Part B State Performance Plan (SPP) for 2005-2010

REVISED FEBRUARY 2010

INTRODUCTION

Overview of the State Performance Plan Development:

In accordance with instructions from the U.S. Office of Special Education Programs (OSEP), Nevada's SPP has been revised and is now titled "Part B State Performance Plan (SPP) for 2005-2010 REVISED FEBRUARY 2010." This revision was necessary because a number of indicators and measurements have changed for the FFY 2008 (2008-2009) reporting year—some which required establishing new baselines and setting new targets, and some which did not—and it is important that the SPP and APR documents present consistent and current frames for indicators and the measurements of those indicators. Readers of this February 2010 SPP who are interested in indicators, measurements, and target data for years prior to FFY 2008 should access the SPP and APR documents from 2007, 2008, and 2009, available online at the NDE website: http://www.doe.nv.gov/SpecialEducation_Reports.htm.

On the following page is a list of the specific revisions that have been made to indicators in the February 2010 SPP. If an "X" appears in a cell, this aspect of the Indicator has been revised. Readers should note that many of the revisions to indicators and targets were necessary to align with OSEP's reframing of indicators and measurements, but most of those revisions were minor. For example, the indicators and measurements for Indicator 5 simply restate the percentage of student's placement outside the regular education environment, to a percentage of the student's placement inside the regular education environment. Targets were revised to capture this change in language, but the numerical targets remained the same. For Indicator 6, the indicator and measurement changed, and in 2010 the NDE will establish new baseline data, targets, and improvement activities for this indicator.

Minor changes were also made to indicators and/or measurements for 9, 10, 11, and 12, but no changes were needed for the targets (all are compliance indicators, so targets are set by OSEP). Similarly, minor changes were made in the indicator and/or measurement for Indicators 16, 17, and 20, and although the language in the targets was revised for Indicators 16 and 17, the numerical targets remained the same.

Major changes were made to Indicators and Measurements for Indicators 13 and 14. Because Indicator 13 is a compliance indicator, the target will remain 100% even though the indicator now requires data collection on additional legal requirements associated with secondary transition components in students' IEPs. In 2011, the NDE will establish new baseline data, targets, and improvement activities for Indicator 14.

The indicators and measurements were changed for Indicators 1, 2, and 3. For Indicator 1, the NDE was required to adjust its targets to align with the NCLB regular high school diploma graduation rate (50%). This represented a significant change in the target—and is the only indicator where the numerical target changed from the previous April SPP. For Indicator 2, there are no NCLB targets for dropout rates, so although the indicator and measurement changed, the NDE retained its original numerical targets. Minor changes were made in measurements for Indicators 3A and 3B, and more significant changes were made to the measurement for Indicator 3C (measurement of proficiency on statewide assessments). The NDE retained its original targets for each of the sub-indicators in Indicator 3.

The baseline data provided in the original SPP submitted in December 2005, and revised most recently and significantly in April 2008, now does not align to many of the indicators in the SPP. Consequently, where the indicators and/or measurements have changed in any significant way, the original baseline data have been removed, and readers are directed to the February 2009 SPP and previous APRs for those archived data. In the place of the original baseline data, data from the FFY 2008 APR have been included.

Indicator Number and Short Title	Revised Indicator	Revised Measure-ment	Established or Revised Targets	Established or Revised Baseline Data
1. Graduation Rates	X	X	Revised to 50%	Revised
2. Dropout Rates	X	X		Revised
3. Assessment	X	X		Revised 3C
4. Suspension Rates	X-4B	X-4B	2011	2011
5. LRE for 6-21	X	X	Revised*	
6. LRE for 3-5	X	X	2011	2011
7. Early Childhood Outcomes		X	Established	Established
8. Parent Involvement				
9. Disproportionate Identification of IEP Students		X		
10. Disproportionate Identification of IEP Students in Specific Disability Categories		X		
11. Initial Evaluation Timelines	X	X		
12. IEP by Third Birthday for Part C Transfers		X		
13. Secondary Transition Planning	X	X	Revised*	2011
14. Post-school Outcomes	X	X	2011 SPP	2011 SPP
15. Correction of Noncompliance				
16. Complaint Investigation Timelines	X		Revised*	
17. Due Process Hearing Timelines	X		Revised*	
18. Resolution Sessions				
19. Mediation				
20. Timely and Accurate Data		X		

* Language in targets was revised in response to changes in the indicator and/or measurement; numerical targets remained unchanged.

As noted above, targets were revised for Indicators 1 and set for the first time for Indicator 7. Under the new measurement requirements for Indicator 1, Nevada was required to set this target to align with the NCLB target set for all students to graduate with a regular diploma (50%). The targets for Indicator 7 (preschool outcomes) have now been set for the first time after collecting and reporting three years of data. To set the targets, an abstract was prepared to summarize current baseline data, proposed targets, the rationale for the proposed targets, and relevant improvement activities. This information was reviewed and discussed by the Special Education Advisory Committee (SEAC) and Nevada's Special Education District Administrators (SEDA) in December 2009 and January 2010, and each group recommended that the NDE adopt the proposed targets now established in this document.

Following submission to OSEP in February of each year, the SPP is disseminated to local school district superintendents, special education directors and other administrators, parent training and advisory groups, state agency administrators, and other interested parties (approximately 125 total individuals and

organizations statewide who support students with disabilities and their families in a variety of capacities). The current version of Nevada's SPP is available on the NDE website immediately following the February submission to OSEP. Once posted to the website, a press release is disseminated to regional newspapers in the state announcing the availability of the SPP on the website or by contacting the Nevada Department of Education.

Progress toward the state targets for Performance Indicators 1-20 is reported to the public through development and submission of the Annual Performance Report (APR). The APR is made available to the public annually by March on the NDE website, following the February submission to OSEP. Progress is also reported whenever the NDE has an opportunity to meet with and address local and statewide organizations such as parent and professional organizations, other state and local agencies, university and community college groups, and other community groups.

The progress of local education agencies toward the state targets for Performance Indicators 1-14 are reported annually to the public by April on the NDE website and will be disseminated directly to SEDA and SEAC.

INDICATOR 1

Overview of the State Performance Plan Development:

See description in the Introduction.

Monitoring Priority: FAPE in the LRE

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

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

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

Note Regarding February 2010 Updates:
As of FFY 2008, this indicator and measurement have changed, and the targets are now set at 50% as required by OSEP. Because the baseline data included in the February 2009 SPP are now incompatible with the current indicator and measurement, the original baseline data have been removed. The baseline data below are from the 2007-2008 year. For targets established during previous years, see the February 2009 SPP available at the NDE website. For actual target data and discussion of target data for previous years, see previous APR reports available at the NDE website.

Overview of Issue/Description of System or Process (updated February 2010):
Nevada requires all students to pass a high stakes exit examination in order to obtain a standard diploma. This requirement is created in state statute (Nevada Revised Statutes). The High School Proficiency Examination has been in place in the state for many years, although there have been revisions to increase the difficulty of the subject matter tested, as well as raise the cut-scores necessary for passing the examination. In other words, over time it has become more difficult for students, particularly students with disabilities, to pass the examination.

In addition to passing the High School Proficiency Examination, students must also complete the course of study prescribed by the Nevada State Board of Education and set forth in regulations contained in the Nevada Administrative Code. To earn a standard (regular) diploma, students with disabilities must satisfy the same requirements that students who do not have disabilities must satisfy.

A Certification of Attendance is issued to any student who earns all credits required to complete the course of study, but is unable to pass the High School Proficiency Examination. An Adjusted Diploma is available in Nevada for students with disabilities who satisfy the requirements specified in their Individualized Educational Programs (IEPs) even though they may not earn all credits necessary for graduation with a standard diploma or pass the High School Proficiency Examination.

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

For a given year Y:

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

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

Numerator:
For a given year, the sum of public high school students earning a standard, advanced, or adult diploma. A “regular” diploma in Nevada is equivalent to a standard, advanced, or adult diploma.

- Standard Diploma Requirements
  To receive a Standard Diploma a student must fulfill those requirements as designated by the Nevada State Board of Education in the Nevada State Content and Performance Standards.

- Advanced Diploma Requirements
  The Advanced Diploma requires additional credits beyond the credits required for the Standard Diploma. Students electing to earn an Advanced Diploma are required to earn one additional science credit and one additional social studies/art and humanities/career and technical education credit in the twenty-four (24) total required credits. Students in the Class of 2009 and beyond must earn 4.0 mathematics units, 6.0 units for elective courses for a total of 24.0 credits, and maintain a 3.25 unweighted GPA.

- Adult Diploma Requirements
  An Adult Diploma means a diploma which evidences the graduation from high school of a person who has met the requirements for graduation through:
  - A program of adult education established by a school district: or
  - An alternative program for the education of pupils at risk of dropping out of high school established by a school district pursuant to NRS 388.537.

Denominator:
There are two aspects to the denominator: Completers and Dropouts.

Completers
In order to determine completers for a given year, sum public high school students earning a standard, advanced, adult, adjusted, or certificate of attendance.

- Adjusted Diploma Requirements
  An Adjusted Diploma is a diploma which evidences the graduation from high school of a pupil with a disability after the pupil has met special requirements or adjusted standards. NAC 389.015 (NRS 385.080)

- Certificate of Attendance Requirements
  A Certificate of Attendance is a certificate that evidences the satisfaction of all the requirements for graduation from high school or completion of a program of adult education except that a pupil has not passed one or more of the high school proficiency examinations. The term "certificate of attendance" is not equivalent to nor does it replace or include a standard diploma, advanced diploma, adjusted diploma or adult standard diploma. NAC 389.019 (NRS 385.080)

Dropouts

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

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

Baseline Data for FFY 2008:

Based on 2007-2008 data, Nevada's regular diploma graduation rate for the FFY 2008 reporting year for youth with IEPs is 25.1%. See February 2010 APR for actual numbers used in this calculation.

Discussion of Baseline Data:

During the most recent four years when the calculation was made using different numerators and denominators, the graduation rate was as follows:

2004-2005 (original baseline data in the SPP): 19.5%
2005-2006 = 23.3%
2006-2007 = 20.6%
2007-2008 = 16.3%

As directed by OSEP, Nevada has revised its targets for the remaining years of the SPP to align with the 50% graduation rate target established under NCLB.

FFY	Measurable and Rigorous Target
2008 (2008-2009)	50% of Nevada's youth with IEPs will graduate from high school with a regular diploma.
2009 (2009-2010)	50% of Nevada's youth with IEPs will graduate from high school with a regular diploma.
2010 (2010-2011)	50% of Nevada's youth with IEPs will graduate from high school with a regular diploma.

Improvement Activities/Timelines/Resources:

See APR Attachment 1, Improvement Activities/Timelines/Resources, for the following initiatives:

- Improvement Activity 1.1: School, District, and State Improvement Planning and Implementation (p. 3)
- Improvement Activity 1.2: Special Education Data Collection, Reporting, and Use (p. 6)
- Improvement Activity 1.3: Personnel Preparation, Recruitment, and Retention (p. 8)
- Improvement Activity 1.4: Student Assessment (p. 11)
- Improvement Activity 3.1: Academic and Behavioral Supports (p. 22)
- Improvement Activity 3.2: Transition Planning and Postsecondary Outcomes (p. 26)
- Improvement Activity 3.3: Parent Involvement (p. 30)

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INDICATOR 2

Overview of the State Performance Plan Development:

See description in the Introduction.

Monitoring Priority: FAPE in the LRE

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

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

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

Note Regarding February 2010 Updates:
As of FFY 2008, this indicator and measurement have changed, although the NDE has not revised its targets. Because the baseline data included in the February 2009 SPP are now incompatible with the current indicator and measurement, the original baseline data have been removed. The baseline data below are from the 2007-2008 year. For targets established during previous years, see the February 2009 SPP available at the NDE website. For actual target data and discussion of target data for previous years, see previous APR reports available at the NDE website.

Overview of Issue/Description of System or Process (updated February 2010):
As described in Indicator 1, Nevada is one of approximately 27 states that require students to pass a high stakes exit examination in order to obtain a standard diploma. A high stakes exit examination reflects a state's commitment to high standards for student achievement and serves to motivate students and teachers to work harder. However, there is a growing body of research showing that high stakes exit examinations are associated with increased dropout rates, especially for students with disabilities and poor and minority students (NCEO Technical Report No. 36, "A National Study on Graduation Requirements and Diploma Options for Youth With Disabilities" 2003). Within Nevada, there is a concern that the labor market may provide disincentives for some students to remain in school, since there are a number of high paying jobs within the gaming and mining industries for which lower level skills are sufficient to succeed (WestEd Technical Report, "Student Achievement and Graduation Rates in Nevada" 2005). These issues will continue to be the subject of discussion for many years in Nevada as the state moves toward higher expectations for all students.

Dropout Rate Calculation:
No difference exists between youth with and without an IEP in their treatment as a dropout. Dropouts are determined by the student's withdrawal code. Nevada has revised the state's withdrawal codes in anticipation of the cohort graduation rate; see Indicator 1 above on page (xx) for a list of the reasons for withdrawal which qualify as a dropout.

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

In a given year, the formula is expressed as:

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

Baseline Data for FFY 2008:
As of FFY 2008, this indicator and measurement have changed, although the numerical targets remain unchanged. For actual target data and discussion of target data for previous years, see previous APR reports available at the NDE website.

Based on 2007-2008 data used in the ESEA graduation rate calculation, Nevada's dropout rate for the FFY 2008 reporting year for youth with IEPs is 5.6%. See February 2010 APR for actual numbers used in this calculation.

Discussion of Baseline Data:
During the most recent four years when the calculation was made using different numerators and denominators, the dropout rate was as follows:

2004-2005 (original baseline data in the SPP): 7.2%
2005-2006 = 8.0%
2006-2007 = 8.7%
2007-2008 = 9.2%

The NDE has not revised its targets for Indicator 2, because there is no NCLB target for this indicator and because only one year (2007-2008) exists to perform the calculation based on the ESEA data. The NDE will reexamine whether to revise its targets after the 2008-2009 dropout rate calculations are completed, prior to the February 2011 submission. Broad stakeholder input will be sought when targets are reviewed and revised.

FFY	Measurable and Rigorous Target
2005 (2005-2006)	7.4% of Nevada's youth with IEPs will drop out of high school.
2006 (2006-2007)	7.4% of Nevada's youth with IEPs will drop out of high school.
2007 (2007-2008)	7.1% of Nevada's youth with IEPs will drop out of high school.
2008 (2008-2009)	6.8% of Nevada's youth with IEPs will drop out of high school.
2009 (2009-2010)	6.5% of Nevada's youth with IEPs will drop out of high school.
2010 (2010-2011)	6.2% of Nevada's youth with IEPs will drop out of high school.

Improvement Activities/Timelines/Resources:
See APR Attachment 1, Improvement Activities/Timelines/Resources, for the following initiatives:

- Improvement Activity 1.1: School, District, and State Improvement Planning and Implementation (p. 3)
- Improvement Activity 1.2: Special Education Data Collection, Reporting, and Use (p. 6)
- Improvement Activity 1.3: Personnel Preparation, Recruitment, and Retention (p. 8)
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- Improvement Activity 3.2: Transition Planning and Postsecondary Outcomes (p. 26)
- Improvement Activity 3.3: Parent Involvement (p. 30)

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INDICATOR 3

Overview of the State Performance Plan Development:

See description in the Introduction.

Monitoring Priority: FAPE in the LRE

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

A. Percent of the districts with a disability subgroup that meets the State's minimum "n" size that meet the State's AYP targets for the disability subgroup.

B. Participation rate for children with IEPs.

C. Proficiency rate for children with IEPs against grade level, modified and alternate academic achievement standards.

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

Measurement:

A. AYP percent = [(# of districts with a disability subgroup that meets the State's minimum "n" size that meet the State's AYP targets for the disability subgroup) divided by the (total # of districts that have a disability subgroup that meets the State's minimum "n" size)] times 100.

B. Participation rate percent = [(# of children with IEPs participating in the assessment) divided by the (total # of children with IEPs enrolled during the testing window, calculated separately for reading and math)]. The participation rate is based on all children with IEPs, including both children with IEPs enrolled for a full academic year and those not enrolled for a full academic year.

C. Proficiency rate percent = ([(# of children with IEPs enrolled for a full academic year scoring at or above proficient) divided by the (total # of children with IEPs enrolled for a full academic year, calculated separately for reading and math)].

Note Regarding February 2010 Updates:
As of FFY 2008, this indicator and measurement have changed, most significantly for Sub-Indicator 3C where proficiency is now measured only for IEP students who were enrolled for a full academic year. However, numerical targets have not changed. Except for Sub-Indicator 3C where baseline data have been revised, the baseline data below have not been updated from the original submission. The change in the indicator for 3A required a change in the language in the targets (see below).

For targets established during previous years, see the February 2009 SPP available at the NDE website. For actual target data and discussion of target data for previous years, see previous APR reports available at the NDE website.

Overview of Issue/Description of System or Process (updated February 2010):

Assessment of Students with Disabilities

In response to the requirements of NCLB as well as state legislative mandate, the NDE has established a comprehensive, large-scale assessment system that establishes proficiency levels based upon student-level data, and supports the expansion of multiple measures of achievement. This system has been phased in over a period of years. During 2003-2004, Criterion-Referenced Tests (CRTs) were

administered by the state at grades 3, 5, and 8. By 2005-2006, CRTs were conducted annually at grades 3-8. By 2007-2008, the total state assessment system included comprehensive testing through the administration of the CRTs, writing assessment at grades 4 and 8, the High School Proficiency Exam (passage required for standard diploma), and NASAA (the Nevada Alternate Scales of Academic Achievement) at grades 3-8 and as an alternate to the High School Proficiency Exam, for students with significant cognitive disabilities who participate in a curriculum that addresses functional academics and whose IEP committees determine that an alternate assessment is appropriate. As of February 2010, the NASAA has been replaced by the Nevada Alternate Assessment (NAA).

Adequate Yearly Progress

Adequate Yearly Progress (AYP) classifications are made annually based on three criteria: (1) participation rates on statewide assessments, (2) academic achievement, based on the percent of students that score proficient or higher on the state CRTs, writing tests, and high school proficiency exam, and (3) one other indicator, which in Nevada is average daily attendance at the elementary and middle school level and graduation rate at the high school level.

The data on these three indicators are disaggregated among nine subgroups at the school, district, and state level, to include: the five federally specified race/ethnicity categories, students with disabilities who have Individualized Educational Programs (IEP), students with Limited English Proficiency, and students receiving Free or Reduced Lunch (FRL). There are three areas in which a school could be classified as not meeting AYP: English Language Arts, Mathematics, or the Other Indicator. A school is classified as not making AYP if any one of the nine subgroups identified above does not meet the criteria for the three AYP indicators (participation rates, academic achievement, and either average daily attendance at the elementary and middle school level or graduation rate at the high school level). If the number of students in any subpopulation is fewer than 25, the subgroup is considered to have made AYP for the purpose of school- and district-level analyses. Safe harbor analyses consider the percent reduction in non-proficient students a school or subgroup has made since the previous school year as well as group performance on the other indicator. Schools that have not demonstrated AYP for two consecutive years in any of the three AYP areas are designated “In Need of Improvement.” To be removed from this status, a school must demonstrate AYP for two consecutive years in the designation area(s) previously designated as needing improvement.

AYP classifications are not made at the district level by subpopulation, by area (ELA, Mathematics, Other), or by level (elementary, middle, high school). A single classification is made at the district level that incorporates results of all nine subgroups, in all three areas, at all three levels. In order for the district to be classified as having made AYP, the district must have made AYP in the areas of English Language Arts, Mathematics, and the Other Indicator. Under policy guidance from the U.S. Department of Education, a district makes AYP in each of these areas if each of the subgroups makes AYP at any level (elementary, middle, or high school). For the IEP subgroup, as an example, if the district makes AYP at the elementary level for English Language Arts, even though it does not make AYP at the middle or high school levels, then the subpopulation is considered to have made AYP for English Language Arts. Table 3-A-1 below shows, for the districts that met the minimum "n" size for AYP analysis, whether the district met the AYP objectives for the disability subgroup during 2004-2005.

Participation of Students with Disabilities

Participation of students with disabilities in the statewide assessment is required not only by federal NCLB legislation, but also by state statutes (Nevada Revised Statutes 389.011 and 389.0115). Table 3-B below describes the participation rates for students with disabilities in the statewide assessment system.

Performance of Students with Disabilities

In the data described below in Table 3-C, reading and mathematics assessments at grades 3, 4, 5, 6, 7 and 8 were based on the results of criterion-referenced tests, and the High School Proficiency Examination administered in 11th grade. At grades 3, 4, 5, 6, 7, 8, and 11, the state's alternate assessment (an assessment called NASAA in 2008-2009) was administered as an alternate to criterion-referenced assessments and the High School Proficiency Examination.

Baseline Data for FFY 2004 (2004-2005):

A. Baseline Data for Percent of Districts Meeting Nevada's AYP Objectives for Disability Subgroup

During 2004-2005, 85.7% of Nevada's districts with the minimum "n" size for English Language Arts (ELA) and Math met Nevada's AYP objectives for progress for the disability subgroup. See Table 3-A-1 below:

Table 3-A-1
Percent of Districts That Have a Disability Subgroup that Meets the State's Minimum "n" Size Meeting Nevada's AYP Objectives for Progress For Disability Subgroup
2004-2005 School Year

# Districts With Minimum "n" Size for ELA and Math	# Districts With Minimum "n" Size for ELA and Math that Met Nevada's AYP Objectives for Progress for Disability Subgroup	% of Districts With Minimum "n" Size Meeting Nevada's AYP Objectives for Progress for Disability Subgroup
7	6	85.7%

The following Table 3-A-2 shows the specific analysis of whether each of Nevada's 17 school districts had the minimum "n" size for ELA and Math assessments and, if so, whether the district made AYP objectives for both ELA and Math.

Table 3-A-2 AYP Objectives for Disability Subgroup In Nevada's 17 School Districts 2004-2005 School Year				
DISTRICT	**AYP AREAS**	**Does District Have Disability Subgroup that meets the State's Minimum "n" Size at Elementary, Middle, and High School Levels?**	**Did District Meet AYP Objectives?**	**Did District Meet AYP Objectives in Both ELA and Math?**
Carson City	ELA	Y	Y*	Y
	Math	Y	Y	
Churchill	ELA	Y	Y	Y
	Math	Y	Y	
Clark	ELA	Y	N	**N**
	Math	Y	N	
Douglas	ELA	Y	Y	Y
	Math	Y	Y	
Elko	ELA	Y	Y	Y
	Math	Y	Y	
Esmeralda	ELA	No	NA	NA**
	Math	No	NA	
Eureka	ELA	No	NA	NA
	Math	No	NA	
Humboldt	ELA	No	NA	NA
	Math	No	NA	
Lander	ELA	No	NA	NA
	Math	No	NA	
Lincoln	ELA	No	NA	NA
	Math	No	NA	
Lyon	ELA	Y	Y	Y
	Math	Y	Y	
Mineral	ELA	No	NA	NA
	Math	No	NA	
Nye	ELA	Y	Y	NA
	Math	No	NA	
Pershing	ELA	No	NA	NA
	Math	No	NA	
Storey	ELA	No	NA	NA
	Math	No	NA	
Washoe	ELA	Y	Y	Y
	Math	Y	Y	
White Pine	ELA	No	NA	NA
	Math	No	NA	

* Y = met targets in participation + either achievement or safe harbor

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

B. Baseline Data for Participation Rates

Participation rates for the 2004-2005 baseline year were calculated by dividing the number of students with disabilities who participated in each examination by the total number of students with disabilities. The No Child Left Behind Act (NCLB) establishes a requirement that 95% of students participate in statewide assessments. Students were counted as participating in the assessments if they participated under any of the following circumstances:

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

Table 3-B
Participation Rates for Students with Disabilities in Criterion-Referenced Assessments
2004-2005 School Year

FFY 2004 School Year 2004-2005	% Participating in Mathematics Assessment	% Participating in Reading Assessment
3rd Grade	99.17%	99.2%
5th Grade	98.79%	98.94%
8th Grade	97.38%	97.47%
10-11th Grades	87.8%	86.85%

C. Baseline Data for Proficiency Rates -- Baseline Data for FFY 2008:

The measurement of proficiency in 2008-2009 was changed from the measurement in previous years. For target data and discussion of target data for previous years, see previous APR reports available at the NDE website. Beginning in FFY 2008, proficiency rates are now calculated by dividing the number of IEP students who were enrolled for the full academic year who were proficient or above in each examination ("b" below), by the total number of IEP students who were enrolled for the full academic year ("a" below). Proficiency is measured by IEP students' performance in the following assessments:

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

For the 2008-2009 school year (and for all previously reported years), Nevada did not assess any students using an alternate assessment measured against grade level standards or modified achievement standards.

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

Table 3-C-1—Math Proficiency
Proficiency Rates for Students with Disabilities in Statewide NCLB Assessments
2008-2009 School Year

Grades Assessed	Total # Students with IEPs Enrolled for a Full Academic Year (a)	# Students with IEPs Enrolled for a Full Academic Year Scoring at or above Proficient (b)	Overall Percent [(b ÷ a) x 100)
3rd Grade	3148	1131	**35.9%**
4th Grade	3294	1242	**37.7%**
5th Grade	3377	1065	**31.5%**
6th Grade	3163	958	**30.3%**
7th Grade	3026	798	**26.4%**
8th Grade	2978	576	**19.3%**
11th Grade	1888	529	**28.0%**

Table 3-C-2—ELA/Reading Proficiency
Proficiency Rates for Students with Disabilities in Statewide NCLB Assessments
2008-2009 School Year

Grades Assessed	Total # Students with IEPs Enrolled for a Full Academic Year (a)	# Students with IEPs Enrolled for a Full Academic Year Scoring at or above Proficient (b)	Overall Percent [(b ÷ a) x 100)
3rd Grade	3148	980	**31.1%**
4th Grade	3294	1001	**30.4%**
5th Grade	3377	722	**21.4%**
6th Grade	3163	715	**22.6%**
7th Grade	3026	878	**29.7%**
8th Grade	2978	645	**21.7%**
11th Grade	1888	1161	**61.5%**

INDICATOR 3A

FFY	Measurable and Rigorous Target
2008 (2008-2009)	88.9% of districts that have a disability subgroup that meets Nevada's minimum "n" size will meet Nevada's AYP targets for the disability subgroup.
2009 (2009-2010)	88.9% of districts that have a disability subgroup that meets Nevada's minimum "n" size will meet Nevada's AYP targets for the disability subgroup.
2010 (2010-2011)	90% of districts that have a disability subgroup that meets Nevada's minimum "n" size will meet Nevada's AYP targets for the disability subgroup.

INDICATOR 3B

FFY	Measurable and Rigorous Target
2005 (2005-2006)	95% of students with disabilities will participate in statewide assessments.
2006 (2006-2007)	95% of students with disabilities will participate in statewide assessments.
2007 (2007-2008)	95% of students with disabilities will participate in statewide assessments.
2008 (2008-2009)	95% of students with disabilities will participate in statewide assessments.
2009 (2009-2010)	95% of students with disabilities will participate in statewide assessments.
2010 (2010-2011)	95% of students with disabilities will participate in statewide assessments.

INDICATOR 3C

FFY	Measurable and Rigorous Target													
2005 (2005-2006)	***Mathematics***							***Reading***						
	3rd	4th	5th	6th	7th	8th	10th	3rd	4th	5th	6th	7th	8th	10th
	32%	No FFY 2005 Target	24%	No FFY 2005 Target	No FFY 2005 Target	17%	14%	25%	No FFY 2005 Target	20%	No FFY 2005 Target	No FFY 2005 Target	18.5%	26%
2006 (2006-2007)	***Mathematics***							***Reading***						
	3rd	4th	5th	6th	7th	8th	10th	3rd	4th	5th	6th	7th	8th	10th
	34%	32%	26%	25%	18%	18.5%	15.5%	26.5%	27%	21.5%	21%	18%	19.5%	27%
2007 (2007-2008)	***Mathematics***							***Reading***						
	3rd	4th	5th	6th	7th	8th	10th	3rd	4th	5th	6th	7th	8th	10th
	36%	33%	28%	26%	19%	20%	17%	28%	28%	23%	22%	19%	20.5%	28%

2008 (2008-2009)	*Mathematics*							*Reading*						
	3rd	4th	5th	6th	7th	8th	11th	3rd	4th	5th	6th	7th	8th	11th
	38%	34%	30%	27%	20%	21.5%	18.5%	29.5%	29%	24.5%	23%	20%	21.5%	29%
2009 (2009-2010)	*Mathematics*							*Reading*						
	3rd	4th	5th	6th	7th	8th	11th	3rd	4th	5th	6th	7th	8th	11th
	40%	35%	32%	28%	21%	23%	20%	31%	30%	26%	24%	21%	22.5%	30%
2010 (2010-2011)	*Mathematics*							*Reading*						
	3rd	4th	5th	6th	7th	8th	11th	3rd	4th	5th	6th	7th	8th	11th
	42%	36%	34%	29%	22%	24.5%	21.5%	32.5%	31%	27.5%	25%	22%	23.5%	31%

NOTE: Beginning in FFY 2008, the NDE changed its NCLB measurement for high-school proficiency from 10th grade to 11th grade. The NDE did not change the targets, only the high-school class used to measure performance against the targets.

Improvement Activities/Timelines/Resources:

See APR Attachment 1, Improvement Activities/Timelines/Resources, for the following initiatives:

- Improvement Activity 1.1: School, District, and State Improvement Planning and Implementation (p. 3)
- Improvement Activity 1.2: Special Education Data Collection, Reporting, and Use (p. 6)
- Improvement Activity 1.3: Personnel Preparation, Recruitment, and Retention (p. 8)
- Improvement Activity 1.4: Student Assessment (p. 11)
- Improvement Activity 3.1: Academic and Behavioral Supports (p. 22)
- Improvement Activity 3.2: Transition Planning and Postsecondary Outcomes (p. 26)
- Improvement Activity 3.3: Parent Involvement (p. 30)

Part B State Performance Plan (SPP) for 2005-2010

INDICATOR 4

Overview of the State Performance Plan Development:

See description in the Introduction.

Monitoring Priority: FAPE in the LRE

Indicator 4: Rates of suspension and expulsion:

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

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

Measurement:

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

Include State's definition of "significant discrepancy."

Indicator 4A is unchanged from the February 2009 SPP.

Overview of Issue/Description of System or Process (updated February 2010):
Supporting the behavioral needs of students with disabilities is a priority for the NDE. Efforts to address these needs are primarily targeted through professional development. Clark County School District (CCSD) has received support from the NDE and has worked with PBS-Nevada to help pilot a set of feeder schools to implement the PBIS model. Lessons have been learned about the best ways in which to help schools create and sustain structures that support students' behavioral success, and the NDE and CCSD will collaborate with other districts to help them put PBIS systems into place, looking to organizations like UNLV and PBS-Nevada to help with this work. Additionally, in 1999, a technical assistance document and a video training tool on Positive Behavioral Supports (PBS) were created in collaboration with the late Glenn Latham. More than 5,000 copies of the technical assistance document have been disseminated, and each district received a copy of the video training, which was produced in collaboration with CCSD's Channel 10 TV station. The work of the NDE to help schools develop and sustain intervention systems that meet students' academic as well as behavioral needs began in June 2005, and promises to help schools proactively address behavior before concerns become too great.

Sub-Indicator A.
Nevada compares district rates for suspension/expulsion of students with disabilities to the statewide average rate of suspension/expulsion of students with disabilities to evaluate comparability. Although the state collects suspension/expulsion data for all students, no data exist for students who do not have disabilities that are precisely comparable to the definitions required in the federal IDEA data collection (which is required to be the data set used in this analysis).

Nevada defines a district's suspension/expulsion rate as "significantly discrepant" if it is more than 25% higher than the statewide average rate. Suspension/expulsion data with cell sizes smaller than 10 are not considered significant for analysis. Annually, in conjunction with submission of their eligibility documents for Part B funding, each district submits data to the NDE concerning students who are suspended or expelled for more than 10 days in a school year. These data are reported annually to OSEP in Table 5, Report of Children with Disabilities Unilaterally Removed or Suspended/Expelled for More than 10 Days. Summative data are submitted for the following three categories for suspensions or expulsions that do not involve removals for drugs/controlled substances, weapons, or dangerous behavior:

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

The statewide average rate is calculated by dividing the statewide totals in each of these "counts" by the total number of students with disabilities in the districts reporting suspensions/expulsions in these categories. District rates are calculated by dividing the district's total in each of these "counts" by the total number of students with disabilities in the district. District rates are examined to determine whether they exceed the statewide average rate by more than 25%.

If a district exceeds the statewide average rate for suspensions/expulsions by more than 25%, the NDE conducts a review of district policies, procedures and practices to ensure compliance with IDEA Part B requirements concerning suspensions/expulsions. In addition, the NDE inquires about the extent to which students with disabilities are provided the positive behavior interventions and supports necessary to maximize participation in regular education environments, and whether the district has established strategies to reduce high rates of suspension and expulsions. Policies and procedures that do not comply with IDEA Part B requirements are revised; noncompliant practices are modified through training and technical assistance.

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

Baseline Data for FFY 2004 (2004-2005):
Baseline data are derived from district-reported data on the federal suspension/expulsion data table submitted annually by each school district. Although data are collected from each district, some districts report that no students were suspended or expelled for more than 10 school days for misconduct that did not involve drugs/controlled substances, weapons, or dangerous behavior. For example, during 2004-2005, only 7 of Nevada's 17 school districts reported suspensions/expulsions for more than 10 school days for conduct other than drugs/controlled substances, weapons, or dangerous behavior. Consequently, the statewide average was calculated based on child count and suspension/expulsion data for these seven districts, and individual district rates were also calculated.

Following is a table showing the calculation of statewide and individual district suspension/expulsion rates for students suspended or expelled for more than 10 days during 2004-2005 for misconduct that did not involve drugs/controlled substances, weapons, or dangerous behavior. In the first row of data, the

statewide average for suspensions/expulsions is calculated, by dividing the number of students (columns 2 and 4) and suspension/expulsion incidents (column 3) by the total number of students with disabilities in the districts listed. In the next row, the statewide average is increased by 25% to establish the threshold for significant discrepancy. The remaining rows show the percentages for each district that imposed suspensions and expulsions for greater than 10 school days, for conduct that did not involve drugs/controlled substances, weapons, or dangerous behavior.

Table-4a Statewide and District Suspension/Expulsion Rates 2004-2005 School Year			
	Suspensions or Expulsions > 10 Days		
	# of Students Suspended/Expelled > 10 Days As % of Total Students with Disabilities	**# of Single Suspension/Expulsions > 10 Days As % of Total Students with Disabilities**	**# of Students with Multiple Suspension/ Expulsions Summing to > 10 Days As % of Total Students with Disabilities**
Statewide Average for Students with Disabilities	2.6%	1.6%	2.4%
Statewide Average + 25% = Threshold for Significant Discrepancy	**3.3%**	**2.0%**	**3.0%**
Clark Co. Sch. Dist.	3.2%	2.0%	3.0%
Douglas Co. Sch. Dist.	3.2%	1.8%	1.8%
Humboldt Co. Sch. Dist.	1.2%	1.6%	1.2%
Lander Co. Sch. Dist.	1.4%	0	1.4%
Nye Co. Sch. Dist.	0.7%	0.1%	0.6%
Washoe Co. Sch. Dist.	0.01%	0%	0.01%
White Pine Co. Sch. Dist.	0.9%	0.4%	0.9%

In 2004-2005, 7 of Nevada's 17 school districts suspended and/or expelled students for more than 10 days for offenses that did not involve drugs/controlled substances, weapons, or dangerous behavior. During this year, none of these school districts had suspension/expulsion rates that exceeded the statewide average by more than 25%. Note that the data submitted by Washoe County School District are incomplete due to a data system failure; however, in the previous two years for which this same analysis was conducted, Washoe County School District was under the statewide average for suspensions/expulsions of more than 10 school days. Necessary attention has been given to the data collection system in Washoe County School District to ensure that data are properly collected and maintained in the future.

Discussion of Baseline Data:
Analysis of the rate of suspension/expulsion data shows that the statewide rate has been growing each year for the last four years. Districts report to the NDE that this is due in part to school districts becoming more knowledgeable about the ways in which students with disabilities may be legally suspended, and district administrators are therefore less reluctant to suspend students with disabilities. This increased knowledge about the procedures required for legally defensible disciplinary removals is combined with increasing community and legislative pressure to remove students from schools when their conduct is unacceptable. Thus, for these reasons, as well as others, an increase in suspension rates is not unexpected.

FFY	Measurable and Rigorous Target
2005 (2005-2006)	0% of districts will be identified by the State as having a significant discrepancy in the rates of suspensions and expulsions of children with disabilities for greater than 10 days in a school year.
2006 (2006-2007)	0% of districts will be identified by the State as having a significant discrepancy in the rates of suspensions and expulsions of children with disabilities for greater than 10 days in a school year.
2007 (2007-2008)	0% of districts will be identified by the State as having a significant discrepancy in the rates of suspensions and expulsions of children with disabilities for greater than 10 days in a school year.
2008 (2008-2009)	0% of districts will be identified by the State as having a significant discrepancy in the rates of suspensions and expulsions of children with disabilities for greater than 10 days in a school year.
2009 (2009-2010)	0% of districts will be identified by the State as having a significant discrepancy in the rates of suspensions and expulsions of children with disabilities for greater than 10 days in a school year.
2010 (2010-2011)	0% of districts will be identified by the State as having a significant discrepancy in the rates of suspensions and expulsions of children with disabilities for greater than 10 days in a school year.

Improvement Activities/Timelines/Resources:
See APR Attachment 1, Improvement Activities/Timelines/Resources, for the following initiatives:

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

Sub-Indicator B.
As directed by OSEP, baseline, targets and improvement activities for Indicator 4B will be provided with the FFY 2009 SPP, due February 1, 2011. Original baseline data for FFY 2005, targets, and improvement activities are included in the February 2009 SPP available on the NDE website.

Part B State Performance Plan (SPP) for 2005-2010

INDICATOR 5

Overview of the State Performance Plan Development:

See description in the Introduction.

Monitoring Priority: FAPE in the LRE

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

A. Inside the regular class 80% or more of the day;

B. Inside the regular class less than 40% of the day; and

C. In separate schools, residential facilities, or homebound/hospital placements.

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

Measurement:

A. Percent = [(# of children with IEPs served inside the regular class 80% or more of the day) divided by the (total # of students aged 6 through 21 with IEPs)] times 100.

B. Percent = [(# of children with IEPs served inside the regular class less than 40% of the day) divided by the (total # of students aged 6 through 21 with IEPs)] times 100.

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

Note Regarding February 2010 Updates:
As of FFY 2008, this indicator and measurement have changed, which required a change in the language in the targets (see below). The numerical targets remain unchanged. Because the changes are minor, the baseline data below have not been updated from the original submission. For targets established during previous years, see the February 2009 SPP available at the NDE website. For actual target data and discussion of target data for previous years, see previous APR reports available at the NDE website.

Overview of Issue/Description of System or Process:
Nevada has sustained its efforts for more than a decade to promote inclusive practices for students of all ages. These efforts have included annual regional and statewide conferences, support of local training opportunities, dissemination of technical assistance materials, and targeted on-site support for problem solving at building levels. In addition, during the 2003-2004 school year, the NDE supported a project through the University of Nevada Reno to provide training and technical assistance to rural school districts to expand inclusive early childhood placement options.

Baseline Data for FFY 2004 (2004-2005):
During 2004-2005, 53.1% of Nevada's students with disabilities were served in regular education environments for between 80-100% of the school day.

Discussion of Baseline Data:
The table below describes Nevada's placement data for students ages 6-21 over the last five years. Column two reflects the percentage of students with disabilities who spend between 80-100% of their school day in regular education environments.

Placement Data for Students Ages 6-21

December 1, SCHOOL YEAR	% IN REG. ED. ENVIRON. 80-100% OF SCHOOL DAY (AGES 6-21)	% IN REG. ED. ENVIRON. 40-79% OF SCHOOL DAY (AGES 6-21)	% IN REG. ED. ENVIRON. 0-39% OF SCHOOL DAY (AGES 6-21)	% IN PUBLIC OR PRIVATE SEPARATE SCHOOL, PUBLIC OR PRIVATE RESIDENTIAL FACILITY, OR HOMEBOUND/HOSPITAL (AGES 6-21)
2000-2001	50.7%	31.3%	15.7%	2.3%
2001-2002	50.7%	31.3%	15.9%	2.1%
2002-2003	50.0%	31.6%	16.4%	2.0%
2003-2004	50.4%	30.7%	17.1%	1.8%
2004-2005	53.1%	29.4%	15.8%	1.7%

The data show an increase over time in the percentage of students with disabilities who spend 80-100% of their school day in regular education environments, from 50.7% in 2000-2001 to 53.1% in 2004-2005. These percentages compare favorably with national data showing that in **2003-2004** (the last school year for which comparable data are available), 49.9% of students with disabilities were placed in regular education environments for at least 80% of the school day (compared with 50.4% in Nevada). In that same year, national data show that 4.15% of students were placed in public and private separate schools, public or private residential facilities, or homebound/hospital, compared with 1.8% in Nevada (source: www.ideadata.org).

Note that in the targets set below, targets A, B, and C will not sum to 100% because the category of placement in regular education environments for 40-79% of the school day is not included. This category is anticipated to change as more students are included in the 80-100% group, and fewer are included in the 0-39% and separate settings groups.

FFY	Measurable and Rigorous Target
2008 (2008-2009)	A. 55.0% of students with IEPs will be served inside the regular class 80% or more of the day.
	B. 15.4% of students with IEPs will be served inside the regular class less than 40% of the day.
	C. 1.7% of students with IEPs will be served in separate schools, residential facilities or homebound/hospital placements.
2009 (2009-2010)	A. 55.5% of students with IEPs will be served inside the regular class 80% or more of the day..
	B. 15.3% of students with IEPs will be served inside the regular class less than 40% of the day.
	C. 1.7% of students with IEPs will be served in separate schools, residential facilities or homebound/hospital placements.
2010 (2010-2011)	A 56.0% of students with IEPs will be served inside the regular class 80% or more of the day.
	B. 15.2% of students with IEPs will be served inside the regular class less than 40% of the day.
	C. 1.6% of students with IEPs will be served in separate schools, residential facilities or homebound/hospital placements.

Improvement Activities/Timelines/Resources:

See APR Attachment 1, Improvement Activities/Timelines/Resources, for the following initiatives:

- Improvement Activity 1.1: School, District, and State Improvement Planning and Implementation (p. 3)
- Improvement Activity 1.2: Special Education Data Collection, Reporting, and Use (p. 6)
- Improvement Activity 1.3: Personnel Preparation, Recruitment, and Retention (p. 8)
- Improvement Activity 3.1: Academic and Behavioral Supports (p. 22)
- Improvement Activity 3.3: Parent Involvement (p. 30)

Part B State Performance Plan (SPP) for 2005-2010

INDICATOR 6

Overview of the State Performance Plan Development:

See description in the Introduction.

Monitoring Priority: FAPE in the LRE

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

A. Regular early childhood program and receiving the majority of special education and related services in the regular early childhood program; and

B. Separate special education class, separate school or residential facility.

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

Measurement:

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

B. Percent = [(# of children aged 3 through 5 with IEPs attending a separate special education classroom, separate school or residential facility) divided by the (total # of children aged 3 through 5 with IEPs)] times 100.

Note Regarding February 2010 Updates:
As of FFY 2008, this indicator and measurement have been significantly modified. In the NDE FFY 2009 submission, due February 1, 2011, the state will establish a new baseline, targets and, as needed, improvement activities for this indicator using the 2009-2010 data.

For indicator, measurement, overview of issue/description of system or process, baseline data, and targets for previous years, see the February 2009 SPP.

Part B State Performance Plan (SPP) for 2005-2010

INDICATOR 7

Overview of the State Performance Plan Development:

See description in the Introduction.

Monitoring Priority: FAPE in the LRE

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

A. Positive social-emotional skills (including social relationships);

B. Acquisition and use of knowledge and skills (including early language/ communication and early literacy); and

C. Use of appropriate behaviors to meet their needs.

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

Measurement:

Outcomes:

A. Positive social-emotional skills (including social relationships);

B. Acquisition and use of knowledge and skills (including early language/communication and early literacy); and

C. Use of appropriate behaviors to meet their needs.

Progress categories for A, B and C:

a. Percent of preschool children who did not improve functioning = [(# of preschool children who did not improve functioning) divided by (# of preschool children with IEPs assessed)] times 100.

b. Percent of preschool children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers = [(# of preschool children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers) divided by (# of preschool children with IEPs assessed)] times 100.

c. Percent of preschool children who improved functioning to a level nearer to same-aged peers but did not reach it = [(# of preschool children who improved functioning to a level nearer to same-aged peers but did not reach it) divided by (# of preschool children with IEPs assessed)] times 100.

d. Percent of preschool children who improved functioning to reach a level comparable to same-aged peers = [(# of preschool children who improved functioning to reach a level comparable to same-aged peers) divided by (# of preschool children with IEPs assessed)] times 100.

e. Percent of preschool children who maintained functioning at a level comparable to same-aged peers = [(# of preschool children who maintained functioning at a level comparable to same-aged peers) divided by (# of preschool children with IEPs assessed)] times 100.

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

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

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

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

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

Note Regarding February 2010 Updates:
As of FFY 2008, the NDE must include an overview of issue/description of system or process, baseline data, targets, and improvement activities for Indicator 7. See below. See the February 2009 SPP for progress data reported for FFY 2006 and FFY 2007.

Overview of Issue/Description of System or Process (updated February 2010):
The state began to conduct some work during 2003-2004 to establish a preliminary data collection to report performance for this indicator. While no systems were in place then to evaluate performance regarding children's social/emotional skills or behavior, one existing project did provide a limited source of data to evaluate the progress of students with disabilities in early language/communication skills in preschool. That project is the Nevada Early Childhood Education (ECE) Program—a state-funded initiative to establish or expand pre-kindergarten programs for general education preschoolers. The State's ECE program evaluation system will serve as the foundation upon which a comprehensive unified system of early childhood outcomes evaluation will be built for Nevada to meet the new indicator under the SPP. In order to build and implement this data system, the NDE and Nevada's Part C Lead Agency (Nevada Department of Human Resources—Nevada Early Intervention Services [NEIS]), have jointly engaged in the comprehensive process outlined below.

1. The NDE in collaboration with NEIS analyzed unique state dynamics in light of national research for consideration in developing an Early Childhood Outcomes Evaluation System. The NDE and NEIS reviewed the research literature, gathered recommendations of national organizations, and investigated the systems that other states have developed and what they have learned through these processes. The NDE and NEIS also conducted a review (crosswalk) of measurement tools to consider tools that measure child progress as well as compare the child to same aged peers; reliability and validity of the measurement tools; type and variety of measurement tools (e.g. norm-referenced, criterion-referenced, curriculum based assessments, observational report); the relationship of the measurement tools to the child outcomes prescribed by OSEP; and the relationship of the measurement tools to program values, beliefs and policies.

2. The NDE and NEIS engaged a task force of statewide stakeholders and technical experts in an inquiry process to provide recommendations regarding the evidence necessary to determine if an outcome has been reached and the measurement tools that would be useful to gather this information. This task force included representatives from school districts, parent organizations, early childhood and early intervention program and evaluation experts, university faculty, Part B and Part C state administrators, independent consultants and technical assistance providers with expertise in child outcomes and measurement. The task force addressed the following variables:

   - uses for the child outcome data (e.g., federal and state reporting, program and policy decision making, documenting effective practices, appealing for additional funding or technical assistance) including appropriate uses and misuses;
   - the need for a continuum between the Part C child outcomes and Part B performance standards;
   - evidence of outcomes (i.e., what benchmarks are indicative of "improved skills") vs. several different indicators per outcome (e.g., prevention of regression, prevention of delay, change in rate at which skills are acquired, elimination of delay);

- strategies to collect data for each outcome/standard that reflects changes in children's functioning and make comparisons to age-level expectations;
- criteria for choosing assessment instruments (e.g., program values and beliefs; consistency with policy; content related to outcomes/cross-walking content to outcomes; cost/resources need; appropriateness for children with special needs; avoiding over-assessment of children transitioning from Part C to Part B); and
- strategies and resources for data collection, verification, and analysis.

3. The NDE worked with NEIS to address common issues in creating an Early Childhood Outcomes Evaluation System for children age three through five, responsive to stakeholder input, state variables, and national research. The NDE created a framework for collecting, analyzing, reporting, and using early childhood outcomes data for children ages three through five that works in concert with the system for collecting data for infants and toddlers. In collaborating with school districts to gather these data, the NDE addressed the following considerations:

   - what measurement tool(s) may be used including whether or not districts may select from a list of approved tools or must use prescribed tools;
   - who may conduct the assessments; when and how often measurement will occur including how soon after the child begins to receive services and how close to exiting the preschool program (or turning six) measurement must occur;
   - how to address students' needs for accommodations or alternate assessment.

   The Early Childhood Outcomes Evaluation System has been developed to include a computerized data management system that takes into consideration:

   - how data points are converted into reportable data formats (e.g., conversion of multiple measures into one score for each outcome area and measurement of a child's level of functioning in relation to same-aged peers);
   - who may report the raw data to whom, in what form, and how often;
   - how to ensure that all required fields are completed when data is entered into the spreadsheet;
   - how individual children's data will be matched over repeated assessments and how to coordinate Part C and Part B data points to allow longitudinal tracking of individual children's progress;
   - how data are analyzed; and
   - how to ensure security of the computerized system.

   To ensure accuracy and efficiency in the collection of these data, training will be conducted for all necessary individuals (e.g., administrators, teachers, external contractors, parents, etc.) on procedures for collecting the data. Training will also address how to use the data for instructional, programming, and planning decisions, including how to explain data to stakeholders such as parents, central administrative staff, board members, etc. Quality assurance and monitoring procedures will be established to provide training, monitoring, and technical assistance to ensure the correlation of the data to the outcomes/standards as well as to ensure accuracy of data input into the computerized database and maintenance of data entry, data analysis, and reporting functions. Training was conducted beginning in September 2006 and will be ongoing from that point forward as will the implementation of quality assurance and monitoring procedures.

The NDE began to conduct baseline assessments for all preschool age children with disabilities entering the service delivery system beginning in the fall of 2006. Sampling was not used for this indicator. The NDE will analyze the assessment process following baseline entry collection, as well as monitor results from initial implementation. Follow-up assessments will then be conducted in keeping with the system design. Continued analysis of the assessment process, data results and trends from subsequent implementation will occur to ensure an effective and efficient evaluation system. Ongoing preparation and posting of reports will occur, as will technical assistance to help necessary stakeholders understand and use the data to improve services for young children with disabilities.

The NDE determined a specific list of state approved assessments from which districts have the option to choose. These assessment options included: AEPS (Assessment, Evaluation, and Programming System); Brigance (IED - II); DAYC (Developmental Assessment of Young Children); Developmental Continuum (Teaching Strategies-Creative Curriculum); and/or Get It-Got It- Go (aligns with DIBELS; must be used with other assessments). Assessments are administered by licensed district service providers (e.g. early childhood special education teachers, speech language pathologists) within one month of entry into district services. Based on the assessment results, a score is established to determine the child's comparability to same-age peers. To compute this score, Nevada has chosen to use the Child Outcomes Summary Form (COSF) developed by the national Early Childhood Outcomes (ECO) Center. A COSF score is established for each of three indicator outcome areas. For each of the three areas, a score of 6 or 7 on the COSF represents functioning at a level comparable to same-age peers, while a score of 5 or less represents functioning at a level below same-age peers. Once the assessment is complete and the comparability scores are determined based on the COSF, data are entered into an established excel spreadsheet with parameters in place to help prevent the entry of misinformation (e.g., a code exists to flag a birth date that is entered which makes the child under age 3 or over age 5). Each district compiles into one database the data for all children served, and submits this information to the NDE through secured internet submission.

Baseline Data for FFY 2008 (2008-2009):
The following tables present the Nevada Early Childhood Outcomes for the 2008-09 school year on Positive Social Relationships, Knowledge and Skills, and Ability to Meet Needs. The data are based on 5,550 children who participated in school district services.

Progress Data for Preschool Children Exiting 2008-2009

Positive Social Relationships	**Number**	**Percent**
Number in program for 6 months and have entry and exit COSF scores	2,348	
a. Children who did not improve functioning.	103	4.4%
b. Children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers.	233	9.9%
c. Children who improved functioning to a level nearer to same-aged peers but did not reach it.	282	12.0%
d. Children who improved functioning to reach a level comparable to same-aged peers.	644	27.4%
e. Children who maintained functioning at a level comparable to same-aged peers.	1,086	46.3%
Total	2,348	100%
Knowledge and Skills	**Number**	**Percent**
Number in program for 6 months and have entry and exit COSF scores	2,348	
a. Children who did not improve functioning.	128	5.5%
b. Children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers.	262	11.2%
c. Children who improved functioning to a level nearer to same-aged peers but did not reach it.	414	17.6%
d. Children who improved functioning to reach a level comparable to same-aged peers.	592	25.2%
e. Children who maintained functioning at a level comparable to same-aged peers.	952	40.5%
Total	2,348	100%
Ability to Meet Needs	**Number**	**Percent**
Number in program for 6 months and have entry and exit COSF scores	2,348	
a. Children who did not improve functioning.	84	3.6%
b. Children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers.	224	9.5%
c. Children who improved functioning to a level nearer to same-aged peers but did not reach it.	237	10.1%
d. Children who improved functioning to reach a level comparable to same-aged peers.	688	29.3%
e. Children who maintained functioning at a level comparable to same-aged peers.	1,115	47.5%
Total	2,348	100%

SUMMARY STATEMENTS	% 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 turned 6 years of age or exited the program	73.4%
2. The percent of children who were functioning within age expectations in Outcome A by the time they turned 6 years of age or exited the program	73.7%
Outcome B: Acquisition and use of knowledge and skills (including early language/communication and early literacy)	
1. Of those children who entered or exited the program below age expectations in Outcome B, the percent who substantially increased their rate of growth by the time they turned 6 years of age or exited the program	72.1%
2. The percent of children who were functioning within age expectations in Outcome B by the time they turned 6 years of age or exited the program	65.8%
Outcome C: Use of appropriate behaviors to meet their needs	
1. Of those children who entered or exited the program below age expectations in Outcome C, the percent who substantially increased their rate of growth by the time they turned 6 years of age or exited the program	75.0%
2. The percent of children who were functioning within age expectations in Outcome C by the time they turned 6 years of age or exited the program	76.8%

Discussion of Baseline Data:
Based on the October 1, 2008, child count, 14% of Nevada's children with disabilities ages 3-5 had a relatively significant disability (mental retardation, hearing impairment, vision impairment, orthopedic impairment, multiple impairment, autism, or traumatic brain injury). Children with speech/language impairments, health impairments, emotional disturbance, learning disabilities, and developmental delays comprised 86% of the population.

Given that up to 86% of the children in this age range have more mild disabilities, it is perhaps not surprising that 74-77% of the children were assessed as children who "improved functioning to reach a level comparable to same-aged peers" or "maintained functioning at a level comparable to same-aged peers" in the assessment of "positive social relationships" and "ability to meet needs." Given that 14% of the children in this age range have more significant disabilities, It is also perhaps not surprising that 13-17% of the children were assessed as children "who did not improve functioning" and "who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers" in all three categories of performance assessment (positive social relationships, knowledge and skills, and ability to meet needs).

Measurable and Rigorous Targets:

SUMMARY STATEMENTS	Targets FFY 2009 (% of children)	Targets FFY 2010 (% 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 turned 6 years of age or exited the program.	73.4%	74.4%
2. The percent of children who were functioning within age expectations in Outcome A by the time they turned 6 years of age or exited the program.	73.7%	74.7%
Outcome B: Acquisition and use of knowledge and skills (including early language/communication and early literacy)		
1. Of those children who entered or exited the program below age expectations in Outcome B, the percent who substantially increased their rate of growth by the time they turned 6 years of age or exited the program.	72.1%	73.1%
2. The percent of children who were functioning within age expectations in Outcome B by the time they turned 6 years of age or exited the program.	65.8%	66.8%
Outcome C: Use of appropriate behaviors to meet their needs		
1. Of those children who entered or exited the program below age expectations in Outcome C, the percent who substantially increased their rate of growth by the time they turned 6 years of age or exited the program.	75.0%	76.0%
2. The percent of children who were functioning within age expectations in Outcome C by the time they turned 6 years of age or exited the program.	76.8%	77.8%

Improvement Activities/Timelines/Resources:

See APR Attachment 1, Improvement Activities/Timelines/Resources for the following initiatives:

- Improvement Activity 1.1: School, District, and State Improvement Planning and Implementation (p. 3)
- Improvement Activity 1.2: Special Education Data Collection, Reporting, and Use (p. 6)
- Improvement Activity 1.3: Personnel Preparation, Recruitment, and Retention (p. 8)
- Improvement Activity 3.1: Academic and Behavioral Supports (p. 22)
- Improvement Activity 3.3: Parent Involvement (p. 30)
- Improvement Activity 3.4: Early Childhood Outcomes (p. 32)

Part B State Performance Plan (SPP) for 2005-2010

INDICATOR 8

Overview of the State Performance Plan Development:

See description in the Introduction.

Monitoring Priority: FAPE in the LRE

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

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

Measurement:

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

This indicator is unchanged from the February 2009 SPP.

Overview of Issue/Description of System or Process:

The NDE has elected to purchase a survey instrument from the National Center for Special Education Accountability Monitoring (NCSEAM) to measure the percent of parents who report that their children's schools facilitated parent involvement as a means of improving services and results for students with disabilities. This parent survey has been carefully constructed and field-tested to yield valid and reliable measures of parents' perceptions and involvement in special education programs. The NDE has chosen the NCSEAM survey for the following specific reasons:

a. The NCSEAM surveys are scientifically-based, valid and reliable.
b. The NCSEAM measurement system consists of items suggested by parents and families that have been validated by data provided by parents and families.
c. The NCSEAM-recommended standards were set by a national stakeholder group.
d. The NCSEAM scales provide a map for program improvement.
e. Measures on the different NCSEAM scales reveal important associations between improvement in services and improvement in outcomes for children and families.

Although a more comprehensive survey is available from NCSEAM, Nevada has elected to use a smaller, 25-item subset of survey questions—the Schools' Efforts to Partner with Parents Scale (SEPPS)—to focus specifically on the measurement required in this Performance Indicator. (See SPP Attachment 2.) The NDE purchased a complete NCSEAM package, and worked with Piedra Data and Scantron, Inc. to print and mail the NCSEAM survey forms and cover letters, scan returned forms, develop and maintain an online survey option, enter and analyze data, and provide state-level support in addressing any specific issues as the NDE implements its sampling plan for Washoe and Clark County School Districts (the two largest districts in the state, and the only two districts with ADM [average daily membership] exceeding 50,000 students).

The NDE has established a four-year monitoring cycle. The schedule has been established to ensure selection of a representative group of districts to be monitored each year. A stratified random sampling is used to ensure a representative group of school districts in each of the four years of Nevada's four-year monitoring cycle. Nevada's 17 school districts, which are contiguous with Nevada's 17 counties, have been assigned status as either "urban" (4 districts), "medium rural" (5 districts), or "small rural" (8 districts) depending on the relative size of the county and the relative urbanicity of the county seat. In each of the

four years in the special education monitoring cycle, the districts selected for monitoring will include one "urban" district, one "medium rural" district, and two "small rural" districts. Each year the districts are randomly sampled from within the three subgroups, without replacement, in order to ensure that all 17 districts are monitored at least once during the four-year cycle. Because there are 5 districts in the "medium rural" subgroup, 2 of these districts will be monitored in one of the four years. In addition, each year in the four-year monitoring cycle, parent surveys are sent to a sample of parents from Clark and Washoe County (see below).

For any one of the 15 smaller districts in Nevada (ranging in annual special education child count from approximately 20 through 1,300) that participate in any year in the four-year cycle, 100% of parents of students will be surveyed. For those districts, the NDE will report on the entire population. Because they have an ADM of more than 50,000 students, a representative sample of parents will be surveyed each year in Clark County School District (special education child count of approximately 31,000) and Washoe County School District (special education child count of approximately 8,100).

Sampling Plan for Washoe and Clark County School Districts

Nevada's sampling plan was approved in the submission of the original SPP in December 2005, and has not changed.

Population Represented

Parents of students with disabilities in Washoe and Clark County School Districts will be sampled to represent the entire population of students with disabilities in those two school districts (i.e., the Washoe sample will represent the entire population of students with disabilities in the Washoe County School District).

Ensuring a Representative Sample

Because the NDE will sample from within each of the two largest school districts (Washoe and Clark) in each year, the sample will be representative of the population it is trying to represent (i.e., parents of students with disabilities in those districts).

Sampling Methods

The sample will be stratified to represent not only each district's population in terms of disability category, but also race and age. If in the future the NDE begins to collect gender data, gender will also be considered as a sampling factor. Because parents will be selected based upon the characteristics of their children (disability category, age, and race), the sample is expected to be the same as the population of students with disabilities in the district.

Specific Sampling Procedures

The NDE will use stratified sampling to ensure that a sample representative of the parents of all students with disabilities in the district is surveyed. Stratified sampling is a commonly used probability method that is superior to random sampling, particularly when a subset of the population has low incidence relative to other segments of the population. This method will be useful when sampling among low-incidence disability categories, such as students with vision and hearing impairments. Assistance in assuring a high quality stratified sample will be provided by Piedra Data, a NCSEAM-recommended vendor.

Method/Process for Data Collection

The NCSEAM survey will be used to collect data on the percent of parents who report that their children's schools facilitated parent involvement as a means of improving services and results for students with disabilities. The survey will be mailed to families and an Internet version will also be made available to parents who choose to complete the survey online.

Addressing Problems

Acknowledging that low survey response rates pose problems when drawing inferences about the population as a whole, the NDE will take the following steps to ensure that valid and reliable information is obtained:

- First, the NDE will work with Piedra Data and Scantron, Inc. to identify the number of responses that are necessary to reasonably draw inferences about the population. Using a sampling calculator available on line at http://www.surveysystem.com/sscalc.htm, with a 95% confidence level and a confidence interval of five, it will take a sample size of 367 to represent the total population of 8,109 students with disabilities in Washoe County, and a sample size of 379 to represent the total population of 30,934. In order to ensure sufficient responses, the NDE will over-sample, and then weight responses as necessary.
- Assuming that the NCSEAM survey addresses the common flaws in survey question design (unclear questions, providing a postage stamp on the return envelope, etc.), the NDE will work with Nevada PEP (the state's federally funded Parent Training and Information Center) to develop correspondence and other media communications encouraging parents to respond to the survey, and advising parents to seek assistance from Nevada PEP if they are unclear about any aspect of the survey.
- Incomplete surveys will be followed up with additional mailings.
- A Spanish version of the survey will be used as an option for parents, and more than one method (paper and pencil as well as internet) will be available for parent response.
- Because sampling will only occur in the two largest school districts, no violations of confidentiality are anticipated.

State and Local Reporting
The NDE will report results from each local district for the most recent year that data were collected in the district.

Baseline Data for FFY 2005 (2005-2006):
During 2005-2006, parent surveys were disseminated to parents of all students with disabilities in three districts scheduled for a comprehensive compliance monitoring visit (Churchill, Lyon, and Storey). In addition, a sample was selected for parent survey in Clark and Washoe County school districts because they have an ADM of more than 50,000 students (note that Washoe County also participated in a comprehensive compliance monitoring visit in 2005-2006). Surveys were sent to 5,618 parents, and a total of 1,037 responses were received, for an 18.5% response rate. According to NCSEAM, this number exceeds the minimum number required for an adequate confidence level based on established survey sample guidelines (e.g., http:www.surveysystem.com/sscalc.htm).

The parent survey used by the Nevada Department of Education (NDE) was developed by the National Center for Special Education and Accountability Monitoring (NCSEAM) in collaboration with a national stakeholder group (see SPP Attachment 2 for a copy of the survey questions). The questions on the survey were ranked by the stakeholder group, which established a standard value for each question. Standard values range from 490, determined to be the “easiest” question on which to get a response in the agreement range, to 673, which the group believed represented the most difficult question on which to obtain an agreement response. The stakeholder group determined that a standard value of 600 represented the threshold for indicating whether schools facilitated parent involvement as a means of improving services and results for children with disabilities. Therefore, NCSEAM recommended that a standard score of 600 be used to establish the degree to which Indicator 8 is being met. The question on the survey that has a standard value of 600 is question #25: "The school explains what options parents have if they disagree with a decision of the school." 71.2% of Nevada parents responded in agreement to this question.

Discussion of Baseline Data:
From the 2005-2006 baseline survey data collected from approximately ¼ of Nevada's school districts (in addition to samples from Clark and Washoe County School Districts), targets have been established and are listed below.

Following the advice of NCSEAM, the NDE selected the recommended standard score of 600 as the benchmark for determining the state’s baseline data. Therefore, using the response to Question 25 as the benchmark, in Nevada, 71.2% of parents indicated that the school facilitated parent involvement as a

means of improving services and results for children with disabilities. This baseline rating of 71.2% forms the foundation from which the state's targets for improvement were set.

FFY	Measurable and Rigorous Target
2006 (2006-2007)	72% of parents with a child receiving special education services will report that schools facilitated parent involvement as a means of improving services and results for children with disabilities.
2007 (2007-2008)	73% of parents with a child receiving special education services will report that schools facilitated parent involvement as a means of improving services and results for children with disabilities.
2008 (2008-2009)	74% of parents with a child receiving special education services will report that schools facilitated parent involvement as a means of improving services and results for children with disabilities.
2009 (2009-2010)	75% of parents with a child receiving special education services will report that schools facilitated parent involvement as a means of improving services and results for children with disabilities.
2010 (2010-2011)	76% of parents with a child receiving special education services will report that schools facilitated parent involvement as a means of improving services and results for children with disabilities.

Improvement Activities/Timelines/Resources:

See APR Attachment 1, Improvement Activities/Timelines/Resources, for the following initiatives:

- Improvement Activity 1.1: School, District, and State Improvement Planning and Implementation (p. 3)
- Improvement Activity 1.2: Special Education Data Collection, Reporting, and Use (p. 6)
- Improvement Activity 1.3: Personnel Preparation, Recruitment, and Retention (p. 8)
- Improvement Activity 2.3: Dispute Resolution
- Improvement Activity 3.1: Academic and Behavioral Supports (p. 22)
- Improvement Activity 3.2: Transition Planning and Postsecondary Outcomes (p. 26)
- Improvement Activity 3.3: Parent Involvement (p. 30)
- Improvement Activity 3.4: Early Childhood Outcomes (p. 32)

Part B State Performance Plan (SPP) for 2005-2010

INDICATOR 9

Overview of the State Performance Plan Development:

See description in the Introduction.

Monitoring Priority: Disproportionality

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

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

Measurement:

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

Include State's definition of "disproportionate representation."

Based on its review of the 618 data for FFY 2008, describe how the State made its annual determination that the disproportionate representation it identified (consider both over and underrepresentation) of racial and ethnic groups in special education and related services was the result of inappropriate identification as required by §§300.600(d)(3) and 300.602(a), e.g., using monitoring data; reviewing policies, practices and procedures, etc. In determining disproportionate representation, analyze data, for each district, for all racial and ethnic groups in the district, or all racial and ethnic groups in the district that meet a minimum 'n' size set by the State. Report on the percent of districts in which disproportionate representation of racial and ethnic groups in special education and related services is the result of inappropriate identification, even if the determination of inappropriate identification was made after the end of the FFY 2008 reporting period, i.e., after June 30, 2009. If inappropriate identification is identified, report on corrective actions taken.

Note Regarding February 2010 Updates:
As of FFY 2008, this measurement has been changed, although the 0% target remains unchanged. The FFY 2005 baseline data originally submitted have been removed, because the NDE was required to reanalyze that data in the April 2008 APR. See the April 2008 APR for actual target data and discussion for FFY 2005 baseline data and FFY 2006 actual target data.

Overview of Issue/Description of System or Process:

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

Determining "Inappropriate Identification"
In the fall of 2003, a statewide work group was formed to suggest mechanisms for examining policies, procedures, and practices at state, district, and school levels when significant disproportionality exists

regarding over- or under-identification of students with disabilities. Representatives included parent advocates, experts in limited English proficiency, school psychologists, and university faculty. The work group met in person in October, and then used the Project IMPROVE (the state improvement grant project) online conference space to conduct remaining work through February of 2004. The work group leader served as a conduit to the National Center for Culturally Responsive Educational Systems (NCCRESt). Information from NCCRESt and OSEP assisted work group members in their efforts to understand what disproportionality is, understand mechanisms for identifying disproportionality, and for resolving concerns when significant over- or under-identification of students with disabilities in particular race/ethnic categories is identified. The NDE determined that a set of probing questions would be developed and training would be offered to assist district leaders to analyze data on identification and race/ethnicity, and to examine their local policies, procedures, and practices when significant disproportionality exists.

In accordance with recommendations from the work group, and enhanced through preliminary work underway in 2006-2007 with an outside consultant, if disproportionate representation is identified in a district, the following policies, procedures, and practices will be evaluated to determine whether the disproportionate representation is the result of inappropriate identification of students as students with disabilities.

Review of Policies

- Policies established by the Nevada State Board of Education
- Policies established by the Nevada Department of Education
- Policies established by local Boards of Trustees

Review of Procedures

- Provisions for nondiscriminatory evaluations established in Nevada Administrative Code
- Provisions for identification as a student with a particular disability established in Nevada Administrative Code
- Procedures in state monitoring system to evaluate compliance with federal and state law
- Provisions for identification and evaluation contained in local procedures manuals

Review of Practices

- Monitoring data regarding compliance with identification and evaluation requirements in federal and state law

- Referral data (including referral rates) to answer the following questions:
    - Are minority students referred for evaluations disproportionately to their proportion in regular education?
    - Are disproportionate referrals the source for the disproportionate number of such students receiving special education services or specific areas of disability?
    - What are the criteria, policies, and procedures that apply to the referral process?
    - Are referral policies and practices applied differently to different racial/ethnic groups?
    - Are referral sources different for racial/ethnic minority/nonminority students?
    - Are certain teachers or other school staff referring disproportionate numbers of students?
    - Are minority/nonminority students referred for different reasons?
    - Are students that exhibit similar academic, behavioral, and/or emotional problems treated similarly in the evaluation referral process?

- Evaluation data to answer the following questions:
    - Is the evaluation/eligibility determination process the source for disproportionality?
    - What are the district's criteria, policies and procedures—are they facially neutral?
    - What tests/evaluations are used?
    - Is there different treatment in use of tests/evaluation materials?
    - Are there differences in types of tests/evaluation instruments and other assessment measures?
    - Does evidence suggest that particular diagnosticians are responsible?

- Eligibility data to answer the following questions:
    - Is information gathered from a variety of sources?
    - Is information documented and carefully considered?
    - Are decisions made by a group of persons knowledgeable about the student, the meaning of the evaluation data, and placement options?
    - Are particular diagnosticians responsible for different eligibility determinations?
    - What does a comparison among racial/ethnic minority students reveal:
        - Eligibility based on same or similar test/assessment results and other supporting documentation
        - Type and amount of documentation supporting eligibility decision
        - Evidence supporting eligibility decisions
        - Differences in evaluation results or "profile" of students found eligible or not eligible that suggest possible different treatment

If the review of policies, procedures and practices reveals noncompliance with federal and/or state requirements for identification and evaluation, appropriate corrective actions will be taken.

FFY	Measurable and Rigorous Target
2006 (2006-2007)	0% of school districts will have disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification.
2007 (2007-2008)	0% of school districts will have disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification.
2008 (2008-2009)	0% of school districts will have disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification.
2009 (2009-2010)	0% of school districts will have disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification.
2010 (2010-2011)	0% of school districts will have disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification.

Improvement Activities/Timelines/Resources:

See APR Attachment 1, Improvement Activities/Timelines/Resources, for the following initiatives:

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

Part B State Performance Plan (SPP) for 2005-2010

INDICATOR 10

Overview of the State Performance Plan Development:

See description in the Introduction.

Monitoring Priority: Disproportionality

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

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

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

Include State's definition of "disproportionate representation."

Based on its review of the 618 data for FFY 2008, describe how the State made its annual determination that the disproportionate representation it identified (consider both over and under representation) of racial and ethnic groups in specific disability categories was the result of inappropriate identification as required by §§300.600(d)(3) and 300.602(a), e.g., using monitoring data; reviewing policies, practices and procedures, etc. In determining disproportionate representation, analyze data, for each district, for all racial and ethnic groups in the district, or all racial and ethnic groups in the district that meet a minimum 'n' size set by the State. Report on the percent of districts in which disproportionate representation of racial and ethnic groups in specific disability categories is the result of inappropriate identification, even if the determination of inappropriate identification was made after the end of the FFY 2008, i.e., after June 30, 2009. If inappropriate identification is identified, report on corrective actions taken.

Note Regarding February 2010 Updates:
As of FFY 2008, this measurement has been changed, although the 0% target remains unchanged. The FFY 2005 baseline data originally submitted have been removed, because the NDE was required to reanalyze that data in the April 2008 APR. See the April 2008 APR for actual target data and discussion for FFY 2005 baseline data and FFY 2006 actual target data.

Overview of Issue/Description of System or Process:

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

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

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

weighted risk ratio is -0.3 or less for three consecutive years for any racial/ethnic group in which there are at least twenty-five students in the special education population or in a particular disability category within the district. This analysis results in identification of districts with possible disproportionate over- or under-representation resulting from inappropriate identification.

Determining "Inappropriate Identification"

In the fall of 2003, a statewide work group was formed to suggest mechanisms for examining policies, procedures, and practices at state, district, and school levels when significant disproportionality exists regarding over- or under-identification of students with disabilities. Representatives included parent advocates, experts in limited English proficiency, school psychologists, and university faculty. The work group met in person in October, and then used the Project IMPROVE (the state improvement grant project) online conference space to conduct remaining work through February of 2004. The work group leader served as a conduit to the National Center for Culturally Responsive Educational Systems (NCCRESt). Information from NCCRESt and OSEP assisted work group members in their efforts to understand what disproportionality is, understand mechanisms for identifying disproportionality, and for resolving concerns when significant over- or under-identification of students with disabilities in particular race/ethnic categories is identified. The NDE determined that a set of probing questions would be developed and training would be offered to assist district leaders to analyze data on identification and race/ethnicity, and to examine their local policies, procedures, and practices when significant disproportionality exists.

In accordance with recommendations from the work group, and enhanced through preliminary work underway with an outside consultant hired in December 2006, if disproportionate representation is identified in a district, the following policies, procedures, and practices will be evaluated to determine whether the disproportionate representation is the result of inappropriate identification of students as students with disabilities.

Review of Policies

- Policies established by the Nevada State Board of Education
- Policies established by the Nevada Department of Education
- Policies established by local Boards of Trustees

Review of Procedures

- Provisions for nondiscriminatory evaluations established in Nevada Administrative Code
- Provisions for identification as a student with a particular disability established in Nevada Administrative Code
- Procedures in state monitoring system to evaluate compliance with federal and state law
- Provisions for identification and evaluation contained in local procedures manuals

Review of Practices

- Monitoring data regarding compliance with identification and evaluation requirements in federal and state law

- Referral data (including referral rates) to answer the following questions:
    - Are minority students referred for evaluations disproportionately to their proportion in regular education?
    - Are disproportionate referrals the source for the disproportionate number of such students receiving special education services or specific areas of disability?
    - What are the criteria, policies, and procedures that apply to the referral process?
    - Are referral policies and practices applied differently to different racial/ethnic groups?
    - Are referral sources different for racial/ethnic minority/nonminority students?
    - Are certain teachers or other school staff referring disproportionate numbers of students?
    - Are minority/nonminority students referred for different reasons?
    - Are students that exhibit similar academic, behavioral, and/or emotional problems treated similarly in the evaluation referral process?

- Evaluation data to answer the following questions:
    - Is the evaluation/eligibility determination process the source for disproportionality?
    - What are the district's criteria, policies and procedures—are they facially neutral?
    - What tests/evaluations are used?
    - Is there different treatment in use of tests/evaluation materials?
    - Are there differences in types of tests/evaluation instruments and other assessment measures?
    - Does evidence suggest that particular diagnosticians are responsible?

- Eligibility data to answer the following questions:
    - Is information gathered from a variety of sources?
    - Is information documented and carefully considered?
    - Are decisions made by a group of persons knowledgeable about the student, the meaning of the evaluation data, and placement options?
    - Are particular diagnosticians responsible for different eligibility determinations?
    - What does a comparison among racial/ethnic minority students reveal:
        - Eligibility based on same or similar test/assessment results and other supporting documentation
        - Type and amount of documentation supporting eligibility decision
        - Evidence supporting eligibility decisions
        - Differences in evaluation results or "profile" of students found eligible or not eligible that suggest possible different treatment

If the review of policies, procedures and practices reveals noncompliance with federal and/or state requirements for identification and evaluation, appropriate corrective actions will be taken.

FFY	Measurable and Rigorous Target
2006 (2006-2007)	0% of school districts will have disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.
2007 (2007-2008)	0% of school districts will have disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.
2008 (2008-2009)	0% of school districts will have disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.
2009 (2009-2010)	0% of school districts will have disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.
2010 (2010-2011)	0% of school districts will have disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.

Improvement Activities/Timelines/Resources:
See APR Attachment 1, Improvement Activities/Timelines/Resources, for the following initiatives:

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

Part B State Performance Plan (SPP) for 2005-2010

INDICATOR 11

Overview of the State Performance Plan Development:

See description in the Introduction.

Monitoring Priority: Effective General Supervision Part B / Child Find

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

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

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

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

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

Note Regarding February 2010 Updates:
As of FFY 2008, this indicator and measurement have been changed, although the 100% target remains unchanged. Because the changes are minor, the baseline data below have not been updated from the original submission. For actual target data and discussion of target data for previous years, see previous APR reports available at the NDE website. In FFY 2005 and FFY 2006, data were collected using an annual data collection from all districts (the baseline data below reflect this data collection method). As of FFY 2007, data were collected exclusively through on-site monitoring activities.

Overview of Issue/Description of System or Process:
The IDEA-04 requires that students be evaluated and an eligibility determination be made within 60 calendar days of receipt of parent consent for the evaluation, or within a state-established timeline. The Nevada Administrative Code §388.337 establishes a 45-school-day timeline between receipt of consent to evaluate and the completion of the initial evaluation. Therefore, the NDE reports the percent of children with parental consent to evaluate, who were evaluated within 45 school days.

The NDE annually collects data in conjunction with on-site **monitoring activities** from school districts regarding compliance with the 45-school-day initial evaluation timeline established under state law. Whenever a student's record review reveals that the student's initial evaluation was not completed within 45 school days, additional information is gathered concerning the length of the delay before the initial evaluation was completed and the reasons for the delay.

Baseline Data for FFY 2005 (2005-2006):

Table 11 PERCENT OF CHILDREN WITH PARENTAL CONSENT TO EVALUATE, WHO WERE EVALUATED WITHIN 45 SCHOOL DAYS (2005-2006)		
# Students with Consent for Initial Evaluation*	**# Students Evaluated within 45 School Days**	**# Students Evaluated within 45 School Days as % of Students with Consent for Initial Evaluation**
8,943	6,832	76.4%

* Data do not include students with consent for initial evaluation if the evaluation was not completed because the child moved prior to completing the evaluation, or because consent was withdrawn by the parent prior to completing the evaluation.

Discussion of Baseline Data:
During 2005-2006, 76.4% percent of children with parental consent to evaluate were evaluated within 45 school days. Of the 2,111 children with parental consent to evaluate who were not evaluated within 45 school days, 1,489 were evaluated 1-15 school days beyond the 45-school-day timeline, and 522 were evaluated 16 school days or more beyond the 45-school-day timeline.

Reasons for delays beyond the 45-school-day timeline included the following:

- 436 were delayed because the child was frequently unavailable for assessment
- 785 were delayed because of parent scheduling issues (cancelled/rescheduled meetings)
- 877 were delayed because of district scheduling/staffing issues
- 13 were delayed for other reasons

Therefore, 57.8% of the delays were caused by the unavailability of the student for assessment and parent scheduling issues (436 + 785 = 1,221 ÷ 2,111 delays = 57.8%).

FFY	Measurable and Rigorous Target
2006 (2006-2007)	100% of children with parental consent to evaluate will be evaluated within Nevada's 45-school-day timeline.
2007 (2007-2008)	100% of children with parental consent to evaluate will be evaluated within Nevada's 45-school-day timeline.
2008 (2008-2009)	100% of children with parental consent to evaluate will be evaluated within Nevada's 45-school-day timeline.
2009 (2009-2010)	100% of children with parental consent to evaluate will be evaluated within Nevada's 45-school-day timeline.
2010 (2010-2011)	100% of children with parental consent to evaluate will be evaluated within Nevada's 45-school-day timeline.

Improvement Activities/Timelines/Resources:
See APR Attachment 1, Improvement Activities/Timelines/Resources, for the following initiatives:

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

Part B State Performance Plan (SPP) for 2005-2010

INDICATOR 12

Overview of the State Performance Plan Development:

See description in the Introduction.

Monitoring Priority: Effective General Supervision Part B / Effective Transition

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

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

Measurement:

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.

Note Regarding February 2010 Updates:
As of FFY 2008, this measurement has been changed, although the 100% target remains unchanged. Because the changes are minor, the baseline data below have not been updated from the original submission. For actual target data and discussion of target data for previous years, see previous APR reports available at the NDE website. In FFY 2004, data were collected exclusively through on-site monitoring (see baseline below). In FFY 2005 and FFY 2006, data were collected using an annual data collection from all districts (the baseline data below reflect this data collection method). As of FFY 2007, data were again collected exclusively through on-site monitoring activities.

Overview of Issue/Description of System or Process:
Federal IDEA regulations at 34 CFR 300.132 require that children participating in early intervention programs under Part C and who will participate in preschool programs assisted under Part B have an IEP developed and implemented by their third birthday. For children who were participating under Part C, federal regulations at 34 CFR 300.132(c) also require that school districts participate in transition planning conferences arranged by Part C agencies.

The Nevada Department of Human Resources is the Lead Agency for Part C implementation in Nevada. Through a Cooperative Agreement between the Nevada Department of Education and the Nevada Department of Human Resources, implementation of child find for children up to their third birthdays is the responsibility of the Nevada Department of Human Resources through its early intervention service providers.

<u>State Level Cooperative Agreement</u>
During the spring of 2004, the Nevada Department of Human Resources (the lead agency for Part C) and the NDE reviewed and revised the Cooperative Agreement that established and in some respects clarified expectations for early childhood transition at age three. Districts report anecdotally some progress in being invited to participate in transition planning. Further, the revised statewide Cooperative

Agreement now serves as a blueprint for local agreements to be reviewed and revised during the 2005-2006 school year.

Survey of School District Special Education Directors

During 2003-2004, school district administrators were informally surveyed to gather data regarding concerns about the early childhood transition process. The following issues were identified:

- coordination with Part C agencies could be improved, in order to facilitate transition for children from Part C to Part B
- challenges arise when districts are not notified at least 90 days in advance of a child's third birthday—or longer in advance for children whose birthdays will occur late in the school year or during the summer
- the evaluation data collected by Part C agencies has limited usefulness for eligibility determinations for Part B services (school districts need more norm-referenced than criterion-referenced assessment results; assessment results may be more than 6 months old and therefore not current and valid)
- families need to be assisted by both Part C and Part B agencies to make smooth and positive transitions from Part C to Part B services

Monitoring Findings

During 2004-2005, the NDE conducted on-site monitoring in Clark County School District (CCSD), which serves approximately 66% of the state's students with disabilities (n=31,000). See Performance Indicator 15 for a description of the method used by the NDE to select local education agencies for on-site monitoring in a particular year. As part of the monitoring activities, the NDE reviewed data submitted by the CCSD concerning the transition of infants/toddlers served under Part C to Part B special education programs.

Baseline Data for FFY 2004 (2004-2005):

According to the data submitted by CCSD, 291 infants/toddlers served under Part C were referred to the district's Child Find center for evaluations to determine eligibility for Part B special education programs. Four (4) of the 291 children were found not eligible, and three of those four children (75%) had eligibility determined prior to their third birthday. Two hundred eighty-seven (287) children transitioning from Part C to Part B were found eligible. Of these, 187 had an IEP developed and implemented by their third birthday. Based on the measurement established above, the percent of children referred by Part C prior to age three, who are found eligible for Part B, and who have an IEP developed and implemented by their third birthdays is calculated as follows:

	291 = number of children served in Part C and referred to Part B for eligibility determination
(minus)	3 = number referred, found NOT eligible, whose eligibilities were determined by third birthday
(equals)	288
(divided by)	190 = number found eligible who have an IEP developed and implemented by third birthday
(equals)	66% = percent of children referred by Part C prior to age 3, found eligible for Part B, and who have an IEP developed and implemented by their third birthdays

Discussion of Baseline Data:

Various reasons explain the total 101 students (1 who was not eligible; 100 who were) who did not have an eligibility determined and an IEP developed and implemented by their third birthday. According to CCSD records, the following reasons explain the delays beyond the students' third birthdays:

41 students	CCSD Scheduling Issues
29 students	Parent Scheduling Issues (canceled meetings, canceled testing, rescheduling meetings/testing)
18 students	Parents waited more than one month after the transition meeting to schedule testing through Child Find
5 students	Transition meetings were not scheduled by Part C until fewer than three months remained before the child turned three
4 students	Illness of child

4 students	Parents requested specific dates for eligibility team and/or IEP committee meetings, thus limiting the dates available for conducting meetings

Participation in early childhood special education programs is optional for parents. Consequently, districts are somewhat limited in their ability to conduct timely assessments and convene timely meetings while respecting parents' scheduling needs. This situation is unlike school-age children where compulsory attendance requirements ensure that staff members have access to the students for evaluations. Similarly, districts have no control over situations when Part C representatives do not convene transition meetings 90 days prior to the student's third birthday. Based on the data described above, it would appear that although 101 of the eligibility determinations and IEP meetings were accomplished after the students' third birthdays, 41% of these delays were due to limitations created by CCSD scheduling issues.

Following is a list of the range of days beyond the third birthday for the 101 students who had an eligibility team or IEP committee meeting held after the student's third birthday:

43 students	1-10 days after third birthday
22 students	11-20 days after third birthday
21 students	21-30 days after third birthday
15 students	30+ days after third birthday (summer testing for most of these students)

FFY	Measurable and Rigorous Target
2005 (2005-2006)	100% of children referred by Part C prior to age 3, who are found eligible for Part B, will have an IEP developed and implemented by their third birthdays.
2006 (2006-2007)	100% of children referred by Part C prior to age 3, who are found eligible for Part B, will have an IEP developed and implemented by their third birthdays.
2007 (2007-2008)	100% of children referred by Part C prior to age 3, who are found eligible for Part B, will have an IEP developed and implemented by their third birthdays.
2008 (2008-2009)	100% of children referred by Part C prior to age 3, who are found eligible for Part B, will have an IEP developed and implemented by their third birthdays.
2009 (2009-2010)	100% of children referred by Part C prior to age 3, who are found eligible for Part B, will have an IEP developed and implemented by their third birthdays.
2010 (2010-2011)	100% of children referred by Part C prior to age 3, who are found eligible for Part B, will have an IEP developed and implemented by their third birthdays.

Improvement Activities/Timelines/Resources:

See APR Attachment 1, Improvement Activities/Timelines/Resources, for the following initiatives:

- Improvement Activity 1.2: Special Education Data Collection, Reporting, and Use (p. 6)
- Improvement Activity 1.3: Personnel Preparation, Recruitment, and Retention (p. 8)
- Improvement Activity 2.1: Monitoring (p. 15)
- Improvement Activity 2.2: Technical Assistance and Enforcement (p. 17)
- Improvement Activity 3.4: Early Childhood Outcomes (p. 32)

Part B State Performance Plan (SPP) for 2005-2010

INDICATOR 13

Overview of the State Performance Plan Development:

See description in the Introduction.

Monitoring Priority: Effective General Supervision Part B / Effective Transition

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

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

Measurement:

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

Note Regarding February 2010 Updates:
As of FFY 2008, this indicator and measurement have been significantly modified by OSEP to include a number of additional legal requirements that must be compliant in order for a student's record to be compliant under the measurement for this indicator. Actual target data for FFY 2009 will be reported in the FFY 2009 APR to be submitted in February 2011. Although the 100% compliance target remains the same, the change in the indicator required a change in the language in the targets (see below).

For actual target data and discussion of target data for previous years, see previous APR reports available at the NDE website.

Overview of Issue/Description of System or Process (updated February 2010):
The record review protocol used by the NDE to evaluate compliance with state and federal special education requirements has items designed to collect discrete indicators of compliance with each of the requirements included in this indicator. The NDE will continue to use its special education monitoring system to collect and analyze the data necessary to report against the targets for this indicator beginning in FFY 2009.

FFY	Measurable and Rigorous Target
2008 (2008-2009)	100% of youth with IEPs aged 16 and above will have an IEP that includes appropriate measurable postsecondary goals that are annually updated and based upon an age appropriate transition assessment, transition services, including courses of study, that will reasonably enable the student to meet those postsecondary goals, and annual IEP goals related to the student's transition services needs. There will also be evidence that the student was invited to the IEP Team meeting where transition services are to be discussed and evidence that, if appropriate, a representative of any participating agency was invited to the IEP Team meeting with the prior consent of the parent or student who has reached the age of majority.
2009 (2009-2010)	100% of youth with IEPs aged 16 and above will have an IEP that includes appropriate measurable postsecondary goals that are annually updated and based upon an age appropriate transition assessment, transition services, including courses of study, that will reasonably enable the student to meet those postsecondary goals, and annual IEP goals related to the student's transition services needs. There will also be evidence that the student was invited to the IEP Team meeting where transition services are to be discussed and evidence that, if appropriate, a representative of any participating agency was invited to the IEP Team meeting with the prior consent of the parent or student who has reached the age of majority.
2010 (2010-2011)	100% of youth with IEPs aged 16 and above will have an IEP that includes appropriate measurable postsecondary goals that are annually updated and based upon an age appropriate transition assessment, transition services, including courses of study, that will reasonably enable the student to meet those postsecondary goals, and annual IEP goals related to the student's transition services needs. There will also be evidence that the student was invited to the IEP Team meeting where transition services are to be discussed and evidence that, if appropriate, a representative of any participating agency was invited to the IEP Team meeting with the prior consent of the parent or student who has reached the age of majority.

Improvement Activities/Timelines/Resources:

See APR Attachment 1, Improvement Activities/Timelines/Resources, for the following initiatives:

- Improvement Activity 1.1: School, District, and State Improvement Planning and Implementation (p. 3)
- Improvement Activity 1.2: Special Education Data Collection, Reporting, and Use (p. 6)
- Improvement Activity 1.3: Personnel Preparation, Recruitment, and Retention (p. 8)
- Improvement Activity 2.1: Monitoring (p. 15)
- Improvement Activity 2.2: Technical Assistance and Enforcement (p. 17)
- Improvement Activity 3.1: Academic and Behavioral Supports (p. 22)
- Improvement Activity 3.2: Transition Planning and Postsecondary Outcomes (p. 26)
- Improvement Activity 3.3: Parent Involvement (p. 30)

Part B State Performance Plan (SPP) for 2005-2010

INDICATOR 14

Overview of the State Performance Plan Development:

See description in the Introduction.

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 = [(# 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.

Note Regarding February 2010 Updates:
As of FFY 2008, this indicator and measurement have changed. States are not required to report actual data on Indicator 14 for FFY 2008. In the FFY 2009 submission, due February 1, 2011, the NDE will establish a new baseline, targets and, as needed, improvement activities for this indicator using the 2009-2010 data.

The NDE is also in the process of revising the mechanisms used to collect this data, and will report an updated "Overview of Issue/Description of System or Process" in February 2011.

For targets established during previous years, see the February 2009 SPP available at the NDE website. For actual target data and discussion of target data for previous years, see previous APR reports available at the NDE website.

Part B State Performance Plan (SPP) for 2005-2010

INDICATOR 15

Overview of the State Performance Plan Development:

See description in the Introduction.

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.

This indicator remains unchanged from the February 2009 SPP.

Overview of Issue/Description of System or Process (updated February 2010):
During 2007-2008, the NDE revised its monitoring system, which focuses on procedural compliance and program improvement, to enhance the procedures for verifying the correction of noncompliance. The system, "Special Education Focused Monitoring and Program Improvement," is described below.

Special Education Monitoring System

SPECIAL EDUCATION FOCUSED MONITORING AND PROGRAM IMPROVEMENT SYSTEM
USING EVIDENCE FROM PROCEDURAL MONITORING AND DATA ANALYSIS FOR PROGRAM IMPROVEMENT

Understanding the Special Education Focused Monitoring and Program Improvement System is essential to understanding the approach Nevada is taking to improve results for students with disabilities. The system serves as the framework within which all projects, initiatives, and activities are connected. It serves as an organizing tool for the special education unit within the NDE through assisting the unit in prioritizing its efforts and allocating its resources. In short, the work of the NDE on behalf of students with disabilities relates entirely to the goals and performance indicators defined in this State Performance Plan and prior Annual Performance Reports and is woven into the Special Education Focused Monitoring and Program Improvement system.

A continuous improvement monitoring process forms the conceptual model for the system. Four essential steps represent the continuous cycle of activities. These steps are:

- NEEDS ASSESSMENT (the foundation is built upon a comprehensive review of monitoring and program performance data)
- INQUIRY (root causes and possible solutions are explored through use of targeted "probes")
- PLAN DESIGN (not a separate planning step, but part of the school- and district-improvement planning processes mandated by NCLB and state law)

- PLAN IMPLEMENTATION AND EVALUATION (in accordance with the plan design, and creating the NEEDS ASSESSMENT for the next cycle)

The PLAN IMPLEMENTATION AND EVALUATION step derives from requirements in federal NCLB legislation and state legislation to engage in planning processes at the school and district levels to increase student performance. In Nevada, both federal and state laws require local-level planning. Beyond the legal framework for planning processes, there is also a legal framework for collecting and reviewing data against performance indicators. The NCLB Act has an extensive accountability system focused on meeting targets for all students in several areas, including:

- participation in assessments
- performance on assessments
- graduation rates

The IDEA, through the analyses required in the State Performance Plan (SPP) and Annual Performance Report (APR), requires accountability for meeting targets for students with disabilities in several areas, from early childhood through post-school activities. The accountability measures from IDEA and NCLB have been combined in the Special Education Focused Monitoring and Program Improvement System to create 11 performance indicators now required to be considered annually by school districts as they engage in school- and district-improvement plans:

1. identification rates (added by the NDE because of the relationship among identification, placement, access to general curriculum, and performance on assessments)
2. initial evaluation timelines
3. disproportionality in identification, including identification with a particular disability
4. least restrictive environment for students ages 3-5 and 6-21
5. participation and performance in statewide assessments, including AYP designations
6. graduation rates
7. dropout rates
8. suspension and expulsion rates
9. student/parent/family involvement
10. early childhood transitions from Part C, and early childhood outcomes
11. transition planning at age 16, and post-school outcomes

As districts analyze their monitoring and performance data, they are required to develop corrective action plans (CAPs) to address any noncompliance with Part B of the IDEA or state regulations for special education (Nevada Administrative Code, Chapter 388). In addition to correcting any systemic noncompliance within one year, districts are also encouraged to use relevant data from these 11 performance indicators in school improvement plans (SIP) and district improvement plans (DIP). Data profiles containing trend data in each of the 11 performance indicator areas are prepared each summer based upon the previous school year data, and disseminated for use by districts and by the NDE in prioritizing and targeting resources for program improvement.

Following is a list of specific activities included in the four steps in the Special Education Focused Monitoring and Program Improvement System.

Step 1: COMPREHENSIVE NEEDS ASSESSMENT. In this step:

- NDE and school districts create a data profile from extant NCLB, IDEA, state, and district reporting requirements for each performance indicator

- NDE conducts policy/procedure/form review for procedural compliance

- NDE facilitates comprehensive record review in each school district at least once every four years, and facilitates a targeted record review in each school district each year (targeted to previous noncompliance findings)

- on-site monitoring is conducted in each district at least once every four years
- the schedule has been established to ensure selection of a representative group of districts to be monitored each year. A stratified random sampling is used to ensure a representative group of school districts in each of the four years of Nevada's four-year monitoring cycle. Nevada's 17 school districts, which are contiguous with Nevada's 17 counties, have been assigned status as either "urban" (4 districts), "medium rural" (5 districts), or "small rural" (8 districts) depending on the relative size of the county and the relative urbanicity of the county seat. In each of the four years in the special education monitoring cycle, the districts selected for monitoring will include one "urban" district, one "medium rural" district, and two "small rural" districts. Each year the districts are randomly sampled from within the three subgroups, without replacement, in order to ensure that all 17 districts are monitored at least once during the four-year cycle. Because there are 5 districts in the "medium rural" subgroup, 2 of these districts will be monitored in one of the four years. (Note: This monitoring cycle was approved by OSEP in April 2008 as part of the Indicator 8 sampling description. See pp. 33-35 in the February 2010 SPP.)
- representation of disability categories and race/ethnic categories (although no district can be a representative sample of another district's race/ethnic distribution, just as no state can be a representative sample of another state's race/ethnic distribution)
- all schools in the district have records selected for review (except Washoe County and Clark County, where size dictates selection); in Washoe County and Clark County, schools are selected to ensure a representative sample among elementary, middle, and high schools
- record selection is stratified to ensure representation among race/ethnicity, disability category, and placement categories in proportion to the district's total child count

❖ A Corrective Action Plan (CAP) is required to address noncompliance found through NDE-facilitated review of records and policies/procedures/forms
  - CAPs are designed collaboratively between districts and the NDE
  - CAPs must include procedures for review and revision, if necessary, of policies and procedures, and the provision of training to ensure that systemic noncompliance is corrected within one year
  - Districts must submit verification that CAP activities have been implemented as approved, and provide record review documentation to demonstrate correction of noncompliance

Step 2: INQUIRY TO IDENTIFY CAUSES AND POSSIBLE SOLUTIONS. The NDE has formulated a series of probes to assist school districts in conducting the inquiry that is necessary to identify the root causes and possible solutions for performance data that are below acceptable levels.

Step 3 and 4: DESIGN PLAN; IMPLEMENT AND EVALUATE PLAN. Districts use the school- and district-improvement planning processes already in place in their districts to specifically address the strategies they will use to improve results for students with disabilities.

Identification of Noncompliance

For the record review portion of the system, a comprehensive 75-item record review checklist is used to evaluate compliance based upon documents contained within student records. The checklist is used to evaluate requirements for confidentiality, procedural safeguards (specifically for safeguards in the areas of initial referral and evaluation; initial provision of special education and related services; placement; provision of FAPE; reevaluation); protection in evaluation; IEP development; IEP considerations and components; and placement. A document review checklist is used to evaluate compliance when evidence of compliance is not contained within student records (e.g., child find, referral). Parent survey data are used to corroborate findings and obtain feedback useful in improvement planning.

Review of documentation of corrective actions taken to remedy the noncompliance findings demonstrates that with few exceptions, systemic deficiencies identified by the monitoring system are corrected within one year. Districts submit corrective action plans within 30-60 days of conclusion of the monitoring visit, and the plans require NDE approval. Timelines for corrective actions vary depending upon the nature and level of actions necessary. Documentation of CAP implementation is submitted to the NDE within one year. Technical assistance is provided by NDE staff to assist districts in developing and implementing CAPs.

Correction of Noncompliance and Verification of Correction

In 2007-2008, Nevada's on-site monitoring system was revised to ensure that a comprehensive record is made for the noncompliance findings for each student's file, and those detailed records are returned to teachers to make corrections. Correction is ensured because the actual revised notices, consents, IEP forms, etc., for each student where noncompliance was identified, are returned to the NDE for verification approximately six-seven months after identification. In the event that the NDE cannot conclude that corrections have been made to the state's standards for compliance, additional instructions are provided within weeks to special education administrators and staff members until the corrections meet NDE standards. This process ensures that corrections are completed no later than one year from identification. To verify that a district is correctly implementing regulatory requirements, districts are required to submit a sample of complete files containing all required documents to demonstrate that requirements were met for initial evaluations, reevaluations, and IEP development conducted between September and June in the year after the noncompliance was identified. This documentation is carefully reviewed to ensure that it provides evidence that each school district is correctly implementing regulatory requirements no later than one year from identification of noncompliance.

For noncompliance findings that cannot be corrected at a student-specific level (e.g., missed requirements for notice, consent, evaluations, and timelines) because the clock cannot be "rewound," the NDE engages in three separate inquiries to verify correction of noncompliance as soon as possible but no later than one year from identification. First, records are examined during the on-site monitoring visit to determine if correction has already occurred at the student-specific level. For example, even if an evaluation was not conducted within the state-mandated timeline, the NDE determines if the evaluation was complete at the time of the record review—if not, the district is directed to conduct the evaluation immediately and provide evidence to the NDE to verify correction. Second, the NDE reviews policies, procedures, and practices. Based upon these reviews, forms and procedures are revised as necessary, and extensive staff training is required to ensure that compliant practices occur in the future. Third, school districts are directed to submit a sample of complete files containing all required documents to demonstrate that requirements for notice, consent, evaluations, timelines, etc., met legal requirements in initial evaluations and reevaluations conducted between September and June of the school year after noncompliance was identified.

Compliance is also evaluated through other means such as complaint investigations and due process hearings and reviews.

Complaint Investigation System

See Performance Indicator 16 for an overview of the complaint investigation system.

Identification of Noncompliance

Within each complaint investigation report, specific issues are identified, relevant facts are found, legal standards are applied to the facts, and conclusions of law and reasons are developed. Within the conclusions of law, findings of compliance and noncompliance are made, per issue. When noncompliance is identified, corrective actions are required to address student-level and system-level noncompliance, as relevant to the particular findings.

Correction of Noncompliance

The NDE ensures timely correction of noncompliance through increasingly prescriptive requirements, increased supervision, and increased reporting requirements. Effective correction of noncompliance is demonstrated through corrective action documentation.

Timely Identification and Correction

Because the complaint investigation system operates within the 60-day federal timeline, Nevada ensures timely identification of noncompliance. Systemic noncompliance is corrected within one year; and student-specific noncompliance is addressed within 45 days when the NDE makes a specific order (e.g., to conduct an evaluation).

Timelines for specific corrective actions are established in orders for corrective action, and districts are required to adhere strictly to the timelines for actions and documentation of those actions.

Due Process Hearing System

See Performance Indicator 17 for an overview of the due process hearing system.

Identification of Noncompliance

Hearing and Review Officer decisions are examined for findings of procedural noncompliance made within the context of a ruling on the substantive issues.

Correction of Noncompliance

Hearing officers ensure timely correction of noncompliance through the issuance of decisions and orders, when relevant.

Timely Identification and Correction

Complaint investigation procedures are utilized to enforce the implementation of corrective actions resulting from due process hearings.

Mediation System

See Performance Indicator 19 for an overview of the mediation system. The NDE mediation system provides parties to a dispute with an opportunity to work collaboratively with a trained mediator in an attempt to resolve all or a portion of the dispute. Mediation agreements may result, but the process does not identify findings of compliance or noncompliance with requirements under Part B of the IDEA.

Baseline Data for FFY 2004 (2004-2005):

Table 15 SUMMARY OF NONCOMPLIANCE FINDINGS (2003-2004) AND CORRECTIONS OF THOSE FINDINGS WITHIN ONE YEAR (2004-2005) (Corrections from 2003-2004 monitoring findings not evaluated until 2005-2006)		
IDEA Part B Compliance Requirements	**# Findings (2003-04)**	**# Corrections Within One Year (2004-05)**
Procedural Safeguards		
Prior written notice of proposed/refused identification/evaluations/reevaluations	3	1
Statement of rights upon initial referral for evaluation	3	1
Prior written notice of proposed/refused placement	3	2
Prior written notice of proposed/refused FAPE	4	2
Prior written notice to implement IEP without parent consensus	2	1
Prior written notice of reevaluation without additional assessments	1	0
Protection in Evaluation		
Child find procedures	1	1
Scope of evaluation for initial evaluation, if appropriate	1	0
Scope of evaluation for reevaluation	4	1
Initial evaluation within 45 school days	3	2
Three-year reevaluation (current reevaluation within 3 years of previous evaluation)	2	1
Minimum criteria for eligibility	2	1
Eligibility team members	1	1
Required assessments	3	0
Written report of results of evaluation/copy to parents	2	1
Independent educational evaluations	2	2
IEP Development		
Initial IEP meeting within 30 calendar days of eligibility	1	1
IEP in effect at beginning of school year	1	1
Annual IEP (current IEP within 12 months of previous IEP)	2	0
IEP meeting notice (date, time, location, attendees, transition information)	3	1
IEP participants	4	2
IEP Contents/Considerations		
Transfer of rights explanation at least one year before student reaches age 18	2	0
Present levels of performance	4	0
Measurable annual goals and short-term objectives	1	0
Special education services (services, beginning/ending dates, frequency, location)	2	0
Supplementary aids/services (services, beginning/ending dates, frequency, location)	3	0
Related services (services, beginning/ending dates, frequency, location)	2	1
Extended school year services	1	1
Placement		
Ineligible student placed	1	1
Justification for placement involving removal from regular education environment	4	0
Annual placement decisions	2	0
IEP Implementation		
Provision of services/placement specified in IEP at no cost to parent	8	8
Informing staff of IEP responsibilities/staff access to IEPs	1	1
Personnel		
Caseloads/Class Sizes in accordance with Nevada Administrative Code	3	3
Parentally-Enrolled Private School Students	3	3
Discipline		
Conduct of manifestation determination	2	2
Services on 11th and each subsequent day of removal during school year	1	1
TOTALS	88	43
# FINDINGS CORRECTED WITHIN ONE YEAR DIVIDED BY # FINDINGS	**49%**	

NOTE: Baseline data for 2004-2005 were recalculated in February 2007 to align with OSEP's revised measurement for Indicator 15.

Due Process Hearings/Reviews: Seven due process hearings requested during the 2003-2004 school year were fully adjudicated through the due process and state review levels. One hearing resulted in noncompliance with the requirement to provide services consistent with the student's IEP. During 2004-2005, the NDE did not maintain a system to document implementation of due process/review officer orders; however, no complaint was filed alleging that the orders of the hearing/review officer were not implemented.

Mediations: The NDE mediation system does not identify findings of compliance or noncompliance.

Discussion of Baseline Data:
Verification of correction of noncompliance is a high priority for the NDE. Improvement strategies in the areas of monitoring and dispute resolution systems will enhance the quantity and quality of documentation to be submitted in the future by districts when noncompliance has been identified.

FFY	Measurable and Rigorous Target
2005 (2005-2006)	100% of identified noncompliance will be corrected as soon as possible but in no case later than one year from identification.
2006 (2006-2007)	100% of identified noncompliance will be corrected as soon as possible but in no case later than one year from identification.
2007 (2007-2008)	100% of identified noncompliance will be corrected as soon as possible but in no case later than one year from identification.
2008 (2008-2009)	100% of identified noncompliance will be corrected as soon as possible but in no case later than one year from identification.
2009 (2009-2010)	100% of identified noncompliance will be corrected as soon as possible but in no case later than one year from identification.
2010 (2010-2011)	100% of identified noncompliance will be corrected as soon as possible but in no case later than one year from identification.

Improvement Activities/Timelines/Resources:
See APR Attachment 1, Improvement Activities/Timelines/Resources, for the following initiatives:

- Improvement Activity 1.2: Special Education Data Collection, Reporting, and Use (p. 6)
- Improvement Activity 1.3: Personnel Preparation, Recruitment, and Retention (p. 8)
- Improvement Activity 2.1: Monitoring (p. 15)
- Improvement Activity 2.2: Technical Assistance and Enforcement (p. 17)
- Improvement Activity 2.3: Dispute Resolution (p. 19)
- Improvement Activity 3.2: Transition Planning and Postsecondary Outcomes (p. 26)
- Improvement Activity 3.4: Early Childhood Outcomes (p. 32)

Part B State Performance Plan (SPP) for 2005-2010

INDICATOR 16

Overview of the State Performance Plan Development:

See description in the Introduction.

Monitoring Priority: Effective General Supervision Part B / General Supervision

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

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

Measurement: Percent = [(1.1(b) + 1.1(c)) divided by 1.1] times 100.

Note Regarding February 2010 Updates:
As of FFY 2008, this indicator has changed, which required a change in the language in the targets (see below). The numerical targets remain unchanged. Because the changes are minor, the baseline data below have not been updated from the original submission. For targets established during previous years, see the February 2009 SPP available at the NDE website. For actual target data and discussion of target data for previous years, see previous APR reports available at the NDE website.

Overview of Issue/Description of System or Process:
The NDE has established a complaint investigation system in compliance with IDEA procedural requirements. Federal and state laws require that an investigation be conducted and a decision issued within 60 days of receipt of a complaint alleging a violation of IDEA. Extensions of time may be granted by the NDE if exceptional circumstances exist with regard to a specific complaint.

The NDE judiciously uses the authority granted to states under federal regulations to extend a particular complaint timeline under extenuating circumstances. When complaints are received near the end of the school year, or during a summer break, the investigation team first precisely identifies the issues contained in the complaint. Then, extensions are granted only if an issue requires that school personnel be personally interviewed, and if it is determined that those personnel are unavailable during the summer break. Generally, no extensions are made to timelines unless personnel will be absent for an extended period of time (e.g., no extensions are made for three-week "track breaks" or other more limited breaks). If a complaint is received that contains more than one issue, and at least one issue must be extended due to the unavailability of essential personnel, any remaining issues are investigated and reported within the 60-day timeline.

Although not required by law, complaint investigation reports are routinely shared with the members of the State Special Education Advisory Committee. Information regarding corrective action plans and documentation is provided upon request.

Baseline Data for FFY 2004 (2004-2005):
During 2004-2005, each complaint investigation was completed within the 60-day timeline or within the NDE-authorized extension of time.

Discussion of Baseline Data:
Of the two complaints reported under cell (1.1(c)) as having been resolved beyond 60 calendar days with a documented extension, one was extended because it addressed the same issues that were being addressed in a due process hearing. Of the six complaints listed as pending under cell (1.3), three were received with less than two weeks of the school year remaining, and three were received after school had recessed for summer break. In each of these six complaints, personnel who were essential for fact-finding were unavailable during the summer break. Investigations were completed and reports were issued for all seven pending complaints no later than 10/7/04.

FFY	Measurable and Rigorous Target
2008 (2008-2009)	100% of signed written complaints with reports issued will be resolved within 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint, or because the parent (or individual or organization) and the public agency agree to extend the time to engage in mediation or other alternative means of dispute resolution.
2009 (2009-2010)	100% of signed written complaints with reports issued will be resolved within 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint, or because the parent (or individual or organization) and the public agency agree to extend the time to engage in mediation or other alternative means of dispute resolution.
2010 (2010-2011)	100% of signed written complaints with reports issued will be resolved within 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint, or because the parent (or individual or organization) and the public agency agree to extend the time to engage in mediation or other alternative means of dispute resolution.

Improvement Activities/Timelines/Resources:
See APR Attachment 1, Improvement Activities/Timelines/Resources, for the following initiatives:

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

Part B State Performance Plan (SPP) for 2005-2010

INDICATOR 17

Overview of the State Performance Plan Development:

See description in the Introduction.

Monitoring Priority: Effective General Supervision Part B / General Supervision

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

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

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

Note Regarding February 2010 Updates:
As of FFY 2008, this indicator has changed, which required a change in the language in the targets (see below). The numerical targets remain unchanged. Because the changes are minor, the baseline data below have not been updated from the original submission. For targets established during previous years, see the February 2009 SPP available at the NDE website. For actual target data and discussion of target data for previous years, see previous APR reports available at the NDE website.

Overview of Issue/Description of System or Process:
The NDE has established a due process hearing system in accordance with the requirements of state and federal law. The NDE trains and maintains a cadre of approximately six experienced hearing officers, who are assigned on a random basis when local education agencies notify the NDE that a request for a due process hearing has been received. The NDE has a two-tier hearing system, which gives an opportunity for a party dissatisfied with the decision of the lower-level hearing officer an opportunity to seek a review of the decision by a state-level review officer. Three attorneys (one in-state, two out-of-state) form the cadre of review officers.

A comprehensive training for hearing and review officers is conducted annually by outside consultant/attorneys who provide similar training throughout the nation. Decisions are reviewed quarterly to evaluate adherence to NDE procedures and standards for quality, and to identify training priorities. An annual survey is conducted of all parties who used the system during the previous year, also to identify training priorities.

Quarterly training sessions are held, focused on logistical issues (e.g., hearing arrangements, addressing special needs), pre-hearing matters (e.g., clarification of issues; pre-hearing conference calls; witnesses), management of the hearings (e.g., order in which testimony is received), and decision writing (e.g., application of law to facts, clarity of decisions and orders). The importance of adherence to due process and review timelines is emphasized continuously. Training is also provided to assist hearing officers in applying a proper standard when determining whether an extension should be granted at the request of one or both parties. Written decisions are thoroughly reviewed by outside consultant/attorneys to identify opportunities for improvement, and future trainings focus on these areas for improvement.

Baseline Data for FFY 2004 (2004-2005):
There were three fully adjudicated due process hearings conducted during 2004-2005. Each hearing was conducted and a decision rendered within a date-specific timeline extended by the hearing officer at the request of one or both of the parties.

Discussion of Baseline Data:
School districts and other constituents have expressed concerns for the growing financial cost of resolving disputes through due process hearings and court litigation. In response to these concerns, the NDE has begun to develop and implement a system that will make IEP Facilitators available to parents and districts as they work toward consensus in IEP development. This and other improvement strategies are included in the Dispute Reference System initiative referenced below.

FFY	Measurable and Rigorous Target
2008 (2008-2009)	100% of adjudicated due process hearing requests will be adjudicated within the 45-day timeline or a timeline that is properly extended by the hearing officer at the request of either party or in the case of an expedited hearing, within the required timelines.
2009 (2009-2010)	100% of adjudicated due process hearing requests will be adjudicated within the 45-day timeline or a timeline that is properly extended by the hearing officer at the request of either party or in the case of an expedited hearing, within the required timelines.
2010 (2010-2011)	100% of adjudicated due process hearing requests will be adjudicated within the 45-day timeline or a timeline that is properly extended by the hearing officer at the request of either party or in the case of an expedited hearing, within the required timelines.

Improvement Activities/Timelines/Resources:
See APR Attachment 1, Improvement Activities/Timelines/Resources, for the following initiatives:

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

Part B State Performance Plan (SPP) for 2005-2010

INDICATOR 18

Overview of the State Performance Plan Development:

See description in the Introduction.

Monitoring Priority: Effective General Supervision Part B / General Supervision

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

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

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

This indicator remains unchanged from the February 2009 SPP.

Overview of Issue/Description of System or Process:
This indicator has been designated by OSEP as a “new” performance indicator, which requires that the NDE describe how it collected data during 2005-2006 in order to report baseline data, set targets, and describe improvement activities for this indicator in the revised State Performance Plan to be submitted in February 2007.

The IDEA-04 requires local education agencies to convene a resolution session within 15 days of the receipt of the due process hearing notice unless the parties agree in writing to waive the resolution session or agree to use mediation. The NDE has developed procedures and forms to guide parties and hearing officers through the resolution session process. This information is posted on the NDE web site, and training was provided to special education administrators and Nevada PEP, the state's federally funded Parent Training and Information Center.

During 2005-2006, the NDE will develop and implement procedures for collecting information to report the percent of hearing requests that went to resolution sessions that were resolved through resolution session agreements. The NDE has a data system in place to collect the total number of hearing requests in each school year, as well as timelines for issuance of decisions, requests for reviews, and issuance of review decisions. The following data elements will be added to the existing system:

- Number of resolution sessions
- Number of waivers of the resolution session
- Number of agreements to use mediation in lieu of the resolution session
- Number of hearing cases closed as a result of the resolution session settlement agreement
- Number of hearing cases with partial resolution as a result of the resolution session settlement agreement

Analysis of these data will enable the NDE to report annually the percent of hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements. From these 2005-2006 baseline data, targets will be established and submitted in the APR due in February 2007. All targets will be established with input from a broad group of stakeholders in a manner similar to that which has occurred in establishing the targets for those indicators throughout this SPP that are "continuing."

Baseline Data for FFY 2005 (2005-2006):
During 2005-2006, 91% of resolution sessions held resulted in settlement agreements that resolved the dispute between the parties without the necessity of holding a due process hearing. See statewide data below.

Table 18 DUE PROCESS HEARING DATA 2005-2006	**NUMBER**
Hearing Requests During 2005-2006	75
Hearing Requests Resolved Without Resolution Sessions	
Hearing Requests Resolved Without Resolution Session (parties agreed to mediate, parties agreed to waive Resolution Session, dispute settled prior to resolution session, request withdrawn prior to resolution session, request deemed insufficient prior to resolution session and not re-filed, request dismissed for other reasons, e.g., lack of jurisdiction, non-hearable issue)	29
Resolution Sessions Held & Results	
Resolution Sessions Held	46
Hearing Held After Resolution Session	2
Resolved/Withdrawn After Resolution Session but Without Settlement Agreement	2
Settlement Agreements Reached	42
# Settlement Agreements ÷ # Resolution Sessions 42 ÷ 46	**91%**

Discussion of Baseline Data:
Statewide, 97% of hearing requests received during 2005-2006 were resolved without a hearing (73 of 75); only 2 hearings were held, and the 3 hearing requests that were pending as of 6/30/06 were resolved without a hearing after 6/30/06.

The percent of hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements was 91% (42 of 46). Four resolution sessions did not result in a settlement agreement:

- two went to hearing
- one was withdrawn after resolution session but without settlement agreement
- one was resolved after resolution session but without settlement agreement

Per OSEP advisement in September 2006, "a target of 100% for this indicator may not be appropriate. In looking at data on other forms of alternate dispute resolution, the consensus among practitioners is that 75-85% is a reasonable rate of mediations that result in agreements and is consistent with national mediation success rate data." (Source: Part B SPP—Indicator Measurement Table, December 2006.)

FFY	Measurable and Rigorous Target
2006 (2006-2007)	85% of resolution sessions held will result in settlement agreements.
2007 (2007-2008)	85% of resolution sessions held will result in settlement agreements.
2008 (2008-2009)	85% of resolution sessions held will result in settlement agreements.
2009 (2009-2010)	85% of resolution sessions held will result in settlement agreements.
2010 (2010-2011)	85% of resolution sessions held will result in settlement agreements.

Improvement Activities/Timelines/Resources:

See APR Attachment 1, Improvement Activities/Timelines/Resources, for the following initiatives:

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

Part B State Performance Plan (SPP) for 2005-2010

INDICATOR 19

Overview of the State Performance Plan Development:

See description in the Introduction.

Monitoring Priority: Effective General Supervision Part B / General Supervision

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

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

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

This indicator remains unchanged from the February 2009 SPP.

Overview of Issue/Description of System or Process:
In compliance with federal IDEA requirements, the NDE has established a voluntary system for mediation of special education disputes. State mediation is available for those who have not filed a request for a due process hearing in addition to those who have. The NDE maintains an experienced cadre of approximately 8 mediators who receive training from the NDE to improve their knowledge of special education requirements as well as to strengthen their skills as mediators. NDE appoints mediators within five days of ascertaining that there is mutual agreement to mediate; the timeline for completing mediations is then controlled by parties depending on their needs. After each mediation session, both parties and the mediator are given an opportunity to rate the session as having been positive, fair, or poor.

The NDE, the local school districts, the parent training and advocacy community, and other stakeholders view mediation as an important option for dispute resolution. Although some mediations result in partial, rather than full agreement, the NDE and its stakeholders acknowledge that settling any issues prior to a due process hearing leads to shorter, and therefore less costly hearings. Consequently, the NDE includes mediations that result in either partial or full agreement in its calculation of the percent of mediations held that resulted in mediation agreements.

Baseline Data for FFY 2004 (2004-2005):
During 2004-2005, 21 mediations were conducted and 18 (86%) resulted in full or partial agreements.

Discussion of Baseline Data:
Following is a table showing four-year trends in the state's mediation system.

Table 19
Mediations Conducted and Mediation Agreements Reached

School Year	# Mediations Conducted	# Mediations with Full or Partial Agreement	% of Mediations Resulting in Mediation Agreements
2001-2002	19	15	79%
2002-2003	11	10	91%
2003-2004	17	15	88%
2004-2005	21	18	86%

As the data show, the percent of mediations resulting in agreements has varied over the last four years from a low of 79% to a high of 91%. During the last three years, there has been a slight downward trend in the percent of mediations resulting in agreements, from 91% in 2002-2003 to 86% in 2004-2005. In 2004-2005, parties to the mediation also rated the experience less positively than in the previous year: 75% of parents rated the sessions as "positive" (down from 85% the previous year); 85% of districts rated the sessions as "positive" (down from 95% the previous year).

It is clearly not possible for the NDE to ensure that mediations result in agreements; however, it is possible for the NDE to ensure that its mediators are knowledgeable and well-trained, and that parties are made aware of the value of settling disputes through mediation. Improvement activities targeted at these objectives will occur during 2005-2006 and beyond, in an attempt to increase the percent of mediations resulting in mediation agreements.

FFY	Measurable and Rigorous Target
2005 (2005-2006)	80% of mediations held will result in mediation agreements.
2006 (2006-2007)	80% of mediations held will result in mediation agreements.
2007 (2007-2008)	80% of mediations held will result in mediation agreements.
2008 (2008-2009)	80% of mediations held will result in mediation agreements.
2009 (2009-2010)	80% of mediations held will result in mediation agreements.
2010 (2010-2011)	80% of mediations held will result in mediation agreements.

Improvement Activities/Timelines/Resources:
See APR Attachment 1, Improvement Activities/Timelines/Resources, for the following initiatives:

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

Part B State Performance Plan (SPP) for 2005-2010

INDICATOR 20

Overview of the State Performance Plan Development:

See description in the Introduction.

Monitoring Priority: Effective General Supervision Part B / General Supervision

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

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

Measurement:

State reported data, including 618 data, State Performance Plan, and Annual Performance Reports, are:

a. Submitted on or before due dates (February 1 for child count, including race and ethnicity; placement; November 1 for exiting, discipline, personnel and dispute resolution; and February 1 for Annual Performance Reports and assessment); and
b. Accurate, including covering the correct year and following the correct measurement.

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

Note Regarding February 2010 Updates:
As of FFY 2008, this measurement has changed, although the numerical targets remain unchanged. Because the changes are minor, the baseline data below has not been updated from the original submission.

Overview of Issue/Description of System or Process (updated February 2010):
The NDE annually collects data from its 17 local school districts, the Nevada Youth Training Center, and state-sponsored charter schools. Child count and placement data are collected electronically and software tools are used to compile submissions, search for duplicates, perform error checks, and prepare data for submission to OSEP on OSEP-supplied data files each February 1, along with assessment data. Electronic submissions are provided by local education agencies for exiting, discipline, personnel, and dispute resolution data. These submissions are entered into a database for compilation and submission to OSEP on OSEP-supplied data files each November 1.

The NDE ensures that data are reported in a timely manner through implementing the following steps:

- instructions are sent to districts, the Nevada Youth Training Center (NYTC), and state-sponsored charter schools annually, including forms for Child Count; Placement; Personnel; Exit; and Discipline Data
- training is provided at meetings of local special education directors (NYTC participates) and in special sessions for state-sponsored charter school administrators
- deadlines are established for return of data to NDE
- districts, NYTC, and state-sponsored charter schools submit data electronically, or on paper, or through a combination
- NDE compiles into database
- NDE submits to OSEP via paper, to WESTAT electronically

Accuracy is ensured through the following steps:

- WESTAT flags significant changes in number or percentage over previous year
- NDE reviews district level data, NYTC data, and state-sponsored charter school data for obvious changes
- instructions are provided annually and aligned with OSEP instructions to states
- state IEP forms and guidelines clarify the use of race/ethnicity and placement codes
- technical assistance is available in person or via telephone

The NDE ensures that local agencies collect and report data that is consistent with the federal requirements through the following steps:

- procedures and timelines are established
- districts and state-sponsored charter schools submit data in accordance with timelines or within approved extensions of time
- child count and local plan data certifications are obtained with the submission of data
- data are aggregated and reported to OSEP
- documentation (electronic and paper) is maintained
- errors that are discovered are brought to the attention of districts, NYTC, and state-sponsored charter schools so that necessary revisions can be made

Baseline Data for FFY 2004 (2004-2005):
The 2004-2005 annual §618 data (child count and placement in February 2005; exiting, discipline, and personnel reports in November 2005) were submitted on time although resubmissions were necessary to correct errors in the exit table and the child count/placement tables. Discipline data submitted by Washoe County School District was acknowledged to be incomplete due to a data system failure; the failure was addressed and future submissions are anticipated to be accurate. The Annual Performance Report was submitted on time and accurately in March 2005. There was no requirement to submit a State Performance Plan during 2004-2005.

Discussion of Baseline Data:
The annual child count/placement submission was revised to reflect a revised submission from a local educational agency. The exit data table was revised to correct an error in addition in the total number of students exiting at age 22+ (an optional data collection category). These revisions were made within the timeline established by WESTAT for submission of revisions.

FFY	Measurable and Rigorous Target
2005 (2005-2006)	100% of State reported data (618 and State Performance Plan and Annual Performance Report) will be timely and accurate.
2006 (2006-2007)	100% of State reported data (618 and State Performance Plan and Annual Performance Report) will be timely and accurate.
2007 (2007-2008)	100% of State reported data (618 and State Performance Plan and Annual Performance Report) will be timely and accurate.
2008 (2008-2009)	100% of State reported data (618 and State Performance Plan and Annual Performance Report) will be timely and accurate.
2009 (2009-2010)	100% of State reported data (618 and State Performance Plan and Annual Performance Report) will be timely and accurate.
2010 (2010-2011)	100% of State reported data (618 and State Performance Plan and Annual Performance Report) will be timely and accurate.

Improvement Activities/Timelines/Resources:

See APR Attachment 1, Improvement Activities/Timelines/Resources, for the following initiatives:

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