Oregon

Table B– Part B

Previously-Identified Issues

Issue	State Submission	OSEP Analysis	Required Action
Indicator 3: <u>Statewide and districtwide assessment</u>.			
OSEP's January 14, 2005 letters responding to Oregon's FFY 2002 APR and OSEP's verification visit stated that Oregon was not reporting publicly and to the Secretary on the participation and performance of children with disabilities in Statewide assessments, including the alternate assessment (34 CFR §300.139). Specifically, in the FFY 2002 APR letter, OSEP stated that ODE could not ensure that reports to the public on the participation of children with disabilities in statewide assessments contained disaggregated data on the performance of children with disabilities in alternate assessments. Because the State was unable to correct this noncompliance by July 1, 2005, OSEP imposed Special Conditions on Oregon's FFY 2005 Part B grant award, and required Oregon, by May 31,2006, to submit documentation demonstrating that it is reporting publicly and to the Secretary on the participation and performance of children with disabilities in statewide assessments, including alternate assessments, as required by 20 U.S.C. 1412(a)(16).	The improvement plan, included in Oregon's FFY 2003 APR, stated that ODE would report on the participation and performance of children with disabilities in alternate assessments in the Oregon Statewide Report Card in Fall 2005 and all reports would be available in print and on the ODE website.	To date, the State has posted some information regarding the participation and performance of children with disabilities in statewide assessments on its website, but has not posted information regarding the participation and performance of children with disabilities in alternate assessments. The State anticipated that the Oregon Statewide Report Card would be available in print and on its website in the very near future.	No later than May 31, 2006, ODE must submit documentation of compliance with these requirements. Failure to demonstrate full compliance at that time may result in the State's continuing designation as a "high-risk" grantee or may otherwise affect its FFY 2006 grant award.

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Indicator 4A: <u>Suspension and Expulsion</u>. OSEP's January 14, 2005 FFY 2002 APR required ODE to provide information indicating that when it identifies significant discrepancies in disciplinary suspension and expulsion rates of children with disabilities, it reviews and, if appropriate, revises (or requires the affected State agency or local educational agency (LEA) to revise) its policies, procedures and practices consistent with 34 CFR §300.146(b). In the FFY 2003 APR, ODE submitted a plan to review district suspension/ expulsion data to determine if significant discrepancies are occurring in suspension/expulsion rates, including whether the need for any revisions in policies/procedures is indicated. In its September 8, 2005 letter responding to ODE's FFY 2003 APR, OSEP accepted the plan, and required ODE to demonstrate correction of the noncompliance as soon as possible and not more than one year after the date of that letter, and to submit a Progress Report no later than six months from the date of that letter.	On page 15 of the SPP, the State explained that it used a two-tiered method for determining whether a district had a significant discrepancy in disciplinary suspensions, using a chi-square analysis. In the 2004-2005 special education discipline data collection, ODE reported that it identified 2 districts (1 percent) as significantly discrepant, and directed the development of an improvement plan in one district and additional data collection in the second. On page 14 of the SPP, ODE explained that, as part of the Systems Performance Review and Improvement (SPR &I) process, districts review student discipline data reports and that ODE interviewed district staff regarding an alignment of district practices and IDEA requirements.	34 CFR §300.146(b) requires that, for districts in which the State finds that significant discrepancies identified in §300.146(a) are occurring, the State must review, and if appropriate revise, or require the affected State agency or LEA to revise) its policies, procedures, and practices relating to the development and implementation of IEPs, use of behavioral interventions, and procedural safeguards to ensure that these policies, procedures, and practices comply with Part B of the Act. The State indicated that it reviewed the policies and procedures of the two districts identified as having a significant discrepancy in disciplinary suspensions. However, the State did not provide the results of the State's review, or if appropriate, revision of policies, procedures and practices in the affected LEAs, in accordance with 34 CFR §300.146(b).	The State must ensure that the noncompliance with 34 CFR §300.146(b) is corrected and include data in the FFY 2005 APR, due February 1, 2007, that demonstrate compliance with this requirement. The State should review and, if necessary revise, its improvement strategies included in the SPP to ensure they will enable the State to include data in the APR, that demonstrate full compliance with this requirement. Failure to include this information may affect OSEP's determination of the State's status under section 616(d) of the IDEA.
Indicator 12: <u>Early childhood transition</u>. OSEP's September 8, 2005 letter noted that the data regarding early childhood transition provided in the FFY 2003 APR	On page 49 of the SPP, ODE reported data from the SPR&I process showing that eight of the 33 early intervention/	The State provided baseline data that demonstrated noncompliance with the requirement at 34 CFR §300.132(b) that	The State must review and, if necessary, revise its improvement strategies to ensure they will enable the State to

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were insufficient to determine whether children referred from Part C to Part B had an IEP in effect by their third birthdays, and required ODE to submit data, indicating whether children who previously participated in Part C who are found eligible for services under Part B have an IEP or IFSP in effect by their third birthdays, as required by 34 CFR §300.132(b) .	early childhood special education programs in the State were selected for monitoring in 2004-2005, based on a six-year monitoring cycle by county. The file review showed that 86% (24/28) of children transitioning from Part C to Part B had an IEP developed and implemented by their third birthdays. While the State analyzed its data review as showing that all children who received Part C services and referred to Part B received services, the State acknowledged that these data do not show the timeliness of early childhood transition activities. See Table A regarding measurement for this indicator.	children referred by Part C prior to age three, and who are found eligible for Part B, have an IEP or IFSP developed and implemented by their third birthdays.	include data in the APR, due February 1, 2007, that demonstrate full compliance with this requirement. Failure to demonstrate compliance at that time may affect OSEP's determination of the State's status under section 616(d) of the IDEA.
Indicator 15: Correction of noncompliance identified through monitoring. OSEP's January 14, 2005 letters reported that ODE did not correct all noncompliance identified through monitoring within a reasonable period of time, not to exceed one year from identification, as required by 20 U.S.C. 1232d(b)(3)(E) and 34 CFR §300.600. OSEP's September 8, 2005 letter accepted Oregon's plan for ensuring the correction of this noncompliance and required ODE to submit, by November 30, 2005, or in the SPP, a Progress Report including data and analysis documenting progress toward compliance and a final report, including data and analysis demonstrating compliance, no later than 30 days following one year from the date of that letter.	ODE submitted an improvement plan with a Progress Report on June 30, 2005, that OSEP accepted in its September 8, 2005 letter. ODE submitted a second Progress Report in November 2005. On page 58 of the SPP, ODE reported that 86 of 101 noncompliance findings (85%) in 35 districts were corrected within one year of identification. The districts that did not show full compliance showed progress toward compliance and were given conditional approval pending completion of all remaining corrections by October 14, 2005. ODE reported that all districts reported completion of identified noncompliance by October 2005.	The State provided data that demonstrate continued noncompliance with the requirement regarding correction of all noncompliance identified through monitoring within a reasonable period of time, not to exceed one year from identification. The level of compliance reported was 85%.	The State must ensure that this noncompliance is corrected. The State must review and, if necessary revise, its improvement strategies to ensure they will enable the State to include data in the APR, due February 1, 2007, that demonstrate full compliance with this requirement. Failure to demonstrate compliance at that time may affect OSEP's determination of the State's status under section 616(d) of the IDEA.

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Indicator 15: <u>Correction of noncompliance in disproportionality</u>. OSEP's January 14, 2005 FFY 2002 APR letter required ODE to report, in the next APR, on the status of the review and where appropriate, revision of policies, procedures and practices as required by 34 CFR §300.755(b) in those districts where ODE determined there was significant disproportionality with respect to identification of children in particular disability categories or the placement of children with disabilities in particular educational settings, to ensure that those policies are race neutral and consistent with Part B of the Act. Since ODE did not report this information in its FFY 2003 APR, OSEP's September 8, 2005 letter required ODE to provide either the results of its review of the relevant policies, procedures and practices, in accordance with 34 CFR §300.755(b), by November 30, 2005 or in the SPP, or specify what steps the State would take to implement its plan to report on the results of its review of policies, procedures and practices, in accordance with 34 CFR §300.755(b) in those districts with significant disproportionality in the identification of children in particular educational categories or the placement of children in particular educational settings, to ensure correction of the noncompliance as soon as possible, not to exceed one year from the date of that letter.	On pages 36-38 of the SPP, ODE reported that, during FFY 2003 APR reporting period, Oregon did not conduct reviews of policies, procedures and practices with districts based on the risk ratio criteria results because the risk ratio analysis for FFY 2003 was not conducted until January 2005. However, Oregon did conduct policy, procedure and practice reviews as part of the SPR&I process for those districts engaged in self-assessment. On pages 36-38 of the SPP, ODE reported on the results of these reviews for those districts in the SPR&I process during 2003-2004, and did not identify noncompliant policies and procedures regarding child find, evaluation, and eligibility. ODE reported that, in 2005-2006, race/ethnicity distribution was identified as a key performance indicator and an area of focus in the SPR&I system for all districts. ODE will report thresholds that will generate an automatic analysis requirement. In this system, districts with rates outside the threshold ranges would automatically be required to complete analysis worksheets, review district policies, procedures and practices relating to child find, evaluation and eligibility, and determine any other contributing factors that might explain the data. ODE will conduct verification calls to districts requiring further analysis, and will either verify the justification due to	OSEP accepts the State's plan for reviewing and revising district policies, procedures and practices in accordance with 34 CFR §300.755(b) and looks forward to the results of the review, or if appropriate, revision of the relevant policies and procedures in the APR due February 1, 2007.	The State must report on the results of its review and, if appropriate, revision of the policies, procedures and practices in accordance with 34 CFR §300.755(b). Failure to provide this information at that time may affect the State's status under section 616(d) of the IDEA.

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	the unique characteristics of the district or address review of policies, procedures and practices relating to child find, evaluation and eligibility and identify the district for focused monitoring. Focused monitoring activities may include individual student file reviews to analyze service provision and placement.		
Indicator 16:Complaint timelines. OSEP's January 14, 2005 letters reported noncompliance with requirements at 34 CFR §300.661(a) and (b)(1) that complaint decisions are issued within 60 days from the date the complaint is filed, unless the timeline is extended because of exceptional circumstances with respect to a particular complaint. In its FFY 2003 APR, ODE submitted an improvement plan, including strategies, proposed evidence of change, targets and timelines, to correct this noncompliance. OSEP's September 8, 2005 letter required ODE to submit, by November 30, 2005, or in the SPP, a second Progress Report including data and analysis documenting progress toward compliance with this requirement and a final report, including data and analysis demonstrating compliance, no later than 30 days following one year from the date of that letter.	ODE submitted an improvement plan on June 30, 2005, that OSEP accepted in its September 8, 2005. ODE submitted a second Progress Report in November 2005. On page 62 of the SPP, ODE included 2004-2005 data indicating that 97%, (28/29) complaints, were resolved within the 60-day timeline or a timeline extended for exceptional circumstances with respect to an individual complaint. ODE also included a number of improvement activities, including assignment of appropriate staff and contractor resources, if necessary; training to complaint contractors; and continued monitoring of extensions granted for exceptional circumstances.	The State reported a 97% level of compliance with the requirement at 34 CFR §300.661(a) and (b)(1). While this level of compliance is below 100% and requires continued implementation of improvement activities to achieve full compliance, OSEP recognizes the effort made by the State in working toward compliance with this requirement.	OSEP looks forward to reviewing data in the APR, due February 1, 2007, that demonstrate full compliance with this requirement.
Indicator 17: Due process hearing timelines. OSEP's September 8, 2005 letter requested Oregon to include in the SPP,	On page 63 of the SPP, ODE reported that, in 2004-2005, although there were	The State reported data showing full correction of the previously-identified	OSEP looks forward to reviewing data in the APR, due February 1, 2007,

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strategies developed to ensure that due process hearing decisions are issued within 45 days from the date of the hearing request, unless the hearing officer grants a specific extension at the request of either party (34 CFR §300.511(a) and (c)).	26 hearing requests, it had no fully adjudicated hearings. Of those requests, 24 were resolved without a hearing, and 2 were pending as of June 30, 2005. The timelines for the two pending hearings were extended at the request of one or both parties. Strategies were submitted to ensure that decisions in due process hearings are issued within required timelines or properly granted extensions, including continued collaboration of the Office of Administrative Hearings and training to ensure timely completion of hearings.	noncompliance with the requirement that due process hearing decisions are issued within the 45-day timeline or a timeline that is properly extended by the hearing officer at the request of either party (34 CFR §300.511(a) and (c)). OSEP appreciates the State's efforts in ensuring compliance with this requirement.	demonstrating continurf compliance with this requirement.