SOUTH CAROLINA
STATE DEPARTMENT
OF EDUCATION

# FFY 2009 Annual Performance Report

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**Part B State Annual Performance Report (APR) for FFY 2009**

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

The Annual Performance Report was developed through a process that included collection of data, verification of data, analysis of data, identification of problems, implementation of improvement activities, provision of technical assistance, and evaluation of progress. An increased amount of data collected changed from LEA submission of totals to the extraction by the OEC of student-level data. The APR process involved stakeholders from the various groups involved with service provision for children with disabilities. South Carolina will publish the APR to the Office of Exceptional Children (OEC) website after submission to the Office of Special Education (OSEP) programs at http://ed.sc.gov/agency/Standards-and-Learning/Exceptional-Children/old/ec/spp2005.html. LEA profiles will be published to the website within 90 days of APR submission at http://ed.sc.gov/agency/Standards-and-Learning/Exceptional-Children/OECData/IDEAProfiles/index.html.

**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 | Current year must meet the GOAL of 88.3%, or the current year must meet the TARGET OBJECTIVE of 78%, or the current year is 2 percentage points higher than the previous year, or the current year is 2 percentage points higher than the most recent three-year average (including current year). (42.67%)(**Not Met with 42.9%**) |
| 2010 | Current year must meet the GOAL of 88.3%, or the current year must meet the TARGET OBJECTIVE of 78%, or the current year is 2 percentage points higher than the previous year, or the current year is 2 percentage points higher than the most recent three-year average (including current year). |

| | |
|---|---|
| 2011 | Current year must meet the GOAL of 88.3%, or the current year must meet the TARGET OBJECTIVE of 78%, or the current year is 2 percentage points higher than the previous year, or the current year is 2 percentage points higher than the most recent three-year average (including current year). |
| 2012 | Current year must meet the GOAL of 88.3%, or the current year must meet the TARGET OBJECTIVE of 78%, or the current year is 2 percentage points higher than the previous year, or the current year is 2 percentage points higher than the most recent three-year average (including current year). |

**Actual Target Data for FFY 2008:**

**Percentage of Students with Disabilities Graduating with a Diploma**

| 2005-2006 | 2006-2007 | 2007-2008 | 2008-2009 |
|---|---|---|---|
| 39.9% | 38.9% | 46.1% | 42.9% |

Actual Numbers 2008-2009:

| Number of Students with Disabilities | Number Graduated |
|---|---|
| 5541 | 2379 |

Data Source: No Child Left Behind Adequate Yearly Progress Report for South Carolina

Section 200.19 of the Title I regulations issued under the No Child Left Behind Act on December 2, 2002, defines graduation rate as:

- The percentage of students, measured from the beginning of high school, who graduate from public high school with a regular diploma (not including a GED or any other diploma not fully aligned with the State's academic standards) in the standard number of years; or,
- Another more accurate definition developed by the State and approved by the Secretary in the State plan that more accurately measures the rate of students who graduate from high school with a regular diploma; and
- Avoids counting a dropout as a transfer.

South Carolina used the following methodology in calculating its graduation rates:

Denominator:
Step One: Student Count

- All students in the current school year are coded in the SIS with a 9GR value indicating the first year in which each student entered 9th grade for the first time
- Start with all students who are in the 9GR cohort on the 1st day of testing (the 9GR cohort indicating that they entered high school for the first time four years' prior to the current graduation year)
- Add all students on the official dropout lists for the three previous years (non-dropouts are not added because they are already documented as legitimate transfers when the dropouts are identified)
- Subtract students whose IEPs indicate a graduation rate beyond 4 years (current fourth year students who will graduate after 4 years)
- Add students whose IEPs indicated a graduation rate beyond 4 years (current fifth-year or beyond students who are scheduled to graduate in the current year according to their IEPs)
- Subtract students for whom school can provide documentation of transfer to another diploma-granting program

Equals Total Number of Students

All IEP non-diploma track student counts will be included. A student with a disability who receives a regular diploma in the number of years specified in the student's IEP will be considered as a student graduating with a regular diploma in the standard number of years.

GED will not be included.

Numerator:
Step Two: Diplomas

- Number of students receiving regular diplomas in four years or less, unless otherwise specified in the student's IEP.
- Equals Total Number of Diplomas

Calculation

Step Three: Graduation Rate

- Divide Step Two (Total Number of Diplomas) by Step One (Total Number of Students)

South Carolina has stringent guidelines for graduation with a diploma, offering only one state recognized academic diploma for all students. Graduation with a state–issued regular diploma in South Carolina requires the completion of twenty-four units of courses in specified areas and the successful passing of an exit exam, the High School Assessment Program (HSAP).

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

The graduation rate for students with disabilities slipped 3.1% for FFY 2008. The South Carolina Department of Education (SCDE) has placed a statewide priority in the graduation rate for all students. Each year the SCDE hosts "The South Carolina's Dropout Prevention and Public School Choice Summit." The SCDE continues to concentrate efforts on assisting Local Education Agencies (LEAs) with increasing graduation rates and decreasing dropout rates (see Indicator 2). For 2009 The Office of Exceptional Children (OEC) continues to provide professional development in the areas of transition goals and post secondary outcomes (see Indicators 13 and 14.) Since the passage of the Economic Development Act (EEDA), which requires Individual Graduation Plans for all students, students with disabilities are being included in planning for post-secondary experiences by guidance counselors and general education teachers. This assistance has given students with disabilities access to a greater understanding of their post secondary options which increases the motivation to stay in school and graduate with a state issued regular high school diploma.

In addition to a state issued regular high school diploma, many LEAs offer a LEA level credential. While these are not recognized as a regular high school diploma, these credentials require a specific course of study and completion of certain requirements within the LEA. Many of these credentials focus on functional and employability skills. Currently the South Carolina Education Oversight Committee is considering introducing a standardized course of study for a state occupational diploma for students with moderate to severe disabilities.

**Revisions, with Justification, to Proposed Targets/Improvement Activities/Timelines/Resources for FFY 2009:**

The OEC adjusted graduation targets to the targets used in the ESEA graduation rate calculation and following the timeline established by the Department under the ESEA.

**Part B State Annual Performance Report (APR) for FFY 2009**

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

The Annual Performance Report was developed through a process that included collection of data, verification of data, analysis of data, identification of problems, implementation of improvement activities, provision of technical assistance, and evaluation of progress. An increased amount of data collected changed from LEA submission of totals to the extraction by the OEC of student-level data. The APR process involved stakeholders from the various groups involved with service provision for children with disabilities. South Carolina will publish the APR to the Office of Exceptional Children (OEC) website after submission to the Office of Special Education (OSEP) programs at http://ed.sc.gov/agency/Standards-and-Learning/Exceptional-Children/old/ec/spp2005.html. LEA profiles will be published to the website within 90 days of APR submission at http://ed.sc.gov/agency/Standards-and-Learning/Exceptional-Children/OECData/IDEAProfiles/index.html.

**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 | The dropout rate for students with disabilities will decrease to 5.4%. **(Met)** |

**Actual Target Data for FFY 2009:**

| | 2007-2008<br>FFY 2007 | 2008-2009<br>FFY 2008 |
|---|---|---|
| Number of SWD who dropout ages 14-21 | 1502 | 622 |
| Number of SWD enrolled ages 14-21 | 26620 | 25773 |
| **SWD Dropout Rate** | **5.6%** | **2.4%** |

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

South Carolina met and exceeded its target of 5.4%. As required by OSEP, the OEC is reporting the dropout data used in the ESEA graduation rate calculation and following the timeline established by the Department under the ESEA. The South Carolina Dropout Manual containing the definition used for ESEA reporting may be found at http://ed.sc.gov/agency/Innovation-and-Support/Public-School-Choice/Dropout-Data-and-Attendance/documents/2009DropoutPolicyandProcedures_1.pdf.

South Carolina continues to work on improving the overall dropout rate for students. The state has made the dropout rate, along with the graduation rate, a priority for improvement. In 2003, the South Carolina Department of Education (SCDE) received funding through a Congressional Earmark from the U.S. Department of Justice to implement the South Carolina Truancy and Dropout Prevention Initiative (SCTDPI), a statewide strategic effort to curtail truancy, school dropouts, court appearances, and the secure confinement of status offenders in our state.

The focus of this initiative is to develop innovative technologies to identify and track youth at-risk for truancy, to establish alternative community and school-based programs, and to create the South Carolina Center for Truancy and Dropout Prevention (SCTDPC). The Center serves as the clearinghouse for effective, research-based strategies and programs addressing truancy and dropout prevention. The SCTDPC also assists parents, school districts, and community stakeholders by providing the necessary tools and resources to implement and sustain effective truancy and dropout prevention programs and strategies. More information on the initiative may be found at http://ed.sc.gov/agency/Innovation-and-Support/Youth-Services/Truancy/Index.html.

Districts continue to provide options for students with disabilities to encourage staying in school. Many districts have district credentials that require a course of study directly related to a student's post-secondary goals. Although not recognized as a regular state high school diploma, these courses of study encourage students to stay in school. Currently the South Carolina Education Oversight Committee is introducing a bill to develop a state recognized occupational diploma for students with disabilities (see Indicator 1).

The SCDE continues to provide professional development in the area of transition. The OEC has offered regional training on Indicator 13 compliance, and will be offering continued assistance in the area of transition (see Indicators 13 and 14).

**Revisions, with Justification, to Proposed Targets/Improvement Activities/Timelines/Resources for FFY 2009:**

None

**Part B State Annual Performance Report (APR) for FFY 2009**

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

The Annual Performance Report was developed through a process that included collection of data, verification of data, analysis of data, identification of problems, implementation of improvement activities, provision of technical assistance, and evaluation of progress. An increased amount of data collected changed from LEA submission of totals to the extraction by the OEC of student-level data. The APR process involved stakeholders from the various groups involved with service provision for children with disabilities. South Carolina will publish the APR to the Office of Exceptional Children (OEC) website after submission to the Office of Special Education (OSEP) programs at http://ed.sc.gov/agency/Standards-and-Learning/Exceptional-Children/old/ec/spp2005.html. LEA profiles will be published to the website within 90 days of APR submission at http://ed.sc.gov/agency/Standards-and-Learning/Exceptional-Children/OECData/IDEAProfiles/index.html.

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

**Monitoring Priority: FAPE in the LRE**

**Indicator 3:** Participation and performance of children with IEPs 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)].

**3A: AYP Percent**

| FFY | Measurable and Rigorous Target |
|---|---|
| **FFY 2009** | A. Percent meeting AYP:<br><br>The percent of districts meeting AYP objectives for progress in the disability subgroup will be 66% or above. (**Not Met with 3.49%**) |

**3.A - Actual AYP Target Data for FFY 2009:**

| Year | Total Number of Districts | Number of Districts Meeting the "n" size | Number of Districts that meet the minimum "n" size and met AYP for FFY 2009 | Percent of Districts |
|---|---|---|---|---|
| **FFY 2009** | **86** | **86** | **3** | 3.49% |

**3 B Participation Rate:**

| FFY | Measurable and Rigorous Target |
|---|---|
| **FFY 2009** | B. Participation rate percent<br><br>The participation rate for children with IEPs on state accountability assessment in the areas of English language arts and math will remain at or above 95% (**Met 97.4% ELA, 98.4% Math**) |

**3.B – Actual Participation Target Data for FFY 2009**

| Spring 2009 Assessment FFY 2009 | Percentage of Students Participating in Statewide Assessments | Number Enrolled | Number Tested |
|---|---|---|---|
| **English-Language Arts** | 97.4% | 49625 | 48335 |
| **Math** | 98.4 % | 49617 | 48823 |

**3.C – Proficiency Rate**

| FFY | Measurable and Rigorous Target |
|---|---|
| **FFY 2009** | C. Proficiency Rates:<br><br>The performance of students with disabilities grades 3-8 in English language arts meeting standard be 57.8% in Mathematics and 58.8% in English Language Arts as measured by South Carolina state assessment. (**Not Met with 52.3% ELA grades 3-8, and Not Met with 46.0% in Math**)<br><br>The performance of high school students with disabilities in English language arts meeting standard be 70% in Mathematics and 71.3% in English Language Arts as measured by South Carolina state assessment. (**Not Met with 58.5% in ELA, and Not Met with 54.1% in Math)** |

**3.C – Actual Performance Target Data for FFY 2009**

Proficiency on Math Assessment from FFY 2009 Administration

| | **Statewide Assessment 2009-2010** | **Math Assessment Performance** (Grades 3-8) | | | | | | | | **Math (High School)** | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | **Grade 3** | **Grade 4** | **Grade 5** | **Grade 6** | **Grade 7** | **Grade 8** | **#** | **%** | **Grade HS** | **%** |
| a | Children with IEPs | 8007 | 7724 | 7114 | 6936 | 6545 | 6319 | 42645 | | 6150 | |
| b | I# with IEPs scoring Proficient who took with and without accommodations (b+c) | 3879 | 4040 | 2927 | 2574 | 2410 | 1992 | 17822 | 41.8% | 3073 | 50.0% |
| e | # with IEPs scoring Proficient who took SC-Alt (e) | 386 | 325 | 378 | 259 | 252 | 174 | 1774 | 4.2% | 252 | 4.1% |
| | Overall (b+e) Baseline | 4265 | 4365 | 3305 | 2833 | 2662 | 2166 | 19596 | | 3325 | |

| | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | Percentages by grade | 53.3% | 56.5% | 46.5% | 40.8% | 40.7% | 34.3% | | **46.0%** | | **54.1%** |

Proficiency on Reading Assessment from FFY 2009 Administration

| | **Statewide Assessment 2009-2010** | **Reading Assessment Performance** (Grades 3-8) | | | | | | | | **Reading (High School)** | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | **Grade 3** | **Grade 4** | **Grade 5** | **Grade 6** | **Grade 7** | **Grade 8** | **#** | **%** | **Grade HS** | **%** |
| a | Children with IEPs | **8008** | **7722** | **7114** | **6941** | **6541** | **6324** | 42650 | | **6155** | |
| b | I# with IEPs scoring Proficient who took with and without accommodations (b+c) | 5279 | 3573 | 4102 | 2888 | 2648 | 1932 | 20422 | 47.9% | 3345 | 54.3% |
| e | # with IEPs scoring Proficient who took SC-Alt (e) | 397 | 334 | 400 | 293 | 275 | 194 | 1893 | 4.4% | 258 | 4.2% |
| | Overall (b+e) Baseline | 5676 | 3907 | 4502 | 3181 | 2923 | 2126 | 22315 | | 3603 | |
| | Percentages by grade | 70.9% | 50.6% | 63.3% | 45.8% | 44.7% | 33.6% | | **52.3%** | | **58.5%** |

***Note: South Carolina does not offer an alternate assessment against modified achievement standards at this time (2% rule.)***

**Note: The SC-Alt serves as an alternate assessment based on alternate achievement standards. (1% rule.)**

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

Pursuant to the Office of Special Education Programs, U.S. Department of Education (OSEP) directives, the Office of Exceptional Children (OEC) revised its targets to reflect AYP data used for accountability reporting under Title I of the ESEA. The targets are not set by subgroup. In FFY 2008, there were no local education agencies (LEAs) that met AYP for students with disabilities; in FFY 2009 three LEAs met AYP for students with disabilities.

South Carolina maintains high percentages of testing students with disabilities, exceeding 97% of students tested. Some students did not participate in accordance to NCLB as their assessment

results were invalidated. The South Carolina Department of Education (SCDE) does not retain reasons for exemption. Allowed excusals are recorded only as one category. Other students did not test and had not been issued an excusal for testing.

The above proficiency data is based on raw data. As of February 1, 2011, the SCDE has not analyzed the data for AYP reporting purposes. The data was not submitted in December 2010 for the Comprehensive State Performance Report as required by the U.S. Department of Education (USDE)

In South Carolina, the Office of Assessment is responsible for the development, administration, scoring and reporting of state assessments. The contracts negotiated by this office are for the development, administration, and scoring of tests, and the production and distribution of individual score reports and data files for districts. The contracts do not include accountability calculations.

One reason that these assessment contracts do not include accountability calculations is that South Carolina's accountability system includes much more than student performance. Please review a comprehensive report card for the kinds of information the State needs to collect and compile for state reporting purposes: http://ed.sc.gov/topics/researchandstats/schoolreportcard/2009/high/comprehensive/h1001014.pdf. For high schools, ratings include components other than mathematics and reading scores. Details about calculations on the report cards are given the Accountability Manual published by the South Carolina Education Oversight Committee (EOC) and an example may be located at http://eoc.sc.gov/reportsandpublications/20102011AccountabilityManual.htm. In South Carolina, the EOC determines what will be included in state accountability and how ratings will be calculated. The Department is responsible for collection, calculation, and production. So, unlike the Accountability Workbook, in which proposals and conceptions for accountability are submitted to the USDE for approval through the Office of Federal and State Accountability, the Accountability Manual provides directions to the Department.

The Research Services team of the Office of Data Management and Analysis (DM&A) obtains the data for report cards from multiple sources, calculates and concatenates, and produces files that are submitted to a printer under contract for formatting and "printing." Student performance data are derived from the files provided to the Office of Assessment by their contractors, and these are culled and matched by DM&A based on the instructions in the Accountability Manual. The Research Services team also calculates AYP, although the improvement status is determined by staff in the Office of Federal and State Accountability. In addition, the Research Services team provides all of the pertinent data to the EdFacts team which is part of the Programming Services section of DM&A.

While AYP calculations were completed in summer 2010, the same team calculates both AYP and state report card data. Due to budget cuts and uncertainty about the future, the Research Services team has lost a significant number of staff (approximately 50% of its staff) as well as their expertise. In addition, the EOC revised high school ratings procedures in the fall 2010 and the DM&A team have been trying to implement the new procedures. State report cards for high schools and districts are not complete. They are overdue.

Ideally, AYP is produced in the summer and state report cards in November. Research Services can then glean the appropriate data and produce files for the EdFacts team, which then converts them into files according to SCDE specifications and coordinates reviews for accuracy with the various offices in the SCDE. Based on these delays, the OEC notes, however, that AYP proficiency data and analyses are expected to be completed by mid- to late-February, 2011.
**Public Reporting Information: State-level reporting information regarding the number of children with disabilities participating in all assessments and the percentage of students at each achievement level can be found at http://ed.sc.gov/topics/assessment/scores/ayp/2010/fullratings.cfm. Additional report information can be found at: http://ed.sc.gov/agency/Accountability/Data-Management-and-Analysis/ReportCardPortal.html**

**Revisions, with Justification, to Improvement Activities / Targets / Timelines / Resources for FFY 2009 (if applicable):**

Pursuant to OSEP directives, the OEC revised its targets to reflect AYP data used for accountability reporting under Title I of the ESEA.

In order to comply with the public reporting requirements found at §300.160(f), the OEC will work closely with the Office of Data Management and Analysis. This collaboration will ensure that the public reporting requirements relative to assessment participation and performance of students with disabilities comply with the regulations.

The OEC will lead in establishing a workgroup at the SCDE that will review the reporting requirements found at §300.160(f) during summer 2011. The OEC plans to have district profiles published by June 1, 2011.

*Indicator 4 is reported using the SPP Template*

**Overview of the State Performance Plan (SPP) Development:**

The SPP was developed with stakeholder input. Stakeholders, including parents of children with disabilities, individuals with disabilities, teachers, representatives of institutions of higher education, local and state education officials, special education administrators, representatives of state agencies involved in the delivery of related services to children with disabilities, representatives of private schools, representatives of vocational programs, and representatives of juvenile justice and correctional facilities were invited to be a part of this process. Mid South Regional Resource Center personnel facilitated an overview and planning meeting. Stakeholders had an opportunity to provide meaningful input concerning the development of targets, activities, and resources. The Office of Exceptional Children (OEC) staff took this input and developed the framework of the SPP. A core team from the OEC authored the final document of the SPP. During the process of developing the SPP, stakeholders were involved through telephone calls, email messages, and conferencing to provide guidance to the OEC staff. South Carolina will publish the SPP to the Office of Exceptional Children (OEC) website after submission to the Office of Special Education (OSEP) programs at http://ed.sc.gov/agency/Standards-and-Learning/Exceptional-Children/old/ec/spp2005.html. LEA profiles will be published to the website within 90 days of APR submission at http://ed.sc.gov/agency/Standards-and-Learning/Exceptional-Children/OECData/IDEAProfiles/index.html.

**Monitoring Priority: FAPE in the LRE**

**Indicator 4A:** Rates of suspension and expulsion:

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

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

**Measurement:**

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.

Include State's definition of "significant discrepancy."

**Overview of Issue/Description of System or Process:**

For the purposes of Part B Indicator 4A, South Carolina defines "significant discrepancy" as any local education agency (LEA) that meets the following criteria:

a. A relative risk ratio exceeding 2.50, without respect to subgroup or group size.

Pursuant to 34 CFR § 300.170, South Carolina examines data to determine if significant discrepancies are occurring in the rate of long-term suspensions and expulsions of students

with disabilities among LEAs in the state. Data from Section B, Column 3B on Table 5 of Information Collection 1820-0621 (Report of Children with Disabilities Unilaterally Removed or Suspended/Expelled for More than 10 Days) are used to calculate the relative risk.

The Office of Exceptional Children (OEC) identifies districts with significant discrepancies in the rates of long-term suspensions and expulsions through the following steps:

- Using data from Section B, Column 3B, of Table 5 and child count enrollment data from Table 1, the OEC calculates the relative risk ratio separately for each LEA. The relative risk ratio is calculated by:

  Relative risk ratio $= \left( \frac{R_i}{\sum R_{j_{i \neq j}}} \right)$

  $$= \left( \frac{a_i/(a_i+b_i)}{\sum (a_j/(a_j+b_j))_{i \neq j}} \right)$$

  Where *R*= the risk; *a*= the number of SWD in OSS>10 days; *b*= the number of SWD **NOT** in OSS>10 days; *i*= the district for whom the risk is calculated; *j*=the district(s) not included in *i*.

- The OEC identifies the total number of students with disabilities suspended or expelled for each LEA and divides that number by the number of students with disabilities as reported in that LEA's child count data. The OEC aggregates the total number of students with disabilities suspended or expelled for all other LEAs (excluding the one being analyzed), and divides that number by the total number of students with disabilities in all other LEAs in the state. The OEC then divides the suspension/expulsion rate for the one LEA by the suspension/expulsion rate for all other LEAs in the state to obtain the relative risk.

- The resulting number is the relative risk for a LEA, based upon a general linear model, and identifies the degree above or below the average risk for all other LEAs combined.

LEAs that have a relative risk ratio exceeding 2.50 are required to review their policies, procedures, and practices to determine whether or not they contributed to the significant discrepancy. To accomplish this, LEAs must complete and submit thorough self-assessment documentation to determine whether or not LEA policies, procedures, and practices relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards to ensure compliance with the IDEA, as required by 34 CFR §300.170(b) contributed to the significant discrepancy. Once submitted, the OEC reviews the self-assessment documents and may require additional information or other

technical assistance activities to determine whether or not LEAs will be issued a finding pursuant to 20 U.S.C. 1412(a)(22) and be required to revise their policies, procedures and practices as outlined by the IDEA regulations governing suspensions and expulsions of students with disabilities.

The decision to revise Part B Indicator 4A stemmed from the new requirement of collecting and reporting Indicator 4B (see Indicator 4B). The State believed that the new reporting requirement of Indicator 4B allowed the opportunity for statewide discourse on reviewing disciplinary practices for all students with disabilities. As a result, the OEC convened a representative, statewide workgroup to revise the definition of significant discrepancy for Indicator 4A while creating the new definition for Indicator 4B.

The definition of "significant discrepancy" for 4A was determined by a statewide workgroup committee representative of the state's geographic regions, general education and special education staff, school-based administrators and district-level administrators, race/ethnicities, and genders. The workgroup reviewed existing methodology of comparable states, scholarship in the area of disciplinary practices, and available guidance from the OSEP. The definition for Indicator 4A was presented before the South Carolina Special Education Advisory Council for comment and approval. The definition was then established for Indicator 4B, using one-year lag data as required by OSEP. For the FFY 2009 APR (2009-2010), data for Indicator 4A were derived from 2008-2009 data.

**Baseline Data** *(FFY 2008 data)*

| |
|---|
| 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 **5.68%** |

**Discussion of Baseline Data:**

South Carolina collected data for eighty-eight LEAs and one state operated program (SOP). Calculations were completed for each of the 88 LEAs/SOP. Calculations reveal that these five LEAs were from two geographic regions of the state, historically known for communities with diminished economic capacities and community capital. Because of the calculation methodology, no LEA was excluded due to group (N) or subgroup (n) size. As a result all LEAs were included and reviewed to determine whether or not they met the criteria for "significant discrepancy" for Indicator 4A. Five LEAs were found to meet the definition of "significant discrepancy" for Indicator 4A. Calculations reveal that these five LEAs were from two geographic regions of the state, historically known for communities with diminished economic capacities and community capital.

**LEAs with Significant Discrepancy in Rates for Suspension and Expulsion**

| Year | Total Number of LEAs | Number of LEAs that have Significant Discrepancies | Percent |
|---|---|---|---|
| **FFY 2009 (using 2008-2009 data)** | 88 | 5 | 5.68% |

**Review of Policies, Procedures, and Practices** *(completed in FFY 2009 using 2008-2009 data)*

For those five LEAs identified as having "significant discrepancy" in the rates of long term suspensions and expulsions (i.e., out of school suspensions exceeding 10 days as found in Table 5), the OEC required the completion of self assessment documents, and required LEAs to provide evidence of their responses to issues relative to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards. The self-assessment focuses on three areas of compliance:

1. Development and implementation of Individualized Education Programs (IEPs),

    - 34 CFR § 300.304(b)(1), 300.530(a), 300.530(b)(2), 300.530(c), 300.530 (d)(1)(i), 300.530(d)(4), 300.530(e)(1), 300.530(e)(1)(i), 300.530(e)(1)(ii), 300.530(e)(3), 300.530(f)(2),300.530(g), and 300.531

2. Positive behavioral interventions and supports,

    - 34 CFR § 300.324(a)(2)(i), 300.324(a)(3)(i), 300.530(d)(1)(ii), 300.530(e)(1), 300.530(f)(1)(i), and 300.530(f)(1)(ii),

3. Procedural safeguards

    - 34 CFR § 300.500, 300.501(c)(3), 300.504(c)(4), 300.530(d), and 300.530(h)

LEAs were given the opportunity to provide additional details as to other factors contributing to the significant discrepancy in the rates of long-term suspensions and expulsions of students with disabilities. After the LEA submitted the required documentation, OEC staff with expertise in policies, procedures, practices, and data analyses reviewed and conducted follow-up discussions with the certain districts for additional or clarifying information.

The OEC reviewed self-assessment documentation for the five LEAs which were required to collect information and evidence regarding the development and implementation of IEPs, positive behavioral interventions and supports, and procedural safeguard, found in the regulations outlined above. OEC staff, with expertise in this area, found that all five LEAs had policies and procedures that comply with the required regulations governing long-term suspensions and expulsions of students with disabilities. The OEC found that only one LEA did not comply with 34 CFR § 300.530(d) in all instances. The LEA noted that it needed to improve its practice of providing parents with procedural safeguards.

As a result of this, the OEC is requiring the affected LEA to revise its policies and practices regarding providing services to students during periods of removals, when they are removed from their current placement. Pursuant to the general supervision activities of the OEC, the LEA has a finding of noncompliance for 34 CFR § 300.530(d), and is required to correct the systemic issues in both policies and practices relating to use of procedural safeguards to ensure that their

policies and practices comply with IDEA. The LEA must implement a comprehensive plan for addressing the systemic issue, and is required to ensure that each individual case is corrected, unless the student is no longer within the jurisdiction of the LEA.

| FY | Measurable and Rigorous Targets |
|---|---|
| **2009 (using 2008-2009 data)** | 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 is **5.68% (baseline).** |
| **2010 (using 2009-2010 data)** | 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 will be at or below 5.68% |
| **2011 (using 2010-2011 data)** | 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 will be at or below 5.18% |
| **2012 (using 2011-2012 data)** | 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 will be at or below 4.68%. |

**Improvement Activities/Timelines/Resources:**

| Improvement Activities | Timelines | Resources |
|---|---|---|
| Design and implement self-assessment instrument designed to identify systemic issues for suspension and expulsion for LEAs and SOPs programs and review annually. | FFY 2010 and ongoing through 2013 | • OEC Leadership team<br>• LEAs, SOPs, and HeadStart program leadership teams<br>• Mid South Regional Resource Center (MSRRC) |
| Continue to assist with the implementation of positive behavior supports through the coordinated efforts of the SCDE. | FFY 2010 and ongoing through 2013 | • OEC staff<br>• SDE Department staff |
| Assist LEAs in the development of a tracking/monitoring system for suspensions and expulsions to ensure the provision of FAPE. | FFY 2010 and ongoing through 2013 | • OEC staff<br>• Excent® staff<br>• LEAs<br>• Office of Research<br>• Office of Technology |
| Disseminate guidance on seclusion and restraint | FFY 2010 and ongoing through 2013 | • SCDE |

| Improvement Activities | Timelines | Resources |
|---|---|---|
| Provide professional development to address the issues of behavior through a problem solving model. | FFY 2010 and ongoing through 2013 | • OEC staff<br>• IHE staff<br>• Office of School Leadership<br>• Exemplar SIG schools<br>• PBIS Leadership Team |
| Provide professional development to assist LEAs in the implementation of a school-wide model to facilitate the revision of district discipline processes to emphasize the prevention of behavior problems and the use of positive behavior supports. | FFY 2010 and ongoing through 2013 | • Institutions of higher education staff (IHE)<br>• OEC staff·<br>• CCBD |
| Continue Crisis Prevention Institute | FFY 2010 and ongoing through 2013 | • OEC Staff<br>• CPI Staff |

**Monitoring Priority: FAPE in the LRE**

**Indicator 4B:** Rates of suspension and expulsion:

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))

**Measurement:**
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.

**Overview of Issue/Description of System or Process:**

Per Office of Special Education Programs, U.S. Department of Education (OSEP) requirements, Part B Indicator 4B is considered a new indicator for FFY 2009 (based upon data from the FFY 2008 school year). The State developed (a) a new baseline using the language of the revised measurement table, (b) notes the requirement of the compliance targets of 0%, and (c) identified improvement activities.

For the purposes of Part B Indicator 4B, South Carolina defines "significant discrepancy" as any local education agency (LEA) that meets one of the following criteria:

b. A weighted risk ratio exceeding 2.50, with a subgroup size of more than ten, for any race/ethnicity or,

c. A suspension/expulsion rate exceeding two standard deviations above the two year state average for each race/ethnicity for those LEAs with subgroup sizes of ten or less students, for any race/ethnicity.

Pursuant to 34 CFR § 300.170, South Carolina examines data, disaggregated by race/ethnicity, to determine if significant discrepancies are occurring in the rate of long-term suspensions and expulsions of students with disabilities among LEAs in the state. Data from Section B, Column 3B on Table 5 of Information Collection 1820-0621 (Report of Children with Disabilities Unilaterally Removed or Suspended/Expelled for More than 10 Days) are used to determine the subgroup size, along with the calculation of the weighted risk ratio or the suspension rate and standard deviations for LEAs with subgroups of ten or less students.

The State identifies districts with significant discrepancies in the rates of long-term suspensions and expulsions, by race or ethnicity, through the following steps:

- Using data from Section B, Column 3B, of Table 5 and child count enrollment data from Table 1, the Office of Exceptional Children (OEC) calculates the weighted risk ratio separately for each race/ethnicity for each LEA using the Westat calculator and confirmatory analyses. The weighted risk ratio is calculated by:

  Weighted risk ratio $$= \left(\frac{R_i}{\sum_{j \neq i} w_j R_j}\right)$$

  $$= \left(\frac{(1 - p_i)R_i}{\sum_{j \neq i} p_j R_j}\right)$$

  Where *Ri* is the district-level risk for racial/ethnic group *i*, and p*i* is the state-level proportion of students from racial/ethnic group *i*. R*j* is the district-level risk for the *j*-th racial/ethnic group, and p*j* is the state-level proportion of students from the *j*-th racial/ethnic group.
- Based upon the validity of the weighted risk ratio (cited in the Westat guidance document), weighted risk ratios of districts with subgroup sizes of ten or less are excluded, as the smaller sizes skew the ratios. The OEC identifies those LEAs with subgroups of ten or less.

For LEAs with subgroup sizes of ten or less, South Carolina identifies districts with significant discrepancies in the rates of long-term suspensions and expulsions, by race or ethnicity, through the following steps:

- Separately, for each race and ethnicity category, the OEC aggregates each district's total number of students with disabilities who were suspended/expelled for greater than ten days, and divides by the total number of students with disabilities by that race or ethnicity in the district. This process will result in each district's rates of suspensions/expulsions by race and ethnicity.
- Separately, for each race and ethnicity category, the OEC calculates the two-year mean rate and the standard deviation across all districts reporting suspension/expulsion data.
- The OEC identifies districts above two standard deviations from the two-year mean in any race or ethnicity category as having a significant discrepancy.

As a result of mixed methodological approaches, no LEAs were excluded from the Indicator 4B. LEAs that have exceeded a weighted risk ratio exceeding 2.50, or greater than two standard deviations above the two year state average, are required to review their policies, procedures, and practices to determine whether or not they contributed to the significant discrepancy. To accomplish this, LEAs must complete and submit thorough self-assessment documentation to determine whether or not LEA policies, procedures, and practices relating to the development and implementation of IEPs, the use of positive behavioral interventions

and supports, and procedural safeguards to ensure compliance with the IDEA, as required by 34 CFR §300.170(b) contributed to the significant discrepancy. Once submitted, the OEC reviews the self-assessment documents and may require additional information or other technical assistance activities to determine whether or not LEAs will be issued a finding pursuant to 20 U.S.C. 1412(a)(22) and be required to revise their policies, procedures and practices as outlined by the IDEA regulations governing suspensions and expulsions of students with disabilities.

The definition of "significant discrepancy" was determined by a statewide workgroup committee representative of the state's geographic regions, general education and special education staff, school-based administrators and district-level administrators, race/ethnicities, and genders. The workgroup reviewed existing methodology of comparable states, scholarship in the area of disciplinary practices, and available guidance from the OSEP. The definition for Indicator 4B was presented before the South Carolina Special Education Advisory Council for comment and approval. The definition was then established for Indicator 4B, using one-year lag data as required by OSEP. For the FFY 2009 APR (2009-2010), data for Indicator 4B were derived from 2008-2009 data.

**Baseline Data for FFY 2009 (using 2008-2009 data):**

*FFY 2009 Baseline Data (based upon FFY 2008 data):*
**2.27%** 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

**Discussion of Baseline Data:**

South Carolina collected data for eighty-eight LEAs and one state operated program (SOP). Calculations were completed for each of the 88 LEAs/SOP for the following race/ethnicities:

- American Indian/Alaskan Native
- Asian/Pacific Islander
- Black (not Hispanic)
- Hispanic
- White (not Hispanic)

Analyses of the 2008-2009 (FFY 2008) data revealed that ten LEAs met the criteria for "significant discrepancy" as defined by South Carolina for "Black (not Hispanic)" for Part B Indicator 4B. Data analyses revealed that the ten LEAs represented each region of the state, and enrolled high numbers of students with disabilities. Of those ten, two were found to have policies, procedures or practices that contributed to the significant discrepancy and did not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.

**4B(a). LEAs with Significant Discrepancy, by Race or Ethnicity, in Rates of Suspension and Expulsion:**

| Year | Total Number of LEAs (that meet "n" size requirement) | Number of LEAs that have Significant Discrepancies by Race or Ethnicity | Percent |
|---|---|---|---|
| **FFY 2009 (using 2008-2009 data)** | **88** | **10** | 11.36% |

**4B(b). LEAs with Significant Discrepancy, by Race or Ethnicity, in Rates of Suspensions and Expulsions; and 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.**

| Year | Total Number of LEAs (that meet "n" size requirement) | Number of LEAs that have Significant Discrepancies, by Race or Ethnicity, and 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. | Percent |
|---|---|---|---|
| **FFY 2009 (using 2008-2009 data)** | 88 | 2 | 2.27% |

**Review of Policies, Procedures, and Practices**

For the ten LEAs identified as having "significant discrepancy" in the rates of long term suspensions and expulsions (i.e., out of school suspensions exceeding 10 days as found in Table 5) for any race/ethnicity, the state required the completion of self assessment documents, and required LEAs to provide evidence of their responses to issues relative to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards. The self-assessment focuses on three areas of compliance:

1. Development and implementation of Individualized Education Programs (IEPs),

- 34 CFR § 300.304(b)(1), 300.530(a), 300.530(b)(2), 300.530(c), 300.530 (d)(1)(i), 300.530(d)(4), 300.530(e)(1), 300.530(e)(1)(i), 300.530(e)(1)(ii), 300.530(e)(3), 300.530(f)(2),300.530(g), and 300.531

2. Positive behavioral interventions and supports,

    - 34 CFR § 300.324(a)(2)(i), 300.324(a)(3)(i), 300.530(d)(1)(ii), 300.530(e)(1), 300.530(f)(1)(i), and 300.530(f)(1)(ii),

3. Procedural safeguards

    - 34 CFR § 300.500, 300.501(c)(3), 300.504(c)(4), 300.530(d), and 300.530(h)

LEAs were given the opportunity to provide additional details as to other factors contributing to the district's significant discrepancy in the rates of long-term suspensions and expulsions of students with disabilities. After the LEA submitted the required documentation, OEC staff with expertise in policies, procedures, practices, and data analyses reviewed and conducted follow-up discussions with the certain districts for additional or clarifying information.

The OEC reviewed self-assessment documentation for the ten LEAs which were required to collect information and evidence regarding the development and implementation of IEPs, positive behavioral interventions and supports, and procedural safeguard, found in the regulations outlined above. OEC staff, with expertise in this area, found that all ten LEAs had policies and procedures that comply with the required regulations governing long-term suspensions and expulsions of students with disabilities. The OEC found that only two LEAs' practices did not comply with the regulations governing long-term suspensions and expulsions of students with disabilities in all instances. The regulations in question relate to 34 CFR § 300.530(e)(1), 300.530(d)(1)(ii), 300.530(e)(1), 300.500, and 300.530(h).

As a result of this, the OEC is requiring the affected LEAs to revise their policies, procedures, and practices relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards, to ensure that these policies, procedures, and practices comply with IDEA. (34 C.F.R. Section 300.170). Pursuant to the general supervision activities of the OEC, the LEAs have findings of noncompliance for Part B Indicator 4B, and are required to correct the systemic issues in both policies and practices relating to use of procedural safeguards to ensure that their policies and practices comply with IDEA. The LEAs must implement a comprehensive plan for addressing the systemic issue, and are required to ensure that each individual case is corrected, unless a student is no longer within the jurisdiction of the LEA.

| FFY | Measurable and Rigorous Target |
|---|---|
| **2009 (using 2008-2009 data)** | **0%** Percent of districts that have:<br>(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. **(Not Met with 2.27)** |
| **2010 (using 2009-2010 data)** | **0%** Percent of districts that have:<br>(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. |
| **2011 (using 2010-2011 data)** | **0%** Percent of districts that have:<br>(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. |
| **2012 (using 2011-2012 data)** | **0%** Percent of districts that have:<br>(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. |

**Improvement Activities/Timelines/Resources:**

| Monitoring/Procedural Administration | | |
|---|---|---|
| **Improvement Activities** | **Timelines** | **Resources** |
| Design and implement self-assessment instrument designed to identify systemic issues for suspension and expulsion for LEAs and SOPs programs and review annually. | FFY 2010 and ongoing through 2013 | • OEC Leadership team<br>• LEAs, SOPs, and HeadStart program leadership teams<br>• Mid South Regional Resource Center (MSRRC) |
| Assist with the implementation of positive behavior supports through the SCDE | FFY 2010 and ongoing through 2013 | • OEC staff<br>• SDE Department staff |
| Assist LEAs in the development of a tracking/monitoring system for suspensions and expulsions to ensure the provision of FAPE. | FFY 2010 and ongoing through 2013 | • OEC staff<br>• Excent® staff<br>• LEAs<br>• Office of Research<br>• Office of Technology |
| Disseminate guidance on seclusion and restraint | FFY 2010 and ongoing | • CDEW |
| Provide professional development to address the issues of behavior through a problem solving model. | FFY 2010 and ongoing through 2013 | • OEC staff<br>• IHE staff<br>• Office of School Leadership<br>• Exemplar SIG schools<br>• PBIS Leadership Team |
| Continue Crisis Prevention Institute | FFY 2010 and ongoing through 2013 | • OEC Staff<br>• CPI Staff |
| Professional development in culturally responsive instructional strategies. | FFY 2011 and ongoing through 2013 | • OEC Staff<br>• IHE |

**Part B State Annual Performance Report (APR) for FFY 2009**

The Annual Performance Report was developed through a process that included collection of data, verification of data, analysis of data, identification of problems, implementation of improvement activities, provision of technical assistance, and evaluation of progress. An increased amount of data collected changed from LEA submission of totals to the extraction by the OEC of student-level data. The APR process involved stakeholders from the various groups involved with service provision for children with disabilities. South Carolina will publish the APR to the Office of Exceptional Children (OEC) website after submission to the Office of Special Education (OSEP) programs at http://ed.sc.gov/agency/Standards-and-Learning/Exceptional-Children/old/ec/spp2005.html. LEA profiles will be published to the website within 90 days of APR submission at http://ed.sc.gov/agency/Standards-and-Learning/Exceptional-Children/OECData/IDEAProfiles/index.html.

**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.

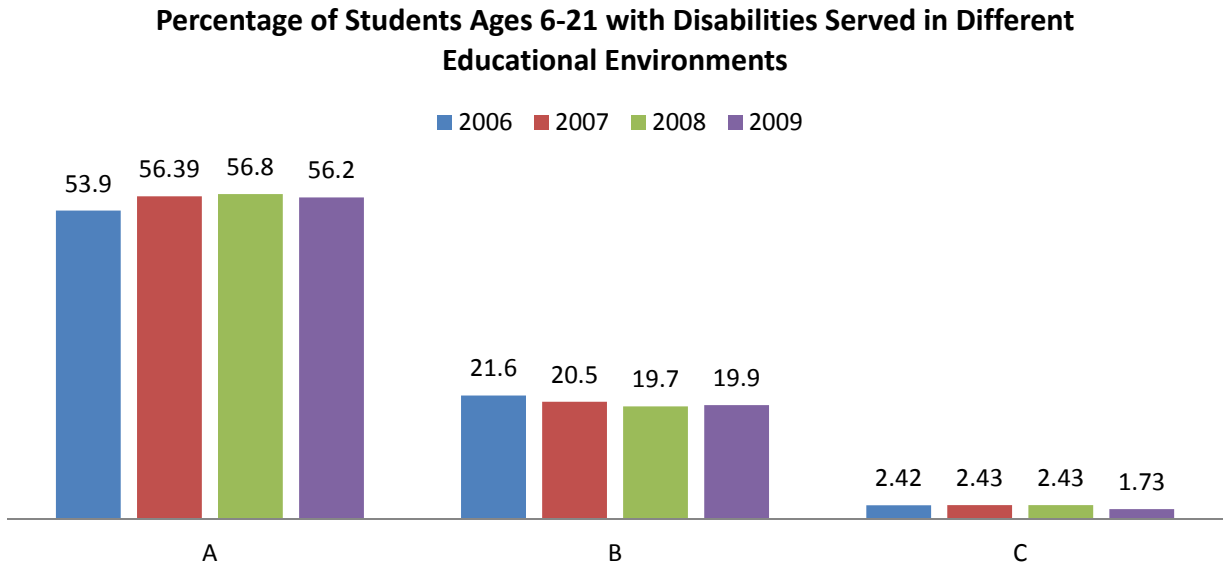
C. Percent = [(# of children with IEPs served in separate schools, residential facilities, or homebound/hospital placements) divided by the (total # of students aged 6 through 21 with IEPs)] times 100.

| FFY | Measurable and Rigorous Target |
|---|---|
| **2009** | **a.** Increase by 1% from baseline the percent of children with IEPs served inside the regular class 80% or more of the day to target of **54.31**%. **(Met with 56.2%)**<br><br>**b.** Decrease by 1% from baseline the percent of children with IEPs served inside the regular class less than 40% of the day to target of **15.45**%. **(Not Met with 19.9%)**<br><br>**c.** Maintain or decrease from **2.19%** the percent of children with IEPs served in separate schools, residential facilities, or homebound/hospital placements. **(Met with 1.73%)** |

**Actual Target Data for FFY 2009**:

**Percentage of Students Ages 6-21 with Disabilities Served in Different Educational Environments**

| | Percent of children with IEPs served inside the regular class 80% or more of the day (A) | Percent of children with IEPs served inside the regular class less than 40% of the day (B) | Percent of children with IEPs served in separate schools, residential facilities, or homebound/hospital placements (C) |
|---|---|---|---|
| FFY 2009 | 56.2% | 19.9% | 1.73% |



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

The FFY 2009 target for the percent of children with Individualized Education Programs (IEPs) served inside the regular class 80% or more of the day was 54.31%. The State met the target and exceeded it by 1.89%. The FFY 2009 target for the percent of children with IEPs served inside the regular class less than 40% of the day was 15.45%. The State did not meet the target and slipped from last year (FFY 2008). The state target to maintain or decrease from 2.19% of children with IEPs served in separate schools, residential facilities, or homebound/hospital placements was 1.73% which met the target.

The OEC continues in its efforts to use local education agency (LEA) data to improve the least restrictive environment settings for students. For FFY 2009, students in home-based settings were counted in section B and removed from section C. This explains the slippage in section B and assists in the progress made in section C. Home-based settings are not the same as medical homebound or hospital settings, but are rather the most restrictive setting for a school-based placement.

**Revisions, with Justification, to Proposed Targets/Improvement Activities / Timelines / Resources for FFY 2009:**

None

# Part B State Annual Performance Report (APR) for South Carolina (FFY 2009)

## Overview of the Annual Performance Report Development:

The Annual Performance Report was developed through a process that included collection of data, verification of data, analysis of data, identification of problems, implementation of improvement activities, provision of technical assistance, and evaluation of progress. An increased amount of data collected changed from LEA submission of totals to the extraction by the OEC of student-level data. The APR process involved stakeholders from the various groups involved with service provision for children with disabilities. South Carolina will publish the APR to the Office of Exceptional Children (OEC) website after submission to the Office of Special Education (OSEP) programs at http://ed.sc.gov/agency/Standards-and-Learning/Exceptional-Children/old/ec/spp2005.html. LEA profiles will be published to the website within 90 days of APR submission at http://ed.sc.gov/agency/Standards-and-Learning/Exceptional-Children/OECData/IDEAProfiles/index.html.

## 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.

| **FFY** | **Measurable and Rigorous Target** | | |
|---|---|---|---|
| *FFY 2009* | A1: 84.19% (Met) | B1: 81.86% (Met) | C1: 84.22% (Met) |
| | A2: 69.52% (Met) | B2: 62.10% (Met) | C2: 82.49% (Not Met) |

**Target Data and Actual Target Data for FFY 2009:**

Targets and Actual Data for Preschool Children Exiting in FFY 2009 (2009-10)

| Summary Statements | Targets FFY 2009 (% of children) | Actual FFY 2009 (% of children) |
|---|---|---|
| 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 exited the program | 84.19% | 86.38% |
| **2.** The percent of children who were functioning within age expectations in Outcome A by the time they exited the program | 69.52% | 70.68% |
| 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 exited the program | 81.86% | 84.43% |
| 2. The percent of children who were functioning within age expectations in Outcome B by the time they exited the program | 62.10% | 65.36% |
| 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 exited the program | 84.22% | 86.72% |
| 2. The percent of children who were functioning within age expectations in Outcome C by the time they exited the program | 82.49% | 82.28% |

Progress Data for Preschool Children FFY 2009

| A. Positive social-emotional skills (including social relationships): | Number of children | % of children |
|---|---|---|
| a. Percent of children who did not improve functioning | 13 | 1% |
| b. Percent of children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers | 157 | 9% |

| | | |
|---|---|---|
| c. Percent of children who improved functioning to a level nearer to same-aged peers but did not reach | 371 | 20% |
| d. Percent of children who improved functioning to reach a level comparable to same-aged peers | 707 | 38% |
| e. Percent of children who maintained functioning at a level comparable to same-aged peers | 597 | 32% |
| Total | N=1845 | 100% |
| B. Acquisition and use of knowledge and skills (including early language/communication and early literacy): | Number of children | % of children |
| a. Percent of children who did not improve functioning | 18 | 1% |
| b. Percent of children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers | 180 | 10% |
| c. Percent of children who improved functioning to a level nearer to same-aged peers but did not reach | 441 | 24% |
| d. Percent of children who improved functioning to reach a level comparable to same-aged peers | 633 | 34% |
| e. Percent of children who maintained functioning at a level comparable to same-aged peers | 573 | 31% |
| Total | N=1845 | 100% |
| C. Use of appropriate behaviors to meet their needs: | Number of children | % of children |
| a. Percent of children who did not improve functioning | 16 | 1% |
| b. Percent of children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers | 113 | 6% |
| c. Percent of children who improved functioning to a level nearer to same-aged peers but did not reach | 198 | 11% |
| d. Percent of children who improved functioning to reach a level comparable to same-aged peers | 645 | 35% |
| e. Percent of children who maintained functioning at a level comparable to same-aged peers | 873 | 47% |
| Total | N=1845 | 100% |

South Carolina will ensure that preschool children with individualized education programs (IEPs) will demonstrate improved positive social/emotional skills (including social relationships), acquisition and use of knowledge and skills (including early language/communication and early literacy), and use of appropriate behaviors. The goal of quality early intervention is to assist preschool children with disabilities in acquiring the skills necessary to be active and successful participants in kindergarten and first grade classrooms and to minimize the developmental delays experienced by these children. Although the purpose of intervention is to produce better developmental outcomes than would be expected without intervention, for some children with more severe disabilities and delays, these services might only ameliorate the delays and will not result in their achieving functional levels completely commensurate with peers.

In reporting the data for preschool students who received services outlined in Indicator 7, local education agencies (LEAs) employed the Child Outcomes Summary Form (COSF). Data were reported to the Office of Exceptional Children (OEC) by the LEA Special Education Coordinators and/or Preschool Services Coordinator. For each preschool student who received services covered by Indicator 7, the following data were provided to the OEC:

1. LEA (LEA) Name
2. LEA/Agency Code (BEDS)
3. Non-identifiable Student ID
4. Student's date of birth
5. School Program Name
6. Entry Date
7. Outcome 1 (Entry)
8. Outcome 2 (Entry)
9. Outcome 3 (Entry)
10. Exit Date (if available)
11. Outcome 1 (Exit, if available)
12. Progress (Yes or No)
13. Outcome 2 (Exit, if available)
14. Progress (Yes or No)
15. Outcome 3 (Exit, if available)
16. Progress (Yes or No)
17. OSEP Category Outcome 1 (a-e)
18. OSEP Category Outcome 2 (a-e)
19. OSEP Category Outcome 3 (a-e)

Encrypted data was faxed or submitted online to the OEC in the summer of 2010. OEC staff reviewed the data and conducted quality reviews to ensure accuracy of the data for each individual preschool student. These quality review measures included:

1. Determination of age of the preschool child as being aged 3-6 years at the entry point. Errors (i.e., keystroke entry errors) were reported to the LEA for clarification and revision.

2. Length of services to determine that the length of services covered by Indicator 7 was, at a minimum, six months. For preschool services to children which were less than three months, LEAs were contacted for clarification and revision. If the length of services was confirmed as less than six months, the student data was not included in the exit analyses.
3. Missing data – if any of the 9-20 data categories listed was missing, LEAs were contacted to review and provide accurate data.

Three outcomes for Indicator 7 were measured at two points – entry into preschool services and exit from preschool services. The three Office of Special Education Programs (OSEP) outcomes measured are:

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

At both entry and exit from preschool services, the preschool service team reached a consensus on the level of functioning on each of the three outcomes along a 7-point Likert scale where the level of functioning ranges from:

1. Not Yet
2. ----------
3. Emerging
4. ----------
5. Somewhat
6. ----------
7. Completely

Entry data were tracked for each preschool student for each of the three outcomes along the seven-point Likert scale determined upon entry, where 1 indicates the Outcome is "Not Yet" to seven where the outcome is "Completely" present. Exit data were tracked for each preschool student for each of the three outcomes along the seven-point Likert scaled determined upon exit, where 1 indicates the Outcome is "Not Yet" to seven where the outcome is "Completely" present.

Using the COSF Excel spreadsheets provided by each LEA, calculations of the three Outcomes of the OSEP categories were determined by comparing entry and exit data to generate the five OSEP progress categories, where:

a. Did not improve,
b. Improved but not sufficient to move nearer to same-aged peers,
c. Improved to a level nearer to same-aged peers but did not reach it,
d. Improved to reach a level comparable to same-aged peers, or
e. Maintained functioning at level comparable to same-aged peers.

To determine how the changes in Likert scoring correspond to the five reporting OSEP categories, South Carolina's analysis was determined by the following:

| OSEP Outcome | COSF Rating |
|---|---|
| a. Percent of children who DID NOT improve functioning | • Rated lower at exit than entry; OR<br>• Rated 1 at both entry and exit; AND<br>• Scored "No" on the progress question (b) |
| b. Percent of children who improved functioning, but not sufficient to move nearer to same-aged peers | • Rated 5 or lower at entry; AND<br>• Rated the same or lower at exit; AND<br>• Scored "Yes" on the progress question (b) |
| c. Percent of children who improved functioning to a level nearer to same-aged peers but did not reach it | • Rated higher at exit than entry; AND<br>• Rated 5 or lower at exit |
| d. Percent of children who improved functioning to reach a level comparable to same-aged peers | • Rated 5 or lower at entry; AND<br>• Rated 6 or 7 at exit |
| e. Percent of children who maintained functioning at a level comparable to same-aged peers | • Rated 6 or 7 at entry; AND<br>• Rated 6 or 7 at exit |

For FFY 2009, the OEC collected data on 1,845 students aged 3 to 6 who exited preschool services between July 1, 2009 and June 30, 2010. The 1,845 students reflects nearly twice the number (1.9) of exiters as reported in baseline data provided to the OSEP in the FFY 2008 SPP and APR, submitted February 1, 2010.

While there are more preschool students exiting during the FFY 2009, some state-level differences can be discerned with regard to outcome measures. When comparing percentages reported in the FFY 2008 baseline data to the FFY 2009 percentages, proportionally fewer students were observed with outcome ratings of a, b, and e. In particular, Category "e" saw the largest decrease in percentages of students, with ranges of 1.38% - 8.29% fewer in FFY 2009. Category "c" percentages were less for Outcomes A and B, but marginally higher for Outcome C (0.23%). Particular gains were observed with Category "d" – "Percent of children who improved functioning to reach a level comparable to same-aged peer." For FFY 2009 there were between 4% and 8% more students existing in Category "d."

Initial review of the data seems to indicate that the reliability of the COSF rating scale may be improved, and that appropriate populations of students are being served.

| A. Positive social-emotional skills (including social relationships): | FFY08 % Baseline | FFY09 % Achieved | Difference |
|---|---|---|---|
| a. Percent of children who did not improve functioning | 1.34% | 0.70% | -0.64% |
| b. Percent of children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers | 8.86% | 8.51% | -0.35% |

| | | | |
|---|---|---|---|
| c. Percent of children who improved functioning to a level nearer to same-aged peers but did not reach | 20.29% | 20.11% | -0.18% |
| d. Percent of children who improved functioning to reach a level comparable to same-aged peers | 33.99% | 38.32% | 4.33% |
| e. Percent of children who maintained functioning at a level comparable to same-aged peers | 35.53% | 32.36% | -3.17% |
| Total | N=971 | N=1845 | |
| B. Acquisition and use of knowledge and skills (including early language/communication and early literacy): | FFY08 % Baseline | FFY09 % Achieved | Difference |
| a. Percent of children who did not improve functioning | 1.34% | 0.98% | -0.36% |
| b. Percent of children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers | 10.92% | 9.76% | -1.16% |
| c. Percent of children who improved functioning to a level nearer to same-aged peers but did not reach | 25.64% | 23.90% | -1.74% |
| d. Percent of children who improved functioning to reach a level comparable to same-aged peers | 29.66% | 34.31% | 4.65% |
| e. Percent of children who maintained functioning at a level comparable to same-aged peers | 32.44% | 31.06% | -1.38% |
| Total | N=971 | N=1845 | |
| C. Use of appropriate behaviors to meet their needs: | FFY08 % Baseline | FFY09 % Achieved | Difference |
| a. Percent of children who did not improve functioning | 1.03% | 0.87% | -0.16% |
| b. Percent of children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers | 5.97% | 6.12% | 0.15% |
| c. Percent of children who improved functioning to a level nearer to same-aged peers but did not reach | 10.50% | 10.73% | 0.23% |
| d. Percent of children who improved functioning to reach a level comparable to same-aged peers | 26.88% | 34.96% | 8.08% |
| e. Percent of children who maintained functioning at a level comparable to same-aged peers | 55.61% | 47.32% | -8.29% |
| Total | N=971 | N=1845 | |

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

The following activities, timelines, and resources were carried out for FFY 2009 to improve preschool services for eligible students with disabilities in South Carolina.

During the collection of COSF data in preparation for the FFY 2009 APR, and during follow-up conversations with LEA personnel, OEC staff recognized that data being reported was neither reliable nor valid. A number of efforts to improve this date were undertaken.

- OEC staff provided one-on-one technical assistance to LEA staff on the errors in the data they were reporting and possible reasons for the errors.
- LEA data managers were provided training on this indicator as part of their data training.
- OEC staff met with the Part C Lead Agency (BabyNet) about providing joint training on the COSF process with Part C in multiple venues. The activities carried out are listed under Training and Technical Assistance.

**Training and Technical Assistance:**

- In an effort to expand the venues in which information is presented and to gain exposure to individuals working with young children in child care, Head Start programs, and other community settings, an overview of the child outcome summary process was presented at the 2009 Fall Conference of the South Carolina Association for the Education of Young Children (SCAEYC) The session, held Saturday October 19, 2009, included an overview of the process, forms used, and the importance of all sources of information to look at the child functionally.

- Six four-hour training sessions entitled *The Early Childhood Outcomes Process: A Child Study*, were held in six regions of the state during the month of January 2010. LEAs were asked to send a team consisting of at least one person representing the following groups: Early Childhood Special Education teacher; Early Childhood teacher; school psychologist, speech therapist or other related services provider; Preschool Special Education Coordinator/Early Childhood Special Education Coordinator or individual responsible for training staff on the Early Childhood Outcomes Process; and Parents of Preschool Children with Disabilities, if possible.

- This case-study approach to the Early Childhood Outcomes Process was repeated twice at the 2010 Research to Practice (RTP) Institute in July. The audience included LEA, Head Start and Part C participants.

- Part C staff provided sessions at the 2010 Research-to-Practice Institute (RTP) to help LEA staff, parents, and others get a better understanding of the Part C Lead Agency changes. The sessions included: Overview of Policy Changes in Early Intervention (RTP 2010), Creating Success with Child & Family Outcomes in Early Intervention (RTP 2010)

- SC Early Learning Standards and Best Practices in Early Childhood Curriculum (RTP July 12-16, 2010). The Early Learning Standards (ELS) specify developmental

expectations for preschool children. They are grouped around five areas of children's development including: Approaches to Learning, Social Emotional, Mathematics, Language and Literacy, and Physical Development and Health. They are supported by practice and scientific research and are performance based. This training provided opportunities for participants to thoroughly review and understand the Standards; identify their indicators; use them as a guide for decisions about an integrated curriculum, appropriate materials, and classroom environments that meet the developmental needs of all children in inclusive classrooms.

- In April of 2010, South Carolina agreed to be part of the study to examine the quality of the data produced by the COSF process and to identify ways to improve the quality of the data (ENHANCE) conducted by the Early Childhood Outcomes Center (ECO). Three LEAs were contacted about participation in the three year study and agreed. One benefit of study participation will be unlimited technical assistance from the ECO around the collection of COSF information at the LEA and state level. Information has been provided to the state office and we are getting regular feedback.

- Classroom and Behavior Management in General and Special Education (RTP 2010)
- Dynamic Indicators of Basic Early Literacy Skills (DIBELS) (RTP 2010)
- Teaching Children of Poverty (RTP 2010)
- Developing Educationally Meaningful and Legally Correct IEPs (2010)
- Collaborating with Families: Schools and Positive Behavior Interventions and Supports (RTP 2010)
- SC Early Learning Standards and Best Practices in Early Childhood Curriculum(RTP 2010)

**Progress and Slippage**

As indicated, there are more preschool students reported for the FFY 2009 APR as compared to the FFY 2008 SPP/APR. In only one instance of the 6 outcome targets did South Carolina slip and not meet its target, namely in "the percent of children who were functioning within age expectations in Outcome C by the time they exited the program." As indicated in the FFY 2008 SPP and APR, the OEC noted that this category seemed to be inflated, due to many children having high COSF ratings in this area in FFY 2008. As a result, the likely explanation of slippage is that staff is improving with using the COSF rating scale and more appropriate students are receiving services.

**Revisions, <u>with Justification</u>, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2010**

Pursuant to the OSEP requirement, South Carolina proposes the revision of the state targets for FFY 2010 – FFY 2012. Beginning with FFY 2010, the targets for summary statements will increase 0.5% points per year through FFY 2012. These rigorous targets allow for flexibility in improved reliability of the COSF rating form. While little is known about the inter-rater reliability of the COSF rating scale in South Carolina, it is important to note that additional data analyses need conducting. Given that South Carolina has increased numbers of students

receiving pre-school services, nearly twice the amount as FFY 2008, more sophisticated analyses are possible, also given the improved reliability of the dataset and LEA reporting requirements.

| **Improvement Activities** | **Timelines** | **Resources** |
|---|---|---|
| IEP Outcome Integration work with the ECO Center in developing and implementing a process for assisting LEAs on integrating outcomes measurement with the IEP process to make child outcome measurement more efficient and effective. | **July 2012** | • ECO Center<br>• BabyNet/SC First Steps<br>• PS Outcomes Workgroup<br>• SDE workgroup (to be formed)<br>• Preschool Subcommittee of the SC Advisory Council. |
| Review and update COSF materials, training resources, and related links on the OEC web-site | **December 2011** | • Preschool Subcommittee of the SC Advisory Council.<br>• SCICC<br>• ECO Center<br>• NECTAC resources and website<br>• South Carolina Department of Mental Health (SCDMH) |
| Collaborate with Part C on joint training around Part B and Part B Child Outcomes Process | **June 2011** | • SCICC<br>• BabyNet Program Managers<br>• Preschool Subcommittee of the SC Advisory Council. |
| Develop a simple pamphlet describing the Child Outcomes Process for parents and the public | **February 2012** | • SC Advisory Council<br>• Pro Parents<br>• OEC staff |

**Part B State Annual Performance Report (APR) for South Carolina (*FFY 2009)***

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

The Annual Performance Report was developed through a process that included collection, verification, and analysis of data, identification of problems, implementation of improvement activities, provision of technical assistance, and evaluation of progress. An increased amount of data collected changed from Local Education Agency (LEA) submission of totals to the extraction by the OEC of student-level data. The APR process involved stakeholders from the various groups involved with service provision for children with disabilities. South Carolina will publish the APR to the Office of Exceptional Children (OEC) website after submission to the Office of Special Education (OSEP) programs. LEA profiles will be published to the website within 90 days of APR submission.

**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** |
|---|---|
| *FFY 2009* | *30.83%* ***(MET with 38%)*** |

**Actual Target Data for FFY 2009:**

| State target for FFY 2009 in percentage | Actual performance for FFY 2009 in percentage | Number of survey respondents | Number of respondents who indicated schools facilitated their involvement |
|---|---|---|---|
| 30.83% | 38% | 430 | 164 |

South Carolina has 87 local education agencies (LEAs). One of the LEAs, Greenville, has an average daily membership of more than 50,000 students and must be included in the sampling mix each year (per OSEP guidelines). All other LEAs are each included once over the six-year data collection period. The specific mix each year was determined through stratified probability sampling (please see South Carolina State Performance Plan). This sampling plan was provided to and approved by the Office of Special Education Programs, U.S. Department of Education (OSEP).

Fourteen LEAs, plus Greenville County Schools, were included in the stratified probability sample for FFY 2009. Those LEAs included:

Anderson 02 (Upstate/Medium)
York 01 (Upstate/Medium)
Lancaster (Upstate/Large)
Spartanburg 07 (Upstate/Large)
Anderson 05 (Upstate/Ex-Large)
Florence 05 (Midlands/Small)
Barnwell 45 (Midlands/Medium)
Sumter 17 (Midlands/Large)
Florence 01 (Midlands/Ex-Large)
Dillon 03 (Coastal/Small)
Clarendon 03 (Coastal/Small)
Marion 02 (Coastal/Medium)
Colleton (Coastal/Large)
Dorchester 02 (Coastal/Ex-Large)
Greenville

**Methodology and Demographics**

Avatar International, Incorporated, an independent assessment firm, assisted with data analysis of the Part B family survey and report writing for Indicator 8. The ***Parent Survey- Special Education,*** developed by NCSEAM, was used to capture information from parents within the LEAs for Indicator 8. The survey captured the following information from the above sample:

- The school's efforts to partner with parents;
- Quality of services;
- Impact of Special Education Services on the family;
- Parent participation.

The survey contained 25 questions, including two geographic- and demographic-related questions (the remainder of the geographic and demographic information was provided to Avatar International by the South Carolina Department of Education). For Part B Indicator 8, the recommended standard was operationalized as a measure of 600, the calibration chosen by the stakeholder group as the minimum amount of partnership effort that can reasonably be said to have met the terms of SPP/APR Indicator 8. Thus, the percent reported to OSEP is the percent of

families with measures on the Partnership Efforts scale that are at or above these levels.

***Parent Survey- Special Education*** was sent out via mail with postage paid envelopes for return. Parents identified in insert full name of SASI (SASI), a student information system, as having English as a second language were mailed English and Spanish translated versions of the survey. Using an address file provided to Avatar International, Inc. by the South Carolina Department of Education, 14,243 surveys were mailed in the fall of 2010 to the parents of children with disabilities in South Carolina schools enrolled in grades K through 12 and receiving services under IDEA Part B during the 2009-2010 school year. Of the surveys sent out and needed for reporting SPP/APR Indicator 8, 430 were returned with measurable data on the survey's Partnership Efforts scale. The effective response rate was approximately 3.0%. With the overall 430 responses, individual survey items' overall agreement percentages were associated with about a 2.3% margin of error, at a 95% confidence level (assuming a 75% agree response rate; this is usually exceeded, meaning that this margin of error is conservative). The data meet or exceed the NCSEAM 2005 National Item Validation Study's standards for the internal consistency, completeness, and overall quality expected from this survey. Additional analyses were conducted to determine the degree to which the number of respondents is representative of the population of students with disabilities as of the December 01, 2009 Child Count. Following is a discussion of how the survey demographics compare to the population of students with disabilities (ages 6-21).

***Representativeness***

For the FFY 09 reporting year, South Carolina had 90,161 students with disabilities, aged 6-21, as of the December 1, 2009 Child Count, and 10,878 students with disabilities aged 3-5 years old.

To determine how representative the respondent parents' children are to the population of students with disabilities in South Carolina, the Office of Exceptional Children (OEC) calculated the percentage of responders to the percentage of the greater population, along the following subgroups:

1. Gender
2. Race/Ethnicity
3. Student's Age
4. Student's Primary Disability

Using similar methodology of determining representativeness (See Part B Indicator 14), South Carolina has determined that subgroups are not sufficiently represented when the difference in the proportion of respondent parents lies beyond ± 3.00%. While there is little control of who actually will respond to surveys, analyzing these data provide information to target certain groups to ensure parents are knowledgeable of the survey and its implications for services.

With regards to gender, the following table, Indicator 8 Gender Representativeness, illustrates how proximal the respondent parents' children are to the population of students with disabilities. As the table illustrates there is no over- or under-representation based on gender.

Indicator 8 Gender Representativeness

| | Respondents | Percentage | Population | Percentage | Difference |
|---|---|---|---|---|---|
| **Female** | 129 | 30.00% | 28902 | 32.06% | -2.06% |
| **Male** | 301 | 70.00% | 61259 | 67.94% | 2.06% |
| **Total** | 430 | 100.00% | 90161 | 100.00% | |

With regards to race/ethnicity, the data suggest that parents of white children are over-represented in the survey results (5.73). Because this exceeds the 3.00% threshold, the data are highlighted in red. It is important to note, however, that no other race/ethnicity was underrepresented, using the 3.00% threshold.

Indicator 8 Race/Ethnicity Representativeness

| | Respondents | Percentage | Population | Percentage | Difference |
|---|---|---|---|---|---|
| **Amer. Indian** | 0 | 0.00% | 232 | 0.26% | -0.26% |
| **Asian** | 4 | 0.93% | 500 | 0.55% | 0.38% |
| **Black** | 175 | 40.89% | 39488 | 43.80% | -2.91% |
| **Hispanic** | 4 | 0.93% | 3496 | 3.88% | -2.94% |
| **White** | 245 | 57.24% | 46445 | 51.51% | **5.73%** |
| **Total** | 428 | 100.00% | 90161 | 100.00% | |

A third level analysis conducted was to determine the degree of representativeness of specific disability categories. As shown in the table, Indicator 8 Disability Representativeness, parents of students with Speech Language Impairment are considerably over-represented. This is not surprising, however, as this particular group, for a variety of reasons, such as having younger children, most often returns surveys to the survey contractor. Contrastingly, parents of students with Learning Disabilities are underrepresented. To understand this group, it is important to note that students with Learning Disabilities comprise more than the nearly 50% of all students with disabilities in the state. As a result, a considerable number of parents of students with Learning Disabilities would need to return surveys to be more representative of the state makeup. To address the underrepresentation, the OEC will work with the survey contactor to ensure that follow-up surveys and/or telephone calls are provided to participants to encourage them to respond to the surveys. In addition, the OEC has worked to create additional marketing materials for LEAs who will be surveyed.

Indicator 8 Disability Representativeness

| | Respondents | Percentage | Population | Respondents | Difference |
|---|---|---|---|---|---|
| **Mental Disabilities** | 46 | 10.7% | 8564 | 9.5% | 1.20% |
| **Hearing Impairment** | 3 | 0.7% | 1022 | 1.1% | -0.44% |
| **Speech Language Impairment** | 168 | 39.1% | 16975 | 18.8% | **20.24%** |
| **Visual Impairment** | 6 | 1.4% | 403 | 0.4% | 0.95% |
| **Emotional Disability** | 19 | 4.4% | 3613 | 4.0% | 0.41% |
| **Orthopedic Disability** | 7 | 1.6% | 662 | 0.7% | 0.89% |

| | | | | | |
|---|---|---|---|---|---|
| **Other Health Impairment** | 14 | 3.3% | 9359 | 10.4% | **-7.12%** |
| **Learning Disability** | 140 | 32.6% | 43334 | 48.1% | **-15.50%** |
| **Deaf-Blindness** | 0 | 0.0% | 2 | 0.0% | 0.00% |
| **Multiple Disabilities** | 0 | 0.0% | 542 | 0.6% | -0.60% |
| **Autism** | 25 | 5.8% | 2900 | 3.2% | 2.60% |
| **Traumatic Brain Injury** | 0 | 0.0% | 177 | 0.2% | -0.20% |
| **Developmental Delay** | 2 | 0.5% | 2608 | 2.9% | -2.43% |
| **TOTAL: (Sum of all the above)** | 430 | 100.0% | 90161 | 100.0% | 0.00% |

A final analysis investigating representativeness involved comparing respondent parents' children's age to that of the state population of students with disabilities. As shown in the following table, Indicator 8 Age Representation, there is considerable overrepresentation of parents of preschool age children. While the state notes this, we also note that in previous years, parents of preschool children have been one of the most underrepresented groups in parent surveys. The OEC is pleased to have a much higher response rate from this group of parents who, heretofore, have returned few surveys.

What is most significant is the underrepresentation of surveys from parents of children ages 11 to 17, or those students approximately in middle to high school. The OEC will work with schools to encourage these parents to return surveys during the year their child's LEA is sampled.

Indicator 8 Age Representation

| | Respondents | Percentage | Population | Respondents | Difference |
|---|---|---|---|---|---|
| **3-5 Year Olds** | **127** | **41.37%** | **10878** | **10.77%** | **30.60%** |
| **6** | 49 | 15.96% | 6538 | 6.47% | **9.49%** |
| **7** | 35 | 11.40% | 6966 | 6.89% | **4.51%** |
| **8** | 22 | 7.17% | 7517 | 7.44% | -0.27% |
| **9** | 17 | 5.54% | 7816 | 7.74% | -2.20% |
| **10** | 23 | 7.49% | 7445 | 7.37% | 0.12% |
| **11** | 8 | 2.61% | 7087 | 7.01% | **-4.41%** |
| **12** | 8 | 2.61% | 6862 | 6.79% | **-4.19%** |
| **13** | 7 | 2.28% | 6614 | 6.55% | **-4.27%** |
| **14** | 1 | 0.33% | 6686 | 6.62% | **-6.29%** |
| **15** | 3 | 0.98% | 6936 | 6.86% | **-5.89%** |
| **16** | 1 | 0.33% | 7196 | 7.12% | **-6.80%** |
| **17** | 0 | 0.00% | 6202 | 6.14% | **-6.14%** |
| **18** | 4 | 1.30% | 4016 | 3.97% | -2.67% |
| **19** | 0 | 0.00% | 1466 | 1.45% | -1.45% |
| **20** | 1 | 0.33% | 611 | 0.60% | -0.28% |
| **21** | 1 | 0.33% | 203 | 0.20% | 0.12% |
| | 307 | 100.00% | 101039 | 100.00% | 0.00% |

**Survey Results**

Standard: A 95% likelihood of a response of "agree," "strongly agree" or "very strongly agree" with the item on the NCSEAM survey's Partnership Efforts scale:

***"The school explains what options parents have if they disagree with a decision of the school."***

SOUTH CAROLINA DATA, FFY 2009

**Percent at or above indicator 8 standard: 38% (SE of the mean = 1.3%)**

Number of Valid Responses: 430
Mean Measure: 558

Measurement reliability: 0.89-0.94
Measurement SD 168

EXTERNAL BENCHMARK: ALL PART B (6 US states, 2005 NCSEAM PILOT STUDY)

**Percent at or above indicator 8 standard: 17% (SE of the mean = 0.7%)**

Number of Valid Responses: 2,705
Mean Measure: 481

Measurement reliability: 0.94
Measurement SD 135

For FFY2009, the effective response rate was 3.0%, a decrease from the FFY 2008 return rate of 10%. Fewer parents returned surveys for analyses in the FFY 2009 APR. ***It is important to note, however, that while the response rate was smaller, the data meet or exceed the NCSEAM 2005 National Item Validation Study's standards for internal consistency, completeness and overall expected quality from the survey.***

In 2010, 14,243 surveys were mailed to the parents of children with disabilities in South Carolina schools, grades K through 12, receiving services under IDEA Part B, using an address file provided to Avatar International, LLC by the South Carolina Department of Education. Of the surveys sent out, 430 were returned with measurable data on the survey's Partnership Efforts scale, needed for reporting SPP/APR indicator 8. The effective response rate is 3.0%.

For FFY 2009, more surveys were mailed to parents of students with disabilities (n=14,243) as compared to FFY 2008 (n=13,240), yet the response rate for FFY 2009 was less (3.0%). This is likely due to logistical issues with contacting the parents. For upcoming years, the OEC will ensure that the survey contractor has access to parents' telephone numbers in order to conduct follow-up telephone interviews with parents who may not return surveys.

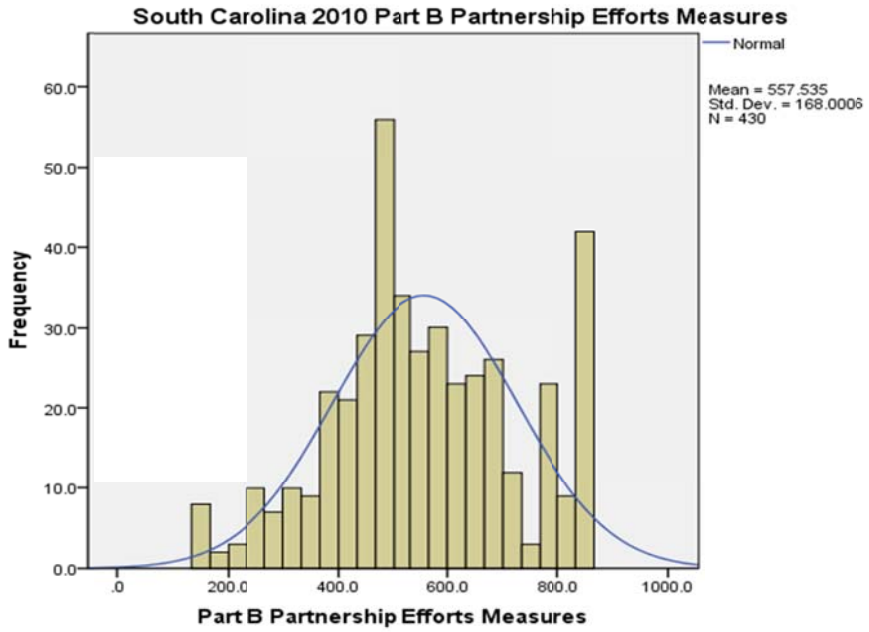
Part B Indicator 8 focuses on the "Percent of parents with a child receiving special education services who report that schools facilitated parent involvement as a means of improving services and results for children with disabilities." The standard for Indicator 8 reveals that there is a 0.95 likelihood of a response of "agree", "strongly agree" or "very strongly agree" when correlated with the NCSEAM survey's Efforts Schools Make to Partner with Parents scale which reads, "***The school explains what options parents have if they disagree with a decision of the school***." South Carolina used this item from the NCSEAM ***Parent Survey-Special Education*** to address Indicator 8.

It is important to note that South Carolina follows the recommendation of the NCSEAM with regards to the analyses of the surveys to measure Part B Indicator 8. Data from the survey are analyzed through the Rasch measurement framework. The analysis locates each survey item, and each respondent parent, on the same measurement "ruler." An item's location on the "ruler" is its calibration. A respondent's position on the "ruler" is the person's "measure." Survey items with lower calibrations (located lower on the "ruler") represent less of the attribute being measured than items located higher on the "ruler." Respondents with lower measures express less of the attribute being measured (i.e., schools' facilitation of parent involvement) than respondents higher measures. Using the standard, the percent that the state reports to OSEP is the percent of parents with measures at or above the nationally established standard of 600 on the Schools' Efforts to Partner with Parents scale.

The survey results indicate that of the valid responses (n=430), the mean measure was 558 with a reliability measure range of 0.89-0.94. Results reveal that of the 15 LEAs, 38% of parents with students who have disabilities perceive that schools facilitated parent involvement as a means of improving services and results for children with disabilities. In other words, 164 parents' measures were at or above the national standard of 600. The targeted goal (found in the South Carolina State Performance Plan, 2007) for South Carolina in FFY 2009 was 30.83%. South Carolina exceeded this benchmark with 38% of parents noting that "***The school explains what options parents have if they disagree with a decision of the school***."

The following figure displays the distribution of measures on the scale for South Carolina parents of children with disabilities whose data were submitted for this analysis. The average of these individual family Part B Partnership Efforts measures is 558 with a standard deviation of 168. In the figure, a vertical line drawn at 600 on the x-axis would illustrate that the mean percentage of South Carolina parents with measures at or above this level is 38%.

Figure 1

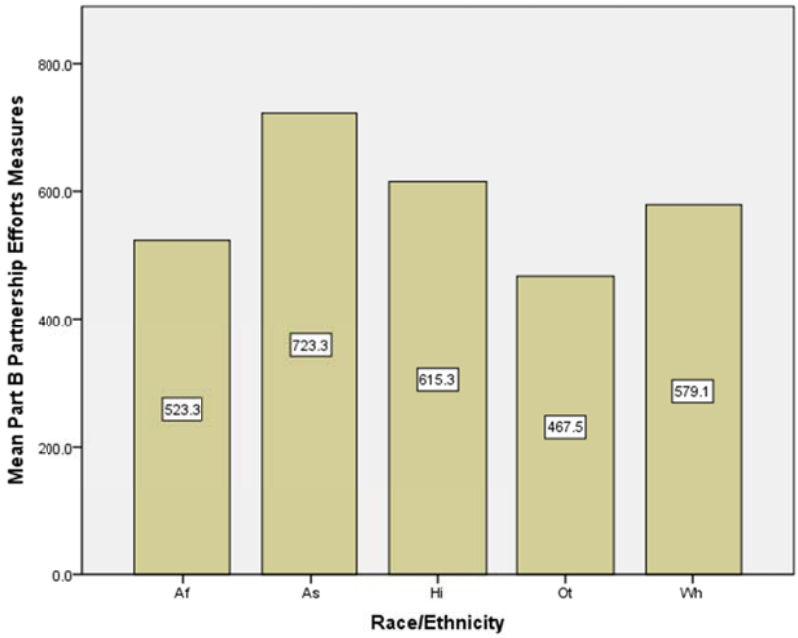



Though the measures from South Carolina parents shown in Figure 1 are spread out over a wide range, the figure also shows that the distribution of the measures from the Partnership Efforts scale differs significantly from a normal distribution, usually represented by a bell-shaped curve. There is an extreme spike at the top of the scale, near 800, and a much smaller spike at the bottom of the scale, near 200. These spikes represent respondents who scored all of the items on the scale in either the highest category (Very Strongly Agree) or lowest two categories (Very Strongly Disagree or Strongly Disagree).

There are then also a series of other spikes in the Figure 1 histogram that stand out from what would be expected of a normal distribution. The spikes just to the left of the mean represent respondents, who answered every, or nearly every, question in the "Agree" category. These spikes notwithstanding, the pattern of measures shown in Figure 1 seems to be less a matter of extreme opinions than one in which respondents chose one single category as indicative of their perspective on all items. The implication is that many respondents did not read the questions and respond thoughtfully to each individual statement but instead indicated their overall level of agreement with the issues presented in the scale by responding to all of the questions in the same category. This pattern, referred to as "response set," is not uncommon in survey evaluations.

Figure 2 displays the Partnership Efforts Measures by race/ethnicity. As the data indicate, Partnership Measures for Part B ranged from 467.5 (other Ethnicity) to 723.3 (Asian or Pacific Islander). Two race/ethnic subgroups show measures higher than the 600 calibrated standard. This indicates that these subgroups more strongly agreed that schools facilitated parental involvement. Between the two largest ethnic groups in South Carolina, African-American and White, the calibration lies between 523 and 579. It is important to note these statistics as these two subgroups constitute the largest proportion of survey responses received.

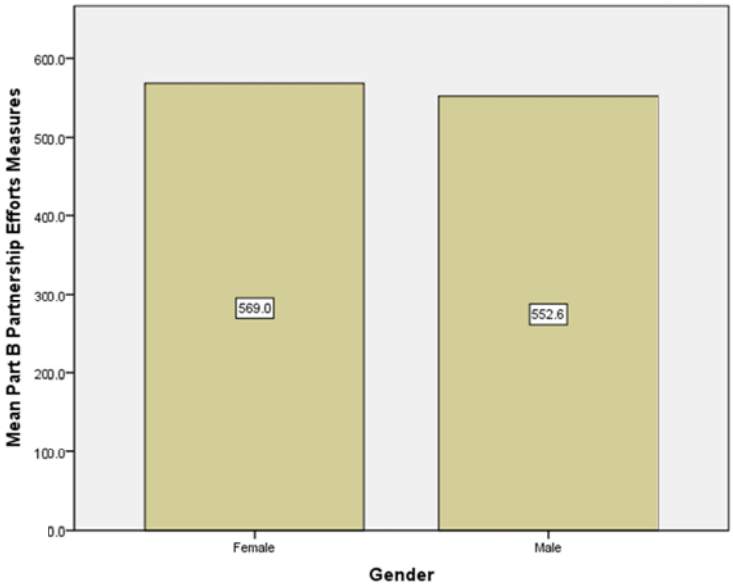
Figure 2




Note: Af=African-American, As=Asian/Pacific Islander, Hi=Hispanic, Ot=Other, Wh=White/Caucasian

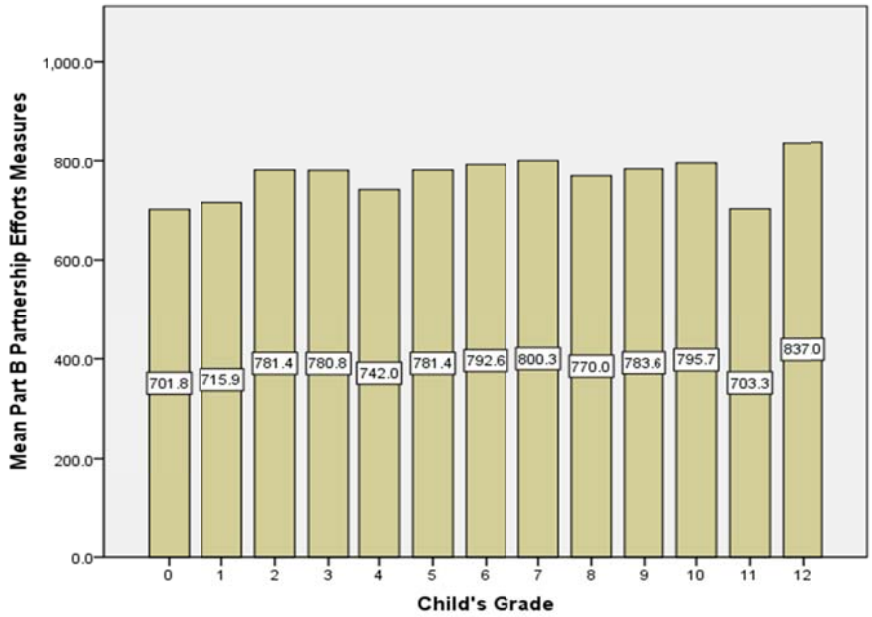
Figure 3 displays partnership agreement by gender of the students whose parents completed and returned the survey. As shown in the figure, parents of both male and female students with disabilities tend to feel the same with regards to schools facilitating their involvement. These data approximate the same data as was gleaned from FFY 2008 surveys.

Figure 3




The fourth level analysis involves determining the partnership measures by the student's grade. As shown in Figure 4, the data reveal, by grade, that parents feel schools facilitate their involvement.

Figure 4




**Discussion of Improvement Activities Completed <u>and</u> Explanation of Progress or Slippage that occurred for FFY 2009:**

Several improvement activities were undertaken in FFY 2009. First, data results from the FFY 2008 Indicator 8 were shared through presentations to a variety of constituents, including information provided to LEAs, presentations to the South Carolina Advisory

Council on Children with Disabilities, the South Carolina Autism Society, and at the Fall and Spring Administrators' Conferences. Within the context of these presentations, OEC staff highlighted particular areas needing focus, such as increasing the response rates of minority parents, and improving parent involvement for those subgroups with the lowest evaluation of parent involvement.

Additionally, a marketing brochure was developed for LEAs to share with parents of students with disabilities that highlights the survey as well as provides contact information for parent resources. This brochure was crafted by OEC staff and was provided to the ADVISORY COUNCIL for input and review. The finalized survey was translated into Spanish, and both versions were subsequently shared with LEAs. The OEC hopes that LEAs included in the upcoming sampling years will provide copies of the survey to their parents, and encourage them to complete and return the survey.

While progress was made in meeting the rigorous target, the OEC is committed to increasing the response rate for FFY 2010. Logistical issues have been a hindrance to this process, particularly with gathering parent names, addresses and telephone numbers from other offices within the agency. To counter this, the OEC plans to build a report in its online data collection system, Excent, to gather the needed information to provide to the survey contractor, Avatar.

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

As required by the Office of Special Education Programs, U.S. Department of Education (OSEP), South Carolina is required to add two additional years to the state performance plan. As permitted by OSEP, and as outlined in the South Carolina State Performance Plan, revised February 1, 2011, South Carolina proposes to sample the LEAs identified for years 1 and 2 of the original sampling plan for FFY 2011 and FFY 2012. In addition, South Carolina will sample any new LEA or state operated program (SOP) during those two years.

| Proposed Target/Activity | Timeline | Resources |
|---|---|---|
| 1. Provide technical assistance to LEAs with regards to increasing the numbers respondents on the FFY 2010 NCSEAM survey. | Ongoing through 2013 | OEC<br>Office of Research<br>Office of Public Information<br>PRO-Parents<br>Family Connections |
| 2. Work with LEAs and with the Avatar to increase the number of surveys sent to parents and with follow-up efforts to obtain increased survey numbers. | Ongoing through 2013 | OEC<br>Avatar<br>LEAs |

**Part B State Annual Performance Report (APR) for FFY 2009**

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

The Annual Performance Report was developed through a process that included collection of data, verification of data, analysis of data, identification of problems, implementation of improvement activities, provision of technical assistance, and evaluation of progress. An increased amount of data collected changed from LEA submission of totals to the extraction by the OEC of student-level data. The APR process involved stakeholders from the various groups involved with service provision for children with disabilities. South Carolina will publish the APR to the Office of Exceptional Children (OEC) website after submission to the Office of Special Education (OSEP) programs at http://ed.sc.gov/agency/Standards-and-Learning/Exceptional-Children/old/ec/spp2005.html. LEA profiles will be published to the website within 90 days of APR submission at http://ed.sc.gov/agency/Standards-and-Learning/Exceptional-Children/OECData/IDEAProfiles/index.html.

**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.

The OEC uses data collected on Table 1 (Child Count) of Information Collection 1820-0043 (Report of Children with Disabilities Receiving Special Education under Part B of the IDEA, as amended) for all children with disabilities ages 6 through 21 served under IDEA for calculations on this indicator. These data are collected annually as part of the December 1 Child Count reporting. Note that the term "Local Education Agency (LEA)" is used instead of "district" throughout this document to be consistent with terminology used in reporting other indicators.

**Definition of "Disproportionate Representation" and Methodology**

South Carolina uses a multitier process to determine the presence of disproportionate representation in special education and related services due to inappropriate identification. The first step is calculation of weighted risk ratios using data submitted by LEAs in the OSEP 618 data tables. Using the electronic spreadsheet developed by Westat, South Carolina calculates the weighted risk ratios for each LEA with regards to its composition of students in special education along the five race/ethnic groups. This weighted risk ratio directly compares the relative size of two risks by dividing the risk for a specific racial/ethnic group by the risk for a comparison group. This determines the specific race/ethnic group's risk of being identified as having a disability as compared to the risk for all other students. A weighted risk ratio above or below the state established criteria initiates the following process to determine whether the

disproportionate representation was due to inappropriate identification. LEAs are determined to be "at-risk" for their disproportionate representation being due to inappropriate identification based on exceeding the weighted risk ratio trigger.

Based upon feedback from a stakeholder group in 2006, the OEC redefined the trigger to decrease from a weighted risk ratio of 3.0 to 2.0 over the course of the SPP for overrepresentation and a static 0.25 for underrepresentation. For the FFY 09 reporting period, South Carolina used a weighted risk ratio trigger of 2.3 for overrepresentation and a static 0.25 for underrepresentation, with a minimum subgroup size of greater than twenty-five. Ten districts were excluded from having disproportionate representation due to a subgroup size of less than 25.

South Carolina defines disproportionate representation as occurring when a LEA has the following:

- a weighted risk ratio greater than the trigger for the year in which the data are collected for overrepresentation, or 0.25 or less for underrepresentation, with a minimum subgroup size greater than twenty-five.

No LEAs were determined to be "at-risk" for disproportionate underrepresentation due to inappropriate identification; therefore, no further actions were required by the LEAs in this area.

**Determining if Disproportionate Representation is the Result of Inappropriate Identification**

Using the established criteria above, the OEC identified one LEA as meeting the weighted risk ratio trigger of 2.3 for having disproportionate representation of racial and ethnic groups in special education and related services that might be the result of inappropriate identification. All LEAs that are determined to have disproportionate representation must undertake the following process to determine whether the disproportionate presentation is due to inappropriate identification:

- Examine LEA policies, procedures, and practices involved in the referral, evaluation, and identification of students with disabilities;
- Complete individual folder reviews for all newly identified students in the "at-risk" race/ethnic group/disability category to examine the practices involved in the evaluation and identification of students with disabilities as required by 34 CFR §§300.111, 300.201 and 300.301 through 300.311; and
- Submit a summary of findings and evidence to the OEC for verification.

An "at-risk" LEA carefully reviews all information and evidence to make its determinations of compliance. This review takes place as part of the self-assessment process required for all LEAs. Findings are made based on evidence of noncompliance with any of the related requirements including state level eligibility criteria.

For FFY 2009, one LEA was determined to have disproportionate representation in the White race/ethnicity. Based on the folder reviews conducted by this LEA and verified by the OEC, the

LEA showed evidence that the disproportionate representation was not due to inappropriate identification.

South Carolina had no LEAs (0%) with disproportionate representation of racial and ethnic groups in special education and related services that was the result of inappropriate identification for FFY 08.

**Actual Target Data for FFY 2008:**

| FFY | Measurable and Rigorous Target |
|---|---|
| **FFY 2009** | 0% of districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification. **(Met)** |

**LEAs with Disproportionate Representation of Racial and Ethnic Groups that was the Result of Inappropriate Identification**

| Year | Total Number of LEAs | Number of LEAs with Disproportionate Representation | Number of LEAs with Disproportionate Representation of Racial and Ethnic Groups that was the Result of Inappropriate Identification | Percent of LEAs |
|---|---|---|---|---|
| **FFY 2009 (2009-20010)** | **86** | **1** | **0** | 0.00% |

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

South Carolina's long-standing focus on addressing issues associated with over-identification and overrepresentation continues to show positive results with 0% of LEAs having disproportionate representation of racial and ethnic groups resulting from inappropriate identification. The OEC continues to provide technical assistance to LEAs in the application of evaluation and eligibility criteria during the referral and evaluation process.

**Revisions, with Justification, to Improvement Activities/Timelines / Resources for FFY 2009 (if applicable):**

None

**Part B State Annual Performance Report (APR) for FFY 2009**

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

The Annual Performance Report was developed through a process that included collection of data, verification of data, analysis of data, identification of problems, implementation of improvement activities, provision of technical assistance, and evaluation of progress. An increased amount of data collected changed from LEA submission of totals to the extraction by the OEC of student-level data. The APR process involved stakeholders from the various groups involved with service provision for children with disabilities. South Carolina will publish the APR to the Office of Exceptional Children (OEC) website after submission to the Office of Special Education (OSEP) programs at http://ed.sc.gov/agency/Standards-and-Learning/Exceptional-Children/old/ec/spp2005.html. LEA profiles will be published to the website within 90 days of APR submission at http://ed.sc.gov/agency/Standards-and-Learning/Exceptional-Children/OECData/IDEAProfiles/index.html.

**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.

The OEC uses data collected on Table 1 (Child Count) of Information Collection 1820-0043 (Report of Children with Disabilities Receiving Special Education under Part B of the IDEA, as amended) for the disability categories of learning disabilities, mental disabilities, emotional disabilities, autism, speech-language impairment, and other health impairment for children ages 6 through 21 served under IDEA for calculations on this indicator. These data area collected annually as part of the December 1 Child Count reporting. Note that the term "Local Education Agency (LEA)" is used instead of "district" throughout this document to be consistent with terminology used in reporting other indicators.

**Definition of "Disproportionate Representation" and Methodology**

South Carolina uses a multitier process to determine the presence of disproportionate representation in special education and related services due to inappropriate identification. The first step is calculation of weighted risk ratios using data submitted by LEAs in the OSEP 618 data tables. These data may be found on the OEC website. Using the electronic spreadsheet developed by Westat, South Carolina calculates the weighted risk ratios for each LEA with regards to its composition of students in special education along the five race/ethnic groups. This weighted risk ratio directly compares the relative size of two risks by dividing the risk for a

specific racial/ethnic group by the risk for a comparison group. This determines the specific race/ethnic group's risk of being identified as having a disability as compared to the risk for all other students. A weighted risk ratio above or below the state established criteria initiates the following process to determine whether the disproportionate representation was due to inappropriate identification. LEAs are determined to be "at-risk" for their disproportionate representation being due to inappropriate identification based on exceeding the weighted risk ratio trigger.

South Carolina defines disproportionate representation as occurring when a LEA has the following:

- a weighted risk ratio greater than the trigger for the year in which the data are collected for overrepresentation without respect of subgroup (n) size, or 0.25 or less for underrepresentation with a minimum subgroup size greater than twenty-five.

For the FFY 09 reporting period, South Carolina used a weighted risk ratio trigger of 2.3 for overrepresentation and a static 0.25 for underrepresentation, with a minimum subgroup size of greater than twenty-five. As a result, no LEAs were excluded from analysis for overrepresentation. Twenty-seven LEAs were excluded across the six disability categories because of subgroup sizes of less than 25. No LEA was excluded for all six categories; however, five LEAs were excluded for three categories.

No LEAs were determined to be "at-risk" for disproportionate underrepresentation; therefore, no further actions were required by the LEAs in this area.

Using these criteria, South Carolina identified 37 LEAs for FFY 09 with a disproportionate representation of racial and ethnic groups in one or more of the six high incidence disability categories. Five were considered "at risk" in two categories.

| Number of LEAs | Race/Ethnicity | Disability Category |
|---|---|---|
| 22 | Black | Mental Disabilities |
| 2 | White | Autism |
| 6 | White | Speech-Language Impairment |
| 6 | Black | Emotional Disabilities |
| 1 | White | Other Health Impaired |

**Determining if Disproportionate Representation is the Result of Inappropriate Identification**

All LEAs that are determined to have disproportionate representation must undertake the following process to determine whether the disproportionate presentation is due to inappropriate identification:

- Examine LEA policies, procedures, and practices involved in the referral, evaluation, and identification of students with disabilities;
- Complete individual folder reviews for all newly identified students in the "at-risk" race/ethnic group/disability category to examine the practices involved in the evaluation and identification of students with disabilities as required by 34 CFR §300.111, §300.201 and 300.301 through §300.311; and
- Submit a summary of findings and evidence to the OEC for verification.

An "at-risk" LEA carefully reviews all information and evidence to make its determinations of compliance. This review takes place as part of the self-assessment process required for all LEAs. Findings are made based on evidence of noncompliance with any of the related requirements including state level eligibility criteria.

Using the established criteria above, the OEC identified 37 LEAs for FFY 2009 as meeting the weighted risk ratio trigger of 2.3 for having disproportionate representation of racial and ethnic groups in special education and related services in one or more of the 6 high incidence categories. Based on the folder reviews conducted by the LEAs and verified by the OEC, 4 LEAs showed evidence that the disproportionate representation was due to inappropriate identification.

| **Number of LEAs** | **Race/Ethnicity** | **Disability Category** |
|---|---|---|
| 2 | Black | Mental Disabilities |
| 1 | White | Speech-Language Impairment |
| 1 | White | Other Health Impaired |

*Of the 89 LEAs examined for this indicator, South Carolina had 4.5% of LEAs (n=4) with disproportionate overrepresentation of racial and ethnic groups in any of the six high incidence disability categories that was the result of inappropriate identification for FFY 2009.*

**Actual Target Data for FFY 2009:**

| **FFY** | **Measurable and Rigorous Target** |
|---|---|
| **FFY 2009** | 0% of LEAs with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification. **(Not Met with 4.5%)** |

**Discussion of Improvement Activities Completed <u>and</u> Explanation of Progress or Slippage that occurred for FFY 2009:** The number of LEAs determined to have disproportionate representation due to inappropriate identification has increased from zero in FFY 2008 to four in FFY 2009. Of those four, three have already corrected their non-compliance. Of the four non-

compliant LEAs, one is a newly formed LEA and now has policies, practices and procedures in place, as well as extra personnel, to prevent inappropriate identification in evaluation. Another LEA had a procedural violation that has also been addressed with a revision of their practices in evaluation. The third LEA has attended numerous technical assistance opportunities on the evaluation process and has revised the LEA practices accordingly. The fourth LEA (non-corrected) is receiving on-site technical assistance and a comprehensive general supervision/monitoring visit in the spring.

Stakeholders from LEAs, parent advocacy groups, and others involved in the education of children with disabilities have been participating in the review and revision of the state's eligibility criteria. The core team from this group is overseeing the process of the review and revision of the eligibility criteria for each disability category in IDEA.

OEC staff participated in conferences and technical assistance calls provided by OSEP, the Response to Intervention Center, and other Regional Resource Centers.

As noted in the state's SPP, one of the improvement strategies to address disproportionate representation due to inappropriate identification is the gradual reduction of the weighted risk ratio that triggers the Self-Assessment investigation for LEAs. The trigger for FFY 2010 will be 2.1. The OEC will continue to offer professional development and targeted technical assistance in the area of evaluation policies, procedures and practices.

**Revisions, with Justification, to Improvement Activities/Timelines/ Resources for FFY 2009 (if applicable):**

None

**Part B State Annual Performance Report (APR) for FFY 2009**

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

The Annual Performance Report was developed through a process that included collection of data, verification of data, analysis of data, identification of problems, implementation of improvement activities, provision of technical assistance, and evaluation of progress. An increased amount of data collected changed from LEA submission of totals to the extraction by the OEC of student-level data. The APR process involved stakeholders from the various groups involved with service provision for children with disabilities. South Carolina will publish the APR to the Office of Exceptional Children (OEC) website after submission to the Office of Special Education (OSEP) programs at http://ed.sc.gov/agency/Standards-and-Learning/Exceptional-Children/old/ec/spp2005.html. LEA profiles will be published to the website within 90 days of APR submission at http://ed.sc.gov/agency/Standards-and-Learning/Exceptional-Children/OECData/IDEAProfiles/index.html.

**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 |
|---|---|
| **FFY 2009** | 100% of children with parental consent to evaluate are evaluated within the State's established timeline. (**Not Met with 99.16%)** |

**Actual Target Data for FFY 2008:**

| |
|---|
| 99.16% of children with parental consent to evaluate were evaluated within the State's established timeline for FFY 2009. |

The OEC extracted data for this indicator from its student-level statewide data system, Excent. This system allows real-time access to special education-related data for all LEAs in South Carolina. Once the data were extracted, OEC staff verified any aberrant or missing data with LEAs to ensure the validity of the dataset. The data report pulled data for all students for whom parental consent to evaluate was obtained from May 1, 2009 to October 1, 2010. This date range captured all students for whom parental consent to evaluate was obtained during FFY 2009.

**Children Evaluated Within 60 Days:**

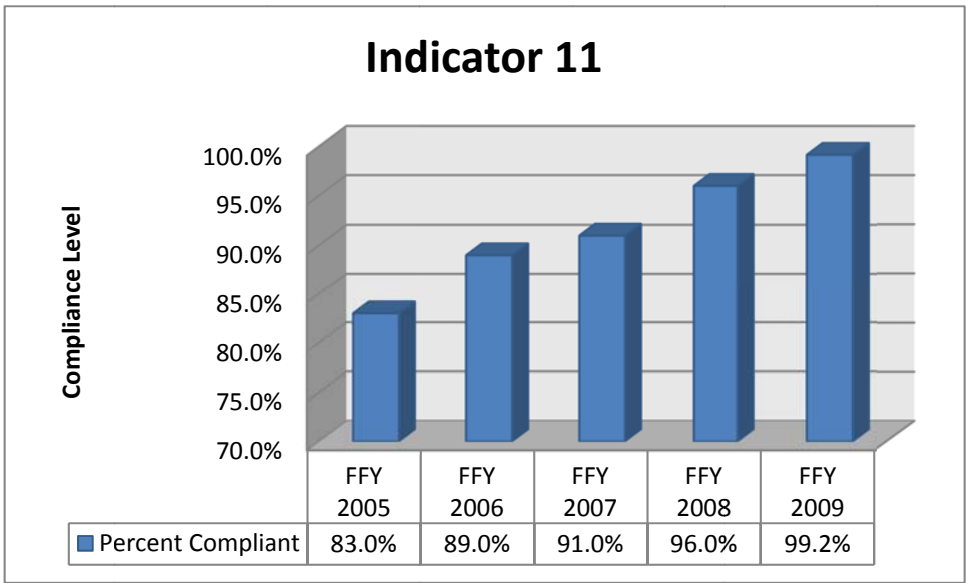
| | |
|---|---|
| a. Number of children for whom parental consent to evaluate was received | **18,782** |
| b. Number of children whose evaluations were completed within 60 days (the State-established timelines) | **18,625** |
| c. Percent of children with parental consent to evaluate, who were evaluated within 60 days (the State established-timeline) (Percent = [(b) divided by (a)] times 100) | **99.16%** |

The number of students with consent to evaluate (N=18,782) obtained during FFY 2009, the number of these students evaluated within the State's 60-day timeline (n=18,625), and the number of students over the timeline (n=158) were determined from each LEA's data system. These data were verified by OEC staff with LEAs. Based on these data, 99.16 % of students for whom parental consent to evaluate was obtained were evaluated within the State's 60-day timeline.

There were 158 children (0.84%) with parental consent to evaluate who were not evaluated within the timeline. All 158 of these children subsequently went on to have their evaluations completed, although past the deadline.

Reasons for delays continued to center around LEA delays. These delays included shortage of staff needed for evaluation (school psychologists, speech-language pathologists, and interpreters), holidays/summer breaks, and incomplete paperwork. The range of days beyond the timeline ranged from 1 to 243.

As the data in the graph below show, South Carolina has made considerable strides in ensuring that children are evaluated in a timely manner, as set forth by the requirements for evaluation. Since FFY 2005, South Carolina has increased the percentage of students who were evaluated within the 60-day timeline by 16.16%.




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

Although South Carolina did not achieve the target of 100% for this indicator, steady improvement continues to be made. Compliance improved 3.16% from FFY 2008. The OEC continues to work with LEAs to identify and overcome barriers and to ensure timely evaluation of all students. LEAs with less than 100% compliance must develop Plans for Improving Children's Outcomes (PICOs). The PICO requires LEAs to identify barriers to completing evaluations in a timely manner (within the timeline) and to develop improvement strategies.

South Carolina has used a problem-solving process to address persistent noncompliance for this indicator. Root causes at the state and local levels were identified; improvement activities were matched to each specific cause; technical assistance was provided; progress has been monitored; and outcomes were evaluated.

The OEC accessed the following technical assistance concerning noncompliance:

- Review of the Investigative Questions on the SPP/APR calendar to ensure that the state's policies, procedures, and practices were aligned with federal requirements in the Individuals with Disabilities Education Act 2004;
- OEC staff attendance at the OSEP Summer Mega-Conference;
- OEC staff participation in all SPP/APR conference calls scheduled by OSEP as well as those scheduled by other TA providers
- Continued assistance from MSRRC to improve South Carolina's general supervision system.
- Contact with the OSEP representative for issues needing further clarification
- Use of the APR/SPP calendar to provide assistance through memos, FAQs from the OSEP

As a result of the technical assistance, the OEC has been able to clarify issues that had caused past misinterpretations of guidelines, and has been able to greatly improve verification and improvement of student level data collection.

Improvement activities for LEAs have included:

- Monthly data reports to monitor progress on timelines;
- Implementation of a tickler system (early warning);
- Incorporating timeline responsibilities into staff Goal-based Evaluations;
- Basic training at the school and LEA levels as to policy requirements and practices.
- Requiring PICOs to include benchmarks and progress monitoring information;
- Training in policies, procedures, and practices surrounding timelines and using resources from IDEA's Building the Legacy training curriculum presented regionally and at the summer's Research to Practice Institute;
- Individual, on-site technical assistance provided to LEAs with significant data input problems, and the development of a Goal Attainment Scale for each LEA;
- Required use of the B-11 probe questions from the Self-Assessment Process to develop PICOs;
- Monthly data webinars to address data issues;
- Verification calls following data submission;
- Regional data manager meetings to address policy, practice, and data issues;
- Periodic progress reports pulled and reviewed by regional education associates with follow-up technical assistance calls to the LEAs;
- Student-level data pulls;

**Correction of FFY 2008 Findings of Noncompliance:**
All students with parental consent for evaluation subsequently went on to receive an evaluation, although late.

| | |
|---|---|
| 1. Number of FFY 08 findings not timely corrected. | **6** |
| 2. Number of FFY 08 findings the State has verified as corrected beyond the one-year timeline ("subsequent correction") | **0** |
| 3. Number of FFY 08 findings not verified as corrected [(4) minus (5)] | **6** |
| ***These 6 LEAs are continued non-compliance from FFY 2007*** | |

**Correction of FFY 2007 Findings of Noncompliance:**
All students with parental consent for evaluation subsequently went on to receive an evaluation, although late.

| | |
|---|---|
| 1. Number of FFY 07 findings not timely corrected. | **6** |
| 2. Number of FFY 07 findings the State has verified as corrected beyond the | **0** |

| | |
|---|---|
| one-year timeline ("subsequent correction") | |
| 3. Number of FFY 07 findings not verified as corrected [(4) minus (5)] | **6** |

**Actions Taken if Noncompliance Not Corrected:**
Letters were issued to LEAs with uncorrected noncompliance. OEC regional associates worked with each region through individual on-site visits, telephone conferences, and webinars, as well as group meetings and webinars to assist the LEAs in identifying causal factors for delays. LEAs were required to develop PICOs that addressed the problems. These PICOs were reviewed throughout FFY 2009 to ensure that the LEAs were ensuring timely evaluation. The six remaining LEAs will be monitored through quarterly data pulls for improvement. Three of the LEAs will receive onsite comprehensive verification and general supervision visits in FFY 2010. These 6 LEAs will be required to attend specific regional and statewide professional development activities addressing this indicator. If the non-compliance continues, the OEC will explore further sanctions.

**Verification of Correction (either timely or subsequent):**
Correction of noncompliance was verified through an annual student-level data pull that includes a review of the following information:

- Student's name
- Date of receipt of parental consent to evaluate
- Date of evaluation/eligibility determination
- Determination made (eligible, not eligible, category of disability, parent refused consent to place)
- Timeline met/not met
- Number of days over
- Reason for delay

The data software auto-calculates the number of days from date of consent to evaluate to date of eligibility determination. OEC staff review each LEA's data pertaining to reasons for delay, then work with the LEA to develop an individualized improvement plan that matches reasons for delay with appropriate corrective actions. This plan, the PICO, is used as a progress monitoring tool by OEC and LEA staff.

Until the beginning of FFY 2009, the OEC had been unable to pull and verify data more than once a year. This meant that although some LEAs may have corrected the problem that led to the original finding of noncompliance within the year, if the LEA had another cause of noncompliance occur after the correction, it would have appeared that the original noncompliance had not been corrected because the OEC was able to verify correction only once per year.

**Correction of Remaining FFY 2006 Findings of Noncompliance:**
All students with parental consent for evaluation subsequently received an evaluation, although late.

| | |
|---|---|
| 1. Number of remaining FFY 2006 findings noted in OSEP's June 1, 2009 FFY 07 APR response table for this indicator | 5 |
| 2. Number of remaining FFY 2006 findings the State has verified as corrected | 5 |
| 3. Number of remaining FFY 2006 findings the State has NOT verified as corrected [(1) minus (2)] | **0** |

The OEC assisted LEAs through individualized TA visits to ensure correction of the noncompliance.

**Additional Information Required by the OSEP APR Response Table for this Indicator:**

| **Statement from the Response Table** | **State's Response** |
|---|---|
| The State must report on the status of correction of noncompliance reflected in the data the State reported for this indicator.. | See section above. |
| The State must review its improvement activities and revise them, if necessary. | See below on improvement activities. |
| The State must demonstrate in the FFY 2009 APR that the remaining six uncorrected noncompliance findings identified in FFY 2007 were corrected. | These six LEAs are in continued non-compliance. The OEC is increasing face-to-face technical assistance with these LEAs, and is monitoring their progress more frequently. The OEC is exploring further sanctions should these LEAs fail to correct. |
| When reporting 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 FFY 2008 data the State reported for this indicator and each of the LEAs with the remaining six uncorrected noncompliance findings identified in FFY 2007: (1) are correctly implementing 34 CFR §300.124(b) (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through | See above section. |

| | |
|---|---|
| on-site monitoring or a State data system; and (2) have developed and implemented the IEP, although late, for any child for whom implementation of the IEP was not timely, 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. | |
| The State also must demonstrate, in the FFY 2009 APR that the remaining three uncorrected noncompliance findings identified in FFY 2006 were corrected. | See above. All 2006 findings have been corrected. |

**Revisions, with Justification, to Improvement Activities/Timelines/ Resources for FFY 2009:**

| Improvement Activities | Timelines | Resources |
|---|---|---|
| Provide regional/statewide professional development in the area of evaluation. | August 2010 and ongoing yearly in the summer | • OEC staff<br>• IHE staff |
| Provide training through educational television on evaluation requirements, roles and responsibilities. | April 2010 | • OEC staff<br>• ETV staff |
| Hire school psychologist education associate in the OEC | August 2011 | • OEC<br>• SCDE Human Resources |
| Conduct an increased number of on-site technical assistance visits to LEAs in NA 2 or more years. | March 2011 and ongoing through 2013 | • OEC staff |

**Part B State Annual Performance Report (APR) for FFY 2009**

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

The Annual Performance Report was developed through a process that included collection of data, verification of data, analysis of data, identification of problems, implementation of improvement activities, provision of technical assistance, and evaluation of progress. An increased amount of data collected changed from LEA submission of totals to the extraction by the OEC of student-level data. The APR process involved stakeholders from the various groups involved with service provision for children with disabilities. South Carolina will publish the APR to the Office of Exceptional Children (OEC) website after submission to the Office of Special Education (OSEP) programs at http://ed.sc.gov/agency/Standards-and-Learning/Exceptional-Children/old/ec/spp2005.html. LEA profiles will be published to the website within 90 days of APR submission at http://ed.sc.gov/agency/Standards-and-Learning/Exceptional-Children/OECData/IDEAProfiles/index.html.

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

**Indicator 12:** Percent of children referred by Part C prior to age 3, who are found eligible for Part B, and who have an IEP developed and implemented by their third birthdays.

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

**Measurement:**

a) # of children who have been served in Part C and referred to Part B for Part B eligibility determination.
b) # of those referred determined to be NOT eligible and whose eligibilities were determined prior to their third birthdays.
c) # of those found eligible who have an IEP developed and implemented by their third birthdays.
d) # of children for whom parent refusal to provide consent caused delays in evaluation or initial services.
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 |
|---|---|
| FFY 2009 | 100% 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. **(Not Met with 96.7%)** |

**Actual Target Data for FFY 2009:**

The Office of Exceptional Children (OEC) extracted data for this indicator from its student-level statewide data system, Excent. This system allows real-time access to special education-related data for all LEAs in South Carolina. Once the data were extracted, OEC staff verified any aberrant or missing data with LEAs to ensure the validity of the dataset. The data report pulled data for all children whose birthdays fell between July 1, 2009 and June 30, 20010.

**Actual State Data (Numbers)**

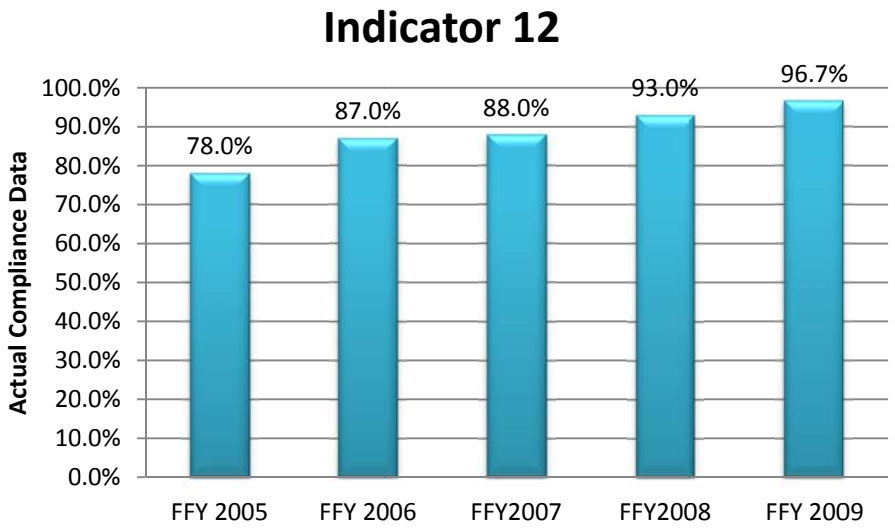
| | |
|---|---|
| a. # of children who have been served in Part C and referred to Part B for Part B eligibility determination. | 2397 |
| b. # of those referred determined to be NOT eligible and whose eligibility was determined prior to third birthday | 350 |
| c. # of those found eligible who have an IEP developed and implemented by their third birthdays | 1526 |
| d. # for whom parent refusals to provide consent caused delays in evaluation or initial services | 461 |
| e. # of children who were referred to Part C less than 90 days before their third birthdays. | 8 |
| # in a but not in b, c, d, or e. | 52 |
| 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<br><br>Percent = [(c) / (a-b-d-e)] * 100 | 96.7% |

The number of children who had been served in Part C and referred to Part B for eligibility was 2,397 for FFY 09. Of those 2,397 children referred, 1526 were determined to be eligible and had an IEP in place by their third birthday; 350 were determined to be ineligible for Part B services before their third birthdays; and 461 children had parents whose refusals to provide consent caused delays in evaluation or initial services.

Of the 2,397 children referred from Part C, 52 children had eligibility determined after their third birthdays. All 52 children referred from Part C who were found eligible to receive Part B services had an IEP in place, although after the child's third birthday. The days beyond third birthdays ranged from 1 to 60 and one child at 101 days. Reasons for delay centered on LEAs' lack of staff, miscalculation of days, and late referrals from Part C service providers.

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

South Carolina has continued to exhibit consistent progress toward the target for this indicator. The state shows an increase of 3.7% in compliance from FFY 2008. As the following graph displays, South Carolina has increased the number of children evaluated and eligible by third birthdays who were referred from Part C to Part B by 18.7% since FFY 2005. The OEC continues to work with LEAs as well as Part C providers to improve the transition of children from Part C to Part B services in a timely manner as well as evaluations and eligibility determinations prior to children's third birthdays. Part B and Part C staff are working on ways to communicate data more effectively.




South Carolina has used a problem-solving process to address persistent noncompliance for this indicator. Root causes at the state and local levels were identified; improvement activities were matched to each specific cause; technical assistance was provided; progress has been monitored; and outcomes were evaluated.

The OEC accessed the following technical assistance concerning noncompliance:

- Review of the Investigative Questions on the SPP/APR calendar ensuring that the state's policies, procedures, and practices were aligned with federal requirements in the Individuals with Disabilities Education Act 2004
- OEC staff attendance at the OSEP Summer Mega-Conference
- OEC staff participation in all SPP/APR conference calls scheduled by OSEP as well as those scheduled by other technical assistance providers (National Early Childhood

Technical Assistance Center (NECTAC), Early Childhood Outcomes Center (ECO), and National Early Childhood Transition Initiative (NECTI)
- Continued assistance from MSRRC to improve South Carolina's general supervision system.
- Contact with the OSEP representative for issues needing further clarification
- Use of the APR/SPP calendar to provide assistance through memos, FAQs from the OSEP, consultation of Federal Register for recent case law.

As a result of the technical assistance, the OEC has been able to clarify issues that had caused past misinterpretations of guidelines, and has been able to greatly improve verification and improvement of student level data collection.

Improvement activities with LEAs have included:
- Monthly data reports to monitor progress on timelines;
- Implementation of a tickler system (early warning);
- Incorporating timeline responsibilities into staff Goal-based Evaluations; and
- Basic training at the school and LEA levels as to policy requirements and practices.
- Each local education agency (LEA) with a finding on B-12 was required to drill down to find the root causes for the noncompliance, then develop a Plan for Improving Children's Outcomes (PICO) that addressed the unique root causes. The drill down process was facilitated by the use of the B-12 probe questions in the Self-Assessment document.
- Individual, on-site technical assistance provided to LEAs with significant data input problems, and the development of a Goal Attainment Scale for each LEA
- Regional workshops involving Part C to B processes
- Required use of the B-12 probe questions from the Self-Assessment to develop PICOs
- Requiring PICOs to include benchmarks and progress monitoring information
- Monthly data webinars to address data issues
- Regional data manager meetings to address policy, practice, and data issues
- Periodic progress reports pulled and reviewed by regional education associates with follow-up technical assistance calls to the LEAs
- Verification calls following data submission
- Student-level data pulls
- Sharing data bases with Part C on a regular basis
- Requiring LEAs to meet with local BabyNet service providers on a regular basis in order to reconcile data
- Training in policies, procedures, and practices surrounding timelines and using resources from IDEA's Building the Legacy training curriculum presented regionally and at the summer's Research to Practice Institute

**Correction of FFY 08 Findings of Noncompliance:**

| | |
|---|---|
| 1. Number of findings of noncompliance the State made during FFY 08 (the period from July 1, 2008 through June 30, 2009) | **35** |
| 2. Number of FFY 08 findings the State verified as timely corrected | **25** |

| | |
|---|---|
| (corrected within one year from the date of notification to the LEA of the finding) | |
| 3. Number of FFY 08 findings not verified as corrected within one year [(1) minus (2)] | **10** |
| **Correction of FFY 08 Findings of Noncompliance Not Timely Corrected (corrected more than one year from identification of the noncompliance):** | |
| 4. Number of FFY 08 findings not timely corrected (same as the number from (3) above) | **10** |
| 5. Number of FFY 08 findings the State has verified as corrected beyond the one-year timeline ("subsequent correction") | **10** |
| 6. Number of FFY 08 findings not yet verified as corrected [(4) minus (5)] | **0** |

All children referred from Part C who were found eligible to receive Part B services had an IEP in place, although after their third birthdays. With the OEC's new ability to pull data at more frequent intervals, correction of noncompliance and verification of that correction has taken place in a more timely fashion.

**Correction of FFY 07 Findings of Noncompliance:**

| | |
|---|---|
| 1. Number of findings of noncompliance the State made during FFY 07 (the period from July 1, 2007 through June 30, 2008) | **38** |
| 2. Number of FFY 07 findings the State verified as timely corrected (corrected within one year from the date of notification to the LEA of the finding) | **24** |
| 3. Number of FFY 07 findings not verified as corrected within one year [(1) minus (2)] | **14** |
| **Correction of FFY 07 Findings of Noncompliance Not Timely Corrected (corrected more than one year from identification of the noncompliance):** | |
| 4. Number of FFY 07 findings not timely corrected (same as the number from (3) above) | **14** |
| 5. Number of FFY 07 findings the State has verified as corrected beyond the one-year timeline ("subsequent correction") | **11** |
| 6. Number of FFY 07 findings not yet verified as corrected [(4) minus (5)] | **3** |
| **Number of FFY 07 continued non-compliance** | **3** |

**Actions taken if Noncompliance Not Corrected**
Letters of findings were issued to LEAs with uncorrected noncompliance. OEC regional associates worked with each LEA through individual on-site visits, telephone conferences, and webinars, as well as regional meetings and webinars, to assist the LEAs in identifying causal factors for delays. LEAs were required to develop a PICO that addressed the problems. LEAs with continued noncompliance have received individualized technical assistance, including the development of a goal attainment scale, in order to help identify barriers to having IEPs in place for children referred from Part C who are determined to be eligible for Part B services and to develop improvement strategies.

**Verification of Correction:**

Correction of noncompliance was verified through an annual student-level data pull that includes the following information:

- Student's name
- Birthdate
- Date of referral from Part C
- Date of receipt of parental consent to evaluate
- Date of evaluation/eligibility determination
- Determination made (eligible, not eligible, category of disability, parent refused consent to place)
- Timeline met/not met
- Number of days over
- Reason for delay

The data software auto-calculates the number of days before or after the third birthday that an IEP is developed. OEC staff review each LEA's data pertaining to reasons for delay, then work with the LEA to develop an individualized improvement plan that matches reasons for delay with appropriate corrective actions. This plan, the PICO, is used as a progress monitoring tool by OEC and LEA staff.

Until the beginning of FFY 2009, the OEC had been unable to pull and verify data more than once a year. This meant that although some LEAs may have corrected the problem that led to the original finding of noncompliance within the year, if the LEA had another cause of noncompliance occur after the correction, it would have appeared that the original noncompliance had not been corrected since the OEC was able to verify correction only once per year.

**Correction of Remaining FFY 2006 Findings of Noncompliance:**

| | |
|---|---|
| 1. Number of remaining FFY 2006 findings noted in OSEP's June 1, 2009 FFY 07 APR response table for this indicator | 3 |
| 2. Number of remaining FFY 2006 findings the State has verified as corrected | 3 |

| | |
|---|---|
| 3. Number of remaining FFY 2006 findings the State has NOT verified as corrected [(1) minus (2)] | **0** |

All children referred from Part C who were found eligible to receive Part B services had an IEP in place, although after their third birthdays. The OEC provided on-site technical assistance to ensure correction of these findings.

**Additional Information Required by the OSEP APR Response Table:**

| **Statement from the Response Table** | **State's Response** |
|---|---|
| The State must report on the status of correction of noncompliance reflected in the data the State reported for this indicator. | All 35 LEAs with findings for the FFY 2008 have demonstrated correction. |
| 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. | See below for revisions to activities. |
| The State must demonstrate, in the FFY 2009 APR, that the remaining six uncorrected noncompliance findings identified in FFY 2007 were corrected. | Three LEAs remain in continued non-compliance from FFY 2007. |
| In the FFY 2009 APR, the State must describe the specific actions that were taken to verify the correction. | Please see above. |
| The State also must demonstrate, in the FFY 2009 APR, that the remaining three uncorrected noncompliance findings identified in FFY 2006 were corrected. | The three remaining FFY 2006 findings were corrected. |

**Revisions, with Justification, to Improvement Activities/Timelines/ Resources for FFY 2009:**

The OEC will conduct additional quarterly data pulls to verify correction of noncompliance in a timely manner and to assist LEAs with monitoring progress.

| **Improvement Activities** | **Timelines** | **Resources** |
|---|---|---|
| Develop regulations and policies: | | |
| • Guidance document concerning evaluation, placement, IEP development, LRE | February 2012 and ongoing | • OEC staff workgroup<br>• BabyNet staff<br>• IHE staff<br>• Stakeholders including parents, LEA, |

| | | |
|---|---|---|
| considerations, early childhood transition and IEP vs. service plans. | through 2013 | SOP, and staff<br>• Parent advocacy and advisory groups |
| • Revise Part C and Part B joint Child Find materials and conduct an awareness campaign about the availability of these materials and what they mean. | March 2011-September 2011 | • OEC staff<br>• BabyNet staff<br>• IHE staff<br>• Stakeholders including parents, LEA, SOP, and staff<br>• Parent advocacy and advisory groups |
| Participate in national forums on early childhood transition requirements, best practices, inclusion efforts, and resources | January 2011-July 2012 | • OEC staff<br>• BabyNet staff<br>• IHE staff<br>• Stakeholders including parents, LEA, SOP, and staff<br>• Parent advocacy and advisory groups |
| Revisit guidance on working with local Head Start programs | January 2011 ongoing | • OEC staff<br>• Stakeholders including parents, LEA, Head Start representatives<br>• Parent advocacy and advisory groups |
| Provide 6 regional trainings on the early childhood transition process requirements | 2010-2011 | • OEC staff<br>• NECTAC and the National Early Childhood Transition Center |
| Provide training through educational television on transition requirements, roles and responsibilities. | September 2010<br>July 2011 | • OEC staff<br>• NECTAC and the National Early Childhood Transition Center |

*Indicator 13 is presented on the SPP template.*

**Part B State Performance Plan (SPP) for 2005-2012**

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

The SPP was developed with stakeholder input. Stakeholders, including parents of children with disabilities, individuals with disabilities, teachers, representatives of institutions of higher education, local and state education officials, special education administrators, representatives of state agencies involved in the delivery of related services to children with disabilities, representatives of private schools, representatives of vocational programs, and representatives of juvenile justice and correctional facilities were invited to be a part of this process. Mid South Regional Resource Center personnel facilitated an overview and planning meeting. Stakeholders had an opportunity to provide meaningful input concerning the development of targets, activities, and resources. The Office of Exceptional Children (OEC) staff took this input and developed the framework of the SPP. A core team from the OEC authored the final document of the SPP. During the process of developing the SPP, stakeholders were involved through telephone calls, email messages, and conferencing to provide guidance to the OEC staff. South Carolina will publish the SPP to the Office of Exceptional Children (OEC) website after submission to the Office of Special Education (OSEP) programs at http://ed.sc.gov/agency/Standards-and-Learning/Exceptional-Children/old/ec/spp2005.html. LEA profiles will be published to the website within 90 days of APR submission at http://ed.sc.gov/agency/Standards-and-Learning/Exceptional-Children/OECData/IDEAProfiles/index.html.

**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.

**Overview of Issue/Description of System or Process:**

Per Office of Special Education Programs, U.S. Department of Education (OSEP) requirements, Part B Indicator 13 is considered a new indicator for FFY 2009 (2009-2010 school year). To meet the requirements of Indicator 13, and ensure Local Education Agency (LEA) compliance to this indicator, South Carolina developed a comprehensive monitoring system that included statewide training sessions, self-reporting processes, peer review monitoring sessions, and review by the Office of Exceptional Children (OEC) staff.

***Training***

Beginning in the fall of 2009, a series of training sessions were held throughout the state for Indicator 13. Training sessions were conducted by members of the OEC who had received intensive training from the National Secondary Transition Technical Assistance Center (NSTTAC). Sessions provided by the OEC included step-by-step instructions on how to review IEPs using the NSTTAC Checklist Form A with emphasis on where to locate the information on South Carolina's Individualized Education Programs (IEPs); inter-rater reliability exercises, and question/answer time for issues. Results of the sessions were discussed with participants in an effort to improve inter-rater reliability and participants' knowledge of the indicator. Professional development opportunities were also conducted during the summer Research to Practice Institute sponsored by the SCDE. Participants were taught how to use the NSTTAC checklist in reviewing IEPs in local settings and in training teachers to write compliant IEPs. The NSTTAC materials and checklists were developed to assist states in collecting data to meet Indicator 13 of the Part B State Performance Plan and Annual Performance Report, and were approved for this purpose by OSEP on September 8, 2006.

In addition to the statewide sessions, regional representatives within the OEC provided more intense technical assistance for the Indicator 13 as requested by local education agencies (LEAs) throughout the state. This included reviews of the checklist with LEA special education directors, teachers, and other school staff members as well as mock reviews in order to improve reliability.

Since the 2009-2010 school year, additional training sessions have been provided regionally to new LEA staff. The OEC will continue to provide training on writing appropriate post-

secondary IEPs as well as training on how to appropriately monitor compliance to Indicator 13 and use the NSTTAC checklists.

In October 2010, the OEC was awarded a State Personnel Development Grant (SPDG) which includes an emphasis on secondary transition. Activities include creating a professional learning community on secondary transition, providing onsite coaching by a secondary transition coach, offering graduate level courses in the area of transition, and identifying LEAs with model transition programs.

***State Monitoring System***

To determine and ensure compliance to Indicator 13, South Carolina has instituted a comprehensive system to monitor Indicator 13, consisting of three essential components.

First, LEAs are required to submit a completed Indicator 13 self-assessment to the State containing the list of all students aged 16 and older within their jurisdiction. LEAs are required to identify whether or not each student's IEP is compliant to the components of the NSTTAC Checklist A, and subsequently Indicator 13. The list of students contained on the self-assessment is derived from the annual Child Count data.

The second component of the state monitoring system includes peer verification sessions. Due to the number of students aged 16 and above and limited OEC staff, the OEC crafted a comprehensive peer verification system to review IEPs for compliance to Indicator 13, based upon a simple random sample of IEPs of students aged 16 and older from all LEAs in the state.

In order to make the peer verification session most meaningful, the OEC decided a statistical sample, with confidence bands, would permit the state and LEAs to be reasonably certain that the IEPs reviewed were similar to all IEPs within a LEA. As such, the OEC decided that verification would entail a simple random sample, by LEA, of IEPs of students with disabilities aged 16 and older. To estimate the number of IEPs that should be sampled, the OEC used the sampling formula for dichotomous variables shown in the following Figure, Formula for determining sample sizes from populations with dichotomous variables.

Figure: Formula for determining sample sizes from populations with dichotomous variables

$$n = \frac{(t/\varepsilon)^2 P(1-P)}{1 + (1/N)[(t/\varepsilon)^2 P(1-P) - 1]}$$

-where ***P*** is the proportion of compliant IEPs
***1 - P*** is the proportion of noncompliant IEPs
***N*** is the population size
$\varepsilon$ is the allowable estimation error
***t*** is the standard normal deviate associated with desired level of α ($p < .10$, $p < .05$, $p < .01$)

Because little is documented in South Carolina about how reflective IEPs are of the federal requirements found in Indicator 13, the OEC estimated *P*, the proportion of compliant (or noncompliant) IEPs on a dichotomous variable, as 50%. This represents the highest variance estimate possible and requires the State to sample a larger number of responses. In other words, the OEC used a conservative estimate of variance in the population that indicates that 50% of the IEPs would be compliant and 50% would be noncompliant. In addition, the OEC selected a 95% confidence band for estimating the true value of the obtained statistic in the population. The OEC used the value of 10 percentage points to form the error band. This means that, for example, if 85% of IEPs were compliant to the federal regulations, then the OEC can be 95% confident that the population figure lies between 75 and 95 percentage points.

The OEC permitted a larger error band because federal requirement indicates that LEAs must meet Indicator 13 with 100% compliance. Since less than 100% compliance indicates that the LEA does not meet federal requirement, the OEC determined a greater error band would suffice for sampling for monitoring purposes. The larger margin of error further aided in allowing a more manageable sample of IEPs to review for verification purposes.

This methodological approach reflects simple random samples from LEAs. A stratified random sample by LEA, however, would have drastically increased the sample size required of each LEA. Furthermore, given that some LEAs have smaller numbers of students in the population of those ages 16 and above, certain LEAs will be required to provide higher proportions of IEPs. In statistical sampling, the smaller the population involved, the greater the proportion of the sample, as it is calculated using the normal approximation to the hyper-geometric distribution (as opposed to the binomial distribution used with large populations). This approximation along a hyper-geometric distribution permits greater fidelity in the confidence band (i.e., it greater ensures that the sample is generalizable/representative of the population with the permitted margin of error).

To identify which IEPs are included in the peer reviews, student identification numbers (for those 16 and older), provided to the OEC by all educational agencies, are assigned random numbers using a Windows Excel calculation function. The random numbers attached to student identification numbers are sorted, and the necessary sample size of students is drawn from each LEA.

During the peer review sessions, teams of trained staff from LEAs review each sampled IEP using the NSTTAC Checklist A. Records are carefully maintained to identify which IEPs have been rated compliant and which have been rated noncompliant. All peer reviewers must have attended a training provided by the OEC on the use of the NSTTAC checklists and materials. Regional peer review sessions are held in late winter/early spring of the reporting year. During FFY 2009, seven regional peer review sessions were held. Following the peer review sessions, LEAs may either begin correcting noncompliant IEPs or they may appeal a rating for any IEP they feel was incorrectly rated.

The third component of the monitoring system is an appeals process. Because building inter-rater reliability is a process, the OEC permits a LEA to appeal and request a review of any IEP not rated as compliant at the peer review sessions. Appeals are processed, and IEPs are

reviewed by the trained OEC team members who conduct the training and peer review sessions. The OEC determines the final rating of all appealed IEPs.

The degree of compliance for each LEA to Indicator 13 is calculated by:

a. The final number of IEPs found to be compliant to the NSTTAC Checklist A (including IEPs found compliant through the appeals process) divided by
b. The number of IEPs identified in the state monitoring plan (the total number of IEPs required of the statistical simple random sample) multiplied by 100.

Following the appeals process, the OEC notifies any LEA less than 100% compliant of its finding of noncompliance and informs them of the requirements for correction of noncompliance.

***Correction of Non-compliance***

Correction of the noncompliance is a two-step process:

- Step 1 involves correcting all individual, student-level noncompliance. In other words, the LEA must correct each IEP in which noncompliance was identified and notify the OEC of the corrections once all have been made. This correction is documented through the process that was provided in the April, 30, 2010 memo (see attached).

- Step 2 occurs when the LEA has identified the reason(s) for the noncompliance, implemented improvement activities for correction, and demonstrated correction of the identified process problems. This process is documented through the Plan for Improving Children's Outcomes (PICO).

LEAs not meeting the 100% compliance are required to complete a Plan for Inproving Children's Outcomes (PICOs) describing activities and steps that would be taken to correct individual IEPs, to address systemic issues and to ensure compliance in the future.

The OEC required LEAs with compliance percentages between 50 percent to 85 percent to participate in an online professional development webinar regarding the required components of compliant IEPs under Indicator 13. In addition, LEAs are offered the opportunity to have an OEC staff member provide onsite Indicator 13 technical assistance training.

The OEC requires LEAs with compliance percentages of 0 percent to 49 percent to participate in individualized technical assistance in the form of an on-site visit from OEC staff as part of their corrective action.

**Baseline Data for FFY 2009 (2009-2010):**

| **Baseline Data for FFY 2009** | |
|---|---|
| Number 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. | 3,112 |
| Number of youth with an IEP age 16 and above ***included in the state monitoring plan*** | 3,146 |
| **FFY 2009 Baseline Percent** | **98.92%** |

**Discussion of Baseline Data:**

During FFY 2009, 94 LEAs and State Operated Programs (SOPs) submitted self-assessments on all students with disabilities aged 16 and above within their jurisdiction. Based upon those self-assessments, 3,146 IEPs were randomly selected and reviewed, using the NSTTAC Checklist A throughout seven peer review sessions held in Spring 2009. Based upon the peer review sessions, appeals, and subsequent correction of IEPs and systemic correction, 3,112 IEPs were verified as compliant in 91 LEAs/SOPs. The resulting percentage, based upon the prescribed calculation, is 98.92%. Thirty-four students, divided between three LEAs, have yet to verify systemic correction and individual student correction. These three LEAs were notified in late FFY 2009 (May 2010) of their findings of noncompliance and subsequently have until May 2010 to correct systemic issues causing noncompliance and to ensure that each individual case of noncompliance, unless the student is no longer within the jurisdiction of the LEA, has been corrected.

To improve inter-rater reliability, the OEC ensured that each IEP and each rater were assigned a random number during the peer review sessions. These data were used to determine which LEAs (and/or particular staff raters) needed on-site training on using the NSTTAC checklists. In addition, quantitative and qualitative data gathered from the peer review and appeals processes permitted the OEC to assist LEAs in reviewing their process and guidance in writing compliant IEPs. For those designated LEAs, a team from the OEC set up and conducted an on-site training with the special education director, special education

teachers and other personnel that the director chose to include, such as guidance counselors, transition coordinators. Five LEAs fell in the 0% to 50 % range and were required to have on-site visits as described. These sessions were again based on the NSTTAC Checklist A. Instruction focused on the guiding questions that accompany the checklist. Participants practiced identifying examples of postsecondary goals and other related portions of the transition IEP. They also had time to review IEPs they brought and receive feedback.

Pursuant to Office of Special Education, U.S. Department of Education (OSEP) requirements, the state sets the following measurable and rigorous targets for Part B Indicator 13 for FFY 2010 through FFY 2012.

| FFY | Measurable and Rigorous Target |
|---|---|
| **2009 (2010-2011)** | **100%** 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. **(Not Met with 98.92%)** |
| **2010** | **100%** 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. |
| **2011** | **100%**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. |
| **2012** | **100%**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. |

**Improvement Activities/Timelines/Resources:**

| **Improvement Activities** | **Timelines** | **Resources** |
|---|---|---|
| Conduct regional training on developing transition IEPs. | September 2009 and ongoing through 2013 | • OEC staff |
| Provide information about this reporting requirement, training on data collection, and how the information can inform schools and LEAs**.** | September 2009 and ongoing through 2013 | • OEC staff<br>• Institutions of Higher Education (IHEs)<br>• State Transition Specialist |
| Provide technical assistance informed by data gathered through self-assessments of LEAs and SOPs, focused monitoring, and review of complaints/due process hearing requests related to transition. | June 2009 and ongoing through 2013 | • OEC staff<br>• IHEs<br>• Professional organizations<br>• Parent advocacy groups<br>• State Transition Specialist<br>• Stakeholders |
| Collaborate with departments of education within IHEs to develop appropriate pre-service training and experiences concerning transition. | January 2009 and ongoing through 2013 | • OEC staff<br>• Office of Teacher Certification<br>• IHE Departments of Education |
| Attend yearly NSTTAC Institute Secondary Transition State Planning Institute with interagency team | Yearly in May | • State transition team |
| Carry out activities of SPDG grant in | October 2009- | • State Transition coach |

| | | |
|---|---|---|
| transition | October 2014 | • SPDG project director |
| Conduct verification checks through the Excent IEP program. | Fall 2009 and ongoing through 2013 | • OEC<br>• Excent IEP software |

*Indicator 14 is presented on the SPP template.*

**Part B State Performance Plan (SPP) for 2005-2012**

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

The SPP was developed with stakeholder input. Stakeholders, including parents of children with disabilities, individuals with disabilities, teachers, representatives of institutions of higher education, local and state education officials, special education administrators, representatives of state agencies involved in the delivery of related services to children with disabilities, representatives of private schools, representatives of vocational programs, and representatives of juvenile justice and correctional facilities were invited to be a part of this process. Mid South Regional Resource Center personnel facilitated an overview and planning meeting. Stakeholders had an opportunity to provide meaningful input concerning the development of targets, activities, and resources. The Office of Exceptional Children (OEC) staff took this input and developed the framework of the SPP. A core team from the OEC authored the final document of the SPP. During the process of developing the SPP, stakeholders were involved through telephone calls, email messages, and conferencing to provide guidance to the OEC staff. South Carolina will publish the SPP to the Office of Exceptional Children (OEC) website after submission to the Office of Special Education (OSEP) programs at http://ed.sc.gov/agency/Standards-and-Learning/Exceptional-Children/old/ec/spp2005.html. LEA profiles will be published to the website within 90 days of APR submission at http://ed.sc.gov/agency/Standards-and-Learning/Exceptional-Children/OECData/IDEAProfiles/index.html.

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

**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))

**Measurement:**

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.

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.

C. Percent 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 = [(# 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.

**Overview of Issue/Description of System or Process:**

Per OSEP requirements, Part B Indicator 14 is considered a new indicator for FFY 2009 (2009-2010 school year). The State developed (a) a new baseline using the language of the revised measurement table, (b) three new measurable and rigorous targets, and (c) improvement activities.

To disseminate the SPP/APR, the OEC will post it on the State's website (located at www.ed.sc.gov) by April 2011. Additionally, each local education agency (LEA) will be provided with comprehensive information to share with their constituents regarding the postsecondary outcomes of exiters from their LEA.

To gather these data, South Carolina contracts with Lifetrack Services, Inc. (Lifetrack) to conduct a census of school exiters each year to follow-up on post-secondary experiences. Exiters include students who have aged-out, graduated with a regular high school diploma, are non-returners who received a state certificate or are dropouts at or above age 17. Lifetrack conducts preliminary surveys during May of the last year of school attendance for all students with disabilities, and follows up one year later with a survey on postsecondary experiences.

Exiters are identified through South Carolina's online special education student information system, Excent. These students have been verified as having exited with the 618 Table 4 submission. In order to ensure valid data are provided for exiting students, the OEC follows-up with each LEA to ensure accurate students are exited in the system when they graduate, receive a state certificate, drop out of school, or die. For the post-secondary survey, South Carolina provides Lifetrack with the population of exiters from the previous school year.

Lifetrack sends letters with postage paid return envelopes to the indicated population and contacts non-responders by telephone. They then compile the data and send the state a

compilation report for analysis. In order to appropriately identify students for the particular categories of this indicator, OEC staff conducts additional analyses to ensure that students are correctly counted once in one of four conditions:

1. enrolled in higher education,
2. competitively employed,
3. enrolled in some other postsecondary education or training program, or
4. employed in some other employment.

***Higher education*** as used in measures A, B, and C means youth who have been enrolled on a full- or part-time basis in a community or technical college (2-year program) or college/university (4- or more year program) for at least one complete term, at any time in the year since leaving high school.

***Competitively employed*** as used in measures B and C means youth who have worked for pay at or above the minimum wage in a setting with others who are nondisabled for a period of twenty hours per week for at least 90 total days at any time in the year since leaving high school, which includes military employment.

***Other postsecondary education or training*** as used in measure C means youth who have been enrolled on a full- or part-time basis for at least 1 complete term at any time in the year since leaving high school in an education or training program, which could include JobCorps, adult education, workforce development programs, on-the-job training, vocational educational programs which are less than two-years, and certificate programs (less than a two-year program).

***Other Employment*** as used in measure C means youth who have worked for pay or been self-employed for a period of at least 90 total days at any time in the year since leaving high school, including working in a family business.

***Exiters*** are defined as the population of students who have exited school during the previous school year to the reporting year of the SPP/APR for reasons that include:

1. Graduating with a South Carolina high school diploma,
2. Receiving a South Carolina state certificate,
3. Reached maximum age,
4. Dropped out of school at age 17 and above, and did not return to school the subsequent year

South Carolina notes that while students with disabilities who have died are counted in state reporting of exiters, South Carolina does not include them in the definition of “exiters” for Part B SPP Indicator 14. Subsequently, their families are not provided surveys nor interviewed, and these students are not included in the survey process.

***Respondents*** are defined as youth or their designated family member who answer and return the survey and/or interview questions.

***Calculation Methodology***

To calculate the three measurement components of Part B Indicator 14 (A-C), the OEC first calculates the following four exit categories:

1. = The number of respondent exiters enrolled in "higher education."
2. = The number of respondent exiters in "competitive employment," and not counted in 1 above.
3. = The number of respondent exiters in "some other postsecondary education or training," and not counted in 1 or 2 above.
4. = The number of respondent exiters in "some other employment," and not counted in 1, 2, or 3 above.

To calculate the indicator percentages, South Carolina uses the following calculation:

A = 1 divided by the number of total respondents.

B = 1 + 2 divided by the number of total respondents.

C = 1 + 2 +3 divided by the number of total respondents.

Lifetrack, Inc. sent exiters the Student Demographic Profile (SDP) Post-School Survey (PSS), consisting of eight questions. In addition, the survey included two demographic items on the respondents' race/ethnicity and gender.

In May 2010, 3,570 surveys were mailed to exiters from the 2008-2009 school year. Of the 3570, 697 were returned undeliverable, thus making the number of receiving exiters 2873. Thus, 80.5% of exiters received the SDP PSS in May 2010. Of the 2873 exiters who received a survey, 854 were completed and returned by exiting students (n=420) or the designated family member (n=434). Thus the response rate to the SDP PSS was 29.7%. Prior to a discussion of the representativeness of the data set, South Carolina will address missing data.

Effectively, incorrect addresses existed for 697 students with disabilities, likely due to moving from one location to another. Additionally, of the 2873 students who received the survey, 2019 students or their designated family member did not return the survey information. As a result, South Carolina will be working with LEAs to ensure correct addresses are maintained in the Excent system when students exit, and that Lifetrack, Inc. conducts follow-up telephone calls to gather the data when surveys are not returned. In addition, South Carolina will work with Lifetrack to ensure that the data analyzed and provided to the state from the surveys includes students' age and primary disability upon their exit from school. These data elements are important to more fully understand the representativeness of the groups of students who may or may not be responding to surveys. These improvement activities are addressed in the Improvement Activities section that follows. While South Carolina has a clear plan for increasing the response rate of exiters, it is also pleased at the increase in returned surveys from previous years' reporting requirements. For the FFY 2007 APR, submitted February 1, 2009, the last time that Part B Indicator 14 was required, the effective response rate was 5.9% (out of a population of exiters totaling 4528).

***Representativeness***

As indicated, only two methods of determining representativeness were possible with the data gleaned from the surveys on post-school outcomes. For future years, the OEC will work with Lifetrack to ensure that respondents' primary disability and age are included in the datasets of completed surveys.

For the purposes of representativeness, South Carolina follows the guidance from the National Post School Outcomes Center, which considers under- or over-representation to occur when the difference between the percentages of respondents to the percentages of exiters lies at or beyond ±3%. Negative percentages indicate an "under-representation" of respondents, while positive numbers indicate over-representation of respondents. As shown in the following table, there is relatively no difference in the percentage of female and male respondents to the distribution of exiters, by gender. It is also important to note that some respondents did not answer the demographic question to identify their gender.

| Gender Representativeness | Respondents | Percentage | Exiters | Percentage | Difference |
|---|---|---|---|---|---|
| **Female** | 246 | 28.81% | 1079 | 30.22% | -1.42% |
| **Male** | 596 | 69.79% | 2491 | 69.78% | 0.01% |
| **No Answer** | 12 | 1.41% | 0 | 0.00% | 1.41% |
| **Grand Total** | 854 | 100.00% | 3570 | 100.00% | 0.00% |

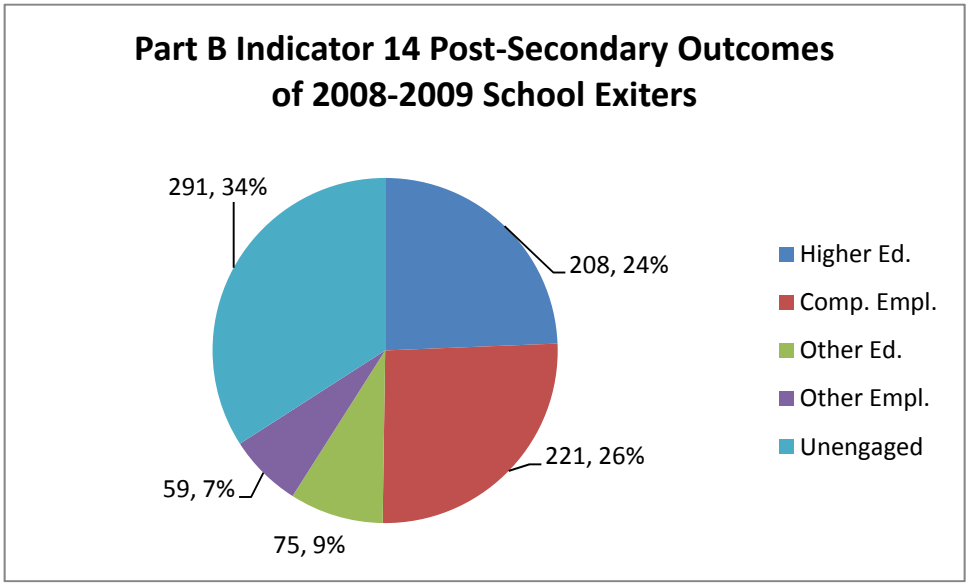
With regard to race and ethnicity, there is under-representation of respondents who are African-American and over-representation of white/Caucasian. The data in this case, however, may be misleading as 168 respondents did not answer this item on the survey, and a further 21 indicated "other" as their race/ethnicity. Given the fact that African-American and white/Caucasian comprise well over 95% of exiters in South Carolina, the under-representation and over-representation of respondents who are African-American and white/Caucasian may likely be corrected from the 189 respondents who answered "Other" or who provided no answer to this item. As a result of this, the OEC will work closely with Lifetrack to ensure that race/ethnicity data are gathered and reported. In addition, the OEC will work with LEAs as well as with Lifetrack to ensure that African-American exiters receive follow-up telephone calls or mailed surveys, and will provide LEAs with marketing materials, such as brochures, to provide to students when they exit high school in South Carolina.

Table: Race/Ethnicity Representativeness

| | Respondents | Percentage | Exiters | Percentage | Difference |
|---|---|---|---|---|---|
| **African American** | 261 | 39.25% | 1716 | 48.07% | -8.82% |
| **Asian/Pacific Islander** | 3 | 0.45% | 11 | 0.31% | 0.14% |
| **Hispanic** | 9 | 1.35% | 71 | 1.99% | -0.64% |
| **Native American** | 7 | 1.05% | 11 | 0.31% | 0.74% |
| **White/Caucasian** | 385 | 57.89% | 1760 | 49.30% | 8.60% |
| **Grand Total** | 665 | 100.00% | 3570 | 100.00% | 0.00% |

**Baseline Data from FFY 2009:**

As shown in the following table, Post-Secondary Outcomes of Exiters, nearly one-quarter of respondents indicated they had completed at least one term in higher education (Outcome A). Slightly more than 50% were either in higher education or competitively employed (Outcome B). Nearly 65% of respondents indicated they had some kind of postsecondary education or employment (Outcome C). Roughly one-third (34%) of respondents were not engaged in higher education, competitive employment, some other postsecondary education, or some other postsecondary employment.

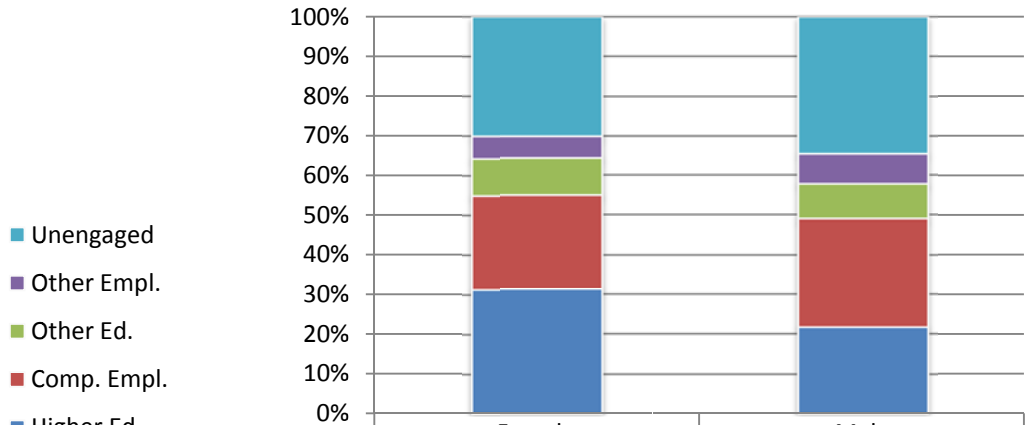



Note: Higher Ed. = higher education, Comp. Empl. = Competitive Employment, Other Ed.= Other Postsecondary Education or Training, Other Empl=Other Employment.

**Discussion of Baseline Data:**

The OEC conducted three additional analyses to understand engagement of respondents relative to their race/ethnicity and gender. As shown in the following Figure, Engagement Rates of Respondents by Category and Gender, nearly 10% more females have been in higher education for at least one term as compared to their male counterparts. More males, however, have been competitively employed for at least 90 days, for more than an average of twenty hours per week. When noting the percentage of unengaged youth, roughly 30-35% of both genders noted they were not engaged in some post-secondary education or employment, as defined by Part B Indicator 14.

Figure: Engagement Rates of Respondents by Category and Gender



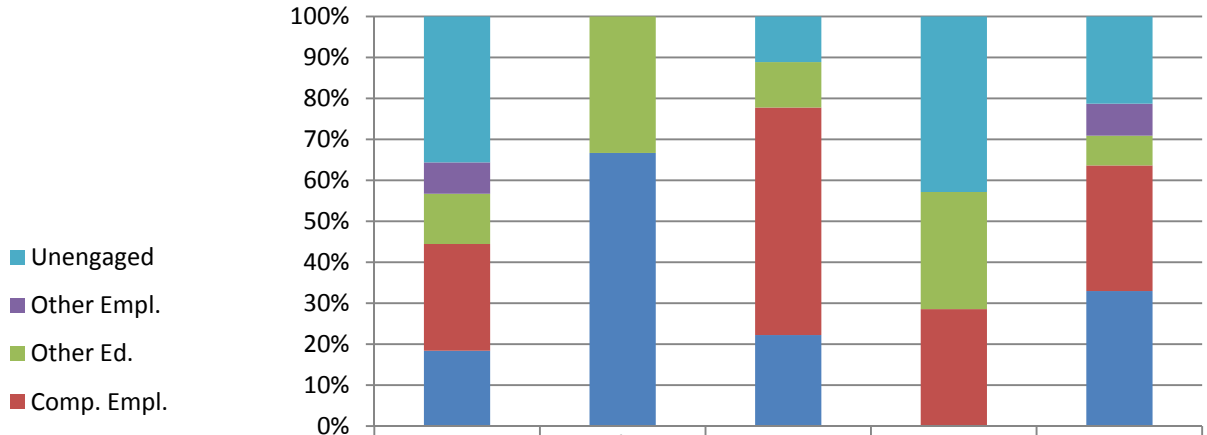

| | Female | Male |
|---|---|---|
| Unengaged | 74 | 207 |
| Other Empl. | 14 | 45 |
| Other Ed. | 23 | 52 |
| Comp. Empl. | 58 | 163 |
| Higher Ed | 77 | 129 |

Note: Higher Ed. = higher education, Comp. Empl. = Competitive Employment, Other Ed.= Other Postsecondary Education or Training, Other Empl=Other Employment.

The second analysis compared the rates of engagement of each of the five reporting race/ethnicities to the engagement category, as defined by Part B Indicator 14. As the data show, nearly 35% of African-American respondents indicated they are not engaged in some kind of post-secondary education or employment. With white respondents, however, over sixty percent have been in higher education or competitively employed since leaving high school. While the distribution of the remaining three ethnicities is important to note, little can be discerned from the data due to the low numbers of respondents. This, however, is expected as these three race/ethnic subgroups comprise a small proportion (~3%) of all exiters and students in South Carolina. A second observation on the kinds of engagement by race/ethnicity is that other postsecondary education and training and other employment comprise a much smaller proportion of all engagement for all race/ethnicities.

With upcoming data collections, the OEC plans to conduct additional analyses to determine the kinds of engagement of students by their primary disability and age. In addition, as the state collects more data in subsequent years, it will be important to more thoroughly investigate unengaged students by race and ethnicity, particularly at the LEA and regional level. Because of nested inequalities, lack of community capital, unemployment, the rising costs of higher education, and the national economic crises plaguing the nation, regional and LEA-level analyses could underscore the existing nested inequalities found in many rural South Carolina communities. Deeper data analyses, coupled with increasing opportunities to work with schools, employers, and institutions of higher education, could create new opportunities to assist students with disabilities who exit or graduate school.

Figure: Engagement Rates of Respondents by Category and Race/Ethnicity




| | African-American | Asian/Pacific Islander | Hispanic | Native American | White |
|---|---|---|---|---|---|
| Unengaged | 93 | | 1 | 3 | 82 |
| Other Empl. | 20 | | | | 30 |
| Other Ed. | 32 | 1 | 1 | 2 | 28 |
| Comp. Empl. | 68 | | 5 | 2 | 118 |
| Higher Ed. | 48 | 2 | 2 | | 127 |

Note: Higher Ed. = higher education, Comp. Empl. = Competitive Employment, Other Ed.= Other Postsecondary Education or Training, Other Empl=Other Employment.

The final analysis involved a deeper investigation to determine, based upon the survey data, that 34% of respondents indicated no engagement. As indicated, 291 respondents (or their family designee) indicated they had no postsecondary education or employment, relative to the definitions required of Part B Indicator 14.

The first component involved comparing postsecondary education to employment. Of the 291 respondents, 176 indicated that they had neither postsecondary education nor employment since leaving high school, accounting for 60.5% of the unengaged. Moreover, the division of this group by race/ethnicity was nearly the same for the two most populous groups – African-American and white students (67 and 60 respectively).

Sixty-four of the 291 respondents did not answer either item regarding whether or not they had postsecondary education or had been employed. This is important to note as it underscores the importance of the survey contractor's follow-up telephone interviews to attempt to obtain the information from respondents. Three of the 291 respondents indicated that they had returned to high school since (less than 21 years old), so they were included in the "unengaged" count. Finally, a number of students were counted as unengaged because they either had not completed one term of higher education (n=16), or had not been employed for at least 90 days (n=14).

Based upon these post-school outcomes data, South Carolina sets the following measurable and rigorous targets for measures A, B, and C of Part B Indicator 14 for FFY2010 through FFY2012.

| FFY | Measurable and Rigorous Target | | |
|---|---|---|---|
| | **A** Percent enrolled in higher education | **B.** Percent enrolled in higher education or competitively employed within one year of leaving high school | **C** . Percent 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 |
| **Baseline 2009 (2009-2010)** | **24.36%** | **50.23%** | **65.92%** |
| **2010 (2010-2011)** | **24.36%** | **50.23%** | **65.92%** |
| **2011 (2011-2012)** | **24.86%** | **50.73%** | **66.42%** |
| **2012 (2012-2013)** | **24.86%** | **50.73%** | **66.42%** |

**Improvement Activities/Timelines/Resources (through 2012):**

| Improvement Activities | Timelines | Resources |
|---|---|---|
| Revise survey results to include disabilities of respondents and age of respondents. | Spring 2011 | OEC<br>Lifetrack, Inc. |
| Work with Lifetrack to ensure follow-up telephone interviews are attempted with non-responders. | Spring 2011 | OEC<br>Lifetrack, Inc. |
| Provide technical assistance to LEAs to ensure the correct and up-to-date addresses exist in the special education software system, Excent. | Ongoing through 2013 | OEC |
| Provide training and technical assistance to LEAs to ensure that students are aware of | Ongoing through | OEC |

| | | |
|---|---|---|
| the post-school outcomes, and assist LEAs in marketing the surveys (i.e., through brochures). | 2013 | |
| Conduct additional analyses of data to determine which subgroups of students are underrepresented in the survey results. | Ongoing through 2013 | OEC |
| Provide professional development and presentations to underscore the engagement and un-engagement of school exiters. | Ongoing through 2013 | OEC |
| Continue the collaboration with NPSO in post-school outcomes discourse. | Ongoing through 2013 | OEC, NPSO |

# Part B State Annual Performance Report (APR) for FFY 2009

## Overview of the Annual Performance Report Development:

The Annual Performance Report was developed through a process that included collection of data, verification of data, analysis of data, identification of problems, implementation of improvement activities, provision of technical assistance, and evaluation of progress. An increased amount of data collected changed from LEA submission of totals to the extraction by the OEC of student-level data. The APR process involved stakeholders from the various groups involved with service provision for children with disabilities. South Carolina will publish the APR to the Office of Exceptional Children (OEC) website after submission to the Office of Special Education (OSEP) programs at http://ed.sc.gov/agency/Standards-and-Learning/Exceptional-Children/old/ec/spp2005.html. LEA profiles will be published to the website within 90 days of APR submission at http://ed.sc.gov/agency/Standards-and-Learning/Exceptional-Children/OECData/IDEAProfiles/index.html.

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

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

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

**Measurement:**

Percent of noncompliance corrected within one year of identification:

a. # of findings of noncompliance.
b. # of corrections completed as soon as possible but in no case later than one year from identification.

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

**States are required to use the "Indicator 15 Worksheet" to report data for this indicator (see Attachment A).**

| FFY | Measurable and Rigorous Target |
|---|---|
| FFY 2009 | 100% of noncompliance is corrected within one year of identification. **(Not Met with 92%*)*** |

**Actual Target Data for FFY 2009: (see worksheet at end of section)**

| | | |
|---|---|---|
| **Percent of noncompliance corrected within one year of identification = (column (b) sum divided by column (a) sum) times 100.** | **(117/127) x 100** | **92%** |

**Describe the process for selecting LEAs for Monitoring:**

For all compliance indicators, all LEAs were monitored through the State data systems. If the Office of Exceptional Children (OEC) State data system indicated that a LEA was less than 100% compliant, OEC staff verified the accuracy of the data in the State's data system. After these investigations, if the OEC determined that a LEA was less than 100% compliant, the LEA was issued a finding of noncompliance and was required to complete a comprehensive plan for correction of noncompliance. The LEA with the finding received technical assistance from their OEC regional representative.

**Timely Correction of FFY 2008 Findings of Noncompliance (corrected within one year from identification of the noncompliance):**

| | |
|---|---|
| 1. 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) | **127** |
| 2. 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) | **117** |
| 3. Number of findings <u>not</u> verified as corrected within one year [(1) minus (2)] | **10** |

**FFY 2008 Findings of Noncompliance Not Timely Corrected (corrected more than one year from identification of the noncompliance and/or Not Corrected):**

| | |
|---|---|
| 4. Number of FFY 2008 findings not timely corrected (same as the number from (3) above) | **10** |
| 5. Number of FFY 2008 findings the State has verified as corrected beyond the one-year timeline ("subsequent correction") | **10** |
| 6. Number of FFY 2008 findings <u>not</u> yet verified as corrected [(4) minus (5)] | **0** |

**Actions Taken if Noncompliance Not Corrected**

All findings of noncompliance for FFY 2008 were corrected, although late.

**Verification of Correction for findings of noncompliance reported in the FFY 2009 APR (either timely or subsequent):**

For Part B Indicators 11 and 12, the state verified correction of noncompliance from FFY 2008 through several methods. First, to determine that LEAs were correctly implementing the specific regulatory requirements, the state collected, verified and analyzed data subsequently collected through the State's data system, Excent. For Indicators 11 and 12, the OEC conducted quarterly data pulls to determine whether or not the LEA demonstrated compliance to either timely initial evaluations (Indicator 11) or Part C to B transition (Indicator 12). If a LEA demonstrated 100% compliance in a quarterly data pull, the State notified the LEA that it had demonstrated correction of noncompliance, consistent with OSEP Memo 09-02, dated October 17, 2008. A second way of determining correction of noncompliance through correct regulatory implementation, the State collected data for subsequent years through its statewide data system. If a LEA was able to demonstrate 100% compliance on the subsequent year's statewide data pull, the State notified the LEA that it had corrected its noncompliance for prong one (implementation or regulatory citations).

Using this system, the OEC was able to determine that a LEA is correctly implementing the specific regulatory requirements, (i.e., achieved 100% compliance) based on updated data such as data subsequently collected through on-site monitoring or a State data system.

The State data system, Excent, captures detailed information with regards to the Part B Indicators 11 and 12. Data for these indicators are extracted in July following the reporting year. Data provided in this system contains student-level information, so the OEC is able to determine whether or not all students with parental consent for evaluation went on to receive an evaluation, although late, and/or whether or not all children referred from Part C who were found eligible to receive Part B services had an IEP in place, although after their third birthdays. OEC staff conduct follow-up verification with LEAs to determine the validity of the information contained in the dataset.

Using this system, the OEC was able to determine that a LEA has corrected each individual case of noncompliance, unless the child was no longer within the jurisdiction of the LEA, consistent with OSEP Memo 09-02, dated October 17, 2008.

**Describe the specific actions that the State took to verify the correction of findings of noncompliance identified in FFY 2008 (including any revisions to general supervision procedures, technical assistance provided and/or any enforcement actions that were taken):**

When areas of noncompliance were noted for FFY 2008, LEAs were required to complete a PICO. Specifically, LEAs affected were required to complete a PICO in the specific regulatory area of noncompliance (e.g., Indicator 11). The LEA had to identify a timeframe for improvement, means for measuring the improvement activities, activities that the LEA would

take to identify the root causes of the noncompliance and correct the noncompliance, and identifying the appropriate staff responsible for implementing the plan.

In addition, LEAs affected were required to participate in monthly data webinars, addressing varied topics of upcoming data submissions or extractions from the State's data system, Excent. IN addition, LEAs had to participate in verification calls following data submissions to ensure that the data submitted or extracted was both timely and accurate.

OEC regional representatives conducted on-site visits to provide technical assistance. These on-site visits were twofold: to inform best practice (e.g., writing measurable goals), and to review the LEAs policies and procedures, particularly with regards to data systems. Finally, regional representatives met with LEA staff to plan various activities to streamline data submissions.

Finally, affected LEAs were required to attend the Fall and Spring Administrators Conferences as well as the summer Research-to-Practice Institute. At the Administrators Conferences, LEAs met, by region, to discuss a variety of topics, including policies and procedures of exemplar LEAs, in the hopes of cross pollination of best practices.

All findings of noncompliance identified through the dispute resolution process (complaints, due process hearing requests) in FFY 2008 were corrected no later than one year from identification for 100% compliance. Currently, there is only one case from the 2007–08 school year (FFY 2007) where corrective actions were not completed within the one-year timeline. On May 13, 2008, a letter of resolution was issued to the Saluda County School District (District). The SCDE determined after an analysis of all documentation provided by the District that the Student was owed special education services in the amount of 527 hours of applied behavior analysis (ABA) line therapy and 713 hours of ABA lead therapy. Through this analysis, the SCDE also determined the District only provided 30 hours of the required 250 compensatory ABA hours set forth in the November 10, 2006, mediation agreement.

The SCDE worked diligently with the District and the Complainant to bring closure to the corrective actions by May 13, 2009. Due to the amount of the compensatory services owed to the Student; the significant amount of special education and related services included in the Student's individualized education program (IEP) for the summer of 2008 and the 2008–09 school year, which included 50 hours per week of one-on-one ABA therapy hours; and the Complainant's unwillingness to make the Student available for the delivery of compensatory services, one calendar year did not provide a sufficient amount of time to complete the corrective actions. The delivery of compensatory services was also stalled by the District's change in special education director, the District's failure to respond to the Complainant's earlier requests for the provision of services on weekends and during after school hours. As a result of the District's inaction very little progress was made in the delivery of compensatory services from May 2009 through December 2009.

In following up with the District through its new special education director and the District's legal counsel, the SCDE reiterated the District's need to take more aggressive steps to implement the outstanding corrective action and has continuously worked with the District in exploring its options, including the need to look to outside contractors to assist in the delivery of services

outside the regular school day. During the SCDE's efforts to facilitate discussions and a resolution of this matter between the District and the Complainant, the Complainant relocated to another school district, which is approximately 150 miles away from the District. Although the Complainant relocated in December 2008, she failed to provide the District or the SCDE with the necessary information to contact her until February 2009.

In addition to competing with the current school district for the time that it needs to provide school-based and extended school year services to the Student, the Student was awarded additional ABA therapy (non-educational services) by the South Carolina Department of Disabilities and Special Needs (DDSN) through its pervasive developmental disorder (PDD) waiver program, and the Complainant is supplementing these services with services from a private provider that are covered under the Complainant's private insurance. The provision of services through the PDD waiver must occur outside the regular school day. The SCDE has participated in conversations between the District and the Complainant where the District has appealed to the Complainant to allow it to replace the services provided through the PDD waiver or services paid for by the Complainant's private insurance with the compensatory services. The Complainant repeatedly denies these requests. The Complainant, however, is insistent upon District's provision of the owed compensatory services or some other remedy specified by the Complainant.

The SCDE continues to facilitate discussions between the parties and their legal counsel in the resolution of this matter. The current school district is also involved and has offered to work with the District to assist in the coordination of the delivery of compensatory services on a consistent basis. The District accepts its responsibility for the provision of the remaining compensatory service hours, but contends that although the Complainant has agreed upon a schedule for the delivery of services, the Complainant continues to limit its access to the Student. Admittedly, the Student is currently 8 years old and the coordination of services has been difficult due to the Student's age and what he can withstand on a daily basis. The District, however, is unable to provide sufficient documentation to the SCDE of its genuine and persistent efforts to access and deliver services to the Student.

On January 19, 2011, during a conference call, the SCDE advised the District and its attorney that without a more aggressive approach to ensuring the Complainant makes the Student available for the agreed upon schedule of ABA services or provides sufficient evidence that the Complainant refuses to make the Student available at the agreed upon times, the SCDE may be forced to take further correction action, up to and including the imposition of sanctions. On January 21, 2011, in a letter to the Complainant, the District addressed its concerns of her unwillingness to make the child available.

**Correction of Remaining FFY 2007 Findings of Noncompliance**

| | |
|---|---|
| 1. Number of remaining FFY 2007 findings noted in OSEP's June 2010 FFY 2008 APR response table for this indicator not timely corrected. | 55 |
| 2. Number of remaining FFY 2007 findings the State has verified as corrected as of FFY 08 APR ("subsequent correction") | 41 |
| 3. Number of findings the State has verified as corrected as of FFY 09 APR ("subsequent correction") | 4 |
| 4. Number of remaining FFY 2007 findings the State has NOT yet verified as corrected [(1) minus (2 )minus (3)] | 10 |

There are six LEAs for Part B Indicator 11 that have not demonstrated correction of noncompliance, pursuant to OSEP Memo 09-02, from FFY 2007. The findings were determined by statewide data system review. While these LEAs have failed to correct systemic issues causing the noncompliance, the state has been able to verify that each individual case of noncompliance has been corrected, through statewide data system analyses. In other words, all students with parental consent for evaluation went on to receive an evaluation, although late.

There are three LEAs for Part B Indicator 12 that have not demonstrated correction of noncompliance, pursuant to OSEP Memo 09-02, from FFY 2007. The findings were determined by statewide data system review. While these LEAs have failed to correct systemic issues causing the noncompliance, the state has been able to verify that each individual case of noncompliance has been corrected, through statewide data system analyses. In other words, all children referred from Part C who were found eligible to receive Part B services had an IEP in place, although after their third birthdays. The continued noncompliance outlined in the Indicator 11 and 12 information above involves 8 LEAs in South Carolina.

All LEAs were required to complete a PICO in the affected area(s) identified. In the development of the PICOs, LEAs must identify the root cause(s) of continued noncompliance. The OEC continued quarterly data pulls for the affected LEAs. Three of the LEAs will receive onsite comprehensive verification and general supervision visits in FFY 2010. The affected LEAs will be required to attend specific regional and statewide professional development activities addressing the area(s) of noncompliance. If the noncompliance continues, the OEC is exploring further sanctions.

**Correction of Any Remaining Findings of Noncompliance from FFY 2006 or Earlier (if applicable)**

All findings of noncompliance from FFY 2006 have been corrected.

**Additional Information Required by the OSEP APR Response Table for this Indicator**

| Statement from the Response Table | State's Response |
|---|---|
| The State must demonstrate, in the FFY 2009 APR, that the remaining 55 findings of noncompliance identified in FFY 2007 that were not reported as corrected in the FFY 2008 APR, and the remaining eight findings from FFY 2006 reported in Indicators 11 and 12, were corrected. | **All 8 findings from FFY 2006 have been corrected.**<br><br>**All but 10 of the 55 findings of noncompliance for FFY 2007 have been corrected. Please see Indicators 11 and 12 for detailed discussion of the compliance indicators involved. Above is a discussion of the outstanding complaint.** |
| The State must review its improvement activities and revise them, if appropriate, to ensure they will enable the State to provide data in the FFY 2009 APR, demonstrating that the State timely corrected noncompliance identified by the State in FFY 2008 in accordance with 20 U.S.C. 1232d(b)(3)(E), 34 CFR §§300.149 and 300.600(e), and OSEP Memo 09-02. | **Please see the added and revised improvement activities that follow.** |
| 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 and each LEA with remaining uncorrected findings from FFY 2007: (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 FFY 2009 APR, the State must describe the specific actions that were taken to verify the correction. | **Please see above.** |

| | |
|---|---|
| In addition, in reporting on Indicator 15 in the FFY 2009 APR, the State must use the Indicator 15 Worksheet. | **Please see the attached Indicator 15 Worksheet.** |
| Further, in responding to Indicators 11 and 12 in the FFY 2009 APR, the State must report on correction of the noncompliance described in this table under those indicators. | **Please see Indicators 11 and 12 for additional details regarding correction of noncompliance.** |

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

The OEC has made progress in the correction of non-compliance corrected within one year of identification. The state has increased the percentage of corrected noncompliance from 77% in FFY 2008 to 92% in FFY 2009. The OEC instituted a number of improvement activities during FFY 2009 to address Indicator 15 and timely correction of noncompliance. As indicated above, findings made for Indicators 11 and 12 have been made upon collection, verification, and analyses of statewide data collections. Previously the OEC considered a LEA to correct noncompliance (at 100%) if the LEA was able to demonstrate in the following year that its Indicator 11 and Indicator 12 compliance had reached 100% for the year. Pursuant to OSEP guidance, as well as guidance from Mid-South Regional Resource Center, the OEC learned that systemic correction of noncompliance could be evidenced by short-term data pulls. As a result, the OEC instituted quarterly data pulls LEAs with less than 100% compliance for Indicators 11 and 12. If an LEA was able to demonstrate that it had 100% compliance during one quarterly data pull, the OEC was advised that the LEA could be considered to have corrected its noncompliance.

As a result, a number of LEAs were able to demonstrate correction of noncompliance through quarterly data pulls. These data pulls are consistent with OSEP Memo 09-02, which indicates that correction can be evidenced by "the State's review of updated data such as data collected through a State data system" (OSEP Memo 09-02, p. 2).

In addition to quarterly data pulls for any LEA with less than 100% compliance for Part B Indicators 11 and 12, the OEC hired two monitors during FFY 2009. The OEC also began revising an on-site monitoring manual, which was completed in FFY 2010. Also, the OEC has received technical assistance from Mid-South Regional Resource Center on improving the general supervision system.

Three databases were developed in FFY 2009 to capture and report data, and track both notifications of findings as well as correction of noncompliance. The first database contains data for all Part B Indicators for every LEA and SOP in the State, beginning with FFY 2006. This central repository of information is used for creating district profiles. This database is linked to a determinations database that houses information along the four components of determinations. It begins with FFY 2006, and contains data for all LEAs and SOPs. Finally, the OEC has created a comprehensive findings database that contains each LEA and SOP,

their level of compliance for all compliance Part B indicators, other regulatory citations, dates that LEAs are notified of findings and dates that findings of noncompliance are corrected. These three databases have improved the OEC's ability to track information, investigate trend data, publicly report with greater reliability, and ensure timely correction of noncompliance from the State's data systems.

Lastly, the OEC formed a workgroup to review and revise district improvement plans. Called the Plan for Improving Child Outcomes (PICO), this district evaluation tool enables LEAs to identify area(s) of noncompliance, root causes of the noncompliance, specific activities the LEA will employ to address the root causes of noncompliance, and timelines and staff that will be used to carryout the activities. Any LEA with a finding of noncompliance is required to develop a PICO, and submit it to the OEC for review. The OEC's PICO workgroup then meets periodically to review the PICO and determine the degree to which the affected LEAs are achieving their goals.

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2010 (if applicable):**

The OEC continues to revise its general supervision system in order to monitor correction of noncompliance. With the technical assistance provided from the MSRRC, the monthly OSEP technical assistance calls, and the consultation of our OSEP state contact, the OEC continues to improve the general supervision process in order to ensure compliance with the requirements of IDEA.

| Improvement Activities | Timelines | Resources |
|---|---|---|
| Revise PICO to reflect program evaluation components including concrete objectives, activities, outputs, and outcomes (along a logic model) | FFY 2010 | • OEC Staff |
| Conduct on-site verification/monitoring visits | FFY 2010 through 2013 | • OEC Regional Representatives<br>• OEC Monitors<br>• OEC Coordinator |
| Increase frequency of data pulls for LEAs with continued noncompliance | FFY 2010 through 2013 | • OEC Staff |
| Continue developing databases and general supervision practices to track compliance, findings, and correction of noncompliance | FFY 2010 through 2013 | • OEC Staff<br>• MSRRC |
| Conduct fiscal monitoring | FFY 2010 through 2013 | • OEC Fiscal Monitors |
| Update and provide monitoring manual and data manual to LEAs | FFY 2010 through 2013 | • OEC Staff<br>• LEAs |
| Provide intensive technical | FFY 2010 | • OEC Regional Representatives |

| | | |
|---|---|---|
| assistance to LEAs with noncompliance and determinations below "Meets Requirements" through a variety of media, including virtually and face-to-face | through 2013 | |
| Provide professional development to LEAs regarding Indicators 11 and 12 | FFY 2010 through 2013 | • OEC Staff<br>• BabyNet Providers<br>• Consultants<br>• SPDG Grant |

**PART B INDICATOR 15 WORKSHEET**

| Indicator/Indicator Clusters | General Supervision System Components | # of 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.<br><br>2. Percent of youth with IEPs dropping out of high school. | Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other | 0 | 0 | 0 |
| 14. Percent of youth who had IEPs, are no longer in secondary school and who have been competitively employed, enrolled in some type of postsecondary school or training program, or both, within one year of leaving high school. | Dispute Resolution: Complaints, Hearings | 0 | 0 | 0 |
| 3. Participation and performance of children with disabilities on statewide assessments.<br><br>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 | 0 | 0 | 0 |
| | Dispute Resolution: Complaints, Hearings | 1 | 1 | 1 |
| 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 | 0 | 0 | 0 |

| Indicator/Indicator Clusters | General Supervision System Components | # of 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 |
|---|---|---|---|---|
| 4B. 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. | Dispute Resolution: Complaints, Hearings | 4 | 4 | 4 |
| 5. Percent of children with IEPs aged 6 through 21 - educational placements.<br><br>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 | 0 | 0 | 0 |
| | Dispute Resolution: Complaints, Hearings | 7 | 7 | 7 |
| 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 | Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other | 0 | 0 | 0 |

| Indicator/Indicator Clusters | General Supervision System Components | # of 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 |
|---|---|---|---|---|
| disabilities. | Dispute Resolution: Complaints, Hearings | 13 | 13 | 13 |
| 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 | 0 | 0 | 0 |
| 10. Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification. | Dispute Resolution: Complaints, Hearings | 0 | 0 | 0 |
| 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. | Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other | 47 | 47 | 47 |
| | Dispute Resolution: Complaints, Hearings | 2 | 2 | 2 |
| 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 | 35 | 35 | 25 |

| Indicator/Indicator Clusters | General Supervision System Components | # of 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 |
|---|---|---|---|---|
| | Dispute Resolution: Complaints, Hearings | 0 | 0 | 0 |
| 13. Percent of youth aged 16 and above with 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 service needs. | Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other | 0 | 0 | 0 |
| | Dispute Resolution: Complaints, Hearings | 3 | 3 | 3 |
| Other areas of noncompliance: | Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other | 0 | 0 | 0 |
| | Dispute Resolution: Complaints, Hearings | 12 | 12 | 12 |
| Other areas of noncompliance: | Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On- | 0 | 0 | 0 |

| Indicator/Indicator Clusters | General Supervision System Components | # of 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 |
|---|---|---|---|---|
| | Site Visits, or Other | | | |
| | Dispute Resolution: Complaints, Hearings | 3 | 3 | 3 |
| Other areas of noncompliance: | Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other | 0 | 0 | 0 |
| | Dispute Resolution: Complaints, Hearings | 0 | 0 | 0 |
| **Sum the numbers down Column a and Column b** | | | 127 | 117 |
| **Percent of noncompliance corrected within one year of identification = (column (b) sum divided by column (a) sum) times 100.** | | | **(b) / (a) X 100 =** | **92%** |

# Part B State Annual Performance Report (APR) for FFY 2009

## Overview of the Annual Performance Report Development:

The Annual Performance Report was developed through a process that included collection of data, verification of data, analysis of data, identification of problems, implementation of improvement activities, provision of technical assistance, and evaluation of progress. An increased amount of data collected changed from LEA submission of totals to the extraction by the OEC of student-level data. The APR process involved stakeholders from the various groups involved with service provision for children with disabilities. South Carolina will publish the APR to the Office of Exceptional Children (OEC) website after submission to the Office of Special Education (OSEP) programs at http://ed.sc.gov/agency/Standards-and-Learning/Exceptional-Children/old/ec/spp2005.html. LEA profiles will be published to the website within 90 days of APR submission at http://ed.sc.gov/agency/Standards-and-Learning/Exceptional-Children/OECData/IDEAProfiles/index.html.

**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)) divided by 1.1] times 100.

| FFY | Measurable and Rigorous Target |
|---|---|
| 2009 | 100% of complaint investigations completed in a timely manner. **(Met)** |

**Actual Target Data for** *FFY 2009***:**

| SECTION A: Written, Signed Complaints | FFY 2009 | FFY 2008 |
|---|---|---|
| (1) Total number of written, signed complaints filed | 40 | 73 |
| (1.1) Complaints with reports issued | 27 | 60 |
| (a) Reports with findings of noncompliance | 23 | 53 |
| (b) Reports within timeline | 27 | 60 |
| (c) Reports within extended timelines | 0 | 0 |
| (1.2) Complaints pending | 0 | 0 |
| (a) Complaint pending a due process hearing | 0 | 0 |
| (1.3) Complaints withdrawn or dismissed | 13 | 13 |

As shown in the chart above, there were 27 complaints with reports issued in FFY 2009. Of those, all twenty-seven were within the timeline. As a result, compliance to this indicator remains at 100%.

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

The South Carolina Department of Education (SCDE) supports and encourages alternate dispute mechanisms at the LEA level and engages in a variety of problem-solving methods to facilitate the resolution of disputed issues between the parties during the complaint investigation process.

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for** *FFY 2009*

None

# Part B State Annual Performance Report (APR) for FFY 2009

## Overview of the Annual Performance Report Development:

The Annual Performance Report was developed through a process that included collection of data, verification of data, analysis of data, identification of problems, implementation of improvement activities, provision of technical assistance, and evaluation of progress. An increased amount of data collected changed from LEA submission of totals to the extraction by the OEC of student-level data. The APR process involved stakeholders from the various groups involved with service provision for children with disabilities. South Carolina will publish the APR to the Office of Exceptional Children (OEC) website after submission to the Office of Special Education (OSEP) programs at http://ed.sc.gov/agency/Standards-and-Learning/Exceptional-Children/old/ec/spp2005.html. LEA profiles will be published to the website within 90 days of APR submission at http://ed.sc.gov/agency/Standards-and-Learning/Exceptional-Children/OECData/IDEAProfiles/index.html.

**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.

| FFY | Measurable and Rigorous Target |
|---|---|
| **2009** | 100% of due process hearing and state-level reviews will be completed in a timely manner. **(Met 100%)** |

**Actual Target Data for** *FFY 2009*:

| SECTION C: Due Process Complaints | |
|---|---|
| (3) Total number of due process complaints filed | 13 |
| (3.1) Resolution meetings | 10 |
| (a) Written settlement agreements | 6 |
| (3.2) Hearings (fully adjudicated) | 3 |
| (a) Decisions within timeline (including expedited) | 2 |
| (b) Decisions within extended timeline | 1 |
| (3.3) Resolved without a hearing | 10 |
| SECTION D: Expedited Due Process Complaints (Related to Disciplinary Decision) | |
| (4) Expedited due process complaints total | 2 |
| (4.1) Resolution meetings | 2 |
| (a) Written settlement agreements | 2 |
| (4.2) Expedited hearings (fully adjudicated) | 0 |
| (a) Change of placement ordered | 0 |

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

During FFY 2009, 100% of the local due process hearings and 100% of the state-level reviews were completed in a timely manner. The South Carolina Department of Education (SCDE) maintained 100% compliance for this indicator by meeting its target for FFY 2009.

There were thirteen local due process hearing requests filed during FFY 2009. Three fully adjudicated hearings occurred with all resolved within the forty-five-calendar-day timeline or an extended timeline granted by the local due process hearing officer for good cause. Ten resolution sessions occurred with six hearing requests resolved through written resolution agreements; the four requests that did not result in a resolution agreement were withdrawn by the filing party.

Two of the three fully adjudicated hearing decisions were appealed to the state level. All were concluded in a timely manner.

Two of the three due process complaint filings were for expedited due process hearings. Both were resolved through resolution agreements.

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2009**

None

# Part B State Annual Performance Report (APR) for FFY 2009

## Overview of the Annual Performance Report Development:

The Annual Performance Report was developed through a process that included collection of data, verification of data, analysis of data, identification of problems, implementation of improvement activities, provision of technical assistance, and evaluation of progress. An increased amount of data collected changed from LEA submission of totals to the extraction by the OEC of student-level data. The APR process involved stakeholders from the various groups involved with service provision for children with disabilities. South Carolina will publish the APR to the Office of Exceptional Children (OEC) website after submission to the Office of Special Education (OSEP) programs at http://ed.sc.gov/agency/Standards-and-Learning/Exceptional-Children/old/ec/spp2005.html. LEA profiles will be published to the website within 90 days of APR submission at http://ed.sc.gov/agency/Standards-and-Learning/Exceptional-Children/OECData/IDEAProfiles/index.html.

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

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

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

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

| FFY | Measurable and Rigorous Target |
|---|---|
| *FFY 2009* | 60.0% of resolution sessions will result in resolution agreements. **(Met with 60%)** |

## Actual Target Data for FFY 2009

During FFY 2009 there were thirteen requests for local due process hearings. There were ten resolution meetings conducted relative to these requests with six of the ten resolution meetings (60%) resolved through written settlement agreements.

## Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2009

Technical assistance and other activities are ongoing and continuous. The Office of General Counsel monitors and tracks the individual due process hearing requests and the scheduling of resolution sessions for compliance with timelines and maintains regular contact with due process hearing officers, state-level review officers, appropriate Local Education Agency (LEA)

personnel, and LEA and parent attorneys throughout the hearing process to monitor compliance with IDEA requirements.

The SCDE supports and encourages alternate dispute mechanisms at the LEA level and engages in a variety of problem-solving methods to facilitate the resolution of disputed issues between parties.

During FFY 2009 there were thirteen requests for local due process hearings. Consistent with FFY 2008, when there were fifteen requests for local due process hearings, there were ten resolution meetings conducted relative to these requests with six of the ten resolution meetings (60%) resolved through written settlement agreements. For FFY 2009, there was no increase in the percentage of resolution agreements. Although there were two fewer local due process hearing requests, the same number of cases proceeded to resolution sessions and the same percentage, six out of ten (60%), resulted in resolution agreements. During FFY 2007 there were nineteen resolution sessions with ten (52.6%) resulting in written agreements. During FFY 2006 there were nine resolution sessions with four (44.4%) resulting in written agreements.

Based upon both trend data as well as declining number of due process hearing requests in the state over past years, the South Carolina Department of Education (SCDE) notes that the increase in local due process hearings that result in resolution agreements has slowed and therefore, revises its target for FFY 2009 to 60%. The state also revises its target for FFY 2010 to 62.5% and sets targets of 65.0% for FFY 2011 and 67.50% for FFY 2010.

**Revisions, <u>with Justification</u>, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2009**

During FFY 2009 there were thirteen requests for local due process hearings. There were ten resolution meetings conducted relative to these requests with six of the ten resolution meetings (60%) resolved through written settlement agreements.

During FFY 2006 the state's target was 65%. There were nine resolution sessions with four (44.4%) resulting in written agreements.

During FFY 2007 the state's target was 67.5%. There were nineteen resolution sessions with ten (52.6%) resulting in written agreements.

During FFY 2008 the state's target was 70%. There were fifteen requests for local due process hearings. There were ten resolution meetings conducted relative to these requests with six of the ten resolution meetings (60%) resolved through written settlement agreements. Although the state did not meet its 70% target for FFY 2008, the state evidenced progress with a 7.4% increase in the percentage of resolution meetings resulting in written settlement agreements.

During FFY 2009 there were thirteen requests for local due process hearings. Once again, there were ten resolution meetings conducted relative to these requests with six of the ten resolution meetings (60%) resolved through written settlement agreements. For FFY 2009, there was no increase in the percentage of resolution agreements. Although there were two fewer local due

process hearing requests, the same number of cases proceeded to resolution sessions and the same percentage, six out of ten (60%), resulted in resolution agreements.

# Part B State Annual Performance Report (APR) for FFY 2009

## Overview of the Annual Performance Report Development:

The Annual Performance Report was developed through a process that included collection of data, verification of data, analysis of data, identification of problems, implementation of improvement activities, provision of technical assistance, and evaluation of progress. An increased amount of data collected changed from LEA submission of totals to the extraction by the OEC of student-level data. The APR process involved stakeholders from the various groups involved with service provision for children with disabilities. South Carolina will publish the APR to the Office of Exceptional Children (OEC) website after submission to the Office of Special Education (OSEP) programs at http://ed.sc.gov/agency/Standards-and-Learning/Exceptional-Children/old/ec/spp2005.html. LEA profiles will be published to the website within 90 days of APR submission at http://ed.sc.gov/agency/Standards-and-Learning/Exceptional-Children/OECData/IDEAProfiles/index.html.

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

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

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

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

| FFY | Measurable and Rigorous Target |
|---|---|
| **2009** | If more than ten mediations are held, at least 75% of the requests will result in a mediation agreement. |

**Actual Target Data for FFY 2009:**

| SECTION B: Mediation requests | |
|---|---|
| (2 Total number of mediation request received | 5 |
| (2.1) Mediations held | 2 |
| (a) Mediations held related to due process complaints | 0 |
| (i) Mediations agreements related to due process | 0 |
| (b) Mediations held not related to due process complaints | 2 |
| (i) Mediations agreements (not related to due process) | 2 |
| (2.2) Mediations pending | 0 |
| (2.3) Mediations withdrawn or not held | 3 |

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

There were fewer than ten mediations conducted between July 1, 2009, and June 30, 20010 (Two were held resulting in agreements). Because there were less than ten mediations conducted during this period of time, the state is not required to report data for this indicator or meet the target of at least 75% of the mediations held resulting in mediation agreements.

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2009:**
None

# Part B State Annual Performance Report (APR) for South Carolina (FFY 2009)

## Overview of the Annual Performance Report Development:

The Annual Performance Report was developed through a process that included collection of data, verification of data, analysis of data, identification of problems, implementation of improvement activities, provision of technical assistance, and evaluation of progress. An increased amount of data collected changed from LEA submission of totals to the extraction by the OEC of student-level data. The APR process involved stakeholders from the various groups involved with service provision for children with disabilities. South Carolina will publish the APR to the Office of Exceptional Children (OEC) website after submission to the Office of Special Education (OSEP) programs at http://ed.sc.gov/agency/Standards-and-Learning/Exceptional-Children/old/ec/spp2005.html. LEA profiles will be published to the website within 90 days of APR submission at http://ed.sc.gov/agency/Standards-and-Learning/Exceptional-Children/OECData/IDEAProfiles/index.html.

**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 (see Attachment B).

| FFY | Measurable and Rigorous Target |
|---|---|
| **FFY 2009** | 100% of State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate **(Met with 100%)** |

**Actual Target Data for FFY 2009:**

| |
|---|
| All state reported 616 and 618 data, the State Performance Plan, and Annual Performance Report will be reported by designated timelines and with 100% accuracy. **Met with 100%** |

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

Please see the attached Indicator 12 data rubric for details. For the FFY 2009 APR/SPP, the OEC has completed all data submission accurately and on time, resulting in 45 points. For 618 data, the OEC has also submitted data on accurately and time, resulting in 45 points. APR total 45, 618 total is 45, resulting in a grand total of 90 points. The percent of timely and accurate data (90/90 x 100) is 100%.

South Carolina has a data collection system that includes policies and procedures for collecting and reporting accurate State Performance Plan (SPP) and Annual Performance Report (APR) and 618 data. Currently the Office of Exceptional Children (OEC) uses a software program called Excent which in addition to collecting data, provides districts with a standard IEP format. The capabilities of the Excent software enable all LEAs in the state to collect valid and reliable data that accurately reflects special education practices of the LEA. Data for the indicators is collected in four ways – through Excent extractions, through district spreadsheet submissions, from outside survey and marketing contractors, and from other divisions/offices at the South Carolina Department (SCDE) of Education. Data extractions from the Excent program are used to report student level data for Indicators 5, 9, 10, 11, and 12 as well as Tables 1 and 3 (child count and environment), Table 4 (exiting). For Indicators 4A, 4B, 7 and 13, and Table 5 and 8 data are gathered through LEA submissions and follow-up self-assessments. Data for Table 2 (personnel) is submitted by LEAs through an online system. The SCDE Office of Research supplies the OEC with data for Indicators 1, 2 and 3 and assessment data (Table 6). Outside survey contractors are used for Indicators 8 and 14. Data for Indicators 16 – 19 are provided to the OEC by the SCDE Office of General Council.

In FFY 2009, the OEC offered multiple avenues of technical assistance to all personnel involved in data collection, reporting and analysis. Technical assistance included but was not limited to:

- Monthly data webinars that address indicator and table data, submission requirements, or analysis,
- Quarterly presentations of data to the South Carolina Advisory Council for Children with Disabilities,
- Presentations at the Fall and Spring Administrators Conference, addressing data analyses, results, and implications for Part B SPP Indicators 1-20,
- Spring and Fall on-site trainings in the South Carolina's eight geographic regions,
- Pre-extractions by OEC staff that assist local education agencies (LEAs) in correcting any invalid information prior to the official data extraction,
- Instructional and Educational TV modules,

- Two Research-to-Practice workshops help sessions during the summer,
- Virtual meetings through "Go to Meeting" with regional representatives and/or OEC data personnel,
- Instructional documents, including a comprehensive Data Manual containing report requirements, instructions, and instructional modules, and
- Postings on the SCDOE website, including a comprehensive data calendar.

The OEC will continue to improve and increase the level of technical assistance to all personnel in the LEAs who are responsible for data collection, reporting and analysis.

**Revisions, with Justifications to Proposed Targets/Improvement Activities/Timelines/Resources for 2009:**

Beginning in FFY 2010, the OEC has been providing intensive technical assistance to LEAs who have determinations of Needs Intervention, to assist them in collecting, verifying and submitting timely and accurate data. The OEC is conducting onsite verification and program evaluation visits to the four NI2 LEAs in FFY 2010. The OEC plans to continue working intensively with these LEAs and has already noted improvements in the timeliness and accuracy of data submissions and extractions.