Oregon

Table A – Part B

Issues Identified in the State Performance Plan

SPP Indicator	Issue	Required Action
Indicator 1: Percent of youth with IEPs graduating from high school with a regular diploma compared to percent of all youth in the State graduating with a regular diploma. (20 U.S.C. 1416 (a)(3)(A))	On pages 1 and 2 of the SPP, ODE provided baseline data comparing the graduation rates for students with and without disabilities for FFY 2003 (July 1, 2003 through June 30, 2004), but did not provide baseline data for FFY 2004 (July 1, 2004 through June 30, 2005) as required by the SPP instructions. On page 2 of the SPP, the State indicated that the graduation rates for both students in general education and students with IEPs for the 2004-2005 school year will be reported in the FFY 2005 APR, since final graduation rates typically are not published until the spring of the succeeding year.	The State must include, in the FFY 2005 APR, due February 1, 2007, both baseline data from FFY 2004 (July 1, 2004 through June 30, 2005) and progress data from FFY 2005 (July 1, 2005 through June 30, 2006). Failure to include these data in the FFY 2005 APR will affect OSEP's determination of the State's status under section 616(d) of the IDEA.
Indicator 2: Percent of youth with IEPs dropping out of high school compared to the percent of all youth in the State dropping out of high school. (20 U.S.C. 1416 (a)(3)(A))	ODE did not provide FFY 2004 dropout data as required by the SPP instructions. On page 5 of the SPP, ODE explained that it bases its drop-out rate calculations on district reports collected in the spring and verified by districts during the following October. The final drop-out report for general education is typically not published until Spring. Therefore, ODE anticipates that drop-out rates for students with IEPs and students in general education will be available in Spring 2006 and considers 2003-2004 data as baseline for this submission.	The State must include, in the FFY 2005 APR, due February 1, 2007, both baseline data from FFY 2004 (July 1, 2004 through June 30, 2005) and progress data from FFY 2005 (July 1, 2005 through June 30, 2006). Failure to include these data will affect OSEP's determination of the State's status under section 616(d) of the IDEA.
Indicator 4a: Rates of suspension and expulsion: A. Percent of districts identified by the State as having a significant discrepancy in the rates of suspensions and expulsions of children with disabilities for greater than 10 days in a school year; and B. Percent of districts identified by the State as having a significant discrepancy in the rates of suspensions and expulsions of greater than 10 days in a school year of children with	**Noncompliance:** Previous noncompliance related to indicator 4A. See Table B. **Other:** On page 18 of the SPP, ODE submitted Table 2 containing data for 2004-2005 on statewide suspensions by race and ethnicity. The SPP instructions require States to use the data that were reported for Table 5, Section A, Columns 3A, 3B, and 3C, Report of Children with Disabilities Unilaterally Removed or Suspended/Expelled for More than 10 Days of the Annual Report of Children Served.	**Noncompliance:** Previous noncompliance related to indicator 4A. See Table B. **Other:** The State must include data from Table 5 in its FFY 2005 APR, due February 1, 2007. Failure to include this information at that time may affect OSEP's determination of the State's status under section 616(d) of the IDEA.

SPP Indicator	Issue	Required Action
disabilities by race and ethnicity. (20 U.S.C. 1416(a)(3)(A); 1412(a)22))		
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))	On pages 34 and 35 of the SPP, ODE described the sampling plan it would be implementing to collect parent survey data. A description of the sampling plan for indicator 8 indicated that it was not technically sound (see OSEP's February 14, 2006 memorandum). Data will lack validity if based on a sampling plan that is not technically sound. OSEP is concerned because your plan is to use these invalid data to establish baseline data for this Indicator. The submission of invalid data is inconsistent with Federal statute and regulations, including section 616(b)(2)(B) of the IDEA, and will affect OSEP's determination of the State's status under section 616(d) of the IDEA.	As indicated in the February 14, 2006 OSEP memorandum, if a revised sampling plan has not been accepted by OSEP by the time the State submits its FFY 2005 APR on February 1, 2007, the State must submit a revised sampling methodology with the State's FFY 2005 APR, that describes how data were collected. In the FFY 2005 APR, you also need to explain how your State addressed the deficiencies in the data collection noted in the attachment to the OSEP memorandum. If you decide not to sample, but rather gather census data, please inform OSEP and revise your SPP accordingly.
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))	**Noncompliance:** Continued noncompliance. See Table B. **Other:** The State did not use all required measurements in reporting its baseline data for this indicator. Specifically, on page 49 of the SPP, the State reported FFY 2004 baseline data on the number of children determined not eligible but did not specify the number of children whose eligibilities were determined prior to their third birthdays. Further, the State specified only that 861 children who were served in Part C were found eligible for Part B, but did not specify the number of those children who had an IEP developed and implemented by their third birthdays, as it was required to do under Measurement c. In addition, the State did not indicate the range of days beyond the third birthday when eligibility was determined and reasons for the delays.	**Noncompliance:** Continued noncompliance. See Table B. **Other:** The State must include all required data and calculations in reporting its performance on this indicator in the APR, due February 1, 2007. The State must include both baseline data from FFY 2004 and target data from FFY 2005. Failure to include these data at that time may affect OSEP's determination of the State's status under section 616(d) of the IDEA.