IEPs enrolled for a full academic year scoring at or above proficient) divided by the (total # of children with IEPs enrolled for a full academic year, calculated separately for reading and math)].

INDICATOR 3A

FFY	Measurable and Rigorous Target
2009 (2009-2010)	87.5% of districts that have a disability subgroup that meets Nevada's minimum "n" size will meet Nevada's AYP targets for the disability subgroup.

INDICATOR 3B

FFY	Measurable and Rigorous Target
2009 (2009-2010)	95% of students with disabilities will participate in statewide assessments.

INDICATOR 3C

FFY	Measurable and Rigorous Target													
2009 (2009-2010)	Mathematics							Reading						
	3rd	4th	5th	6th	7th	8th	11th	3rd	4th	5th	6th	7th	8th	11th
	40%	35%	32%	28%	21%	23%	20%	31%	30%	26%	24%	21%	22.5%	30%

Actual Target Data for FFY 2009:

A. 2009-2010 Data for Percent of Districts Meeting Nevada's AYP Targets for Disability Subgroup

During 2009-2010, 87.5% of Nevada's districts with the minimum "n" size for English Language Arts (ELA) and Math met Nevada's AYP targets for the disability subgroup $[(7 \div 8) \times 100 = 87.5\%]$. 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 Targets For Disability Subgroup 2009-2010 School Year		
Total # Districts With Minimum "n" Size for ELA and Math	# Districts With Minimum "n" Size for ELA and Math that Met Nevada's AYP Targets for Disability Subgroup	% of Districts With Minimum "n" Size Meeting Nevada's AYP Targets 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 targets for IEP students for both ELA and Math.

Table 3-A-2 AYP Targets for Disability Subgroup In Nevada's 17 School Districts 2009-2010 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 Targets? *	Did District Meet AYP Targets 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	Y	Y
	Math	Y	Y	
Douglas	ELA	Y	Y	Y
	Math	Y	Y	
Elko	ELA	Y	N	N
	Math	Y	Y	
Esmeralda	ELA	No	NA	NA
	Math	No	NA	
Eureka	ELA	No	NA	NA
	Math	No	NA	
Humboldt	ELA	No	NA	NA
	Math	No	NA	
Lander	ELA	No	NA	NA
	Math	No	NA	
Lincoln	ELA	No	NA	NA
	Math	No	NA	
Lyon	ELA	Y	Y	Y
	Math	Y	Y	
Mineral	ELA	No	NA	NA
	Math	No	NA	
Nye	ELA	Y	Y	Y
	Math	Y	Y	
Pershing	ELA	No	NA	NA
	Math	No	NA	
Storey	ELA	No	NA	NA
	Math	No	NA	
Washoe	ELA	Y	Y	Y
	Math	Y	Y	
White Pine	ELA	No	NA	NA
	Math	No	NA	

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

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

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that Occurred for FFY 2009:

Discussion of Improvement Activities Completed for FFY 2009:

See APR Attachment 3, Improvement Activities/Timelines/Resources, for a detailed listing of activities completed during 2009-2010 for the following activities:

- Improvement Activity 1.1: School, District, and State Improvement Planning and Implementation (p. 3)
- Improvement Activity 1.2: Special Education Data Collection, Reporting, and Use (p. 6)
- Improvement Activity 1.3: Personnel Preparation, Recruitment, and Retention (p. 8)
- Improvement Activity 1.4: Student Assessment (p. 11)
- Improvement Activity 3.1: Academic and Behavioral Supports (p. 22)
- Improvement Activity 3.2: Transition Planning and Postsecondary Outcomes (p. 26)
- Improvement Activity 3.3: Parent Involvement (p. 29)

Explanation of Progress or Slippage that Occurred for FFY 2009:

During FFY 2009 (2009-2010), there were 8 districts that met the state's minimum "n" size for calculation of AYP, and 7 of those districts met the established AYP targets for the IEP subgroup (87.5%). The target established for FFY 2009 was 87.5%, so Nevada reached its target for districts meeting Nevada's AYP targets for the disability subgroup. Because the FFY 2008 performance was 37.5%, there is progress to report.

The progress is the result of intensive work done at the local level to engage in school and district improvement planning targeted specifically toward improving the academic achievement of subpopulations. At every level, Nevada's educators have increased innovation in curriculum and instruction, and invested in professional development to improve teaching and learning. Additionally, funding made available under the American Reinvestment and Recovery Act (ARRA) afforded school districts with a rare opportunity to substantially increase resources directly focused on improving and delivering instruction for diverse learners. School districts took advantage of these resources to increase the number of personnel providing coaching to teachers who serve special education students, to offer interim session educational opportunities for students who were struggling, and to increase efforts to rollout targeted intervention systems to address both academic and behavioral needs.

Revisions, with Justification, to Proposed Targets/Improvement Activities/Timelines/Resources for FFY 2010:

The NDE has revised its targets for Indicator 3-A for FFY 2009 and FFY 2010. Because eight districts typically have the minimum "n" size for the disability subgroup, each district meeting the AYP target represents an increment of 12.5%. Therefore, logically, targets must reflect 12.5% increments. If the state sets a target anticipating that 7 of 8 districts will meet AYP targets for the disability subgroup (as has been the conceptual target), the correct target is 87.5%, not 88.9%.

See APR Attachment 3 for a summary of revisions, with justifications, that appears in each Improvement Activity referenced above.

B. 2009-2010 Data for Participation Rates

During FFY 2009, 99.0% of IEP students participated in the statewide ESEA Math assessment $[(23,647 \div 23,893) \times 100 = 99.0\%]$. During FFY 2009, 98.9% of IEP students participated in the statewide ESEA ELA/Reading assessment $[(23,636 \div 23,893) \times 100 = 98.9\%]$. These students 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 academic achievement standards. During 2009-2010, Nevada did not administer alternate assessments against grade level academic achievement standards or modified academic achievement standards.

Participation rates for 2009-2010 were calculated by dividing the number of students with IEPs participating in the assessment (column "b" below) by the total number of students with IEPs enrolled during the testing window (column "a" below), calculated separately for reading and math. Students with IEPs included both students with IEPs enrolled for a full academic year and those not enrolled for a full academic year. See below for Table 3-B-1—Math Participants and Table 3-B-2—ELA/Reading Participants for specific calculations.

Table 3-B-1—Math Participants			
Participation Rates for Students with Disabilities in Statewide ESEA Assessments			
2009-2010 School Year			
Grades Assessed	Total # of Students with IEPs Enrolled during the Testing Window (a)	# of Students with IEPs Participating in the Assessments (b)	Overall Percent [(b ÷ a) x 100]
3rd Grade	3,397	3,376	99.4%
4th Grade	3,658	3,635	99.4%
5th Grade	3,647	3,629	99.5%
6th Grade	3,579	3,540	98.9%
7th Grade	3,427	3,392	99.0%
8th Grade	3,395	3,358	98.9%
11th Grade	2,790	2,717	97.4%
Overall Total	23,893	23,647	99.0%

Table 3-B-2—ELA/Reading Participants			
Participation Rates for Students with Disabilities in Statewide ESEA Assessments			
2009-2010 School Year			
Grades Assessed	Total # of Students with IEPs Enrolled during the Testing Window (a)	# of Students with IEPs Participating in the Assessments (b)	Overall Percent [(b ÷ a) x 100]
3rd Grade	3,397	3,377	99.4%
4th Grade	3,658	3,638	99.5%
5th Grade	3,647	3,631	99.6%
6th Grade	3,579	3,543	99.0%
7th Grade	3,427	3,398	99.2%
8th Grade	3,395	3,361	99.0%
11th Grade	2,790	2,688	96.3%
Overall Total	23,893	23,636	98.9%

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that Occurred for FFY 2009:

Discussion of Improvement Activities Completed for FFY 2009:

See APR Attachment 3, Improvement Activities/Timelines/Resources, for a detailed listing of activities completed during 2009-2010 for the following activities:

- Improvement Activity 1.1: School, District, and State Improvement Planning and Implementation (p. 3)
- Improvement Activity 1.2: Special Education Data Collection, Reporting, and Use (p. 6)
- Improvement Activity 1.3: Personnel Preparation, Recruitment, and Retention (p. 8)
- Improvement Activity 1.4: Student Assessment (p. 11)
- Improvement Activity 3.1: Academic and Behavioral Supports (p. 22)
- Improvement Activity 3.2: Transition Planning and Postsecondary Outcomes (p. 26)
- Improvement Activity 3.3: Parent Involvement (p. 29)

Explanation of Progress or Slippage that Occurred for FFY 2009:

During FFY 2009 (2009-2010), 99.0% of Nevada's students with disabilities participated in the Math assessments required under ESEA; 98.9% of Nevada's students with disabilities participated in the ELA/Reading assessments. During FFY 2008, the participation rate for Math was 98.8%, and the participation rate for ELA/Reading was 98.8%, so the state percentage remained consistent. The target established for FFY 2009 was 95% (based on the ESEA participation requirements), so Nevada reached its target for the overall percent of students with disabilities participating in statewide ESEA assessments.

Public Reporting Information: Nevada's public reports of assessment results for students with disabilities are found on the NDE website at: <http://www.nevadareportcard.com/>. The website is currently undergoing revision, and all reporting necessary to comply with 34 CFR 300.160(f) will be in place by June 30, 2011.

Revisions, with Justification, to Proposed Targets/Improvement Activities/Timelines/Resources for FFY 2010:

See APR Attachment 3 for a summary of revisions, with justifications, that appears in each Improvement Activity referenced above.

C. 2009-2010 Data for Proficiency Rates

Proficiency rates are calculated by dividing the number of IEP students who were enrolled for the full academic year who were proficient or above in each examination (column “b” below), by the total number of IEP students who were enrolled for the full academic year (column “a” below). Proficiency is measured by IEP students' performance in the following assessments:

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

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

Table 3-C-1—Math Proficiency Proficiency Rates for Students with Disabilities in Statewide ESEA Assessments 2009-2010 School Year			
Grades Assessed	Total # Students with IEPs Enrolled for a Full Academic Year (a)	# Students with IEPs Enrolled for a Full Academic Year Scoring at or above Proficient (b)	Overall Percent [(b ÷ a) x 100]
3rd Grade	3,017	1,286	42.6%
4th Grade	3,205	1,276	39.8%
5th Grade	3,212	1,151	35.8%
6th Grade	3,149	890	28.3%
7th Grade	2,966	787	26.5%
8th Grade	2,905	624	21.5%
11th Grade	2,243	721	32.1%

Table 3-C-2—ELA/Reading Proficiency Proficiency Rates for Students with Disabilities in Statewide ESEA Assessments 2009-2010 School Year			
Grades Assessed	Total # Students with IEPs Enrolled for a Full Academic Year (a)	# Students with IEPs Enrolled for a Full Academic Year Scoring at or above Proficient (b)	Overall Percent [(b ÷ a) x 100]
3rd Grade	3,017	1,004	33.3%
4th Grade	3,205	1,020	31.8%
5th Grade	3,212	763	23.8%
6th Grade	3,149	806	25.6%
7th Grade	2,966	910	30.7%
8th Grade	2,905	748	25.7%
11th Grade	2,243	1,514	67.5%

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that Occurred for FFY 2009:

Discussion of Improvement Activities Completed for FFY 2009:

See APR Attachment 3, Improvement Activities/Timelines/Resources, for a detailed listing of activities completed during 2009-2010 for the following activities:

- Improvement Activity 1.1: School, District, and State Improvement Planning and Implementation (p. 3)
- Improvement Activity 1.2: Special Education Data Collection, Reporting, and Use (p. 6)
- Improvement Activity 1.3: Personnel Preparation, Recruitment, and Retention (p. 8)
- Improvement Activity 1.4: Student Assessment (p. 11)
- Improvement Activity 3.1: Academic and Behavioral Supports (p. 22)
- Improvement Activity 3.2: Transition Planning and Postsecondary Outcomes (p. 26)
- Improvement Activity 3.3: Parent Involvement (p. 29)

Explanation of Progress or Slippage that Occurred for FFY 2009:

As shown on the table below, Nevada met 12 of its 14 targets for proficiency for IEP students during 2009-2010, but did not meet all targets:

Content Area	Grade	Target	% Proficient 2009-2010	Target Met?
Math	3rd	40%	42.6%	Y
	4th	35%	39.8%	Y
	5th	32%	35.8%	Y
	6th	28%	28.3%	Y
	7th	21%	26.5%	Y
	8th	23%	21.5%	N
	11th	20%	32.1%	Y
ELA/Reading	3rd	31%	33.3%	Y
	4th	30%	31.8%	Y
	5th	26%	23.8%	N
	6th	24%	25.6%	Y
	7th	21%	30.7%	Y
	8th	22.5%	25.7%	Y
	11th	30%	67.5%	Y

With the exception of 6th grade math, the percent proficient increased at every level for both content areas when compared to the 2008-2009 data reported in the FFY 2008 APR. Overall, these data represent progress in academic achievement for IEP students.

The progress is the result of intensive work done at the local level to engage in school and district improvement planning targeted specifically toward improving the academic achievement of subpopulations. At every level, Nevada's educators have increased innovation in curriculum and instruction, and invested in professional development to improve teaching and learning. Additionally, funding made available under the American Reinvestment and Recovery Act (ARRA) afforded school districts with a rare opportunity to substantially increase resources directly focused on improving and delivering instruction for diverse learners. School districts took advantage of these resources to increase the number of personnel providing coaching to teachers who serve special education students, to offer interim session educational opportunities for students who were struggling, and to increase efforts to rollout targeted intervention systems to address both academic and behavioral needs.

Public Reporting Information: Nevada's public reports of assessment results for students with disabilities are found on the NDE website at: <http://www.nevadareportcard.com/>. The website is currently undergoing revision, and all reporting necessary to comply with 34 CFR 300.160(f) will be in place by June 30, 2011.

Revisions, with Justification, to Proposed Targets/Improvement Activities/Timelines/Resources for FFY 2010:

See APR Attachment 3 for a summary of revisions, with justifications, that appears in each Improvement Activity referenced above.

Part B State Annual Performance Report (APR) for Federal Fiscal Year (FFY) 2009

INDICATOR 4

Overview of the Annual Performance Report Development:

See description in the Introduction.

<p>Monitoring Priority: FAPE in the LRE</p>
--

Indicator 4: Rates of suspension and expulsion:

- A. Percent of districts that have a significant discrepancy in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs; and
- B. Percent of districts that have: (a) a significant discrepancy, by race or ethnicity, in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs; and (b) policies, procedures or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.

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

<p>Measurement:</p>

- | |
|---|
| <p>A. Percent = [(# of districts that have a significant discrepancy in the rates of suspensions and expulsions for greater than 10 days in a school year of children with IEPs) divided by the (# of districts in the State)] times 100.</p> <p>B. Percent = [(# of districts that have: (a) a significant discrepancy, by race or ethnicity, in the rates of suspensions and expulsions of greater than 10 days in a school year of children with IEPs; and (b) policies, procedures or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards) divided by the (# of districts in the State)] times 100.</p> |
|---|

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

Sub-Indicator A.

Data Source:

Annually, in conjunction with submission of their eligibility documents for Part B funding, each district submits electronic data to the NDE concerning students who are suspended or expelled for more than 10 days in a school year. The state verifies the reliability and accuracy of the data through automated verification checks through its database. These data are reported annually to OSEP in Table 5 of Information Collection 1820-0621 (Report of Children with Disabilities Unilaterally Removed or Suspended/Expelled for More than 10 Days).

Definition of Significant Discrepancy and Methodology:

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.

Nevada defines a district's suspension/expulsion rate as "significantly discrepant" if it is more than 25% higher than the statewide average rate. The statewide average rate is calculated by dividing the statewide total number of students with disabilities suspended/expelled for more than 10 school days by the statewide total number of students with disabilities in the districts reporting suspensions/expulsions totaling more than 10 school days. The threshold for significant discrepancy is calculated by adding 25%

to the statewide average. District rates are calculated by dividing the district's total number of students with disabilities suspended/expelled for more than 10 school days by the total number of students with disabilities in the district. District rates are examined to determine whether they exceed the statewide average rate by more than 25%. Nevada uses a minimum "n" size requirement to exclude school districts from the calculation. Districts having fewer than 25 students who were suspended more than 10 days are excluded from the calculation.

FFY	Measurable and Rigorous Target
2009 (2009-2010)	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 2009 (data from 2008-2009):

OSEP has directed the NDE to describe the results of the NDE's examination of suspension and expulsion data for the year before the reporting year to report progress in the FFY 2009 report (i.e., for the FFY 2009 APR, use data from 2008-2009). Consequently, below are 2008-2009 data and analyses for this FFY 2009 report.

There are 17 school districts in Nevada. In 2009-2010, nine school districts had fewer than 25 students who were suspended more than 10 days (Carson City, Churchill, Douglas, Elko, Humboldt, Lander, Lyon, Mineral, and Nye). An additional six districts had no students who were suspended for more than 10 days (Esmeralda, Eureka, Lincoln, Mineral, Storey, Pershing). Suspension data for the two remaining districts (Clark and Washoe) are analyzed below.

After excluding data from districts that did not meet the minimum "n" size requirement, a statewide average rate for suspension/expulsion was calculated by dividing the number of students with disabilities suspended/expelled for more than 10 school days (1,210) by the statewide total number of students with disabilities in the districts reporting suspensions/expulsions totaling more than 10 school days (41,022). The calculation for 2008-2009 was $1,210 \div 41,022 = 2.9\%$. The threshold for significant discrepancy was calculated by adding 25% to the statewide average. The threshold calculation for 2008-2009 was 3.63% [$2.9\% + (0.25 \times 2.9) = 3.63\%$]. District rates were calculated by dividing the district's total number of students with disabilities suspended/expelled for more than 10 school days by the total number of students with disabilities in the district. District rates were examined to determine whether they exceeded the statewide average rate by more than 25%. If the district rate exceeded the statewide average by more than 25%, the district was identified as having a significant discrepancy in the rate for suspension and expulsion.

School Districts with Significant Discrepancy in Rates for Suspension and Expulsion:

Year	Total Number of School Districts	Number of School Districts that had Significant Discrepancies	Percent
FFY 2009 (2008-2009 data)	17	0	0%

During 2008-2009, 0% (representing none) of Nevada's 17 school districts were identified as having a significant discrepancy in the rate of suspension and expulsion of children with disabilities for greater than 10 days in a school year [$(0 \div 17) \times 100 = 0\%$]. The statewide and school district calculations are shown below in Table 4-A.

Table 4-A Statewide and District Suspension/Expulsion Rates 2008-2009 School Year Data		
	Number of Students with Disabilities with Out-of-School Suspensions/Expulsions Totaling > 10 Days As % of All Students with Disabilities	
	# Students	% of Students with Disabilities
Students with Disabilities in Districts with Reported Suspensions = 41,022	1,210	2.9%
Statewide Average Suspension Rate + 25% = Threshold for Significant Discrepancy	3.63%	
Clark Co. Sch. Dist. (Child Count = 32,441)	1,145	3.53%
Washoe Co. Sch. Dist. (Child Count = 8,581)	65	0.76%

Review of Policies, Procedures, and Practices:

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

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

The scope and process for Nevada's review and revision, if appropriate, of policies, procedures and practices relating to development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards, is described more fully in the February 2010 APR.

During FFY 2009 (based on 2008-2009 data), there were no school districts with suspensions/expulsions that exceeded the statewide average by more than 25%, so no review of policies, procedures, or practices was required.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that Occurred for FFY 2009:

Discussion of Improvement Activities Completed for FFY 2009:

See APR Attachment 3, Improvement Activities/Timelines/Resources, for a detailed listing of activities completed during 2009-2010 for the following activities:

- Improvement Activity 1.2: Special Education Data Collection, Reporting, and Use (p. 6)
- Improvement Activity 1.3: Personnel Preparation, Recruitment, and Retention (p. 8)
- Improvement Activity 2.1: Monitoring (p. 15)
- Improvement Activity 2.2: Technical Assistance and Enforcement (p. 17)
- Improvement Activity 2.3: Dispute Resolution (p. 19)
- Improvement Activity 3.1: Academic and Behavioral Supports (p. 22)

Explanation of Progress or Slippage that Occurred for FFY 2009 (data from 2008-2009):

Nevada targeted that 0% of districts would be identified by the NDE as having a significant discrepancy in the rates of suspension and expulsions of children with disabilities for greater than

10 days in a school year. In the FFY 2009 reporting year, based on data from 2008-2009, no districts were identified as having a significant discrepancy in the rate of suspension and expulsion of children with disabilities for greater than 10 days in a school year $[(0 \div 17) \times 100 = 0\%]$. Consequently, Nevada reached its target for this indicator. During previous years, Clark County School District was the only school district to exceed the statewide average by more than 25%. Previous APRs have described the considerable work done in Clark County to address policies, practices and procedures relating to development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards. The suspension/expulsion rate in Clark County declined slightly when compared to 2007-2008. However, the progress is also an artifact of the removal of districts that did not have the minimum "n" size in the calculation of the statewide average.

Revisions, with Justification, to Proposed Targets/Improvement Activities/Timelines/Resources for FFY 2010:

See APR Attachment 3 for a summary of revisions, with justifications, that appears in each Improvement Activity referenced above.

Sub-Indicator B.

As directed by OSEP, baseline, targets and improvement activities for Indicator 4B are provided with the FFY 2009 SPP, February 2011.

Additional Information Required by the OSEP APR Response Table:

Statement from the Response Table	State's Response
Baseline data from 2008-2009, targets (0%), and improvement activities must be submitted with the FFY 2009 APR, due February 1, 2011.	OSEP verified that baseline data from 2008-2009, targets (0%), and improvement activities should be submitted in the FFY 2009 SPP, not the APR. See the February 2011 SPP on pp. 21-24.

Part B State Annual Performance Report (APR) for Federal Fiscal Year (FFY) 2009

INDICATOR 5

Overview of the Annual Performance Report Development:

See description in the Introduction.

Monitoring Priority: FAPE in the LRE

Indicator 5: Percent of children with IEPs aged 6 through 21 served:

- A. Inside the regular class 80% or more of the day;
- B. Inside the regular class less than 40% of the day; and
- C. In separate schools, residential facilities, or homebound/hospital placements.

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

Measurement:

- A. Percent = [(# of children with IEPs served inside the regular class 80% or more of the day) divided by the (total # of students aged 6 through 21 with IEPs)] times 100.
- B. Percent = [(# of children with IEPs served inside the regular class less than 40% 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 separate schools, residential facilities, or homebound/hospital placements) divided by the (total # of students aged 6 through 21 with IEPs)] times 100.

FFY	Measurable and Rigorous Target
2009 (2009-2010)	A. 55.5% of students with IEPs will be served inside the regular class 80% or more of the day.
	B. 15.3% of students with IEPs will be served inside the regular class less than 40% of the day.
	C. 1.7% of students with IEPs will be served in separate schools, residential facilities, or homebound/hospital placements.

Actual Target Data for FFY 2009:

- A. During 2009-2010, 63.4% of students with IEPs were served inside the regular class 80% or more of the day [(25,829 ÷ 40,721) x 100 = 63.4%].
- B. During 2009-2010, 13.4% of students with IEPs were served inside the regular class less than 40% of the day [(5,438 ÷ 40,721) x 100 = 13.4%].
- C. During 2009-2010, 1.9% of students with IEPs were served in separate schools, residential facilities or homebound/hospital placements [(757 ÷ 40,721) x 100 = 1.9%].

NOTE: Data do not include 522 students reported on §618 Table 3 who are served in a state-operated correctional facility or in state-sponsored charter schools that are not and do not operate as Local Education Agencies.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that Occurred for FFY 2009:

Discussion of Improvement Activities Completed for FFY 2009:

See APR Attachment 3, Improvement Activities/Timelines/Resources, for a detailed listing of activities completed during 2009-2010 for the following activities:

- Improvement Activity 1.1: School, District, and State Improvement Planning and Implementation (p. 3)
- Improvement Activity 1.2: Special Education Data Collection, Reporting, and Use (p. 6)
- Improvement Activity 1.3: Personnel Preparation, Recruitment, and Retention (p. 8)
- Improvement Activity 3.1: Academic and Behavioral Supports (p. 22)
- Improvement Activity 3.3: Parent Involvement (p. 29)

Explanation of Progress or Slippage that Occurred for FFY 2009:

The target for 2009-2010 was for 55.5% of students with IEPs to be served inside the regular class 80% or more of the day, and the actual data reflected 63.4% of students served inside the regular class 80% or more of the day. Because a higher percentage than the target achieves the target, Nevada reached its target. During 2008-2009, the percentage was 62.7%, so slight progress was made in increasing the number of students in this category.

Progress was also made in the percent of students with IEPs that were served inside the regular class less than 40% of the day. The target for 2009-2010 was 15.3%, but only 13.4% of students were served inside the regular class less than 40% of the day. Because a lower percentage than the target achieves the target, Nevada reached its target.

Regarding the percent of students with IEPs served in separate schools, residential facilities or homebound/hospital placements, the target for 2009-2010 was 1.7%, and 1.9% of students were served in these placements. Therefore, Nevada did not reach its target, although its overall rate of removal is very low when compared to national averages. The 29th Annual Report to Congress on the implementation of the IDEA, 2007, indicates that nationally, 4.0% of students with disabilities are served in separate environments, defined as including public/private residential facilities, public/private separate schools, and homebound/hospital environments (p. 75). Nevada's low percentage (half the national rate) reflects the fact that although students with disabilities are removed from regular education environments when necessary to implement their IEPs, school districts do maintain a continuum of placements as required by federal and state law.

Revisions, with Justification, to Proposed Targets/Improvement Activities/Timelines/Resources for FFY 2010:

See APR Attachment 3 for a summary of revisions, with justifications, that appears in each Improvement Activity referenced above.

Part B State Annual Performance Report (APR) for Federal Fiscal Year (FFY) 2009

INDICATOR 6

Overview of the Annual Performance Report Development:

See description in the Introduction.

Monitoring Priority: FAPE in the LRE

Indicator 6: Percent of children aged 3 through 5 with IEPs attending a:

- A. Regular early childhood program and receiving the majority of special education and related services in the regular early childhood program; and
- B. Separate special education class, separate school or residential facility.

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

Measurement:

- A. Percent = [(# of children aged 3 through 5 with IEPs attending a regular early childhood program and receiving the majority of special education and related services in the regular early childhood program) divided by the (total # of children aged 3 through 5 with IEPs)] times 100.
- B. Percent = [(# of children aged 3 through 5 with IEPs attending a separate special education classroom, separate school or residential facility) divided by the (total # of children aged 3 through 5 with IEPs)] times 100.

Actual Target Data for FFY 2009:

States are not required to report actual data on Indicator 6 for the FFY 2009 APR. In the FFY 2010 submission, due February 1, 2012, the NDE will establish a new baseline, targets and, as needed, improvement activities for this indicator using the 2010-2011 data.

Part B State Annual Performance Report (APR) for Federal Fiscal Year (FFY) 2009

INDICATOR 7

Overview of the State Performance Plan Development:

See description in the Introduction.

Monitoring Priority: FAPE in the LRE

Indicator 7: Percent of preschool children aged 3 through 5 with IEPs who demonstrate improved:

- A. Positive social-emotional skills (including social relationships);
- B. Acquisition and use of knowledge and skills (including early language/communication and early literacy); and
- C. Use of appropriate behaviors to meet their needs.

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

Measurement:

Outcomes:

- A. Positive social-emotional skills (including social relationships);
- B. Acquisition and use of knowledge and skills (including early language/communication and early literacy); and
- C. Use of appropriate behaviors to meet their needs.

Progress categories for A, B and C:

- a. Percent of preschool children who did not improve functioning = [(# of preschool children who did not improve functioning) divided by (# of preschool children with IEPs assessed)] times 100.
- b. Percent of preschool children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers = [(# of preschool children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers) divided by (# of preschool children with IEPs assessed)] times 100.
- c. Percent of preschool children who improved functioning to a level nearer to same-aged peers but did not reach it = [(# of preschool children who improved functioning to a level nearer to same-aged peers but did not reach it) divided by (# of preschool children with IEPs assessed)] times 100.
- d. Percent of preschool children who improved functioning to reach a level comparable to same-aged peers = [(# of preschool children who improved functioning to reach a level comparable to same-aged peers) divided by (# of preschool children with IEPs assessed)] times 100.
- e. Percent of preschool children who maintained functioning at a level comparable to same-aged peers = [(# of preschool children who maintained functioning at a level comparable to same-aged peers) divided by (# of preschool children with IEPs assessed)] times 100.

Summary Statements for Each of the Three Outcomes (use for FFY 2008-2009 reporting):

Summary Statement 1: Of those preschool children who entered the preschool program below age expectations in each Outcome, the percent who substantially increased their rate of growth by the time they turned 6 years of age or exited the program.

Measurement for Summary Statement 1: Percent = # of preschool children reported in progress category (c) plus # of preschool children reported in category (d) divided by [# of preschool children reported in progress category (a) plus # of preschool children reported in progress category (b) plus # of preschool children reported in progress category (c) plus # of preschool children reported in progress category (d)] times 100.

Summary Statement 2: The percent of preschool children who were functioning within age expectations in each Outcome by the time they turned 6 years of age or exited the program.

Measurement for Summary Statement 2: Percent = # of preschool children reported in progress category (d) plus [# of preschool children reported in progress category (e) divided by the total # of preschool children reported in progress categories (a) + (b) + (c) + (d) + (e)] times 100.

Actual Data for FFY 2009:

The following tables present the Nevada Early Childhood Outcomes for the 2009-2010 school year on Positive Social Relationships, Knowledge and Skills, and Ability to Meet Needs.

Progress Data for Preschool Children Exiting 2009-2010

Positive Social Relationships	Number	Percent
Number of preschool children with IEPs assessed	2,072	
a. Children who did not improve functioning.	119	4.4%
b. Children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers.	206	7.6%
c. Children who improved functioning to a level nearer to same-aged peers but did not reach it.	319	11.8%
d. Children who improved functioning to reach a level comparable to same-aged peers.	943	34.9%
e. Children who maintained functioning at a level comparable to same-aged peers.	1,115	41.3%
Total	2,072	100%
Knowledge and Skills	Number	Percent
Number of preschool children with IEPs assessed	2,702	
a. Children who did not improve functioning.	239	8.9%
b. Children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers.	311	11.5%
c. Children who improved functioning to a level nearer to same-aged peers but did not reach it.	687	25.4%
d. Children who improved functioning to reach a level comparable to same-aged peers.	886	32.8%
e. Children who maintained functioning at a level comparable to same-aged peers.	579	21.4%
Total	2,702	100%
Ability to Meet Needs	Number	Percent
Number of preschool children with IEPs assessed	2,702	
a. Children who did not improve functioning.	128	4.7%
b. Children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers.	200	7.4%
c. Children who improved functioning to a level nearer to same-aged peers but did not reach it.	291	10.8%
d. Children who improved functioning to reach a level comparable to same-aged peers.	896	33.2%
e. Children who maintained functioning at a level comparable to same-aged peers.	1,187	43.9%
Total	2,702	100%

Summary Statements for Preschool Children Exiting 2009-2010

SUMMARY STATEMENTS	Target FFY 2009 (% of children)	Actual Target Data FFY 2009	Target Met?
Outcome A: Positive social-emotional skills (including social relationships)			
1. Of those children who entered or exited the program below age expectations in Outcome A, the percent who substantially increased their rate of growth by the time they turned 6 years of age or exited the program. [319 + 943] ÷ [119 + 206 + 319 + 943] = 79.5%	73.4%	79.5%	Yes
2. The percent of children who were functioning within age expectations in Outcome A by the time they turned 6 years of age or exited the program. [943 + 1115] ÷ [119 + 206 + 319 + 943 + 1115] = 76.2%	73.7%	76.2%	Yes
Outcome B: Acquisition and use of knowledge and skills (including early language/communication and early literacy)			
1. Of those children who entered or exited the program below age expectations in Outcome B, the percent who substantially increased their rate of growth by the time they turned 6 years of age or exited the program. [687 + 886] ÷ [239 + 311 + 687 + 886] = 74.1%	72.1%	74.1%	Yes
2. The percent of children who were functioning within age expectations in Outcome B by the time they turned 6 years of age or exited the program. [886 + 579] ÷ [239 + 311 + 687 + 886 + 579] = 54.2%	65.8%	54.2%	No
Outcome C: Use of appropriate behaviors to meet their needs			
1. Of those children who entered or exited the program below age expectations in Outcome C, the percent who substantially increased their rate of growth by the time they turned 6 years of age or exited the program. [291 + 896] ÷ [128 + 200 + 291 + 896] = 78.4%	75.0%	78.4%	Yes
2. The percent of children who were functioning within age expectations in Outcome C by the time they turned 6 years of age or exited the program. [896 + 1187] ÷ [128 + 200 + 291 + 896 + 1187] = 77.1%	76.8%	77.1%	Yes

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that Occurred for FFY 2009:

Discussion of Improvement Activities Completed for FFY 2009:

See APR Attachment 3, Improvement Activities/Timelines/Resources, for a detailed listing of activities completed during 2009-2010 for the following activities:

- Improvement Activity 1.1: School, District, and State Improvement Planning and Implementation (p. 3)
- Improvement Activity 1.2: Special Education Data Collection, Reporting, and Use (p. 6)
- Improvement Activity 1.3: Personnel Preparation, Recruitment, and Retention (p. 8)
- Improvement Activity 3.1: Academic and Behavioral Supports (p. 22)
- Improvement Activity 3.3: Parent Involvement (p. 29)
- Improvement Activity 3.4: Early Childhood Outcomes (p. 31)

Explanation of Progress or Slippage that Occurred for FFY 2009:

When comparing 2009-2009 data to 2009-2010 data, Nevada made progress and met each target except the target in Summary Statement B-2. Progress is likely the result of innovation in curriculum and instruction, as well as the focus on professional development.

The slippage in Summary Statement B-2 is explained as follows. The NDE has continued to focus on increasing the efficacy of the ECO data system. Several variables are critical when

contemplating the slippage that is seen with regard to the outcome area B (Acquisition and Use of Knowledge and Skills). The first is that the cut scores for this component of the Creative Curriculum assessment have been raised through recalibration efforts by the vendor. Therefore in order to achieve a rating of 6 or 7 on the Child Outcomes Summary Form (COSF), a student must have performed at a higher level this school year than in years past. Secondly, ongoing professional development and technical assistance have been provided to early childhood special education teachers (and others as appropriate) and it is believed that these efforts are resulting in the collection and reporting of data that are increasingly more valid and reliable in each year that the system grows. It is possible that scores for this component of the outcomes data were perhaps artificially high as a result of some failure to implement the assessment system with fidelity (i.e., to rate the student higher than was accurate). Lastly, it should be noted that this component of indicator 7 measures higher level thinking and problem solving skills, as well as receptive and communicative language, including numeracy, language symbols, phonemic awareness, and vocabulary. A significant number of early childhood special education students in Nevada have speech and language delays, the very area on which outcome area B focuses, so it is perhaps not surprising that this is the area where the data reveal the lowest performance for this student population. This area of the assessment measures pre-academic skills, which creates the most challenges for many young children who have identified disabilities, including those with speech impairments, but across the disability spectrum as a whole.

Additional Information Required by the OSEP APR Response Table:

Statement from the Response Table	State's Response
The State must report progress data and actual target data for FFY 2009 with the FFY 2009 APR.	See "Progress Data for Preschool Children Exiting 2009-2010" above on p. 28. See "Summary Statements for Preschool Children Exiting 2009-2010" above on p. 29.

Revisions, with Justification, to Proposed Targets/Improvement Activities/Timelines/Resources for FFY 2010:

See APR Attachment 3 for a summary of revisions, with justifications, that appears in each Improvement Activity referenced above.

Part B State Annual Performance Report (APR) for Federal Fiscal Year (FFY) 2009

INDICATOR 8

Overview of the Annual Performance Report Development:

See description in the Introduction.

Monitoring Priority: FAPE in the LRE

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

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

Measurement:

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

FFY	Measurable and Rigorous Target
2009 (2009-2010)	75% of parents with a child receiving special education services will report that schools facilitated parent involvement as a means of improving services and results for children with disabilities.

Actual Target Data for FFY 2009:

During 2009-2010, 76% $[(1,238 \div 1,633) \times 100 = 76\%]$ of Nevada parents responded in agreement to survey question #25 (see below for significance of this response), up slightly from 74% during 2008-2009.

Discussion of Survey Results

The NDE has elected to purchase a survey instrument from the National Center for Special Education Accountability Monitoring (NCSEAM) to measure the percent of parents who report that their children's schools facilitated parent involvement as a means of improving services and results for students with disabilities. The NDE used the same survey instrument included in the April 2008 SPP (available at the NDE website). The question used to measure this indicator is survey question #25: "The school explains what options parents have if they disagree with a decision of the school." See the February 2010 SPP for an explanation of how this question was determined to be an appropriate measurement of this indicator (p. 35). Nevada's sampling plan for dissemination of this survey was previously approved and is described in the February 2010 SPP (pp. 33-35).

During 2009-2010, parent surveys were disseminated to parents of all students with disabilities in four districts scheduled for a comprehensive compliance monitoring visit (Churchill, Esmeralda, Lincoln, Washoe).¹ In addition, a sample was selected for parent survey in Clark County School District because it has an average daily membership (ADM) of more than 50,000 students. Surveys were successfully sent to 10,006 parents, and a total of 1,691 responses were received for a 16.9% response rate $(1,691 \div 10,006 = 16.9\%)$. This response rate represents an increase from the 14.3% rate in 2008-2009.

¹ Washoe County participated in the comprehensive compliance monitoring visit during 2009-2010, but a sample of Washoe County parents would have been selected for survey regardless because the district has an average daily membership (ADM) of more than 50,000 students.

According to NCSEAM, this number exceeds the minimum number required for an adequate confidence level based on established survey sample guidelines (see, <http://www.surveysystem.com/sscalc.htm>).

Representativeness of Survey Results

Although response rate is an important indicator of the validity of survey results, the representativeness of survey respondents when compared to the pool of possible respondents from which they were drawn is also a very important indicator. In order to examine the representativeness of the respondents in the 2009-2010 parent survey, student-level data regarding disability category and race/ethnic category are collected for each survey response. Then, the disability and race/ethnic category data for survey responses are compared to the disability and race/ethnic category data in the October 1, 2009, child count of students ages 3-21 in the surveyed districts.

In the disability category comparison, the response data were comparable to the statewide child count data in many categories, and often very similar to the FFY 2008 data. In 2009-2010, 11% of the responding parents were the parents of children with developmental delays (compared to 9% in the child count); 4% were the parents of children with emotional disturbance (compared to 4% in the child count); and 3% were the parents of children with multiple impairments (compared to 3% in the child count). In the autism category, 9.5% of the respondents represented parents of children with autism (compared to 7.3% in the child count). Approximately 39% of the responding parents were the parents of children with learning disabilities (compared to 48% in the child count). Comparisons between survey respondents and child count data for children with hearing impairments, mental retardation, orthopedic impairments, traumatic brain injury, vision, and speech/language impairments were very close. Improvement has been made in the response rate of the parents of students with learning disabilities (there was a 13-point gap in 2008-2009, compared to the 9-point gap in 2009-2010), but this work needs to continue.

Analysis of the race/ethnicity representativeness in the responses when compared to the October 1, 2009, child count showed there was very close representativeness in categories for American Indian/Alaskan Native (2% of the respondents; 1.5% in the child count), and Asian/Pacific Islander (5% of the respondents; 4% in the child count). Responses in the other three race/ethnic categories were not as representative of the child count data:

- No improvement was made in the representativeness of responses for students in the Hispanic/Latino category, with 28% of the survey responses for students in the Hispanic Latino category, compared with 33% in the child count (last year the gap was 27% responding compared to 32% in the child count).
- Less representativeness was found in the responses for students in the Black/African American category, where 8% of the survey responses were for students in the Black/African American category, compared to 16% in the child count (last year the respondents were nearly identical to the child count — 18% responding compared to 17% in the child count).
- A total of 56.5% of the responses were for students in the White category, while 42% of students in the child count were White. This shows somewhat less representativeness than last year when 50% who responded were in the White category, while 42% in the child count were White.

The NDE is continuing to work with its partners and with NCSEAM to increase responses on behalf of children in the Hispanic/Latino and Black/African American categories.

Following is a table showing statewide and district-level data for respondents to the parent survey during 2009-2010.

School District	# of Surveys Received	# Surveys Responding "Agree, Strongly Agree, Very Strongly Agree" with Question #25	% Responding "Agree, Strongly Agree, Very Strongly Agree" with Question #25
Statewide	1,633	1,238	76%
Churchill	99	69	70%
Clark	729	559	77%
Esmeralda	3	1	33%
Lincoln	26	18	69%
Washoe	776	591	76%

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that Occurred for FFY 2009:

Discussion of Improvement Activities Completed for FFY 2009:

See APR Attachment 3, Improvement Activities/Timelines/Resources, for a detailed listing of activities completed during 2009-2010 for the following activities:

- Improvement Activity 1.1: School, District, and State Improvement Planning and Implementation (p. 3)
- Improvement Activity 1.2: Special Education Data Collection, Reporting, and Use (p. 6)
- Improvement Activity 1.3: Personnel Preparation, Recruitment, and Retention (p. 8)
- Improvement Activity 2.3: Dispute Resolution
- Improvement Activity 3.1: Academic and Behavioral Supports (p. 22)
- Improvement Activity 3.2: Transition Planning and Postsecondary Outcomes (p. 26)
- Improvement Activity 3.3: Parent Involvement (p. 29)
- Improvement Activity 3.4: Early Childhood Outcomes (p. 31)

Explanation of Progress or Slippage that Occurred for FFY 2009:

During 2009-2010, 76% of Nevada parents responded in agreement to survey question #25, up slightly from 74% during 2008-2009. Nevada reached its target of 75% for this indicator. The response rate increased from 14.3% to 16.9% and remained high enough to ensure an adequate confidence level. Work remains to be done to increase the representativeness of the responses, although some improvement was made in the representativeness of responders when compared to child count data for disability categories and race/ethnic categories.

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

- At the IEP meeting, we discussed accommodations and modifications that my child would need. (92%) (down from 94% the previous year)
- Teachers and administrators respect my cultural heritage. (93%) (no change from previous year)
- Teachers are available to speak with me. (91%) (up from 90%)
- My child's evaluation report is written in terms I understand. (90%) (no change)
- Written information I receive is written in an understandable way. (90%) (no change)
- Teachers and administrators ensure that I have fully understood the Procedural Safeguards. (91%) (up from 88%)

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

- All of my concerns and recommendations were documented on the IEP. (88%) (no change)
- I am considered an equal partner with teachers and other professionals in planning my child's program. (88%) (up from 87%)
- Teachers treat me as a team member. (88%) (up from 86%)
- The school has a person on staff who is available to answer parents' questions. (88%) (up from 86%)
- Teachers and administrators encourage me to participate in the decision-making process. (85%) (up from 83%)
- Teachers and administrators show sensitivity to the needs of students with disabilities. (84%) (no change)
- Written justification was given for the extent that my child would not receive services in the regular classroom. (81%) (up from 77%)
- Teachers and administrators seek out parent input. (80%) (up from 79%)

Between **70-79% of parents agreed** with the following survey items, many of which directly reflect the extent to which schools actually do facilitate parent involvement:

- The school offers parents a variety of ways to communicate with teachers. (79%) (down from 81%)
- The school gives the parents the help they may need to plan an active role in their child's education. (78%) (up from 77%)
- **The school explains what options parents have if they disagree with a decision of the school. (76%) (up from 74%) (This is the question NCSEAM established as the "proxy" for measuring parent involvement.)**
- The school communicates regularly with me regarding my child's progress on IEP goals. (77%) (up from 74%)
- At the IEP meeting, we discussed how my child would participate in statewide assessments. (75%) (up from 73%)
- The school gives me choices with regard to services that address my child's needs. (75%) (up from 72%)
- I have been asked for my opinion about how well special education services are meeting my child's needs. (73%) (up from 70%)

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

- The school provides information on agencies that can assist my child in the transition from school. (59%) (up from 58%) **
- I was given information about organizations that offer support for parents of students with disabilities. (54%) (up from 50%)
- The school offers parents training about special education issues. (54%) (up from 51%)
- I was offered special assistance (such as child care) so that I could participate in the IEP meeting. (49%) (up from 45%)

** Given that only 26% of the responses were related to students in 9-12th grade, this percentage is quite positive.

Notably, in 18 out of the 25 questions, the percentage of parents who agreed with the statement increased from the 2008-2009 school year. Responses to six questions maintained the same percentage as in 2008-2009. In two out of the 25 questions, the percentage of parents who agreed with the statement decreased from the 2008-2009 school year.

Revisions, with Justification, to Proposed Targets/Improvement Activities/Timelines/Resources for FFY 2010:

See APR Attachment 3 for a summary of revisions, with justifications, that appears in each Improvement Activity referenced above.

Part B State Annual Performance Report (APR) for Federal Fiscal Year (FFY) 2009

INDICATOR 9

Overview of the Annual Performance Report Development:

See description in the Introduction.

Monitoring Priority: Disproportionality

Indicator 9: Percent of districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification.

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

Measurement:

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

Include State's definition of "disproportionate representation."

Based on its review of the 618 data for FFY 2009, describe how the State made its annual determination that the disproportionate representation it identified (consider both over and underrepresentation) of racial and ethnic groups in special education and related services was the result of inappropriate identification as required by §§300.600(d)(3) and 300.602(a), e.g., using monitoring data; reviewing policies, practices and procedures, etc. In determining disproportionate representation, analyze data, for each district, for all racial and ethnic groups in the district, or all racial and ethnic groups in the district that meet a minimum 'n' size set by the State. Report on the percent of districts in which disproportionate representation of racial and ethnic groups in special education and related services is the result of inappropriate identification, even if the determination of inappropriate identification was made after the end of the FFY 2009 reporting period, i.e., after June 30, 2010. If inappropriate identification is identified, report on corrective actions taken.

FFY	Measurable and Rigorous Target
2009 (2009-2010)	0% of school districts will have disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification.

Actual Target Data for FFY 2009:

During FFY 2009, 0% of Nevada's 17 school districts had disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification. The measurement is calculated as $[(0 \div 17) \times 100 = 0\%]$.

Criteria for Defining "Disproportionate Representation":

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

During 2009-2010, no school districts were excluded from the calculation as a result of the state's minimum "n" size requirement.

Determining "Inappropriate Identification":

If disproportionate representation is identified in a district, the district's policies, procedures, and practices will be evaluated to determine whether the disproportionate representation is the result of inappropriate identification of students as students with disabilities, as indicated by noncompliant policies, procedures, and/or practices. The scope and details of the review of policies, procedures, and practices is described in the February 2010 SPP. If the review of policies, procedures and practices reveals noncompliance with federal and/or state requirements for identification and evaluation, appropriate corrective actions will be taken.

Determination of Disproportionate Representation for FFY 2009:

Nevada calculated its determination of whether disproportionate over- or under-representation existed for students in any of the five race/ethnic groups during FFY 2009 by analyzing child count data for 12/1/2007, 10/1/2008, and 10/1/2009 using the WESTAT disproportionality analysis tool, which compares district child count data to district enrollment data. Data were analyzed across these three years to determine if a three-year trend existed for any district, for any race/ethnic subgroup. No district had a three-year trend demonstrating disproportionate over- or under-representation of students as students with disabilities for any race/ethnic subgroup. Thus, there was no disproportionate representation in any district, in any race/ethnic subgroup, in the FFY 2009 "annual" determination of disproportionate representation of race/ethnic groups in special education.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that Occurred for FFY 2009:

Discussion of Improvement Activities Completed for FFY 2009:

See APR Attachment 3, Improvement Activities/Timelines/Resources, for a detailed listing of activities completed during 2009-2010 for the following activities:

- Improvement Activity 1.1: School, District, and State Improvement Planning and Implementation (p. 3)
- Improvement Activity 1.2: Special Education Data Collection, Reporting, and Use (p. 6)
- Improvement Activity 1.3: Personnel Preparation, Recruitment, and Retention (p. 8)
- Improvement Activity 2.1: Monitoring (p. 15)
- Improvement Activity 2.2: Technical Assistance and Enforcement (p. 17)
- Improvement Activity 2.3: Dispute Resolution (p. 19)
- Improvement Activity 3.1: Academic and Behavioral Supports (p. 22)

Explanation of Progress or Slippage that Occurred for FFY 2009:

Because there was no disproportionate representation in FFY 2009, there was no requirement to analyze whether the disproportionate representation was the result of inappropriate identification. The state met its target of 0%. In FFY 2008, there was also no disproportionate representation. Consequently, there is no progress or slippage to report.

Correction of Remaining Identified Noncompliance:

As of FFY 2009, Nevada had no remaining noncompliance from previous years that was not corrected.

Revisions, with Justification, to Proposed Targets/Improvement Activities/Timelines/Resources for FFY 2010:

See APR Attachment 3 for a summary of revisions, with justifications, that appears in each Improvement Activity referenced above.

Part B State Annual Performance Report (APR) for Federal Fiscal Year (FFY) 2009

INDICATOR 10

Overview of the Annual Performance Report Development:

See description in the Introduction.

Monitoring Priority: Disproportionality

Indicator 10: Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.

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

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

Include State’s definition of “disproportionate representation.”

Based on its review of the 618 data for FFY 2009, describe how the State made its annual determination that the disproportionate representation it identified (consider both over and under representation) of racial and ethnic groups in specific disability categories was the result of inappropriate identification as required by §§300.600(d)(3) and 300.602(a), e.g., using monitoring data; reviewing policies, practices and procedures, etc. In determining disproportionate representation, analyze data, for each district, for all racial and ethnic groups in the district, or all racial and ethnic groups in the district that meet a minimum 'n' size set by the State. Report on the percent of districts in which disproportionate representation of racial and ethnic groups in specific disability categories is the result of inappropriate identification, even if the determination of inappropriate identification was made after the end of the FFY 2009, i.e., after June 30, 2010. If inappropriate identification is identified, report on corrective actions taken.

FFY	Measurable and Rigorous Target
2009 (2009-2010)	0% of school districts will have disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.

Actual Target Data for FFY 2009:

During FFY 2009, 0% of Nevada’s 17 school districts had disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification. The measurement is calculated as $[(0 \div 17) \times 100 = 0\%]$.

Criteria for Defining “Disproportionate Representation”:

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

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

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

During 2009-2010, the following numbers of school districts were excluded from the calculation as a result of the state's minimum "n" size requirement:

- Autism: 6 school districts were excluded (4 with cell sizes containing 7 or fewer students)
- Mental Retardation: 5 school districts were excluded (all with cell sizes containing 6 or fewer students)
- Speech or Language Impairments: 3 school districts were excluded (all with cell sizes containing 10 or fewer students)
- Specific Learning Disabilities: 4 school districts were excluded (all with cell sizes containing 12 or fewer students)
- Other Health Impairments: 6 school districts were excluded (all with cell sizes containing 10 or fewer students)
- Emotional Disturbance: 7 school districts were excluded (6 with cell sizes containing 5 or fewer students)

Determining "Inappropriate Identification":

If disproportionate representation is identified in a district, the district's policies, procedures, and practices will be evaluated to determine whether the disproportionate representation is the result of inappropriate identification of students as students with disabilities, as indicated by noncompliant policies, procedures, and/or practices. The scope and details of the review of policies, procedures, and practices is described in the February 2010 SPP. If the review of policies, procedures and practices reveals noncompliance with federal and/or state requirements for identification and evaluation, appropriate corrective actions will be taken.

Determination of Disproportionate Representation for FFY 2009:

Nevada calculated its determination of whether disproportionate over- or under-representation existed for students with particular disabilities in any of the five race/ethnic groups during FFY 2009. To accomplish this task, child count data were analyzed for 12/1/2007, 10/1/2008, and 10/1/2009 using the WESTAT disproportionality analysis tool, which compares district child count data in six different disability categories (autism, mental retardation, learning disabilities, emotional disturbance, speech and language impairments, and other health impairments) to district enrollment data. Data were analyzed across these three years to determine if a three-year trend existed for any district, for any race/ethnic subgroup, in any of the six disability categories. This analysis revealed the following:

- *Carson City School District had over-representation of White students in the other health impairment category.*
- *Clark County School District had under-representation of Hispanic students in the emotional disturbance category.*
- *Clark County School District had under-representation of Asian students in the other health impairment category.*
- *Washoe County School District had under-representation of Hispanic students in the emotional disturbance category.*

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

Disproportionate Representation as the Result of Inappropriate Identification:

Carson City School District. This discussion addresses the data for FFY 2009 revealing disproportionate representation associated with the over-representation of White students with other health impairments for the purpose of determining whether this disproportionate representation is the result of inappropriate identification policies, procedures, or practices.

During FFY 2007, the NDE conducted a comprehensive monitoring of all policies and procedures in Carson City School District, and those policies and procedures were found to comply with the requirements in Part B for the identification and evaluation of students suspected of having a disability. In 2009-2010, these policies and procedures were reviewed again, and found to comply with Part B. Importantly, these policies and procedures describe a referral process that is race/ethnic neutral and based upon actual academic and behavioral performance data. In addition, the policies and procedures describe an evaluation process that emphasizes tests/evaluation instruments and assessment measures that triangulate data from many sources and perspectives, so that there is no over-reliance on any particular form of assessment (e.g., standardized testing). In addition, Carson City School District is making progress toward full implementation of a Response to Intervention (RtI) system, based on the Instructional Consultation model, for general education interventions, and the procedures for the RtI system supports bias-free referral and identification practices for all disability categories.

The NDE also reviewed Carson City's practices for referral, evaluation, and eligibility decision-making. Data gathered through on-site monitoring of student records in FFY 2007, and follow-up monitoring in FFY 2008 revealed no information to suggest that inappropriate identification practices associated with race-based decision-making were occurring in the referral of students suspected of having a health impairment, in the evaluation of students suspected of having a health impairment, or in eligibility determinations. There have been no allegations and no findings concerning inappropriate identification of students with other health impairments in due process hearings or complaint investigations in the Carson City School District during FFY 2005, FFY 2006, FFY 2007, FFY 2008, or FFY 2009.

Based on the NDE's review of policies and procedures, the monitoring data gathered by the NDE during FFY 2007, and the analysis of due process hearings and complaint investigations, the NDE has determined that the over-representation occurring in the Carson City School District in FFY 2009 was not the result of inappropriate identification policies, procedures, or practices.

Clark County School District. This discussion addresses the data for FFY 2009 revealing disproportionate representation associated with the under-representation of Hispanic students in the emotional disturbance category, and under-representation of Asian students in the other health impairment category for the purpose of determining whether this disproportionate under-representation is the result of inappropriate identification policies, procedures, or practices.

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

The NDE also reviewed Clark County's practices for referral, evaluation, and eligibility decision-making. Data gathered through the comprehensive on-site monitoring in FFY 2008 and data gathered the following year in FFY 2009 to document correction of noncompliance within one year revealed no information to suggest that inappropriate identification practices associated with race-based decision-making were occurring in the referral of students suspected of having an emotional disturbance or a health impairment, in the evaluation of students suspected of having an emotional disturbance or a health impairment, or in eligibility determinations. There have been no allegations and no findings of noncompliance concerning inappropriate identification of students with emotional disturbance or health impairments in due process hearings or complaint investigations in the Clark County School District during FFY 2005, FFY 2006, FFY 2007, FFY 2008, or FFY 2009. The Clark County School District continues in its efforts reported in the February 2009 APR to collect and analyze data, and to conduct specific training designed to improve its intervention and evaluation systems (see February 2009 APR, p. 38).

Based on the NDE's review of policies and procedures, the comprehensive monitoring data gathered by the NDE during FFY 2008, the data submitted by the district during the following year in FFY 2009 to document correction of noncompliance within one year, and the analysis of due process hearings and complaint investigations, together with the comprehensive and ongoing evaluation of disproportionality occurring within Clark County School District, the NDE has determined that the under-representation occurring in FFY 2009 was not the result of inappropriate identification policies, procedures, or practices.

Washoe County School District. This discussion addresses the data for FFY 2008 revealing disproportionate representation associated with the under-representation of Hispanic students with emotional disturbance for the purpose of determining whether this disproportionate representation is the result of inappropriate identification policies, procedures, or practices.

During FFY 2009, the NDE conducted a comprehensive monitoring of all policies and procedures in Washoe County School District, and those policies and procedures were found to comply with the requirements in Part B for the identification and evaluation of students suspected of having a disability. Importantly, these policies and procedures describe a referral process that is race/ethnic neutral and based upon actual academic and behavioral performance data. In addition, the policies and procedures describe an evaluation process that emphasizes tests/evaluation instruments and assessment measures that triangulate data from many sources and perspectives, so that there is no over-reliance on any particular form of assessment (e.g., standardized testing). In addition, Washoe County School District is making progress toward full implementation of a Response to Intervention (Rtl) system for general education interventions, and the procedures for the Rtl system supports bias-free referral and identification practices for all disability categories.

The NDE also reviewed Washoe County's practices for referral, evaluation, and eligibility decision-making. Data gathered through on-site monitoring of student records in FFY 2009 revealed no information to suggest that inappropriate identification practices associated with race-based decision-making were occurring in the referral of students suspected of having an emotional disturbance, in the evaluation of students suspected of having an emotional disturbance, or in eligibility determinations. There have been no allegations and no findings concerning inappropriate identification of students with emotional disturbance in due process hearings or complaint investigations in the Washoe County School District during FFY 2005, FFY 2006, FFY 2007, FFY 2008, FFY 2009. The Washoe County School District continues in its efforts reported in the February 2009 to collect and analyze data, and to conduct specific training designed to improve its intervention and evaluation systems (see February 2009 APR, p. 39).

Based on the NDE's review of policies and procedures, the monitoring data gathered by the NDE during FFY 2009, and the analysis of due process hearings and complaint investigations, the

NDE has determined that the under-representation occurring in Washoe County in FFY 2009 was not the result of inappropriate identification policies, procedures, or practices.

Statewide General Education Intervention Initiative. During FFY 2005, FFY 2006, FFY 2007, FFY 2008, and continuing into FFY 2009 and beyond, the NDE has invested considerable resources in the implementation of the Instructional Consultation model for improving the performance of students through increasing the quality of instruction they receive—from both general education and special education teachers. This model, developed at the University of Maryland, has a considerable scientific research base, and it has shown results in increasing not only academic and behavior performance in students, but also in reducing disproportionate identification within race/ethnic groups. Nevada's school districts have been invited to participate in the implementation of this model on a volunteer basis, and the details about their participation are provided in the "Academic and Behavioral Supports" Improvement Activity.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that Occurred for FFY 2009:

Discussion of Improvement Activities Completed for FFY 2009:

See APR Attachment 3, Improvement Activities/Timelines/Resources, for a detailed listing of activities completed during 2009-2010 for the following activities:

- Improvement Activity 1.1: School, District, and State Improvement Planning and Implementation (p. 3)
- Improvement Activity 1.2: Special Education Data Collection, Reporting, and Use (p. 6)
- Improvement Activity 1.3: Personnel Preparation, Recruitment, and Retention (p. 8)
- Improvement Activity 2.1: Monitoring (p. 15)
- Improvement Activity 2.2: Technical Assistance and Enforcement (p. 17)
- Improvement Activity 2.3: Dispute Resolution (p. 19)
- Improvement Activity 3.1: Academic and Behavioral Supports (p. 22)

Explanation of Progress or Slippage that Occurred for FFY 2009:

Based on its review of policies, procedures, and practices, the NDE has determined that the under-representation of students with disabilities in the emotional disturbance and other health impairment categories was not due to inappropriate identification in FFY 2009. The NDE has also determined that the over-representation of students with disabilities in the other health impairment category was not due to inappropriate identification in FFY 2009. The state has reached its target for this indicator for FFY 2009. Because the state also met its target in FFY 2008, there is no progress or slippage to report.

Correction of Remaining Noncompliance:

As of FFY 2009, Nevada had no remaining noncompliance identified in previous years that was not corrected.

Revisions, with Justification, to Proposed Targets/Improvement Activities/Timelines/Resources for FFY 2010:

See APR Attachment 3 for a summary of revisions, with justifications, that appears in each Improvement Activity referenced above.

Part B State Annual Performance Report (APR) for Federal Fiscal Year (FFY) 2009

INDICATOR 11

Overview of the Annual Performance Report Development:

See description in the Introduction.

Monitoring Priority: Effective General Supervision Part B / Child Find

Indicator 11: Percent of children who were evaluated within 60 days of receiving parental consent for initial evaluation or, if the State establishes a timeframe within which the evaluation must be conducted, within that timeframe.

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

Measurement:

- a. # of children for whom parental consent to evaluate was received.
- b. # of children whose evaluations were completed within 60 days (or State-established timeline).

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

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

FFY	Measurable and Rigorous Target
2009 (2009-2010)	100% of children with parental consent to evaluate will be evaluated within Nevada's 45-school-day timeline.

Actual Target Data for FFY 2009:

During 2009-2010, 100% percent of children with parental consent to evaluate were evaluated within 45 school days $[(41 \div 41) \times 100 = 100\%]$. In Nevada, the completion of the initial evaluation occurs when the eligibility team, including the parent, has made an eligibility decision; under state regulations this decision must occur within 45 school days after the parent provides written consent for the initial evaluation.

Selection of School Districts for Monitoring:

The NDE has established a four-year monitoring cycle. The schedule has been established to ensure selection of a representative group of districts to be monitored each year. A stratified random sampling is used to ensure a representative group of school districts in each of the four years of Nevada's four-year monitoring cycle. Nevada's 17 school districts, which are contiguous with Nevada's 17 counties, have been assigned status as either "urban" (4 districts), "medium rural" (5 districts), or "small rural" (8 districts) depending on the relative size of the county and the relative urbanicity of the county seat. In each of the four years in the special education monitoring cycle, the districts selected for monitoring will include one "urban" district, one "medium rural" district, and two "small rural" districts. Each year the districts are randomly sampled from within the three subgroups, without replacement, in order to ensure that all 17 districts are monitored at least once during the four-year cycle. Because there are 5 districts in the "medium rural" subgroup, 2 of these districts will be monitored in one of the four years. (Note: This monitoring cycle was approved by OSEP in April 2008 as part of the Indicator 8 sampling description. See pp. 33-35 in the February 2010 SPP.)

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

PERCENT OF CHILDREN WITH PARENTAL CONSENT TO EVALUATE, WHO WERE EVALUATED WITHIN 45 SCHOOL DAYS (2009-2010)				
	# Students with Consent for Initial Evaluation* (a)	# Students Evaluated within 45 School Days and Determined Eligible* (b)	# Students Evaluated within 45 School Days as % of Students with Consent for Initial Evaluation [(b) ÷ (a) x 100]	Number of Findings Issued for Noncompliance
Statewide	41	41	100%	NA
Churchill	8	8	100%	0
Esmeralda	5	5	100%	0
Lincoln	3	3	100%	0
Washoe	25	25	100%	0

* Data do not include students with consent for initial evaluation if the evaluation was not completed because the child moved prior to completing the evaluation. Data do not include students who enrolled in the district after the timeframe for initial evaluations had begun in another public agency (but prior to a determination by the student's previous public agency as to whether the student is a student with a disability). Data also do not include children whose parent repeatedly failed or refused to produce the child for the evaluation, usually based upon the illness of the child.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that Occurred for FFY 2009:

Discussion of Improvement Activities Completed for FFY 2009:

See APR Attachment 3, Improvement Activities/Timelines/Resources, for a detailed listing of activities completed during 2009-2010 for the following activities:

- Improvement Activity 1.2: Special Education Data Collection, Reporting, and Use (p. 6)
- Improvement Activity 1.3: Personnel Preparation, Recruitment, and Retention (p. 8)
- Improvement Activity 2.1: Monitoring (p. 15)
- Improvement Activity 2.2: Technical Assistance and Enforcement (p. 17)

Explanation of Progress or Slippage that Occurred for FFY 2009:

During 2009-2010, 100% percent of children with parental consent to evaluate were evaluated within 45 school days. Nevada reached its target for this indicator, and its compliance percentage increased when compared to the 87.2% compliance rate reported in 2008-2009. Note, however, that because the calculation for this indicator is based on the on-site monitoring findings in a different set of school districts in each year of a four-year cycle, the comparison to the compliance percentage in the previous year is not a comparison to the same districts.

Verification of Correction of Noncompliance Identified During FFY 2008:

In this FFY 2009 APR, the NDE must report on correction of noncompliance identified during FFY 2008 (2008-2009), and that report is provided below. During FFY 2008, the NDE reported an 87.2% level of compliance for this indicator.

During 2008-2009, four districts (Clark, Lyon, Pershing, Storey) were scheduled for a comprehensive record review as part of Nevada's four-year monitoring cycle. A noncompliance finding for failure to complete initial evaluations within 45 school days was issued for Clark, Lyon, and Storey County School Districts. All identified noncompliance was corrected within one year, described below:

Verification that each District is Correctly Implementing Regulatory Requirements

To verify correction at the system level, Clark, Lyon, and Storey County School Districts collected and reported data during the period from September 2009 through March 2010 verifying that students initially referred for evaluations received timely evaluations during the 2009-2010 school year, with no noncompliance.

Verification that each District has Completed the Initial Evaluation, Although Late

For each of the 20 students in Clark, Lyon, and Storey County School Districts whose evaluations exceeded 45 school days, their initial evaluations were completed and their eligibility determinations had been made by the time the records were reviewed during on-site monitoring. Consequently, within the 2008-2009 school year, the noncompliance for these 20 students was already corrected and they were receiving services in accordance with their IEPs.

Correction of Remaining Noncompliance:

As of FFY 2009, Nevada has no remaining noncompliance identified in previous years that was not corrected. See the February 2009 APR (p. 43) for a discussion of identification and correction of noncompliance identified during FFY 2004, FFY 2005, and FFY 2006. See the April 2010 APR (p. 45) for a discussion of identification and correction of noncompliance identified during FFY 2007.

Additional Information Required by the OSEP APR Response Table:

Statement from the Response Table	State's Response
The State must demonstrate, in the FFY 2009 APR, that the State is in compliance with the timely initial evaluation requirement in 34 CFR §300.301(c)(1). Because the State reported less than 100% compliance for FFY 2008, the State must report on the status of correction of noncompliance reflected in the data the State reported for this indicator.	See "Verification of Correction of Noncompliance Identified During FFY 2008" above on pp. 44-45.
When reporting on the correction of noncompliance, the State must report, in its FFY 2009 APR, that it has verified that each LEA with noncompliance reflected in the data the State reported for this indicator: (1) is correctly implementing 34 CFR §300.301(c)(1) (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has completed the evaluation, although late, for any child whose initial evaluation was not timely, unless the child is no longer within the jurisdiction of the LEA, consistent with OSEP Memorandum 09-02, dated October 17, 2008 (OSEP Memo 09-02). In the FFY 2009 APR, the State must describe the specific actions that were taken to verify the correction.	See "Verification of Correction of Noncompliance Identified During FFY 2008" above on pp. 44-45.
If the State does not report 100% compliance in the FFY 2009 APR, the State must review its improvement activities and revise them, if necessary.	Because Nevada reported 100% compliance in the FFY 2009 APR, the State was not required to review its improvement activities and revise them, if necessary.

Revisions, with Justification, to Proposed Targets/Improvement Activities/Timelines/Resources for FFY 2010:

See APR Attachment 3 for a summary of revisions, with justifications, that appears in each Improvement Activity referenced above.

Because the state reported 100% compliance in the FFY 2009 APR, the state was not required to review its improvement activities and revise them, if necessary, as directed in the June 2010 Response Table.

Part B State Annual Performance Report (APR) for Federal Fiscal Year (FFY) 2009

INDICATOR 12

Overview of the Annual Performance Report Development:

See description in the Introduction.

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:

- | |
|--|
| <ul style="list-style-type: none"> a. # of children who have been served in Part C and referred to Part B for Part B eligibility determination. b. # of those referred determined to be NOT eligible and whose eligibility was 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 or to whom exceptions under 34 CFR §300.301(d) applied. e. # of children who were referred to Part C less than 90 days before their third birthdays. |
|--|

Account for children included in a but not included in b, c, d, or e. 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 – e)] times 100.

FFY	Measurable and Rigorous Target
2009 (2009-2010)	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 2009:

During 2009-2010, 99.2% 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 $[236 \div (269 - 27 - 4) \times 100 = 99.2\%]$.

Selection of School Districts for Monitoring:

The NDE has established a four-year monitoring cycle. The schedule has been established to ensure selection of a representative group of districts to be monitored each year. A stratified random sampling is used to ensure a representative group of school districts in each of the four years of Nevada's four-year monitoring cycle. Nevada's 17 school districts, which are contiguous with Nevada's 17 counties, have been assigned status as either "urban" (4 districts), "medium rural" (5 districts), or "small rural" (8 districts) depending on the relative size of the county and the relative urbanicity of the county seat. In each of the four years in the special education monitoring cycle, the districts selected for monitoring will include one "urban" district, one "medium rural" district, and two "small rural" districts. Each year the districts are randomly sampled from within the three subgroups, without replacement, in order to ensure that all 17 districts are monitored at least once during the four-year cycle. Because there are 5 districts in the "medium rural" subgroup, 2 of these districts will be monitored in one of the four years. (Note: This monitoring cycle was approved by OSEP in April 2008 as part of the Indicator 8 sampling description. See pp. 33-35 in the February 2010 SPP.)

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

	# Children Served By Part C And Referred To Part B For Eligibility Determination (a)	# Children Found Not Eligible Whose Eligibility Was Determined Prior To 3rd Birthday (b)	# Children Found Eligible With IEPs Developed and Implemented By 3rd Birthday (c)	# Children For Whom Parent Refusal to Provide Consent Caused Delays in Evaluation or Initial Services or to Whom Exceptions Applied (d)	# Children Who Were Referred to Part C Less Than 90 Days Before Their Third Birthdays (e)	Children Found Eligible With IEPs Developed and Implemented By 3rd Birthday As % Of Children Served By Part C And Referred To Part B For Eligibility Determination (c) ÷ (a-b-d-e)	Number of Findings Issued for Noncompliance
Statewide	269	27	236	0	4	99.2%	NA
Churchill	1	0	1	0	0	100%	0
Esmeralda	0	0	0	0	0	100%	0
Lincoln	0	0	0	0	0	100%	0
Washoe	268	27	235	0	4	99.2%	1

There were two children who were included in (a) but not in (b), (c), (d), or (e). Both of these children had their IEPs developed and implemented four days after their third birthdays; and both delays were the result of parents canceling and rescheduling the IEP meetings.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that Occurred for FFY 2009:

Discussion of Improvement Activities Completed for FFY 2009:

See APR Attachment 3, Improvement Activities/Timelines/Resources, for a detailed listing of activities completed during 2009-2010 for the following activities:

- Improvement Activity 1.2: Special Education Data Collection, Reporting, and Use (p. 6)
- Improvement Activity 1.3: Personnel Preparation, Recruitment, and Retention (p. 8)
- Improvement Activity 2.1: Monitoring (p. 15)
- Improvement Activity 2.2: Technical Assistance and Enforcement (p. 17)
- Improvement Activity 3.4: Early Childhood Outcomes (p. 31)

Explanation of Progress or Slippage that Occurred for FFY 2009:

During 2009-2010, 99.2% of children referred by Part C prior to age 3, who were found eligible for Part B, had an IEP developed and implemented by their third birthdays. Nevada did not reach its target for this indicator and demonstrated very slight slippage from the previous year when the compliance calculation was 100%. Note, however, that because the calculation for this indicator is based on the on-site monitoring findings in a different set of school districts in each year of a four-year cycle, the comparison to the compliance percentage in the previous year is not a comparison to the same districts. Very high levels of compliance for this indicator during the last two years may be attributed to increased focus and training regarding this indicator throughout the state.

Verification of Correction of Noncompliance Identified During FFY 2008:

During FFY 2008, the NDE reported a 100% level of compliance for this indicator, so there is no correction of noncompliance identified during FFY 2008 to report.

Correction of Remaining Noncompliance:

As of FFY 2009, Nevada has no remaining noncompliance identified in previous years that was not corrected. See the February 2009 APR (pp. 48-49) for a discussion of identification and correction of noncompliance identified during FFY 2004. See the April 2010 APR (pp. 48-49) for a discussion of identification and correction of noncompliance identified during FFY 2005, FFY 2006, and FFY 2007.

Revisions, with Justification, to Proposed Targets/Improvement Activities/Timelines/Resources for FFY 2010:

See APR Attachment 3 for a summary of revisions, with justifications, that appears in each Improvement Activity referenced above.

Part B State Annual Performance Report (APR) for Federal Fiscal Year (FFY) 2009

INDICATOR 13

Overview of the Annual Performance Report Development:

See description in the Introduction.

Monitoring Priority: Effective General Supervision Part B / Effective Transition

Indicator 13: Percent of youth with IEPs aged 16 and above with an IEP that includes appropriate measurable postsecondary goals that are annually updated and based upon an age appropriate transition assessment, transition services, including courses of study, that will reasonably enable the student to meet those postsecondary goals, and annual IEP goals related to the student’s transition services needs. There also must be evidence that the student was invited to the IEP Team meeting where transition services are to be discussed and evidence that, if appropriate, a representative of any participating agency was invited to the IEP Team meeting with the prior consent of the parent or student who has reached the age of majority.

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

Measurement:
 Percent = [(# of youth with IEPs aged 16 and above with an IEP that includes appropriate measurable postsecondary goals that are annually updated and based upon an age appropriate transition assessment, transition services, including courses of study, that will reasonably enable the student to meet those postsecondary goals, and annual IEP goals related to the student's transition services needs. There also must be evidence that the student was invited to the IEP Team meeting where transition services are to be discussed and evidence that, if appropriate, a representative of any participating agency was invited to the IEP Team meeting with the prior consent of the parent or student who has reached the age of majority) divided by the (# of youth with an IEP age 16 and above)] times 100.

FFY	Measurable and Rigorous Target
2009 (2009-2010)	100% of youth with IEPs aged 16 and above will have an IEP that includes appropriate measurable postsecondary goals that are annually updated and based upon an age appropriate transition assessment, transition services, including courses of study, that will reasonably enable the student to meet those postsecondary goals, and annual IEP goals related to the student’s transition services needs. There will also be evidence that the student was invited to the IEP Team meeting where transition services are to be discussed and evidence that, if appropriate, a representative of any participating agency was invited to the IEP Team meeting with the prior consent of the parent or student who has reached the age of majority.

Actual Target Data for FFY 2009:

Baseline (actual target data for FFY 2009) and targets are in the state's revised State Performance Plan (SPP) because Indicator 13 was revised to include a new measurement. Nevada was not required to report actual data on Indicator 13 for FFY 2008 in its FFY 2008 APR, and it did not. Correction of FFY 2008 findings of noncompliance related to this indicator is reported in Indicator 15, but not in this indicator.

However, correction of noncompliance identified during FFY 2007 must be reported (see below).

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that Occurred for FFY 2009:

Discussion of Improvement Activities Completed for FFY 2009:

See APR Attachment 3, Improvement Activities/Timelines/Resources, for a detailed listing of activities completed during 2009-2010 for the following activities:

- Improvement Activity 1.1: School, District, and State Improvement Planning and Implementation (p. 3)
- Improvement Activity 1.2: Special Education Data Collection, Reporting, and Use (p. 6)
- Improvement Activity 1.3: Personnel Preparation, Recruitment, and Retention (p. 8)
- Improvement Activity 2.1: Monitoring (p. 15)
- Improvement Activity 2.2: Technical Assistance and Enforcement (p. 17)
- Improvement Activity 3.1: Academic and Behavioral Supports (p. 22)
- Improvement Activity 3.2: Transition Planning and Postsecondary Outcomes (p. 26)
- Improvement Activity 3.3: Parent Involvement (p. 29)

Explanation of Progress or Slippage that Occurred for FFY 2009:

Because no actual data were reported for FFY 2008, there is no progress or slippage to report.

Correction of FFY 2008 Findings of Noncompliance:

Because Nevada did not choose to report FFY 2008 data for this indicator, correction of FFY 2008 findings of noncompliance related to this indicator are reported in Indicator 15, but not in this indicator.

Correction of Remaining Noncompliance:

As of FFY 2009, Nevada has no remaining noncompliance identified in previous years that was not corrected. See the February 2009 APR (pp. 52-53) for a discussion of identification and correction of noncompliance identified during FFY 2005 and FFY 2006. See the April 2010 APR (p. 52-53) for a discussion of identification and correction of noncompliance identified during FFY 2007.

Additional Information Required by the OSEP APR Response Table:

Statement from the Response Table	State's Response
In the FFY 2009 APR, the State must provide a revised baseline using data from 2009-2010. Targets must remain 100%.	OSEP verified that the revised baseline based on data from 2009-2010 should be reported in the FFY 2009 SPP, not the APR. See the February 2011 SPP on pp. 53-55.

Revisions, with Justification, to Proposed Targets/Improvement Activities/Timelines/Resources for FFY 2010:

See APR Attachment 3 for a summary of revisions, with justifications, that appears in each Improvement Activity referenced above.

Part B State Annual Performance Report (APR) for Federal Fiscal Year (FFY) 2009

INDICATOR 14

Overview of the Annual Performance Report Development:

See description in the Introduction.

<p>Monitoring Priority: Effective General Supervision Part B / Effective Transition</p>
--

Indicator 14: Percent of youth who are no longer in secondary school, had IEPs in effect at the time they left school, and were:

- A. Enrolled in higher education within one year of leaving high school.
- B. Enrolled in higher education or competitively employed within one year of leaving high school.
- C. Enrolled in higher education or in some other postsecondary education or training program; or competitively employed or in some other employment within one year of leaving high school.

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

<p>Measurement:</p> <p>A. Percent enrolled in higher education = [(# of youth who are no longer in secondary school, had IEPs in effect at the time they left school and were enrolled in higher education within one year of leaving high school) divided by the (# of respondent youth who are no longer in secondary school and had IEPs in effect at the time they left school)] times 100.</p> <p>B. Percent enrolled in higher education or competitively employed within one year of leaving high school = [(# of youth who are no longer in secondary school, had IEPs in effect at the time they left school and were enrolled in higher education or competitively employed within one year of leaving high school) divided by the (# of respondent youth who are no longer in secondary school and had IEPs in effect at the time they left school)] times 100.</p> <p>C. Percent enrolled in higher education, or in some other postsecondary education or training program; or competitively employed or in some other employment = [(# of youth who are no longer in secondary school, had IEPs in effect at the time they left school and were enrolled in higher education, or in some other postsecondary education or training program; or competitively employed or in some other employment) divided by the (# of respondent youth who are no longer in secondary school and had IEPs in effect at the time they left school)] times 100.</p>
--

Actual Target Data for FFY 2009:

In FFY 2008, this indicator and measurement changed. States are not required to report actual data on Indicator 14 in the APR for FFY 2009. In the SPP for FFY 2009, due February 1, 2011, the NDE has established a new baseline, targets, and, as needed, improvement activities for this indicator using the 2009-2010 data. See the February 2009 APR (pp. 55-57) for data reported in previous years using a different measurement for this indicator.

Additional Information Required by the OSEP APR Response Table:

Statement from the Response Table	State's Response
In the FFY 2009 APR, the State must report a new baseline, targets, and, as needed, improvement activities.	OSEP verified that a new baseline, targets, and, as needed, improvement activities should be reported in the FFY 2009 SPP, not the APR. See the February 2011 SPP on pp. 56-60.

Part B State Annual Performance Report (APR) for Federal Fiscal Year (FFY) 2009

INDICATOR 15

Overview of the Annual Performance Report Development:

See description in the Introduction.

<p>Monitoring Priority: Effective General Supervision Part B / General Supervision</p>

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))

<p>Measurement:</p> <p>Percent of noncompliance corrected within one year of identification:</p> <p>a. # of findings of noncompliance.</p> <p>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.</p> <p>States are required to use the "Indicator 15 Worksheet" to report data for this indicator.</p>
--

FFY	Measurable and Rigorous Target
2009 (2009-2010)	100% of identified noncompliance will be corrected as soon as possible but in no case later than one year from identification.

Actual Target Data for FFY 2009:

During FFY 2009, 100% of noncompliance identified during FFY 2008 was corrected as soon as possible and no later than one year from identification $[(160 \div 160) \times 100 = 100\%]$. See Table 15 below, based on the Indicator 15 Worksheet. Also see Attachment 1 for the self-calculating Indicator 15 excel Worksheet.

**Table 15
SUMMARY OF NONCOMPLIANCE FINDINGS (2008-2009) AND
CORRECTIONS OF THOSE FINDINGS WITHIN ONE YEAR (2009-2010)**

Indicator	General Supervision System Components	# LEAs Issued Findings in FFY 2008 (7/1/08 to 6/30/09)	(a) # of Findings of noncompliance identified in FFY 2008 (7/1/08 to 6/30/09)	(b) # of Findings of noncompliance from (a) for which correction was verified no later than one year from identification
1. Percent of youth with IEPs graduating from high school with a regular diploma. 2. Percent of youth with IEPs dropping out of high school. 14. Percent of youth who had IEPs, are no longer in secondary school and who have been competitively enrolled, enrolled in some type of postsecondary school, or both, within one year of leaving high school.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	2	4	4
	Dispute Resolution: Complaints, Hearings	1	1	1
3. Participation and performance of children with disabilities on assessments. 7. Percent of preschool children with IEPs who demonstrated improved outcomes.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	4	43	43
	Dispute Resolution: Complaints, Hearings	3	7	7
4A. Percent of districts identified 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.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	2	2	2
	Dispute Resolution: Complaints, Hearings	1	1	1
5. Percent of children with IEPs aged 6 through 21—educational placements. 6. Percent of preschool children aged 3 through 5—early childhood placement.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	4	24	24
	Dispute Resolution: Complaints, Hearings	0	0	NA
8. Percent of parents with a child receiving special education services who report that schools facilitated parent involvement as a means of improving services and results for children with disabilities.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	3	10	10
	Dispute Resolution: Complaints, Hearings	2	3	3

(table continued on next page)

9. Percent of districts with disproportionate representation of racial and ethnic groups in special education that is the result of inappropriate identification.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	4	34	34
	Dispute Resolution: Complaints, Hearings	2	2	2
10. Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.				
11. Percent of children who were evaluated within 60 days of receiving parental consent for initial evaluation or, if the State establishes a timeframe within which the evaluation must be conducted, within that timeframe (45 school days in Nevada).	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	3	3	3
	Dispute Resolution: Complaints, Hearings	0	0	NA
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.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	0	0	NA
	Dispute Resolution: Complaints, Hearings	0	0	NA
13. Percent of youth aged 16 and above with IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable student to meet the post-secondary goals.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	4	24	24
	Dispute Resolution: Complaints, Hearings	1	2	2
Other areas of noncompliance:	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	0	0	NA
	Dispute Resolution: Complaints, Hearings	0	0	NA
Sum the numbers down Column a and Column b			160	160
Percent of noncompliance corrected within one year of identification = (column (b) sum divided by column (a) sum) times 100.			(b) / (a) X 100 =	100%

Process for Selecting School Districts for Monitoring:

The NDE has established a four-year monitoring cycle. The schedule has been established to ensure selection of a representative group of districts to be monitored each year. A stratified random sampling is used to ensure a representative group of school districts in each of the four years of Nevada's four-year monitoring cycle. Nevada's 17 school districts, which are contiguous with Nevada's 17 counties, have been assigned status as either "urban" (4 districts), "medium rural" (5 districts), or "small rural" (8 districts) depending on the relative size of the county and the relative urbanicity of the county seat. In each of the four years in the special education monitoring cycle, the districts selected for monitoring will include one "urban" district, one "medium rural" district, and two "small rural" districts. Each year the districts are randomly sampled from within the three subgroups, without replacement, in order to ensure that all 17 districts are monitored at least once during the four-year cycle. Because there are 5 districts in the "medium rural" subgroup, 2 of these districts will be monitored in one of the four years. (Note: This monitoring cycle was approved by OSEP in April 2008 as part of the Indicator 8 sampling description. See pp. 33-35 in the February 2010 SPP.)

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that Occurred for FFY 2009:**Discussion of Improvement Activities Completed for FFY 2009:**

See APR Attachment 3, Improvement Activities/Timelines/Resources, for a detailed listing of activities completed during 2009-2010 for the following activities:

- Improvement Activity 1.2: Special Education Data Collection, Reporting, and Use (p. 6)
- Improvement Activity 1.3: Personnel Preparation, Recruitment, and Retention (p. 8)
- Improvement Activity 2.1: Monitoring (p. 15)
- Improvement Activity 2.2: Technical Assistance and Enforcement (p. 17)
- Improvement Activity 2.3: Dispute Resolution (p. 19)
- Improvement Activity 3.2: Transition Planning and Postsecondary Outcomes (p. 26)
- Improvement Activity 3.4: Early Childhood Outcomes (p. 31)

Explanation of Progress or Slippage that Occurred for FFY 2009:

During 2008-2009, 100% of the noncompliance identified during 2007-2008 was corrected as soon as possible and no later than one year from identification. During 2009-2010, 100% of the noncompliance identified during 2008-2009 was corrected as soon as possible and no later than one year from identification, so there is no progress or slippage to report.

Correction is ensured because the actual revised notices, consents, IEP forms, etc., for each student where noncompliance was identified, are returned to the NDE for verification approximately six-seven months after identification. In the event that the NDE cannot conclude that corrections have been made to the state's standards for compliance, additional instructions are provided within weeks to special education administrators and staff members until the corrections meet NDE standards within one year of identification. This process ensures that corrections are completed as soon as possible and no later than one year from identification.

To verify that a district is correctly implementing regulatory requirements, districts are required to submit a sample of complete files containing all required documents to demonstrate that requirements were met for initial evaluations, reevaluations, and IEP development conducted between September and March in the year after the noncompliance was identified. This documentation is carefully reviewed to ensure that it provides evidence that each school district is correctly implementing regulatory requirements as soon as possible and no later than one year from identification of noncompliance.

For noncompliance findings that cannot be corrected at a student-specific level (e.g., missed requirements for notice, consent, evaluations, and timelines) because the clock cannot be "rewound," the NDE engages in three separate inquiries to verify correction of noncompliance as soon as possible but no later than one year from identification. First, records are examined

during the on-site monitoring visit to determine if correction has already occurred at the student-specific level. For example, even if an evaluation was not conducted within the state-mandated timeline, the NDE determines if the evaluation was complete at the time of the record review—if not, the district is directed to conduct the evaluation immediately and provide evidence to the NDE to verify correction. Second, the NDE reviews policies, procedures, and practices. Based upon these reviews, forms and procedures are revised as necessary, and extensive staff training is required to ensure that compliant practices occur in the future. Third, school districts are directed to submit a sample of complete files containing all required documents to demonstrate that requirements for notice, consent, evaluations, timelines, etc., met legal requirements in initial evaluations and reevaluations conducted between September and March of the school year after noncompliance was identified.

Correction of FFY 2008 Findings of Noncompliance:

In this FFY 2009 APR, the NDE must report on correction of noncompliance identified during FFY 2008 (2008-2009), and that report is provided below. All identified noncompliance identified during FFY 2008 was corrected within one year, as set forth in the following table:

Number of findings of noncompliance the State made during FFY 2008 (the period from July 1, 2008 through June 30, 2009) (Sum of Column a on the Indicator B15 Worksheet)	160
Number of findings the State verified as timely corrected (corrected within one year from the date of notification to the LEA of the finding) (Sum of Column b on the Indicator B15 Worksheet)	160
Number of findings <u>not</u> verified as corrected within one year [(1) minus (2)]	0

Verification of Correction of Noncompliance Identified During FFY 2008:

Four school districts were identified with noncompliance based on **monitoring activities** in FFY 2008 (Carson City, Douglas, Mineral, and Nye). One hundred forty-four (144) noncompliance findings were made in June 2009 in conjunction with **monitoring activities** for legal requirements related to the SPP Indicators on Table 15. Within one year, correction had occurred for each of these findings.

Correction of All Instances of Noncompliance

For each student record monitored during 2008-2009 where there was any instance of noncompliance, detailed instructions for correction of the noncompliance were returned to the school district, and IEPs were accordingly revised and corrected by each student's current teacher. Copies of these corrected IEPs were submitted to the NDE by February 2010, and the NDE verified correction of noncompliance. In any instance where the NDE could not verify correction of noncompliance, the IEP was returned to the appropriate school district for further correction, and by June 2010 all noncompliance identified during 2008-2009 was verified by the NDE as completely corrected no later than one year from identification of noncompliance.

Verification that each District is Correctly Implementing Regulatory Requirements

Records were examined during the on-site monitoring visit to determine if correction has already occurred at the student-specific level for timelines that had not been met. For example, even if an evaluation was not conducted within the state-mandated timeline, the NDE determined if the evaluation was complete at the time of the record review—if not, the district was directed to conduct the evaluation immediately and provide evidence to the NDE to verify correction. In the four school districts that were monitored during 2008-2009, there were no instances where evaluations were still not completed, or where IEP services were not being provided at the time of the record review. Second, the NDE reviewed each district's policies, procedures, and practices. Based upon these reviews,

districts were required to revise forms and/or procedures as necessary, and to provide extensive staff training to ensure that compliant practices occur in the future. Third, school districts were directed to submit a sample of complete files containing all required documents to demonstrate that requirements were met for initial evaluations, reevaluations, and IEP development conducted between September 2009 and March 2010 (the year after the noncompliance was identified). This documentation was carefully reviewed to ensure that it provided evidence that each school district is correctly implementing regulatory requirements no later than one year from identification of noncompliance.

During 2008-2009, **complaint investigations** were conducted in three school districts (Clark, Lyon, Washoe), and sixteen (16) findings of noncompliance were made in conjunction with **dispute resolution** legal requirements related to the SPP Indicators on Table 15. Within one year, correction had occurred for each of these findings. There were no findings of noncompliance issued in conjunction with **due process** hearing decisions.

Correction of All Instances of Noncompliance

Documentation of child-specific correction was required as verification of corrective actions ordered as a result of noncompliance findings in complaint investigations. Each district submitted required information within established timelines.

Verification that each District is Correctly Implementing Regulatory Requirements

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 in the specific legal requirements where noncompliance was found and provide documentation that training occurred within established timelines. Each district submitted required information within established timelines.

Correction of Remaining Findings of Noncompliance:

As of FFY 2009, Nevada had no remaining noncompliance identified in previous years that was not corrected. See the February 2009 APR (pp. 61-62) for a discussion of identification and correction of noncompliance identified during FFY 2004, FFY 2005, and FFY 2006. See the April 2010 APR (pp. 59-60) for a discussion of identification and correction of noncompliance identified in FFY 2007.

Additional Information Required by the OSEP APR Response Table:

Statement from the Response Table	State's Response
In reporting on correction of noncompliance in the FFY 2009 APR, the State must report that it verified that each LEA with noncompliance identified in FFY 2008: (1) is correctly implementing specific regulatory requirements (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the LEA, consistent with OSEP Memo 09-02. In the FFY 2009 APR, the State must describe the specific actions that were taken to verify the correction.	See "Verification of Correction of Noncompliance Identified During FFY 2008" above on pp. 57-58.
In reporting on Indicator 15 in the FFY 2009 APR, the State must use the Indicator 15 excel Worksheet.	See Table 15 above on pp. 54-55, which conforms to the Indicator 15 excel Worksheet (Attachment 1).
Further, in responding to Indicator 11 in the FFY 2009 APR, the State must report on correction of the noncompliance described in this table under that indicator.	See "Verification of Correction Identified During FFY 2008" under Indicator 11 above on p. 44-45.

Revisions, with Justification, to Proposed Targets/Improvement Activities/Timelines/Resources for FFY 2010:

See APR Attachment 3 for a summary of revisions, with justifications, that appears in each Improvement Activity referenced above.

Part B State Annual Performance Report (APR) for Federal Fiscal Year (FFY) 2009

INDICATOR 16

Overview of the Annual Performance Report Development:

See description in the Introduction.

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

Indicator 16: Percent of signed written complaints with reports issued that were resolved within 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint, or because the parent (or individual or organization) and the public agency agree to extend the time to engage in mediation or other alternative means of dispute resolution, if available in the State.

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

Measurement: Percent = $[(1.1(b) + 1.1(c)) \text{ divided by } 1.1] \text{ times } 100.$

Data collected on Table 7 of Information Collection 1820-0677 (Report of Dispute Resolution Under Part B of the Individuals with Disabilities Education Act).

FFY	Measurable and Rigorous Target
2009 (2009-2010)	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, or because the parent (or individual or organization) and the public agency agree to extend the time to engage in mediation or other alternative means of dispute resolution.

Actual Target Data for FFY 2009:

During 2009-2010, 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, or because the parent (or individual or organization) and the public agency agree to extend the time to engage in mediation or other alternative means of dispute resolution $[(6 + 1) \div 7] \times 100 = 100\%$. There were seven (7) complaint investigation reports issued during 2009-2010, 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, or because the parent (or individual or organization) and the public agency agreed to extend the time to engage in mediation or other alternative means of dispute resolution.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that Occurred for FFY 2009:

Discussion of Improvement Activities Completed for FFY 2009:

See APR Attachment 3, Improvement Activities/Timelines/Resources, for a detailed listing of activities completed during 2009-2010 for the following activities:

- Improvement Activity 1.2: Special Education Data Collection, Reporting, and Use (p. 6)
- Improvement Activity 2.3: Dispute Resolution (p. 19)

Explanation of Progress or Slippage that Occurred for FFY 2009:

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, or because the parent (or individual or organization) and the public agency agree to extend the time to engage in mediation or other alternative means of dispute resolution, 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.

Revisions, with Justification, to Proposed Targets/Improvement Activities/Timelines/Resources for FFY 2010:

See APR Attachment 3 for a summary of revisions, with justifications, that appears in each Improvement Activity referenced above.

Part B State Annual Performance Report (APR) for Federal Fiscal Year (FFY) 2009

INDICATOR 17

Overview of the Annual Performance Report Development:

See description in the Introduction.

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

Indicator 17: Percent of adjudicated due process hearing requests that were adjudicated within the 45-day timeline or a timeline that is properly extended by the hearing officer at the request of either party or in the case of an expedited hearing, within the required timelines.

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

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

Data collected on Table 7 of Information Collection 1820-0677 (Report of Dispute Resolution Under Part B of the Individuals with Disabilities Education Act).

FFY	Measurable and Rigorous Target
2009 (2009-2010)	100% of adjudicated due process hearing requests will be adjudicated within the 45-day timeline or a timeline that is properly extended by the hearing officer at the request of either party or in the case of an expedited hearing, within the required timelines.

Actual Target Data for FFY 2009:

During 2009-2010, 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 $(((1 + 0) \div 1) \times 100 = 100\%)$. There was one due process hearing conducted during 2009-2010 that was fully adjudicated as of June 30, 2010. The hearing was conducted and a decision rendered within the 45-day timeline.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that Occurred for FFY 2009:

Discussion of Improvement Activities Completed for FFY 2009:

See APR Attachment 3, Improvement Activities/Timelines/Resources, for a detailed listing of activities completed during 2009-2010 for the following activities:

- Improvement Activity 1.2: Special Education Data Collection, Reporting, and Use (p. 6)
- Improvement Activity 2.3: Dispute Resolution (p. 19)

Explanation of Progress or Slippage that Occurred for FFY 2009:

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

Revisions, with Justification, to Proposed Targets/Improvement Activities/Timelines/Resources for FFY 2010:

See APR Attachment 3 for a summary of revisions, with justifications, that appears in each Improvement Activity referenced above.

Part B State Annual Performance Report (APR) for Federal Fiscal Year (FFY) 2009

INDICATOR 18

Overview of the Annual Performance Report Development:

See description in the Introduction.

Monitoring Priority: Effective General Supervision Part B / General Supervision

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

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

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

Data collected on Table 7 of Information Collection 1820-0677 (Report of Dispute Resolution Under Part B of the Individuals with Disabilities Education Act).

FFY	Measurable and Rigorous Target
2009 (2009-2010)	85% of resolution sessions held will result in settlement agreements.

Actual Target Data for FFY 2009:

During 2009-2010, 38% of hearing requests that went to resolution sessions were resolved through resolution session settlement agreements $[(21 \div 55) \times 100 = 38\%]$.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2008:

Discussion of Improvement Activities Completed for FFY 2009:

See APR Attachment 3, Improvement Activities/Timelines/Resources, for a detailed listing of activities completed during 2009-2010 for the following activities:

- Improvement Activity 1.2: Special Education Data Collection, Reporting, and Use (p. 6)
- Improvement Activity 2.3: Dispute Resolution (p. 19)

Explanation of Progress or Slippage that Occurred for FFY 2009:

During 2009-2010, 38% of resolutions sessions held resulted in resolution session agreements, down from the 44% during 2008-2009. Consequently, the NDE did not meet the target. Nevada experienced slippage in the resolution agreement rate.

However, written resolution settlement agreements are not the only means for settling disputes, and during 2009-2010, of the 59 total hearings requests received, 55 have been resolved without a hearing, two went to hearing, and two are still pending. Consequently, even assuming that the two pending requests eventually go to a hearing, Nevada's actual resolution rate would be 93%. This overall resolution rate is significant—it suggests that although resolution sessions per se may not always result in written settlement agreements, there are various other means that are successfully used in Nevada to resolve disputes without due process hearings. If resolution session "success" is declining, it means nothing more than school districts and parents found other effective means to resolve disputes.

Revisions, with Justification, to Proposed Targets/Improvement Activities/Timelines/Resources for FFY 2010:

See APR Attachment 3 for a summary of revisions, with justifications, that appears in each Improvement Activity referenced above.

Part B State Annual Performance Report (APR) for Federal Fiscal Year (FFY) 2009

INDICATOR 19

Overview of the Annual Performance Report Development:

See description in the Introduction.

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

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

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

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

Data collected on Table 7 of Information Collection 1820-0677 (Report of Dispute Resolution Under Part B of the Individuals with Disabilities Education Act).

FFY	Measurable and Rigorous Target
2009 (2009-2010)	80% of mediations held will result in mediation agreements.

Actual Target Data for FFY 2009:

During 2009-2010, 67% (4 of 6) of mediations held resulted in full or partial mediation agreements $(((2 + 2) \div 6) \times 100 = 67\%)$. During FFY 2009, slightly more mediations were held than in FFY 2008 when three (3) were held. This circumstance is not unexpected given the requirement for parties (with few exceptions) to participate in resolution sessions prior to proceeding to a due process hearing.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that Occurred for FFY 2009:

Discussion of Improvement Activities Completed for FFY 2009:

See APR Attachment 3, Improvement Activities/Timelines/Resources, for a detailed listing of activities completed during 2009-2010 for the following activities:

- Improvement Activity 1.2: Special Education Data Collection, Reporting, and Use (p. 6)
- Improvement Activity 2.3: Dispute Resolution (p. 19)

Explanation of Progress or Slippage that Occurred for FFY 2009:

During 2009-2010, 67% of mediations held resulted in mediation agreements. Consequently, the NDE did not meet the target. During 2008-2009, 33% of Nevada's mediations resulted in mediation agreements—so there was progress, but the numbers are so very small that meaningful comparisons are elusive.

The pursuit of a target for mediation agreements could have a coercive effect on the process, which is an undesirable, unintended consequence of establishing a "success" rate as a performance indicator. It is more important that parties in a mediation session are satisfied with the process, than whether they can reach an agreement. The NDE conducts an evaluation of each mediation session, and in 2009-2010, 100% of district representatives (3) who participated in mediation and responded to the survey rated the session as positive. Each of the three (3) parents who participated in mediation and responded to the survey rated the session as positive

(100%). Although the number of respondents is not large, their satisfaction with the mediation system is not inconsequential.

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

Revisions, with Justification, to Proposed Targets/Improvement Activities/Timelines/Resources for FFY 2010:

See APR Attachment 3 for a summary of revisions, with justifications, that appears in each Improvement Activity referenced above.

Part B State Annual Performance Report (APR) for Federal Fiscal Year (FFY) 2009

INDICATOR 20

Overview of the Annual Performance Report Development:

See description in the Introduction.

Monitoring Priority: Effective General Supervision Part B / General Supervision

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

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

Measurement:

State reported data, including 618 data, State Performance Plan, 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 dispute resolution; and February 1 for Annual Performance Reports and assessment); and
- b. Accurate, including covering the correct year and following the correct measurement.

States are required to use the "Indicator 20 Scoring Rubric" for reporting data for this indicator.

FFY	Measurable and Rigorous Target
2009 (2009-2010)	100% of State reported data (618 and State Performance Plan and Annual Performance Report) will be timely and accurate.

Actual Target Data for FFY 2009:

During 2009-2010, Nevada's state-reported data were timely and complete for all required elements in the submissions. The 2009-2010 annual §618 data (child count and placement in February 2010; exiting, discipline, personnel reports, and dispute resolution in November 2010) were timely and complete **although the discipline data did not pass an OSEP edit check.** The revised State Performance Plan (SPP) and the Annual Performance Plan (APR) for FFY 2008 were submitted on time in February 2010.

See Indicator 20 Data Rubric attached as Attachment 2. Nevada's Indicator Score as calculated by OSEP was 97.62%.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that Occurred for FFY 2009:

Discussion of Improvement Activities Completed for FFY 2009:

See APR Attachment 3, Improvement Activities/Timelines/Resources, for a detailed listing of activities completed during 2009-2010 for the following activities:

- Improvement Activity 1.2: Special Education Data Collection, Reporting, and Use (p. 6)
- Improvement Activity 2.1: Monitoring (p. 15)
- Improvement Activity 2.2: Technical Assistance and Enforcement (p. 17)
- Improvement Activity 2.3: Dispute Resolution (p. 19)

Explanation of Progress or Slippage that Occurred for FFY 2009:

97.62% of Nevada's state-reported data were timely and accurate for all required elements in the submissions, so the NDE did not meet the target. The difficulty encountered by the NDE in initially passing the edit checks for the discipline data was in part due to challenges faced by the state in moving to an EDEN data submission, and in part due to conflicting instructions for reporting data.

The NDE annually collects data from its 17 local school districts. All IDEA §618 data are now collected electronically and software tools are used to compile submissions, search for duplicates, perform error checks, and prepare data for submission to the USDOE through the EDEN system.

The February 2011 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 2011 SPP, pp. 77-78).

In FFY 2009, the NDE maintained its capacity to provide timely and accurate data to OSEP through the assistance of two independent contractors who were hired to enhance data collection, verification, and reporting activities. One of these contractors not only ensures that data are timely submitted, she also develops tools and protocols, and provides district-specific technical assistance to ensure that data are accurate and valid. The work of these contractors has improved the accuracy and timeliness of Nevada's §618 and APR data, but it has also enhanced the NDE's ability to make school- and district-level data available to districts for their use in data-based improvement planning.

Additional Information Required by the OSEP APR Response Table:

Statement from the Response Table	State's Response
In reporting on Indicator 20 in the FFY 2009 APR, the State must use the Indicator 20 Rubric.	See Indicator 20 Data Rubric attached as Attachment 2.

Revisions, with Justification, to Proposed Targets/Improvement Activities/Timelines/Resources for FFY 2010:

See APR Attachment 3 for a summary of revisions, with justifications, that appears in each Improvement Activity referenced above.