



State of Maine

Department of Education

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

***Revision to the December 2, 2005 SPP to Provide
Update for FFY 2005 (July 2005 – June 2006)***

May 7, 2007

Overview of the State Performance Plan Development

Maine submitted its State Performance Plan (SPP) on December 2, 2005, followed by a minor revision on January 20, 2006, and it is required to be updated for submission February 1, 2007. The content and intent of the original document are carried forward into this update, but data for new indicators are now available to be included. This update includes baseline data required for indicators 4B, 8, 9, 10, 11, 13, and 18, and provides entry information for Indicator 7 and 14. The baseline data were reviewed and targets were established in conjunction with our stakeholder organization using the process developed during the original submission of the SPP. Additionally, the format of earlier version of the SPP did not clearly present the activities, resources and timelines associated with improvements that are ongoing or planned for each indicator measurement. A tabular format has been incorporated into each indicator to more clearly present the activities, timelines and resources planned to accomplish improvements indicated in the plan. This update to the State Performance Plan is companion to the initial submission of Maine's Annual Performance Report due February 1, 2007. Summary of changes in this revision:

| Indicator | Change from previous version of the SPP (January 20, 2006); bold/blue font highlights those indicators that were new in the previous version of the SPP |
|-----------|--|
| 1 | Changed measurement technique to improve comparability; formatted activities, timelines and resources into a table |
| 2 | Changed measurement technique to improve comparability; formatted activities, timelines and resources into a table |
| 3 | Formatted activities, timelines and resources into a table; added missing information in targets (Math 2009) |
| 4 | Significant rewrite to provide baseline data and targets for indicator 4B; formatted activities, timelines and resources into a table |
| 5 | Formatted activities, timelines and resources into a table |
| 6 | Formatted activities, timelines and resources into a table |
| 7 | Complete rewrite to provide entry data |
| 8 | Complete rewrite to provide baseline data and targets |
| 9 | Complete rewrite to provide baseline data and targets |
| 10 | Complete rewrite to provide baseline data and targets |
| 11 | Complete rewrite to provide baseline data and targets |
| 12 | Formatted activities, timelines and resources into a table |
| 13 | Complete rewrite to provide baseline data and targets |
| 14 | Complete rewrite to provide initial data and process for collection |
| 15 | Formatted activities, timelines and resources into a table; added data sources and calculations required by OSEP Table A |
| 16 | Formatted activities, timelines and resources into a table |
| 17 | Formatted activities, timelines and resources into a table |
| 18 | Complete rewrite to provide baseline data and targets |
| 19 | Formatted activities, timelines and resources into a table |
| 20 | Formatted activities, timelines and resources into a table |

Maine Advisory Council for the Education of Children with Disabilities (MACECD) is the stakeholder organization supporting the development of the SPP indicators. Development of indicator content and revision of indicators has been guided by the stakeholder group throughout the past 13 months. The stakeholder group regularly reviews data developed for each measurement, formulates and pursues hypotheses associated with the data, and builds recommendations for the Maine Department of Education to consider in legislation, rule making, procedures and reporting. The quality of Maine's SPP has benefited greatly from the advice and guidance of our stakeholder organization.

This update to the SPP includes changes to indicators that provide consistency and accuracy of measurement across all indicators. As data were assembled and reviewed for the Local Educational Agencies (LEAs) across the state as a part of the measurement process, it became clear that many of our districts have very small populations represented in certain measurement categories. In order to ensure FERPA protections in the public presentation of data, a minimum of 10 students must be present in the data. In cases where a particular subset contains fewer than 10 students, those data are suppressed. Many of the SPP measurements require comparison of percentages between populations. Sizes in many of Maine's LEAs are sufficiently small that statistically significant definitions were required to account normally occurring variation in small population data. Analysis of means¹ (ANOM) calculations were applied to each percentage measurement to establish upper and lower detection limits that were sensitive to the small populations in our districts. Data found outside of the limit values exhibit significant difference from the state average while accounting for their small population values, and will be assigned a level of determination consistent with the magnitude of the deviation from the state average.

Maine Department of Education has provided substantial technical assistance to its LEAs during the 2005-2006 and 2006-2007 school years concerning the SPP and its Annual Performance Report. Regional meetings were held in May of 2005 and in December of 2006 to provide understanding of the requirements and intent of the SPP and to offer guidance to LEAs in preparing for and reacting to the range of likely measurement outcomes. The sessions have helped the LEAs to become comfortable with the accountability system, planning improvements and defining professional development needs. Further, the sessions have provide opportunities for the LEAs to express concerns and ask questions that have shaped to support provide by the Maine Department of Education on the content the is posted on it website. The December 2005 submission of the SPP started a process that will cause LEAs to catch up. Data presented at that time establish a baseline performance using 2003-2004 school year performance. The data presented in the APR for the 2005-2006 school year, had been collected at the time of the SPP submission, so LEAs have had only limited opportunity to affect improvements based on the data. As the data are presented publicly in early 2007, the process for system-wide improvement will begin.

*The Office of Special Education Programs (OSEP) review of the SPP submission resulted in a response letter and issues tables (A and B) that presented opportunities for improvement in the SPP documentation and corrective actions that were required for the SPP update. Throughout this updated submission of the SPP, the comments from the OSEP Tables will be included in the text at the point in the indicator where the issue is addressed. Those entries are marked (as is this paragraph) clearly with double-bar in both margins and this type font. This update to the SPP addresses those issues related to indicators that were **new** in the December 2005 submission that were required to be updated in this submission of the SPP. The remaining issues presented in the OSEP response letter and attached tables will be addressed in the February 1, 2007 Annual Performance Report (APR) submission.*

| <i>Page</i> | <i>Indicator</i> | <i>Source; issue addressed</i> |
|-------------|------------------|--|
| 10 | 2 | <i>OSEP Table A; data accuracy</i> |
| 3 | 7 | <i>OSEP Table A (Part C, Indicator 3); data collection</i> |
| 45 | 8 | <i>OSEP Table A; sampling plan</i> |
| 57 | 11 | <i>OSEP Table B; compliance</i> |
| 63 | 13 | <i>OSEP Table B; compliance</i> |
| 66 | 14 | <i>OSEP Table A; sampling plan</i> |

¹ Ott, E. R. (1967). "Analysis of Means -- A Graphical Procedure", *Industrial Quality Control* 24, pp. 101-109. Reprinted in *Journal of Quality Technology* 15 (January 1983), pp. 10-18.

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Revision History

Original: Mailed paper copy to OSEP – 12-1-05
 Submission: Electronic copy to OSERS.bapr@ed.gov – 12-02-05
 Update: revised indicators 5, 16, 17, 19, and Attachment 1; e-mailed to Cynthia Bryant at OSEP – 1-20-06
 Update of all indicators' format to present activities, resources and timelines in tabular format – January 29, 2007
 Updated 4/23/07 to include required changes to indicators 4, 8, 18 and 20
 Revision May 7, 2007 to Indicator 18 to provide ending (FFY 2010) target that is above the baseline

Monitoring Priority:
Free and Appropriate Education
in the
Least Restrictive Environment
Or
FAPE in the LRE

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

Monitoring Priority: FAPE in the LRE

Indicator 1: Percent of youth with IEPs graduating from high school with a regular diploma compared to percent of all youth in the State graduating with a regular diploma.

(20 USC 1416(a)(3)(A) and 1442)

Measurement:

Maine's Definition of Completion (Graduation) Rate:

The High School Completion Rate is the percentage of students who graduated from their high school with a regular diploma, rather than earning an alternative credential or dropping out of school sometime during their high school years. A separate completion rate is calculated for each graduating class, as in the "Class of 2004". The class completion rate is calculated as follows:

Number of Regular Diploma Recipients in a High School Class divided by (Number of Regular Diploma Recipients + Number of Other Diploma Recipients + the number of dropout for the school year in grades 9 through 12)

The measurement for youth with IEPs is the same measurement as for all youth.

Overview of Issue/Description of System or Process:

Definition of Diploma:

Maine's State law, Title 20-A §4722 High School Diploma Standards, defines diploma as: "3. Satisfactory Completion, A diploma may be awarded to secondary school students who have satisfactorily completed all diploma requirements in accordance with the academic standards of the school administrative unit and this chapter. All secondary school students must work toward achievement of the content standards of the system of *Learning Results*. Exceptional students, as defined in section 7001, subsection 2, who successfully meet the content standards of the system of learning results in addition to any other diploma requirements applicable to all secondary school students, as specified by the goals and objective of their individualized education plans may be awarded a high school diploma.

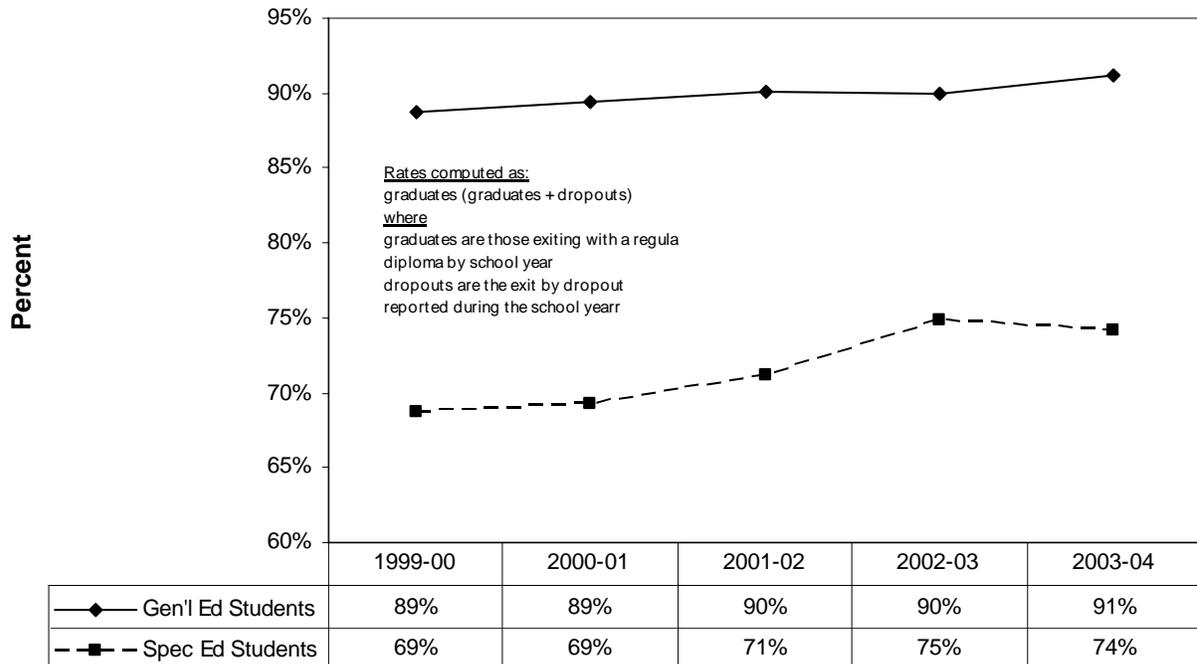
Further discussion of high school diploma standards is found in Chapter 127 which is currently being revised. These revisions may provide definitions for additional diplomas. These additions may lead to a change in the data collection process.

Baseline Data for FFY 2004 (2004-2005):

For purposes of generating baseline data for this indicator, five years of Part B 618 data were used to compute a graduation rate for special education students. This computation in conjunction with overall graduation rates was used to produce the trend shown in Figure 1.

Figure 1: Five Year Trend: Special vs. General Education Graduation Rates

Five Year Trend: Special vs. General Education Graduation Rates



Discussion of Baseline Data:

While the trends and underlying data shown in Figure 1 are comparable, the method used does not conform to the National Governor’s Association cohort calculation methodology. The Maine Education Data Management System (MEDMS) began collecting comparable data in 2004-2005. This means that truly comparable graduation data will become available in 2009, when the first graduating class cohort matriculates through the system.

| FFY | Measurable and Rigorous Target |
|-----------------------------|---|
| 2005 (2005-2006) | At least 76% of youth with IEPs graduating from high school with a regular diploma |
| 2006 (2006-2007) | At least 78% of youth with IEPs graduating from high school with a regular diploma |
| 2007 (2007-2008) | At least 80% of youth with IEPs graduating from high school with a regular diploma |
| 2008 (2008-2009) | At least 82% of youth with IEPs graduating from high school with a regular diploma |
| 2009 (2009-2010) | At least 84% of youth with IEPs graduating from high school with a regular diploma |

| FFY | Measurable and Rigorous Target |
|---|--|
| <p>2010 (2010-2011)</p> | <p>At least 86% of youth with IEPs graduating from high school with a regular diploma</p> |

| Improvement Activities | Timelines | | | | | | Resources |
|---|-------------------------------------|----|----|----|----|----|-----------|
| | FFY Year when activities will occur | | | | | | |
| | 05 | 06 | 07 | 08 | 09 | 10 | |
| Draft and post an informational/administrative letter to inform superintendents of the dropout targets set in this SPP. | X | | | | | | |
| Request that each school and LEA complete a self-assessment of its district and school dropout prevention programs. | X | | | | | | |
| Review the trend data of all districts and schools to determine whether dropout prevention activities are working. | X | | | | | | |
| Provide districts with longitudinal baseline data for future program improvement activities. | X | | | | | | |
| Conduct an analysis of means test on all districts to determine those whose dropout rates are above the State average. | X | | | | | | |
| Require LEAs to develop dropout prevention activities for raising the scores of those areas that the self-assessment showed as needing improvement. | X | | | | | | |
| Provide training to districts on how to develop an effective dropout prevention program. | X | | | | | | |
| Have each school complete a dropout risk/asset assessment rubric on each of its sixth and seventh grade students | X | | | | | | |
| For each student who scores in the moderate to high-risk range, develop a dropout prevention plan for that student. | X | | | | | | |
| Analyze the data from 2004-05 to determine if districts are making progress. | | X | X | X | X | X | |
| Target those districts whose rates remain above the target and provide technical assistance. | | X | X | X | X | X | |
| Provide regional workshops on dropout prevention, working with the Institute for the Study of Students at Risk. | | X | X | X | X | X | |

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

Monitoring Priority: FAPE in the LRE

Indicator 2: Percent of youth with IEPs dropping out of high school compared to the percent of all youth in the State dropping out of high school.

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

Measurement:

Methods of measurement for youth with IEPs are the same methods of measurement used for all youth. Calculation is explained in the "Discussion of Baseline Data" below.

Overview of Issue/Description of System or Process:

Definition of Dropout:

Maine defines a dropout as an individual who leaves school without completing a State or LEA approved secondary program. Based on this rule, if the individual was enrolled in school at some time during the previous school year and was not enrolled on October 1 of the current school year, he or she is considered to be a dropout. Likewise, if the student was not enrolled on October 1 of the previous school year although expected to be (i.e., was not reported as a dropout the year before, he or she is considered a dropout. Two examples:

A student enrolls in Grade 11 in September 2003, leaves school in January 2004, and is not enrolled on October 1, 2004. This student will be reported as a school year 2003-04 Grade 11 dropout.

A student completes Grade 11 in June 2003, but is not enrolled in Grade 12 on October 1, 2003, and whereabouts are unknown. This student should be reported as a school year 2003-2004 Grade 12 dropout.

A student who leaves school and enrolls in an adult education program is counted as a dropout if the LEA is no longer responsible for the enrollment of the student.

There are exceptions to this definition.

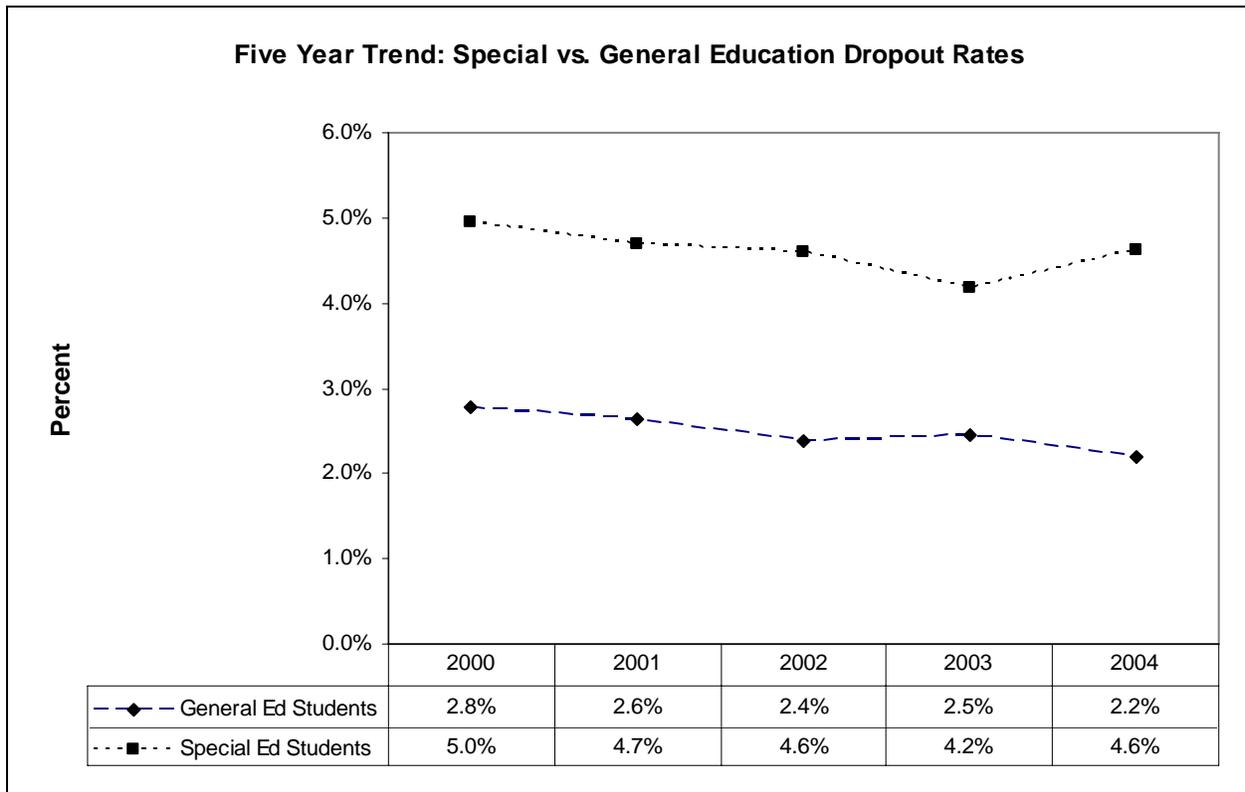
A student who dies is not considered to be a dropout. A student who is on a temporary school-recognized absence due to suspension or illness is not considered a dropout.

Baseline Data for FFY 2004 (2004-2005):

What was true of Indicator 1 is also true of this indicator. At present, Maine does not have comparable baseline data on dropouts for special education and for general education students. Figure 2, however, represents an attempt to construct comparable data.

OSEP Table A: "The state must include, in the FFY 2005 APR, accurate data from FFY 2005." This could likely be remedied by changing our wording.

Figure 2.1: Five-Year Comparison of General Education and Special Education Student Dropout



Children for whom the initial IFSP is completed after January 1, 2006 (specific beginning date to be determined by DOE staff) who are ages 0 through 5 year and who receive services for at least six months before exiting the program.

Discussion of Baseline Data:

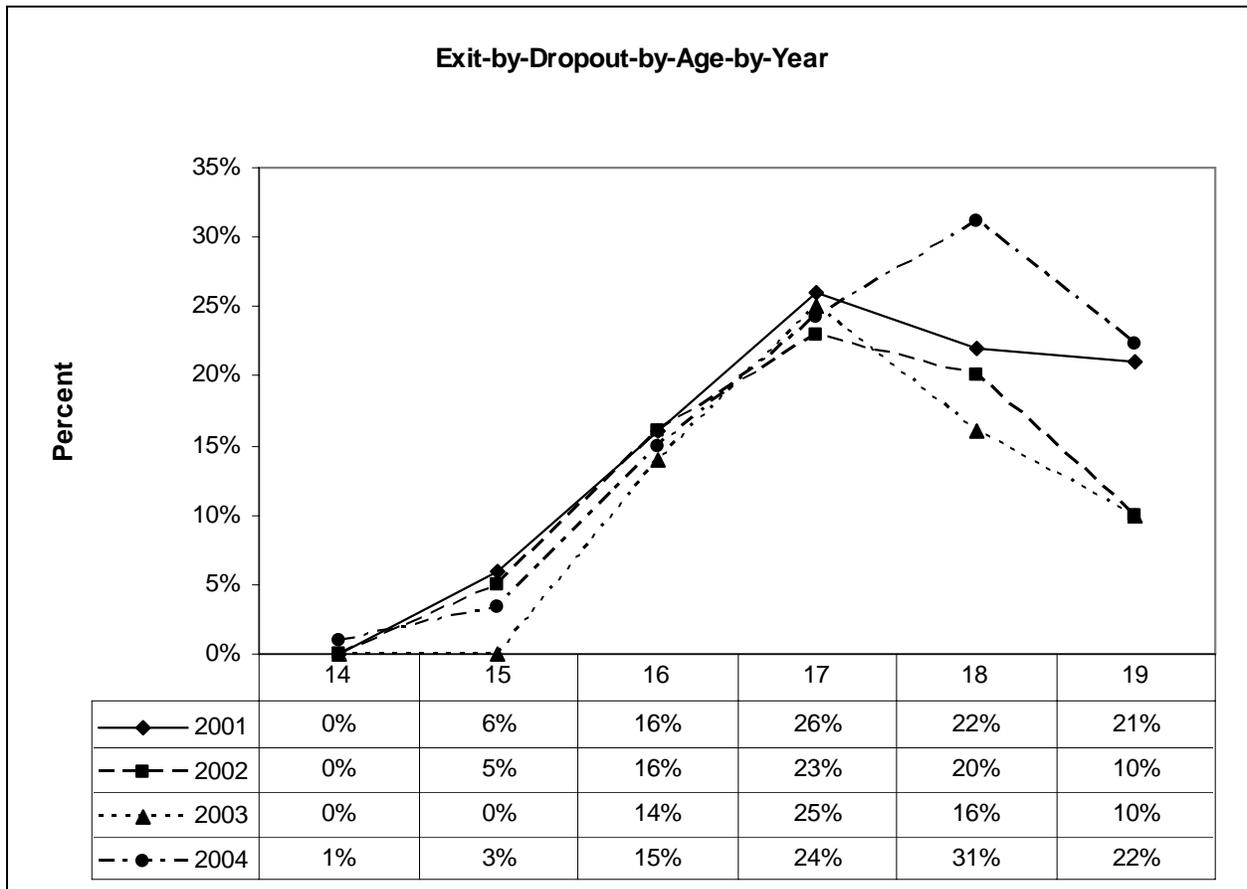
Analysis of longitudinal baseline data for special education students shows a fairly stable pattern of variation. General education students appear to be faring better.

With Maine now collecting data for special education students using the same method as for all students, calculations of special education dropout rates using the cohort methodology described above can begin. However, the necessary data will not become available until 2009, when the first graduating class cohort matriculates through the system. What can be done here, however, is to conduct an analysis of the historical dropout data for all students to help with setting rigorous targets.

Age of Dropouts:

Of the 6870 students with IEPs who exited in 2004-05, 500 or 7.3% of them exited by dropout. Figure 3 below focuses on students with IEPs who exited special education services via dropout. These data come from the December 1 Child Count. This chart focuses on the age at which the student drops out. Understanding this will give us a better idea of when to intervene.

Figure 2.2: Special Education Students Exit by Dropout by Age and By Year



These data indicate that dropout begins to increase at age 15, reaches its peak at between age 17 and 18 then begins to decline after that. The figure also shows that the dropout problem is getting worse for students with IEPs. The key point to be gleaned from these data however is that intervention programs need to begin prior to age 14.

Other Initiatives around Dropouts:

Maine is fortunate to have a university system that houses the “Institute for the Study of Students at Risk.” In collaboration with the Department, the Institute will develop and implement a comprehensive plan designed to assist Maine public school personnel in their efforts to improve the graduation rate for all Maine students, while simultaneously reducing dropout rates.

The Institute works closely with the Department’s Homeless Liaison and each year offers a two day workshop on dropout prevention. They will work closely with the Department to develop and implement appropriate technical assistance strategies to increase the rate of successful school completion for all Maine students with particular emphasis on: 1) students identified as having a special education disability under current Maine special education regulations; and 2) students considered to be “at risk” for dropping out of school. The Institute disseminates research-based information to public school personnel, especially members of Dropout Prevention Committees within each Maine SAU, to assist them in their efforts to “keep Maine students on track toward graduation”.

The Institute also conducts research and performs follow-up studies that build upon the findings and recommendations of the Institute’s Final Project Report: Improving the Graduation Rate for Maine Students with an Emphasis on Students with Disabilities: Dropout Prevention Strategies (June, 2005).

Maine

This work will improve the understanding and capacity of Department personnel, parents, legislators, SAU administrators, regular and special educators and related personnel, to prevent dropouts and improve high school completion and graduation rates. They will compare and contrast a sample of “high” and “low” SAUs (with respect to student dropout rates) to determine specific factors and conditions that appear to contribute to these rates. Current year and five-year trend data, with a particular emphasis upon students with disabilities from each SAU, will be collected in an expanded database, analyzed, and disseminated. Students identified within the Emotional Disability (ED) category represent the highest percentage dropout rate (of all disability categories) in Maine. But, because some Maine schools have a “high” rate of graduates who are identified within the ED category, a specific focus of this project will be to further analyze those factors and conditions that appear to contribute to a positive school graduation rate for ED students. The Institute will investigate strategies to improve the graduation rate for all Maine students identified within the ED category.

Several other initiatives are also currently underway that are expected to have a positive effect on the dropout rate. GEARUP grants and activities have been implemented in selected schools. Maine’s homeless liaison is working with truancy and dropout and the Keeping Maine’s Children Connected initiative has a contact person trained in each LEA. There is also a State Improvement Grant (SIG) sponsored Career Aspirations Program at Calais High School. Additionally, one of the objectives of the current General Supervision Enhancement Grant (GSEG) is on dropout and dropout prevention. Scientifically based rubrics have been developed and piloted around evaluating LEA and school based dropout prevention programs. In addition, a student risk/asset rubric has been developed and piloted. Preliminary analysis suggests that it may have potential as an early predictor of students at risk of dropping out.

| FFY | Measurable and Rigorous Target |
|-----------------------------------|---|
| 2005 (2005-2006) | A dropout rate of 4.6% or lower for students with IEPs |
| 2006 (2006-2007) | A dropout rate of 4.0% or lower for students with IEPs |
| 2007 (2007-2008) | A dropout rate of 3.5% or lower for students with IEPs |
| 2008 (2008-2009) | A dropout rate of 3.0% or lower for students with IEPs |
| 2009 (2009-2010) | A dropout rate of 2.5% or lower for students with IEPs |
| 2010 (2010-2011) | A dropout rate of 2.0% or lower for students with IEPs |

| Improvement Activities | Timelines | | | | | | Resources |
|---|-------------------------------------|----|----|----|----|----|-----------|
| | FFY Year when activities will occur | | | | | | |
| | 05 | 06 | 07 | 08 | 09 | 10 | |
| Draft and post an informational/administrative letter to inform superintendents of the dropout targets set in this SPP. | X | | | | | | |
| Request that each school and LEA complete a self-assessment of its district and school dropout prevention programs. | X | | | | | | |
| Review the trend data of all districts and schools to determine whether dropout prevention activities are working. | X | | | | | | |
| Provide districts with longitudinal baseline data for future program improvement activities. | X | | | | | | |
| Conduct an analysis of means test on all districts to determine those whose dropout rates are above the State average. | X | | | | | | |
| Require LEAs to develop dropout prevention activities for raising the scores of those areas that the self-assessment showed as needing improvement. | X | | | | | | |
| Provide training to districts on how to develop an effective dropout prevention program. | X | | | | | | |
| Have each school complete a dropout risk/asset assessment rubric on each of its sixth and seventh grade students | X | | | | | | |
| For each student who scores in the moderate to high-risk range, develop a dropout prevention plan for that student. | X | | | | | | |
| Analyze the data from 2004-05 to determine if districts are making progress. | | X | X | X | X | X | |
| Target those districts whose rates remain above the target and provide technical assistance. | | X | X | X | X | X | |
| Provide regional workshops on dropout prevention, working with the Institute for the Study of Students at Risk. | | X | X | X | X | X | |

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

Monitoring Priority: FAPE in the LRE

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

- A. Percent of LEAs meeting the State’s AYP objectives for progress for disability subgroup.
- B. Participation rate for children with IEPs in a regular assessment with no accommodations; regular assessment with accommodations; alternate assessment against grade level standards; alternate assessment against alternate achievement standards.
- C. Proficiency rate for children with IEPs against grade level standards and alternate achievement standards.

(20 USC 1416(a)(3)(A) and 1442)

Measurement:

- A. Percent = # of districts meeting the State’s Adequate Yearly Progress (AYP) objectives for progress for the disability subgroup (children with IEPs) divided by the total # of districts in the State times 100.
- B. Participation rate =
 - a. # of children with IEPs in grades assessed;
 - b. # of children with IEPs in regular assessment with no accommodations (percent = b divided by a times 100);
 - c. # of children with IEPs in regular assessment with accommodations (percent = c divided by a times 100);
 - d. # of children with IEPs in alternate assessment against grade level standards (percent = d divided by a times 100); and
 - e. # of children with IEPs in alternate assessment against alternate achievement standards (percent = e divided by a times 100).

Account for any children included in a but not included in b, c, d, or e above

Overall Percent = b + c + d + e divided by a.

- C. Proficiency rate =
 - a. # of children with IEPs in grades assessed;
 - b. # of children with IEPs in grades assessed who are proficient or above as measured by the regular assessment with no accommodations (percent = b divided by a times 100);
 - c. # of children with IEPs in grades assessed who are proficient or above as measured by the regular assessment with accommodations (percent = c divided by a times 100);
 - d. # of children with IEPs in grades assessed who are proficient or above as measured by the alternate assessment against grade level standards (percent = d divided by a times 100); and
 - e. # of children with IEPs in grades assessed who are proficient or above as measured against alternate achievement standards (percent = e divided by a times 100).

Overall Percent = b + c + d + e divided by a.

Overview of Issue/Description of System or Process:

The *Maine Learning Results* are the standards which identify what ALL Maine students, including those with unique learning needs, are expected to know and be able to do at the end of each of four grade spans: pre-k-2; grades 3-4; grades 5-8 and grades 9-12. This document, approved by the State Legislature also requires student progress toward the *Learning Results* to be measured through a Comprehensive Assessment System (CAS). Maine's Comprehensive Assessment System is a combination of State [Maine Educational Assessment (MEA) and Personalized Alternate Assessment Portfolio (PAAP)] and local assessments that allows students to participate through three avenues: standard administration, administration with accommodations, and PAAP against alternate standards. Maine statute requires that each student enrolled in a public school or in a private school that educates 60% or more students at public expense must participate in the MEA or PAAP. The MEA/PAAP is fully implemented, including achievement and accountability reporting. Information on the Local Alternate Assessment (LAS) has been provided in the LAS Guide with Embedded Components for Accountability and Alternate Assessment and is currently being implemented in Maine schools. The Maine Department of Education counted the results of the PAAP beginning in 2002-2003 PAAP in the AYP calculations.

All students with disabilities participate in the assessment system and contribute to adequate yearly progress (AYP). Performance of this subgroup for AYP purposes is judged by aggregated results of students with an IEP assessed with and without accommodations and students assessed with alternate assessments against alternate standards.

The Comprehensive Assessment System Technical Advisory Committee (TAC) developed the procedures for measuring AYP in schools and LEAs that have a small number of students. These procedures relate to the ability to group/subgroup size and safe harbor, and the ability to be confident in the making AYP determinations.

Group/Subgroup Size with Statistically Sound Rationale:

Schools in Maine are much smaller than is typical nationally. The determination of subgroup size allows for review of any school, no matter how small, as required by Maine law. For AYP regarding proficiency, a sample of 20 is used along with two years of data. For AYP related to participation, a sample of 41 is used along with one year of participation data. If the sum of students tested in a grade over the two years is less than 20, three years of data are combined. In the unusual circumstance that the grade aggregation for three years does not reach 20, the Commissioner reviews the school's Comprehensive Education Plan and school data that could be used to extrapolate the school's achievement status. Because of the high stakes involved in AYP determination, confidence intervals at the 95% level are used. Maine has many small schools and yearly variability in students can contribute to variability in scores. Using confidence intervals addresses this variability. If a school's proficiency percentage plus the confidence level is below the AYP target, we can be confident that they are not meeting AYP.

Safe Harbor:

If a school does not meet AYP targets for proficiency, the Safe Harbor test is made. This allows the school to make AYP if it has reduced by 10% the number of students that did not meet or exceed the standards, from the previous year's assessment, and if the school or subgroup has also made progress on the other indicator. The difference is then computed using confidence intervals.

Variability of student populations from year to year can be a confounding issue when trying to measure school program change from year to year. To allow for this variability in scores caused by variation in populations rather than changes in program, Maine uses confidence intervals in safe harbor calculations. This increases the fairness of the process, accounting to some degree for the variability in populations from year to year that is more pronounced for small schools. Since safe harbor is about comparing performance between years (with different cohorts), it is especially appropriate to use a confidence interval for the resulting difference.

The formula² chosen for this purpose is one that is appropriate for use with small populations, different numbers of students each year, and small proportions. The method also reduces aberrations in the behavior for small populations (common in Maine schools) and the propensity to “overshoot” that is common to other methods. The formula, although designed for absolute difference rather than directional differences, performs well in the given application. The change (delta) carries the sign of the direction and the upper bound calculation has a slightly lower value due to the percentages closer to zero. This further avoids the “overshoot issue” for the method. At the suggestion of the U.S. Department of Education, the formula is used at the 75% confidence interval.

It is also important to note that, effective with the 2004-2005 test administration, safe harbor became cumulative. Schools that are not progressing will not be able to “escape” through confidence intervals for long. If a school makes safe harbor in year 1 and does not meet the target in year 2, to remain in safe harbor in year 2 the school must have reduced the students in the NOT proficient (i.e., did not meet standard, partially met standard) group the equivalent of 10 percent per year for two years running.

In sum, we believe that we need to be confident in our decisions that identify schools as not making AYP. We recognize that student population variability is a confounding issue, especially for small schools. We believe that the use of an appropriate formula to create confidence intervals about differences in performance within schools from year to year reduces the confounding effects of population variability in identifying schools and that the use of confidence intervals does not let schools “escape” accountability.

Resources used are found at the following websites:

<http://www.ed.gov/policy/elsec/guid/schoolimprovementguid.pdf>

http://www.maine.gov/education/nclb/state_app/documents/ConAppWkbkJS8-22-05Revised.doc

Definition of Significant Discrepancy:

A significant discrepancy is defined as an LEA whose students with IEPs do not make AYP based on the considerations outlined above. This includes meeting a participation target of 95% and a proficiency target as defined in the NCLB state performance plan and projected below.

Baseline Data for FFY 2004 (2004-2005):

3A: Adequate Yearly Progress

Table 1 provides baseline data for Adequate Yearly Progress. Since AYP in Maine is measured by combining two years of assessments, these figures represent data from 2002-03 through 2003-04 which is then reported for 2004-05.

Table 3.1: Adequate Yearly Progress data 2004-05

| | Number | Percent |
|--|--------|---------|
| Number of LEAs | 223 | 100.0% |
| Number of LEAs meeting AYP objectives for the disability subgroup in Reading | 215 | 96.4% |
| Number of LEAs meeting AYP objectives for the disability subgroup in Math | 220 | 98.7% |

² Newcombe, Robert G. "Interval Estimation for the Difference Between Independent Proportions: Comparison of Eleven Methods," *Statistics in Medicine*, 17, 873-890 (1998). Formula format by Luz Bay of Measured Progress.

3B: Participation

Maine's target for participation is 95%. As Table 3.2 indicates, 98% - 99% students with IEPs participate in either the MEA or PAAP.

Table 3.2: Participation Rates of Students with IEPs in the Maine Educational Assessment 2004-05

| Reading | 4th Grade | | 8th Grade | | 11th Grade | |
|--|-------------|-------------|-------------|-------------|-------------|-------------|
| | Count | Percent | Count | Percent | Count | Percent |
| Participated - no accommodations | 373 | 16% | 448 | 17% | 398 | 20% |
| Participated - accommodations | 1802 | 76% | 1944 | 74% | 1433 | 72% |
| Participated - alternate assessment, alternate standards | 192 | 8% | 209 | 8% | 138 | 7% |
| Did not participate | 16 | 1% | 34 | 1% | 29 | 1% |
| Total | 2383 | 100% | 2635 | 100% | 1998 | 100% |
| Math | 4th Grade | | 8th Grade | | 11th Grade | |
| | Count | Percent | Count | Percent | Count | Percent |
| Participated - no accommodations | 367 | 15% | 438 | 17% | 393 | 20% |
| Participated - accommodations | 1848 | 78% | 1956 | 74% | 1421 | 71% |
| Participated - alternate assessment, alternate standards | 155 | 7% | 208 | 8% | 140 | 7% |
| Did not participate | 13 | 1% | 33 | 1% | 44 | 2% |
| Total | 2383 | 100% | 2635 | 100% | 1998 | 100% |

In 2004-05, 2383 4th grade students with IEPs were assessed in reading and math.

Of those:

16% participated with no accommodations in reading, 15% in math

76% participated with accommodations in reading, 78% in math

0% took an alternate assessment against grade standards in reading, 0% in math.

8% took an alternate assessment against alternate achievement standards in reading, 7% in math.

1% of students with IEPs did not participate in reading, 1% in math.

Overall 4th grade participation rate for 2004-05 = 99% in reading, 99% in math.

2635 8th grade students with IEPs were assessed in reading and math in 2004-05.

Of those:

17% participated with no accommodations in reading, 17% in math

74% participated with accommodations in reading 74% in math

8% took an alternate assessment against grade standards in reading, 8% in math

0% took an alternate assessment against alternate achievement standards in reading, 0% in math

1% did not participate in reading, 1% in math

Overall 8th grade participation rate for 2004-05 = 99% in reading, 99% in math

1998 11th grade students with IEPs were assessed in reading and math in 2004-05.

Of those:

20% participated with no accommodations in reading, 20% in math

72% participated with accommodations in reading 71% in math

7% took an alternate assessment against grade standards in reading, 7% in math

0% took an alternate assessment against alternate achievement standards in reading, 0% for math

1% did not participate in reading, 2% in math

Overall 11th grade participation rate for 2004-05 = 99% in reading, 98% in math

Figures 4 and 5 provide a longitudinal view of participation rates of students with IEPs.

Figure 3.1: Reading Assessment Participation Rates for Students with IEPs

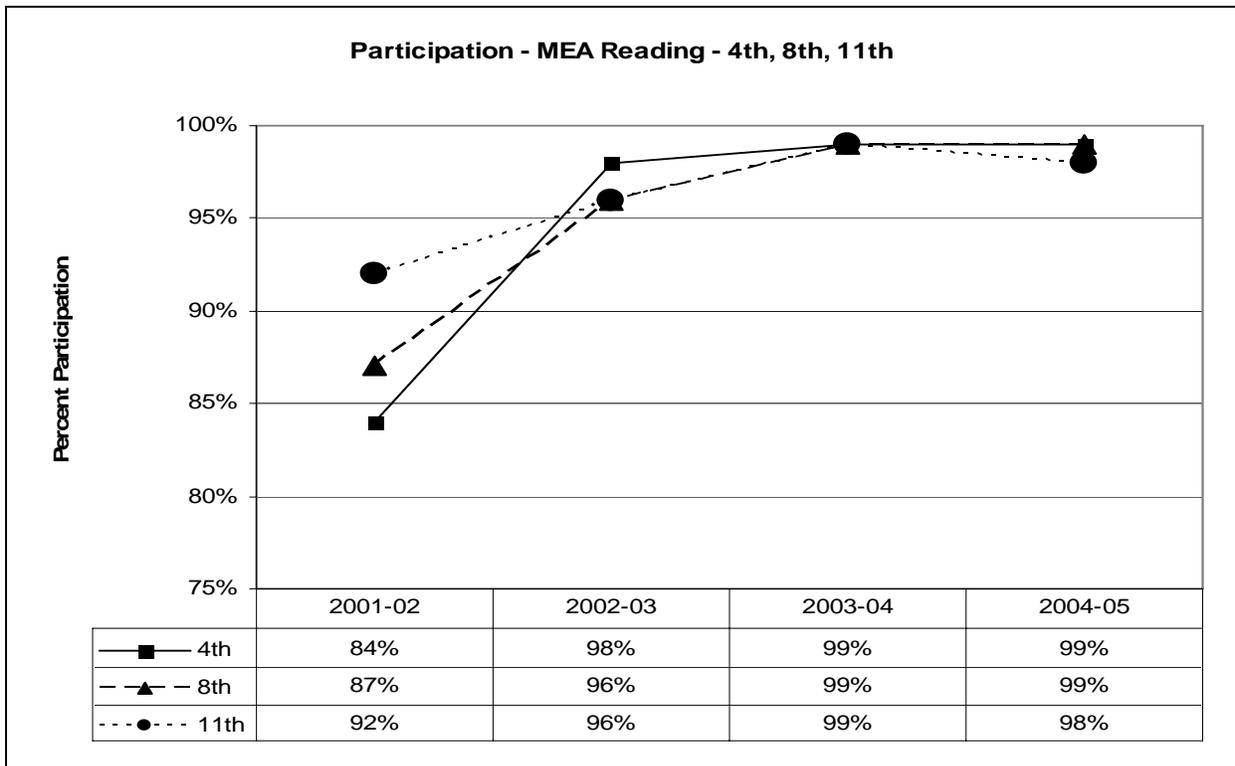
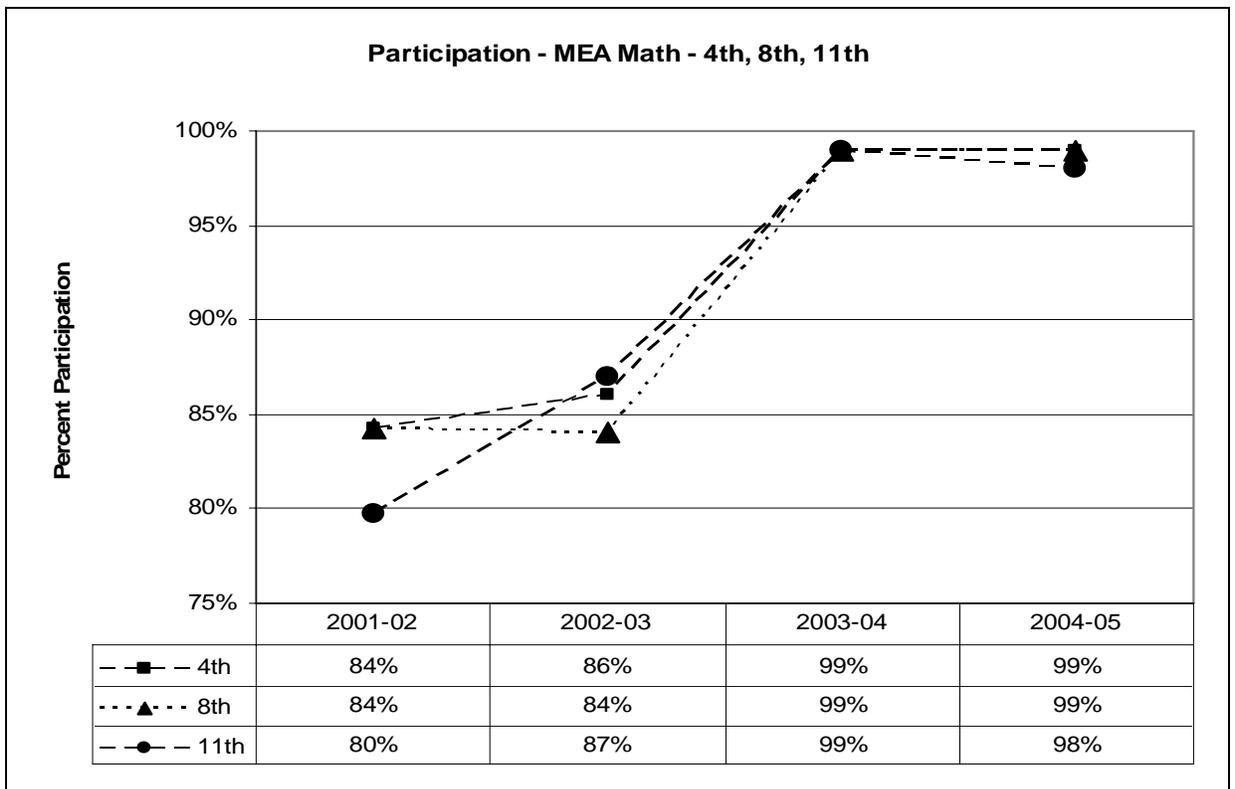


Figure 3.2: Math Assessment Participation Rates for Students with IEPs



3C: Proficiency

Table 3.3: Proficiency Rates of Students with IEPs on the Maine Educational Assessment 2003-04

| | 4th Grade | | | 8th Grade | | | 11th Grade | | |
|--|-----------|--------------|--------------|-----------|--------------|--------------|------------|--------------|--------------|
| Reading | # Tested | # Proficient | % Proficient | # Tested | # Proficient | % Proficient | # Tested | # Proficient | % Proficient |
| Proficient - no accommodations | 373 | 139 | 37% | 448 | 75 | 17% | 398 | 60 | 15% |
| Proficient - accommodations | 1802 | 315 | 17% | 1944 | 136 | 7% | 1433 | 65 | 5% |
| Proficient - PAAP, alternate standards | 192 | 19 | 10% | 209 | 28 | 13% | 138 | 15 | 11% |
| Total | 2367 | 473 | 20% | 2601 | 239 | 9% | 1969 | 140 | 7% |
| | 4th Grade | | | 8th Grade | | | 11th Grade | | |
| Math | # Tested | # Proficient | % Proficient | # Tested | # Proficient | % Proficient | # Tested | # Proficient | % Proficient |
| Proficient - no accommodations | 367 | 92 | 25% | 438 | 52 | 12% | 393 | 17 | 4% |
| Proficient - accommodations | 1848 | 326 | 18% | 1956 | 95 | 5% | 1421 | 20 | 1% |
| Proficient - PAAP, alternate standards | 155 | 12 | 8% | 208 | 18 | 9% | 140 | 11 | 8% |
| Total | 2370 | 430 | 18% | 2602 | 165 | 6% | 1954 | 48 | 2% |

Fourth Grade

Of the 2367 4th grade students with IEPs who were tested in reading
 37% were proficient without accommodations
 17% were proficient with accommodations
 10% were proficient on the alternate assessment against alternate standards
 0% were proficient on the alternate assessment against grade level standards

Of the 2370 4th grade students with IEPs who were tested in math
 25% were proficient without accommodations
 18% were proficient with accommodations
 8% were proficient on the alternate assessment against alternate standards
 0% were proficient on the alternate assessment against grade level standards

Eighth Grade

Of the 2601 8th grade students with IEPs who were tested in reading
 17% were proficient without accommodations
 7% were proficient with accommodations
 13% were proficient on the alternate assessment against alternate standards
 0% were proficient on the alternate assessment against grade level standards

Of the 2602 8th grade students with IEPs who were tested in math
 12% were proficient without accommodations

5% were proficient with accommodations
 9% were proficient on the alternate assessment against alternate standards
 0% were proficient on the alternate assessment against grade level standards

Eleventh Grade

Of the 1969 11th grade students with IEPs who were tested in reading
 15% were proficient without accommodations
 5% were proficient with accommodations
 11% were proficient on the alternate assessment against alternate standards
 0% were proficient on the alternate assessment against grade level standards

Of the 1954 11th grade students with IEPs who were tested in math
 4% were proficient without accommodations
 1% were proficient with accommodations
 8% were proficient on the alternate assessment against alternate standards
 0% were proficient on the alternate assessment against grade level standards

Figures 6 and 7 show longitudinal data on the proficiency of students with IEPs against State NCLB established targets. The same targets will be used for students with IEPs since this group constitutes a sub-group within Title 1a.

Figure 3.3: Proficiency of Students with IEPs on Maine Educational Assessment in Reading 2001-02 through 2004-05

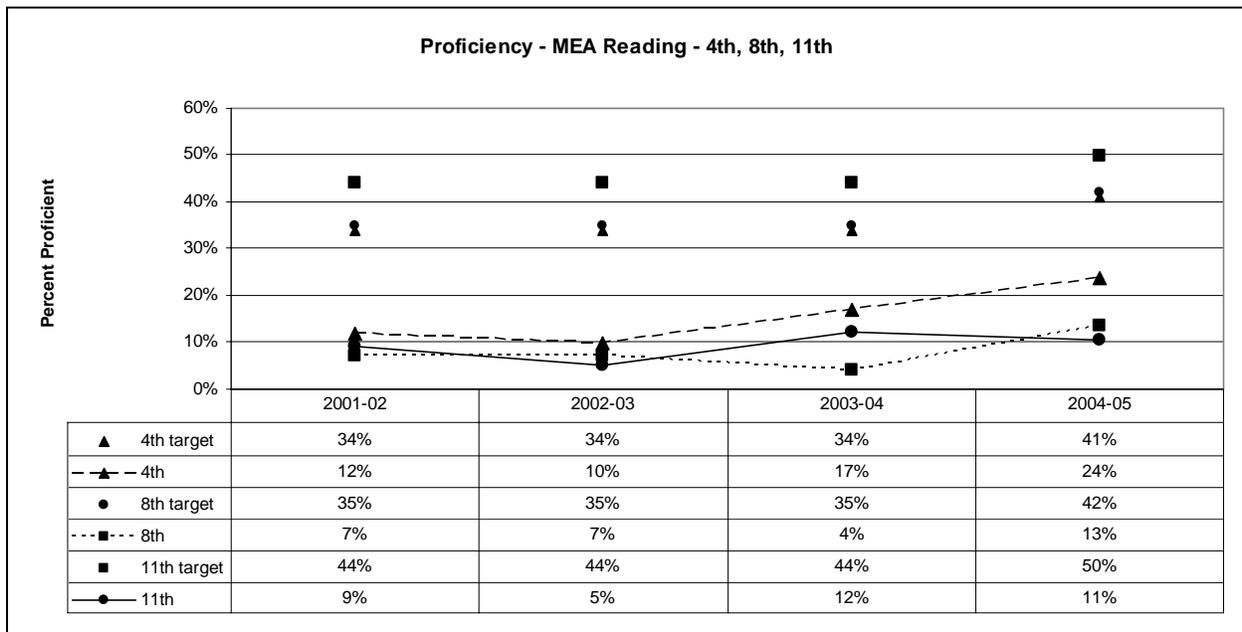
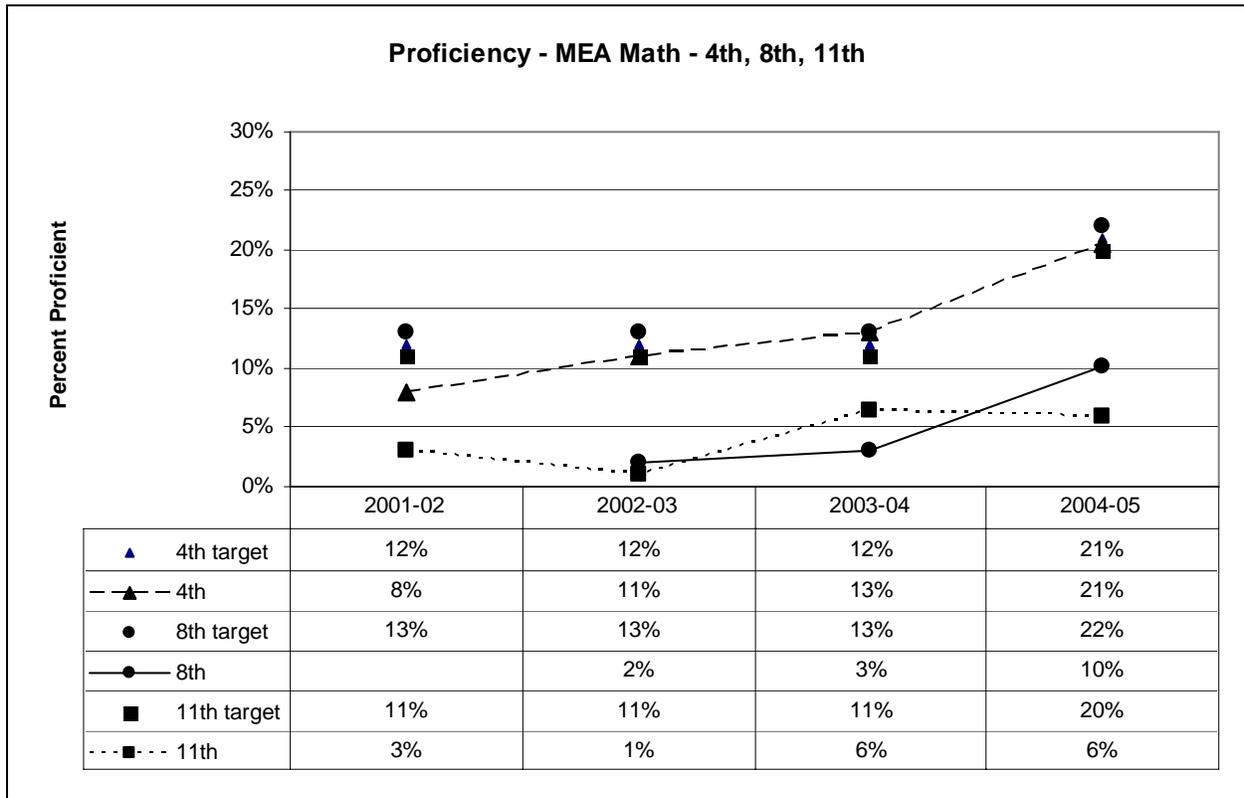


Figure 3.4: Proficiency of Students with IEPs on Maine Educational Assessment in Math 2001-02 - 2004-05



Discussion of Baseline Data:

The astute reader will have noted that the percentages shown in Table 3.2 differ slightly from the percentages shown in Figures 3.3 and 3.4. For example, the percentage of fourth graders with IEPs who are proficient in reading is 19% according to Table 3, compared to the 24% proficiency rate shown in Figure 6. The reason for the differences is that the data contained in Table 3 came directly from student level files that have been calculated without consideration of subgroup sizes, confidence intervals and other calculations that go into determining the overall proficiency rate. Therefore the proficiency rate shown in Table 3 tends to underestimate the proficiency level of students with IEPs.

The longitudinal proficiency data indicate that efforts to improve reading skills are beginning to have an impact, particularly on 4th graders, but also on 8th graders. Eleventh graders do not appear to be making progress in reading. With regard to math proficiency, the data indicate the 4th graders have reached the trajectory. Eight graders are improving and even the eleventh grade is showing modest gain.

| FFY | Measurable and Rigorous Target |
|-----------------------------|--|
| 2005 (2005-2006) | <p>At least 97% of LEAs will meet the State's AYP objective in reading for the disability subgroup.</p> <p>At least 98.8% of LEAs will meet the State's AYP objective in math for the disability subgroup.</p> <p>In Reading, at least 98% of 4th and 8th graders, and at least 90% of 11th graders will participate.</p> |

| | |
|---|--|
| | <p>In Math, at least 98% of 4th and 8th graders, and at least 90% of 11th graders will participate.</p> <p>Proficiency rates in Reading will be at least 41% for 4th graders, 42% for 8th graders, and 50% for 11th graders.</p> <p>Proficiency rates in Math will be at least 21% for 4th graders, 22% for 8th graders, and 22% for 11th graders.</p> |
| <p>2006 (2006-2007)</p> | <p>At least 97.5% of LEAs will meet the State's AYP objective in reading for the disability subgroup.</p> <p>At least 99% of LEAs will meet the State's AYP objective in math for the disability subgroup.</p> <p>In Reading, at least 98% of 4th and 8th graders, and at least 92% of 11th graders will participate.</p> <p>In Math, at least 98% of 4th and 8th graders, and at least 92% of 11th graders will participate.</p> <p>Proficiency rates in Reading will be at least 41% for 4th graders, 42% for 8th graders, and 50% for 11th graders.</p> <p>Proficiency rates in Math will be at least 21% for 4th graders, 22% for 8th graders, and 22% for 11th graders.</p> |
| <p>2007 (2007-2008)</p> | <p>At least 97.5% of LEAs will meet the State's AYP objective in reading for the disability subgroup.</p> <p>At least 99% of LEAs will meet the State's AYP objective in math for the disability subgroup.</p> <p>In Reading, at least 98% of 4th and 8th graders, and at least 93% of 11th graders will participate.</p> <p>In Math, at least 98% of 4th and 8th graders, and at least 93% of 11th graders will participate.</p> <p>Proficiency rates in Reading will be at least 49% for 4th graders, 50% for 8th graders, and 57% for 11th graders.</p> <p>Proficiency rates in Math will be at least 32% for 4th graders, 33% for 8th graders, and 33% for 11th graders.</p> |
| <p>2008 (2008-2009)</p> | <p>At least 98% of LEAs will meet the State's AYP objective in reading for the disability subgroup.</p> <p>At least 99% of LEAs will meet the State's AYP objective in math for the disability subgroup.</p> <p>In Reading, at least 98% of 4th and 8th graders, and at least 95% of 11th graders will participate.</p> <p>In Math, at least 98% of 4th and 8th graders, and at least 95% of 11th graders will participate.</p> <p>Proficiency rates in Reading will be at least 58% for 4th graders, 58% for 8th graders, and 64% for 11th graders.</p> <p>Proficiency rates in Math will be at least 43% for 4th graders, 44% for 8th graders, and 44% for 11th graders.</p> |

| | |
|------------------------------------|--|
| <p>2009 (2009-2010)</p> | <p>At least 98% of LEAs will meet the State's AYP objective in reading for the disability subgroup.</p> <p>At least 99.5% of LEAs will meet the State's AYP objective in math for the disability subgroup.</p> <p>In Reading, at least 99% of all grades will participate.</p> <p>In Math, at least 99% of all grades will participate.</p> <p>Proficiency rates in Reading will be at least 66% for 4th graders, 67% for 8th graders, and 71% for 11th graders.</p> <p>Proficiency rates in Math will be at least 55% for 4th graders, 55% for 8th graders, and 55% for 11th graders.</p> |
| <p>2010 (2010-2011)</p> | <p>At least 99% of LEAs will meet the State's AYP objective in reading for the disability subgroup.</p> <p>At least 99.5% of LEAs will meet the State's AYP objective in math for the disability subgroup.</p> <p>In Reading, at least 99% of all grades will participate.</p> <p>In Math, at least 99% of all grades will participate.</p> <p>Proficiency rates in Reading will be at least 75% for 4th graders, 75% for 8th graders, and 78% for 11th graders.</p> <p>Proficiency rates in Math will be at least 66% for 4th graders, 66% for 8th graders, and 66% for 11th graders.</p> |

| Improvement Activities | Timelines | | | | | | Resources |
|---|--|-----------|-----------|-----------|-----------|-----------|---|
| | <i>FFY Year when activities will occur</i> | | | | | | |
| | 05 | 06 | 07 | 08 | 09 | 10 | |
| <i>Maine will begin using the SAT for eleventh grade students this school year.</i> | | X | | | | | <i>Until we get the data back we will not know what type of an impact these changes will have on either participation or performance.</i> |

The annual goal for the state and for statewide subgroups will rise slowly at first to allow time for school improvements to be reflected in the grade-span scores for student proficiency. Following this “start-up” period, the trajectory is a line up to 100% proficiency by 2014. Any statewide subgroup that is below the state performance target and that improves by less than the amount specified will be labeled as not making adequate progress. MDOE will undertake an improvement plan to address performance of students in the statewide subgroup. Figures 3.5 and 3.6 below show the projected targets for student achievement on the Maine Educational Assessment from 2001-02 through 2013-14 for both reading and math.

NCLB consultants are working closely with schools not making AYP that are in continuous improvement status. They meet with these LEAs and schools and provide technical assistance on core curriculum development, alternate methods of teaching and help the LEA develop a comprehensive work plan to enable the school/LEA to meet AYP. MDOE Special Services staff is working cooperatively with these consultants providing data analysis and program assistance to ensure that children with IEPs meet participation and proficiency targets.

Figure 3.5: Projected Percent of Students with IEPs Meeting or Exceeding the Standards on the Maine Educational Assessment in Reading: 4th, 8th, and 11th grades.

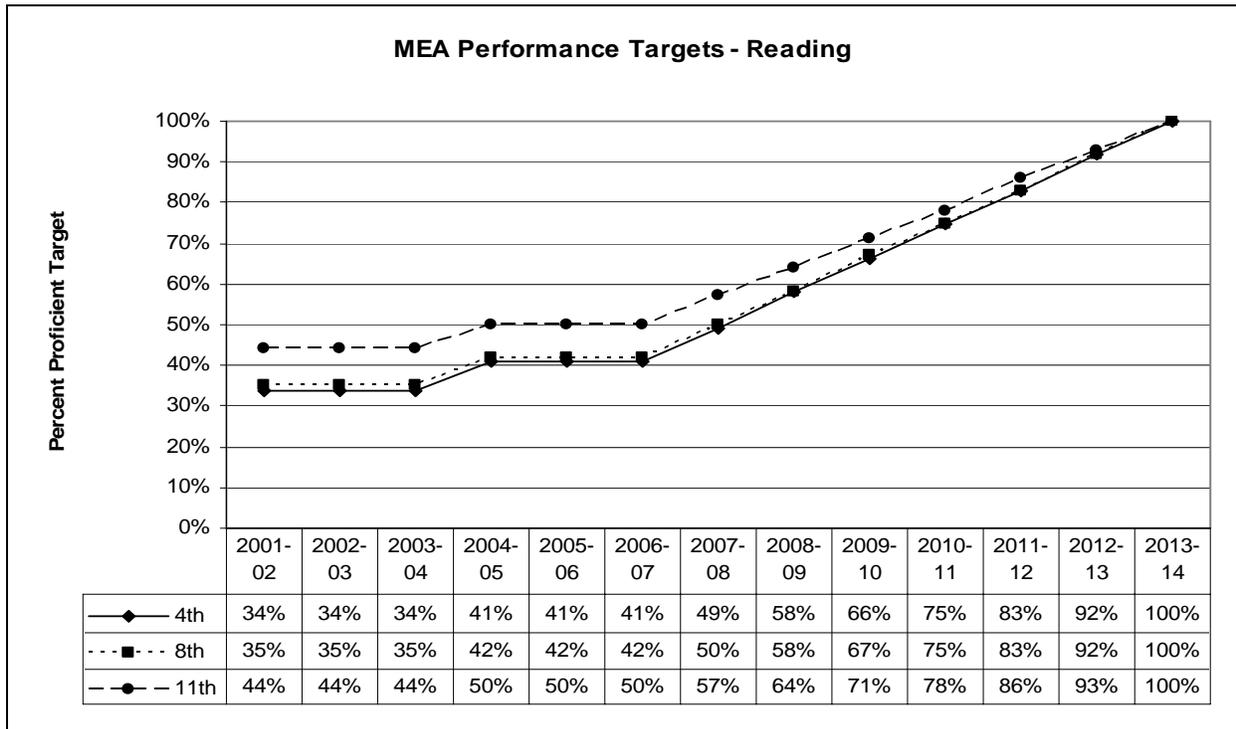
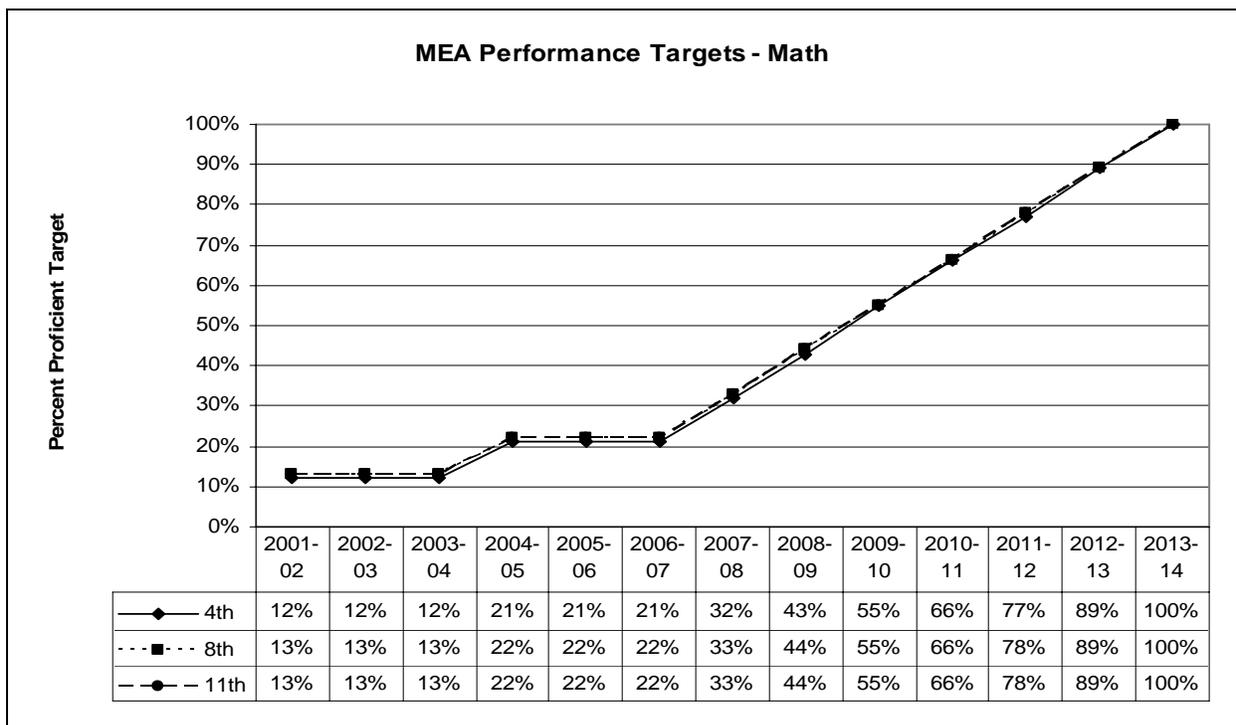


Figure 3.6: Projected Percent of Students with IEPs Meeting or Exceeding the Standards on the Maine Educational Assessment in Math: 4th, 8th, and 11th grades.



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

Monitoring Priority: FAPE in the LRE

Indicator 4: Rates of suspension and expulsion:

- A. Percent of LEAs 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 LEAs identified by the State as having a significant discrepancy in the rates of suspensions and expulsions of greater than 10 days in a school year of children with disabilities by race and ethnicity.

(20 U.S.C. 1416(a)(3)(A); 1412(a)(2))

Measurement:

A. Percent = # of LEAs identified by the State as having significant discrepancies in the rates of suspensions and expulsions of children with disabilities for greater than 10 days in a school year divided by # of LEAs in the State times 100.

B. Percent = # of LEAs identified by the State as having significant discrepancies in the rates of suspensions and expulsions for greater than 10 days in a school year of children with disabilities by race ethnicity divided by # of LEAs in the State times 100.

Overview of Issue/Description of System or Process:

The Office of Substance Abuse (OSA) is responsible for tracking suspension/expulsion data along with Incidents of Prohibitive Behavior (IPB) data. MDOE has just this fall begun tracking these data as part of the Maine Education Data Management System (MEDMS). In order to compare general education and special education suspensions/expulsions in a meaningful manner it was necessary to convert the numbers from OSA to percentages.

Data were available from OSA for 02-03, 03-04, and 04-05. Ethnicity data were only available for 03-04 and 04-05. A three-year average was computed for years 02-05.

Definition of Significant Discrepancy

The following decision rules were used to determine if there was a significant discrepancy in the rates of suspensions/expulsions of children with disabilities. Rules are defined as follows:

- The LEA has to have a minimum of 10 students;
- The number of students suspended or expelled has to be greater than 1;
- The percentage of special education students suspended/expelled in the LEA has to be at least 3.5 times greater than that the three year average for ALL special education students suspended and expelled (the SEA average).

If an LEA met these 3 conditions it was considered to have a significant discrepancy between its rate of suspension/expulsion for students with IEPs and the state average for suspensions/expulsions of students with IEPs.

This analysis represents a departure from Maine's initial SPP. There we assessed the discrepancy between the general education population and the special education population whereas here we considered the discrepancy across LEAs regarding suspensions and expulsions of students with IEPs. A three year average was also used for this submission, whereas initially a single year was used. The decision was made to use the average due to the small numbers of students. So with regard to the targets, we are no longer reducing the discrepancy between general education and special education students; instead we are trying to lower the special education suspension and expulsion rate.

Baseline Data for FFY 2004 (2004-2005) for Measurement A

Table 4 provides baseline data for Measurement A. Using the discrepancy definition outlined above, 3 of 153 districts suspend or expel 3.5 times more students with IEPs than the state average.

Table 4: LEAs Exhibiting a Significant Discrepancy in the Rate of Suspension/Expulsion of Students with IEPs

| | # LEAs |
|-----------------------------------|--------|
| # with Significant Discrepancy | 3 |
| # without Significant Discrepancy | 152 |
| Total | 153 |
| % with Significant Discrepancy | 1.96% |

In addition to identification of districts exhibiting significant discrepancy, an absolute measure of suspension and expulsion rate is being used to ensure reduction of rates over time. In 2005-2006, 497 of 26, 246 students with IEPs were suspended for more than 10 days or expelled from school (1.9%). As the number of districts exhibiting significant discrepancy reduces to 0 (in FFY 2007), the suspension and expulsion percentage rate will begin to be used as the basis for measurement and improvement.

Baseline Data for FFY 2004 (2004-2005) for Measurement B

To determine whether a significant discrepancy existed between different ethnic groups, the data from 2005-06 were assessed using three different statistical measures; OSEP's weighted risk ratio, the standard deviation, and an Analysis of Means test. Each resulted in the same conclusion, viz. that suspensions/expulsions are **not greater for minority students than for the population as a whole**.

| FFY | Measurable and Rigorous Target | |
|----------------------------|---|--|
| | <i>A. Percent of districts with significant discrepancy of suspensions and expulsions greater than 10 days.</i> | <i>B. Percent of districts with significant discrepancy of suspensions and expulsions by ethnicity.</i> |
| 2005 (2005-2006) | New calculation methodology produces a baseline of 3 of LEAs with a significant discrepancy in the rate of suspensions and expulsions of children with disabilities for greater than 10 days in a school year. The rate of suspension expulsion is 1.9% statewide | Develop methods for identifying significant discrepancies that minimize the probability of saying there is a significant discrepancy when there is not. Work with the Office of Information Technology (OIT) to have in place an alternative method for capturing Incidence of Prohibitive Behaviors that lead to suspension/expulsion, based on an incident-by-incident method rather than an end-of-year report. |

| FFY | Measurable and Rigorous Target | |
|----------------------------|--|--|
| 2006 (2006-2007) | Reduce the suspension expulsion rate for students with IEPs from 1.9% to 1.75%. Reduce the number of districts with significant discrepancies to 1 | Reduce the suspension expulsion rate for students with IEPs from 1.9% to 1.75%. Reduce the number of districts with significant discrepancies to 1 |
| 2007 (2007-2008) | Reduce the suspension expulsion rate for students with IEPs from 1.75% to 1.70%. Reduce the number of districts with significant discrepancies to 0 | Reduce the suspension expulsion rate for students with IEPs from 1.75% to 1.70%. Reduce the number of districts with significant discrepancies to 0 |
| 2008 (2008-2009) | Reduce the suspension expulsion rate for students with IEPs from 1.70% to 1.65%. Maintain the number of districts with significant discrepancies at 0 | Reduce the suspension expulsion rate for students with IEPs from 1.70% to 1.65%. Maintain the number of districts with significant discrepancies at 0 |
| 2009 (2009-2010) | Reduce the suspension expulsion rate for students with IEPs from 1.65% to 1.60%. Maintain the number of districts with significant discrepancies at 0 | Reduce the suspension expulsion rate for students with IEPs from 1.65% to 1.60%. Maintain the number of districts with significant discrepancies at 0 |
| 2010 (2010-2011) | Reduce the suspension expulsion rate for students with IEPs from 1.60% to 1.55%. Maintain the number of districts with significant discrepancies at 0 | Reduce the suspension expulsion rate for students with IEPs from 1.60% to 1.55%. Maintain the number of districts with significant discrepancies at 0 |

Note: These targets represent a departure from Maine's initial SPP. There we assessed the discrepancy between the general education population and the special education population whereas here we considered the discrepancy across LEAs regarding suspensions and expulsions of students with IEPs. A three year average was also used for this submission, whereas initially a single year was used. The decision was made to use the average due to the small numbers of students. So with regard to the targets, we are no longer reducing the discrepancy between general education and special education students; instead we are trying to lower the special education suspension and expulsion rate. General education data will be monitored to ensure that suspension and expulsions rates for students with IEPs remain comparable or improve relative to the general education rates.

| Improvement Activities | Timelines | | | | | | Resources |
|---|-------------------------------------|----|----|----|----|----|-------------------------|
| | FFY Year when activities will occur | | | | | | |
| | 05 | 06 | 07 | 08 | 09 | 10 | |
| Identify the 25 LEAs with the highest dropout rate and the highest suspension/expulsion rate. | X | X | X | X | X | X | NCLB team and IDEA team |
| Identify the 25 LEAs with the lowest dropout and suspension/expulsion rates. | X | X | X | X | X | X | NCLB team and IDEA team |
| Notify these LEAs of their status on these indicators. | X | X | X | X | X | X | NCLB team and IDEA team |
| Provide technical assistance to the low performing LEAs to help assess the LEA environment and policies to see what can be done to lower the rates. | X | X | X | X | X | X | NCLB team and IDEA team |

| Improvement Activities | Timelines | | | | | | Resources |
|--|-------------------------------------|----|----|----|----|----|-------------------------|
| | FFY Year when activities will occur | | | | | | |
| | 05 | 06 | 07 | 08 | 09 | 10 | |
| Disseminate best practice guidelines by identifying districts that have low suspension/expulsion rates, pilot projects that reduce expulsion/suspension, and inquire into the effectiveness of alternative education programs or other hands-on education that will prevent students from dropping out while still meeting <i>The Learning Results</i> . | X | X | X | X | X | X | NCLB team and IDEA team |

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

FAPE in the LRE

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

- A. Removed from regular class less than 21% of the day;³
- B. Removed from regular class greater than 60% of the day; or
- C. Served in public or private separate schools, residential placements, or homebound or hospital placements.

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

Measurement:

- A. Percent = # of children with IEPs removed from regular class less than 21% of the day divided by the total # of students aged 6 through 21 with IEPs times 100.
- B. Percent = # of children with IEPs removed from regular class greater than 60% 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 public or private separate schools, residential placements, or homebound or hospital placements divided by the total # of students aged 6 through 21 with IEPs times 100.

Overview of Issue/Description of System or Process:

Statewide data have been reported in aggregate form in the Annual Performance Report for several years. The State Continuous Improvement Monitoring Process incorporates an LEA by LEA report structure that calculates A, B, and C for each LEA. The report is used as a portion of the Focused Monitoring process to highlight schools with significant deviations in their data as potential candidates for on-site monitoring visits. A five-year, statewide trend exists showing overall percentage of students in classroom settings.

The State uses this indicator among others to determine whether an LEA will be monitored in a given year. An LEA triggers on this indicator if all of the following conditions are met:

- a. There are at least 10 students;
- b., there is at minimum a 20% variance between the state average and the LEA average, and;
- c., a standard deviation of +/- 1.96 obtains when subjected to a difference in proportion test.

An LEA triggers on A if they have proportionately smaller number of students than the state average removed from regular class less than 21% of the day. An LEA triggers on B and C if they have proportionately larger number of students than the state average removed from regular class greater than 60% of the day. Currently an LEA will also trigger if they have proportionately larger number of students than the state average removed from regular class between 21% and 60% of the day. These criteria are based on a comparison of the LEA percentages against state average percentages.

³ At the time of the release of this package, revised forms for collection of 618 State reported data had not yet been approved. Indicators will be revised as needed to align with language in the 2005-2006 State reported data collections.

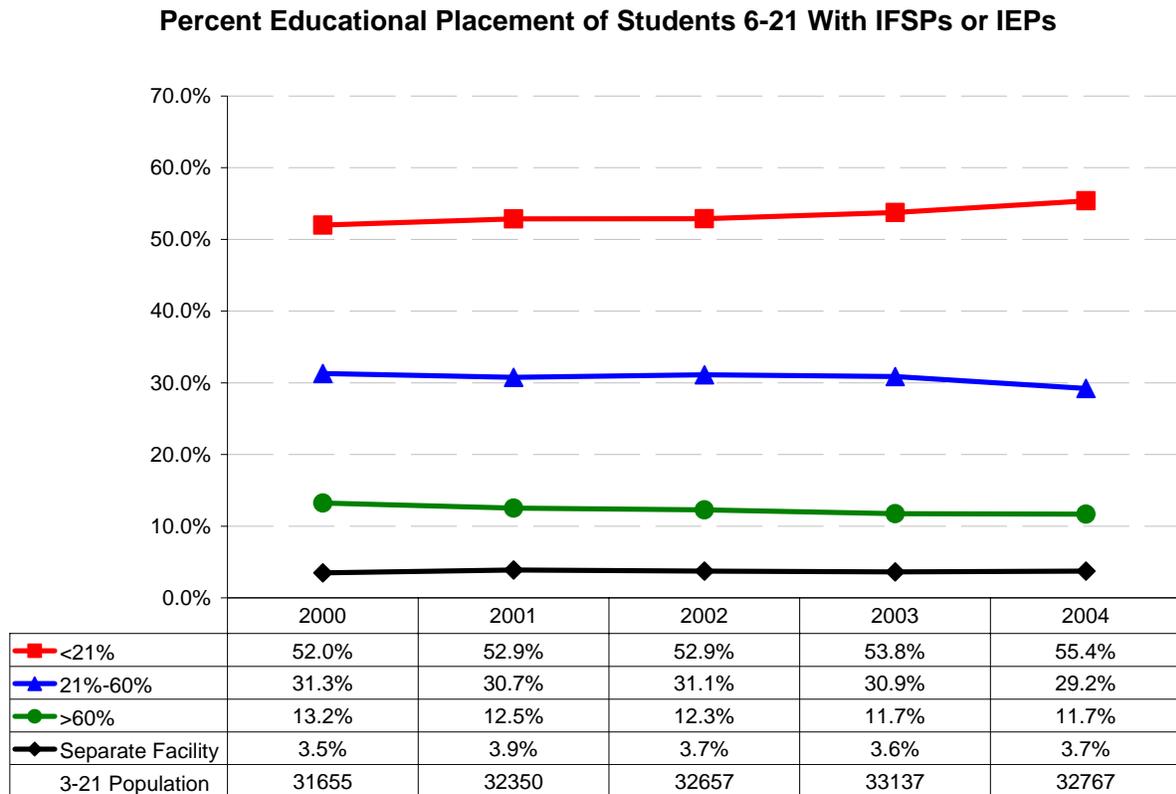
Baseline Data for FFY 2004 (2004-2005):

Table 5.1: Educational Placement of Students 6-21 with IFSPs or IEPs 2000-2004

| Maine Department of Education - EF-S-05 Reports | | | | | |
|---|------------------------------|---|--|---|--|
| Year | Number of students ages 6-21 | Number of students placed outside the classroom <21% of the day | Number of students placed outside the classroom 21%-60% of the day | Number of students placed outside the classroom >60% of the day | Students placed in a separate facility |
| 2000 | 31655 | 16456 | 9901 | 4190 | 1108 |
| 2001 | 32350 | 17099 | 9947 | 4047 | 1257 |
| 2002 | 32657 | 17269 | 10158 | 4011 | 1219 |
| 2003 | 33137 | 17813 | 10229 | 3891 | 1204 |
| 2004 | 32767 | 18145 | 9569 | 3829 | 1224 |

Source: http://portalx.bisoex.state.me.us/pls/doe/eddev.efs05_user_reports.find_county?v_source=cedp

Figure 5.1: Educational Placement of Students 6-21 with IFSPs or IEPs by Percent 2000-2004



The students depicted by the data labeled “<21%” of the time are those students frequently referred to as “regular classroom” placements; it is anticipated that the new language of this indicator will present an

affirmative expression of their placement as “in regular classroom for greater than 80% of the school day” or something similar. The students depicted by the data labeled “21%-60%” are those students formerly identified as “resource room” students, which this indicator does not measure. The students depicted by the data labeled “>60%” are those students formerly identified as “self-contained” classroom students whose needs are far greater than can be served in a regular classroom setting. “Separate Facility” placements include Public Separate Day School Placement, Private Separate Day School Placement, Public Residential Placement, Private Residential Placement, Homebound or Hospital Placement, Early Childhood Setting, Early Childhood Special Education Setting, Home, Part-Time Early Childhood/Part-Time Early Childhood Special Education, Residential Facility, and Separate School (within or outside the State).

Discussion of Baseline Data:

“Regular classroom” placements have increased 3.4% over the past five years while the “self-contained” placements and “Separate Facility” have decreased just over 1.3%. During the same timeframe, there has been a decrease of 2.1% for students who spend more than 20% but less than 60% of their time outside of the regular classroom. The data represent the improvement in inclusion that supports students with disabilities.

The long-standing assertion in special education literature is that students with disabilities included in the regular classroom activities and academics perform better than those taught outside the regular classroom. Data confirm that State practices and procedures are increasing the rate of inclusion of students with disabilities into the regular classroom. Focused monitoring uses this measure as one of its factors for school selection, so there is a systemic influence that may be nudging practice toward increasing inclusion into the regular classroom.

National data for the year 2003 (the latest posted) show that Maine’s “regular class” inclusion rate of 53.8% is slightly above the National average of 49.9%. Twenty-three (23) states report higher inclusion rates than Maine. Eighteen (18) states place a higher percentage of their students outside the regular classroom greater than 60% of the time. Thirty-nine (39) states place a lower percentage of their students in separate facilities than does Maine. This places Maine in the middle of the states in terms of performance overall.

The stakeholder group considered the data at length, indicating various reactions. Some consider the State’s performance to be quite good, and would allow a decrease in the inclusion percentage. Others felt that continued improvement in inclusion in the regular classroom would support improvement of scholastic performance of students with disabilities. Both positions have merit, but continuing to increase the percentage students with disabilities served in regular classroom settings remains a priority for the Department. The Measurable and Rigorous Targets project improvement in the primary inclusion objective, with smaller changes in remote placements.

| FFY | Measurable and Rigorous Target | | |
|---------------------|--|---|--|
| | A. Removed from regular class less than 21% of the day | B. Removed from regular class greater than 60% of the day | C. Served in public or private separate schools, residential placements, or homebound or hospital placements |
| 2005 (2005-2006) | 60% | 12% | 4% |

| FFY | Measurable and Rigorous Target | | |
|----------------------------|--|---|--|
| | A. Removed from regular class less than 21% of the day | B. Removed from regular class greater than 60% of the day | C. Served in public or private separate schools, residential placements, or homebound or hospital placements |
| 2006 (2006-2007) | 61% | 11% | 4% |
| 2007 (2007-2008) | 62% | 10% | 3.7% |
| 2008 (2008-2009) | 63% | 9% | 3.5% |
| 2009 (2009-2010) | 64% | 9% | 3.3% |
| 2010 (2010-2011) | 65% | 9% | 3.1% |

| Improvement Activities | Timelines | | | | | | Resources |
|--|-------------------------------------|----|----|----|----|----|-----------|
| | FFY Year when activities will occur | | | | | | |
| | 05 | 06 | 07 | 08 | 09 | 10 | |
| Employ the latest proven technology for universal design ⁴ in the classroom | X | X | | | | | |
| Increase the use and understand of assistive technology in the classroom | X | X | | | | | |
| Continue staff development efforts in differentiated instruction techniques, inclusion strategies, tolerance, and other supportive approaches in the classroom | X | X | | | | | |
| Improve and increase sharing among school systems to broaden the use of best practices and build more equity among LEAs | | | X | X | X | X | |
| Increase the availability and usage of assistive technology assessment professionals across the State | | | X | X | X | X | |

⁴ Universal Design is a curriculum strategy that incorporates a variety of methods for inclusion of children of multiple learning styles.

| Improvement Activities | Timelines | | | | | | Resources |
|---|-------------------------------------|----|----|----|----|----|-----------|
| | FFY Year when activities will occur | | | | | | |
| | 05 | 06 | 07 | 08 | 09 | 10 | |
| Build collaborative structures, incentives and supports between the Department of Health and Human Services and the Department of Education to reduce the number of State Agency Clients, State Wards, and other students at risk who are placed in separate facilities rather than typical classroom settings. | | | X | X | X | X | |

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

FAPE in the LRE

Indicator 6: Percent of preschool children with IEPs who received special education and related services in settings with typically developing peers (e.g., early childhood settings, home, and part-time early childhood/part-time early childhood special education settings).

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

Measurement:

Preschool children aged 3 to 5 years receiving special education services in Maine may have those services documented in an Individualized Education Program (IEP) or in an Individualized Family Services Plan (IFSP) as determined by the Early Childhood Team (ECT) or Pupil Evaluation Team (PET) defining the service needs for the child. Maine is serving children aged 3 to 5 in a seamless 0 to 5 system that assures minimum transition disruption of service for developmental issues in the formative years of life. Most of the state's children are served at age 3 in Child Development Services, while many are served in LEAs by age 5. For the purposes of this measurement, IEP and IFSP are considered to be equivalent.

The percentage of preschool children with an IFSP or IEP served in settings with their typically developing peers is determined by dividing the number of children served in typical environments by the total number of children served.

Overview of Issue/Description of System or Process:

This measurement is a "Natural Environments" indicator that is used to verify that children with Individualized Family Service Plans (IFSPs) or Individualized Education Program (IEP) are receiving their early intervention services in the setting least restrictive to their engagement and learning. Children age 3 through 5 more easily progress in their natural environments e.g. in their homes or in programs including other children of their age and abilities. These data are reported on an ongoing basis by each Early Intervention Center as children are served throughout the year. February 1 of each year, the state reports these data to the Office of Special Education Programs (OSEP) as part of the Individuals with Disabilities Education Act (IDEA) Part B data collection (TABLE 3 – INDIVIDUALS WITH DISABILITIES EDUCATION ACT IMPLEMENTATION OF FAPE REQUIREMENTS).

Maine is a rural state where children often live a long distance from service provider locations or community-based early childhood centers. Multiple approaches are used to move early childhood environments as close to children as is feasible. Preschool children with special education or developmental needs are served among their typically developing peers in early childhood centers, preschool programs, 4 year old pre-kindergarten programs, and similar settings located throughout communities in the state. Additionally, service providers travel to children at their homes or day-care settings to provide services and in part-time special education settings (<20% of the learning hours). "Typical" environments include early childhood (settings with structured learning activities and skilled teaching professionals), home settings, and part-time (<20%) early childhood special education programs. Settings not considered to be typical are separate facilities, and early childhood special education programs where the child is outside a typical setting for more than 20% of the time.

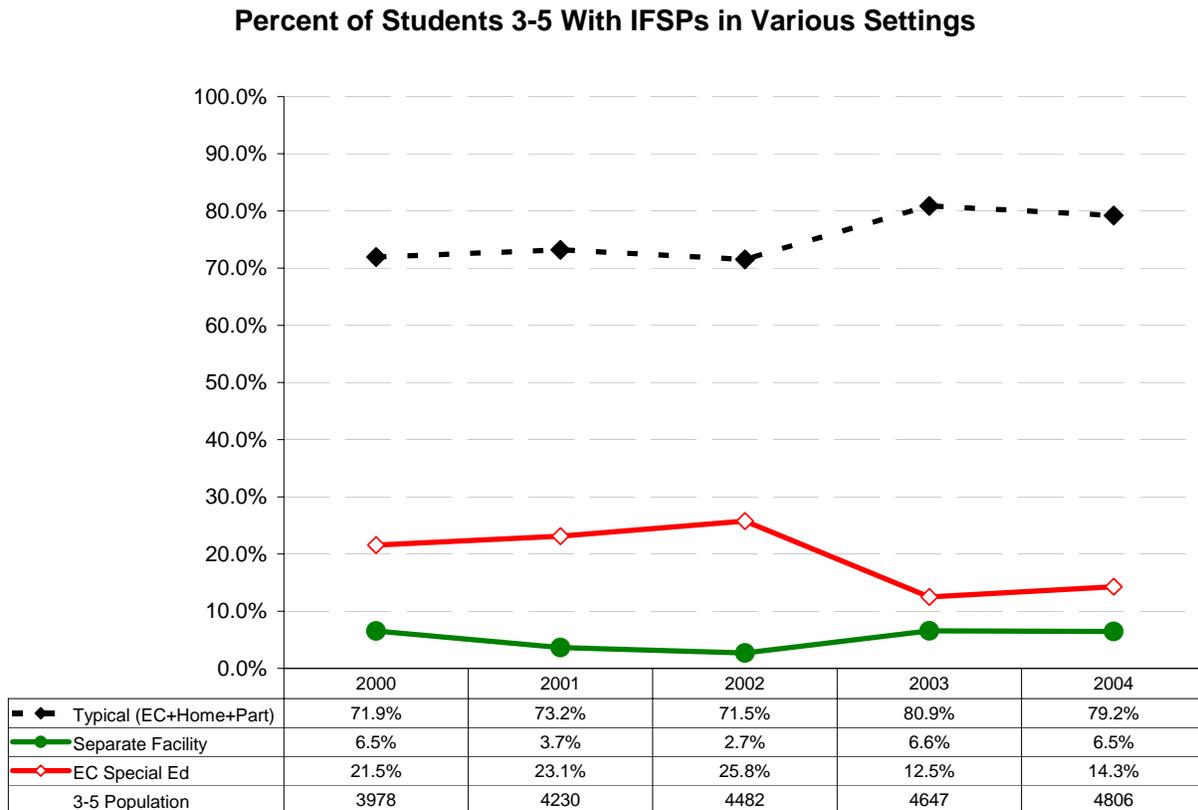
Service to the 3 to 5 age group in Maine is evolving. Child Development Services (CDS) has been the lead agency in the Maine Department of Education for service to all children birth to age 5. Improvement needs in administrative efficiency and consistency of reporting are driving changes in the structure of the CDS system. Consolidation of certain functions across sites, consistent data definitions in reporting processes and procedural improvements are being implemented. It is expected that the changes will

improve services for all children and increase the alignment of early childhood services with those in school-based settings.

Baseline Data for FFY 2004 (2004-2005):

Baseline trend data for the past five years are shown in the graph below. The percentage of children who received special education and related services in settings with typically developing peers is displayed as a dashed line. "Typical" is shown in the chart and graph to represent the measurement defined by this indicator; it is the sum of "EC (Early Childhood) Setting", "Home", and "Part Time" (part-time early childhood/part-time early childhood special education settings).

Figure 6.1: Percent of Students 3-5 with IFSPs in Various Settings 2000-2004



Discussion of Baseline Data:

Children with IFSP/IEPs are being served in typical settings at a rate that is increasing approximately 2% per year. The upward trend in typical settings is due largely to increases in inclusion of special needs and developmentally delayed children into Early Childhood settings with their typically developing peers, decreasing the percentage of children served in early childhood special education. Steady progress increasing the number and percentage of children included in typical settings is evident in the trend. However, it is believed that progressing at that same rate indefinitely to include all children is not possible since a small percentage of children will continue to need services provided by intensive early childhood special education environments and in separate facilities.

National data indicate that Maine serves children in settings with their typically developing peers at a level above the national average of 53% in 2003 (the latest National data available). Only three (Illinois,

Kentucky and Massachusetts) of the 50 States post a higher percentage than Maine's 80.9% of children served in typical settings.

| FFY | Measurable and Rigorous Target |
|----------------------------|---|
| 2005 (2005-2006) | At least 81% of Children 3-5 receiving services in settings with typically developing peers. |
| 2006 (2006-2007) | At least 83% of Children 3-5 receiving services in settings with typically developing peers. |
| 2007 (2007-2008) | At least 84% of Children 3-5 receiving services in settings with typically developing peers. |
| 2008 (2008-2009) | At least 85% of Children 3-5 receiving services in settings with typically developing peers. |
| 2009 (2009-2010) | At least 85% of Children 3-5 receiving services in settings with typically developing peers. |
| 2010 (2010-2011) | At least 85% of Children 3-5 receiving services in settings with typically developing peers. |

| Improvement Activities | Timelines | | | | | | Resources |
|---|--|-----------|-----------|-----------|-----------|-----------|------------------|
| | <i>FFY Year when activities will occur</i> | | | | | | |
| | 05 | 06 | 07 | 08 | 09 | 10 | |
| As changes continue in the CDS system, the State will monitor settings data to assure that children are served in the least restrictive environment. | X | X | X | X | X | X | CDS State Office |
| Professional development contractors will provide training to individuals who develop IFSP/IEPs on strategies to get services needed to support children's needs. | X | X | X | X | X | X | CDS State Office |
| Data personnel in the reporting sites will continue to receive regular professional development to assure that the data sustains high accuracy regarding settings' data definitions. | X | X | X | X | X | X | CDS State Office |
| State program and data personnel will monitor and assess data collection methods, data definitions, and reporting requirements to ensure consistent and compatible criteria are applied for all children. | X | X | X | X | X | X | CDS State Office |

| Improvement Activities | Timelines | | | | | | Resources |
|---|--|-----------|-----------|-----------|-----------|-----------|------------------|
| | <i>FFY Year when activities will occur</i> | | | | | | |
| | 05 | 06 | 07 | 08 | 09 | 10 | |
| CDS Sites will continue to recruit and retain qualified service providers throughout the state in order to assure availability of service in all communities and rural regions. | X | X | X | X | X | X | CDS State Office |

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

Monitoring Priority: FAPE in the LRE

Indicator 7: Percent of preschool children 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:

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

a. Percent of preschool children who reach or maintain functioning at a level comparable to same-aged peers = # of preschool children who reach or maintain functioning at a level comparable to same-aged peers divided by # of preschool children with IEPs assessed times 100.

b. Percent of preschool children who improve functioning = # of preschool children who improved functioning divided by # of preschool children with IEPs assessed times 100.

c. 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.

If children meet the criteria for a, report them in a. Do not include children reported in a in b or c. If a + b + c does not sum to 100%, explain the difference.

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

a. Percent of preschool children who reach or maintain functioning at a level comparable to same-aged peers = # of preschool children who reach or maintain functioning at a level comparable to same-aged peers divided by # of preschool children with IEPs assessed times 100.

b. Percent of preschool children who improved functioning = # of preschool children who improved functioning divided by # of preschool children with IEPs assessed times 100.

c. 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.

If children meet the criteria for a, report them in a. Do not include children reported in a in b or c. If a + b + c does not sum to 100%, explain the difference.

C. Use of appropriate behaviors to meet their needs:

a. Percent of preschool children who reach or maintain functioning at a level comparable to same-aged peers = # of preschool children who reach or maintain functioning at a level comparable to same-aged peers divided by # of preschool children with IEPs assessed times 100.

b. Percent of preschool children who improved functioning = # of preschool children who improved functioning divided by # of preschool children with IEPs assessed times 100.

c. 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.

If children meet the criteria for a, report them in a. Do not include children reported in a in b or c.

If a + b + c does not sum to 100%, explain the difference.

Overview of Issue/Description of System or Process:

Maine used the Battelle Developmental Inventory (BDI), the Bayley III to assist in gathering information necessary to report on the three child outcomes stated above. Some sites are currently using other tools – we are currently evaluating the list of acceptable assessment tools and determining which will be acceptable for use in the future.

Description of the outcome measurement system for Maine:

The outcome measurement system for Maine includes:

- A. Policies and procedures to guide outcome assessment and measurement practices,
- B. Provision of training and technical assistance supports the 16 regional Child Development Services (CDS) sites,
- C. Quality and monitoring procedures to ensure the accuracy of outcomes data,
- D. Data system elements for outcome data input and maintenance, and outcome data analysis functions.

Each of these elements is described below:

A. Policies and procedures to guide outcomes assessment and measurement practices:

Maine's Child Development Services (CDS) system is a 0-5 system. Therefore, the population of children for whom outcome data will be collected includes all children 0-5 with IFSPs/IEPs.

A full and individualized evaluation of a child's present level of functioning must be conducted to determine eligibility prior to entry into the CDS system. In 2005, work was begun to clarify the necessary distinctions in eligibility between IDEA Part C and Part B 619 children. The Assessment Committee was created to review various early childhood assessment systems and to reach consensus on which assessment tools would be used in Maine to standardize the process of multi-domain assessment to determine eligibility for children age three to five.

The eligibility of children must be determined by using multiple sources of data and must not be dependent upon a single test score. Evaluation procedures may include, but are not limited to, observations, interviews, behavior checklists, structured interactions, play assessment, adaptive and developmental scales, criterion-referenced and norm-referenced instruments, and clinical judgment. It is recommended that observations to document areas of strength and areas that are of concern for the child should be made in his or her natural/least restrictive environment. This is the setting within the community where infants, toddlers and preschool children without disabilities are usually found (e.g., home, child care, Head Start.)

MDOE has developed a process for data collection procedures. The ECT team will review the existing data on the child at the ECT meeting and the case supervisor is responsible for collecting enough information to determine the early childhood outcomes rating for the child (on a scale of 1-7 on the child outcomes summary form). The information gathered at the ECT includes evaluations and information provided by the parents of the child, current classroom-based assessments and observations by teachers and related service providers. Initial levels of performance in the three outcome areas of this indicator will serve as the first data point. CDS sites will also assess all children annually, prior to the renewal of the IFSP or to transition from Part C to Part B 619. Assessments will also be administered to all children exiting the system who have been in the system at least six months.

B. Provision of training and technical assistance supports:

Staff from The Early Childhood Outcomes Center are conducting a training of 16 CDS teams (one from each office) on January 22nd and 23rd, 2007. This training will cover the new IFSP and the Child Outcomes Summary Form (COSF). Teams will be trained to collect information for the COSF and to reliably complete the COSF form. To ensure the information from the trained was received and to ensure people are producing reliable data, regional trainings will also occur in May of 2007.

C. Quality assurance and monitoring procedures to ensure the accuracy and completeness of the outcome data:

The CDS Central Office is revising monitoring procedures so that when records are selected for record review, a review of information used for outcome measures will be included in the protocol. Error checks are also being built into the State data system.

D. Data system elements for outcome data input and maintenance, and outcome data analysis functions:

The State has modified their data system for Part C and Part B to add outcome data to the required fields. The entire data system is being revamped and outcome data will be added to the new system once it is up and running. The State will have the ability to analyze the Time 1 and Time 2 ratings from the data system. Current data systems will also be modified to capture, aggregate, and report the data by CDS site.

These changes address and resolve the data collection deficiencies indicated in OSEP Table A: “The State also needs to explain how your State addressed the deficiencies in the data collection noted in the attachment to the OSEP memorandum.”

Baseline Data: Assessment upon Entry

| | A. Positive social-emotional skills (including social relationships): | B. Acquisition and use of knowledge and skills: | C. Use of appropriate behaviors to meet their needs: |
|--------------------|---|--|---|
| 2005 | 29% | 42% | 63% |
| (2005-2006) | 19 out of 65 children are age-appropriate at entry | 27 out of 65 children are age-appropriate at entry | 41 out of 65 or of children are age-appropriate right now |

Who was included in the measurement?

All children for whom the initial IFSP was completed after July 1, 2006 who are ages 0 through 5 years and who receive services for at least six months before exiting the program will be included in the measurement. Data collected was phased in with three sites in 2006; all sites will come on board starting in January 2007. We used lessons learned from the phase in to determine an appropriate training and technical assistance system to help people make the necessary changes to begin data collection.

What assessment/measurement tool(s) will be used for baseline data collection and who will conduct the assessments?

Approved assessment measures, observation, informed clinical judgment and information provided by the family will be used to inform the rating in each of the three outcome areas. The Childhood Outcomes Summary Form (COSF), which summarizes each child’s level of functioning in each of the three outcome areas in relation to typically developing peers, will be used. The case supervisor will be responsible for

collecting the information necessary and completing the COSF form. At the training for all sites, it will be recommended that the COSF form be filled out at or immediately after the ECT meeting with the IFSP team. Again, the rating will be based on existing data on the child which includes evaluations (Battelle or Bayley or other assessment) and information provided by the parents of the child, current classroom-based assessments and observations if child has been enrolled in a classroom and other observations by teachers and related service providers.

For the February 2007, we report on entry data collected between July 1, 2006 and December 31, 2006. For each indicator, we report:

- a) Percent of children at entry who are functioning at a level comparable to same-aged peers;
- b) Percent of children at entry functioning at a level below same-aged peers.

When will measurement occur?

Outcome ratings will be discussed and determined at or near child's entry into the CDS system. Subsequent assessments, which will be conducted annually, at or near the child's exit from Part C or Part B 619, will provide a second data point. Comparison of the two scores will provide baseline data.

Who will report baseline data to whom and in what form?

Outcome rating scores in each outcome area will be sent to a data entry person located within the Department of Education. Data will be entered and analyzed using the ChildLink system.

How will data be analyzed?

The outcome ratings from entry data will be matched to exit outcome ratings for individual children. At the CDS site and CDS Central Office levels, analysis of matched scores will yield for each of the three outcomes:

- a) Percent of children who did not improve functioning;
- b) Percent of children who improved functioning but not sufficient to move nearer to functioning comparable to same age peers;
- c) Percent of children who improved functioning to a level nearer to same aged peers but did not reach it;
- d) Percent of children who improved functioning to reach a level comparable to same age peers; and
- e) Percent of children who maintained functioning at a level comparable to same aged peers.

CDS Central Office will analyze by CDS site and by State, the entry status of children, exit status, and the percentages of children who increased ratings from entry data to exit data (moved nearer to typical development).

Discussion of Baseline Data:

Following training on how to collect data for and complete the Child Outcomes Summary Form (COSF) in June 2006, three pilot sites began collecting data. COSF forms were completed on 65 children between July 2006 and December 2006. This represents all the children who entered the CDS system in the three pilot sites during the mentioned time period. Following the training in January of 2007, all sites will begin to collect entry as well as progress data on all children entering the CDS system.

| | Measurable and Rigorous Target | | |
|---------------------|---|---|--|
| FFY | A. Positive social-emotional skills (including social relationships): | B. Acquisition and use of knowledge and skills: | C. Use of appropriate behaviors to meet their needs: |
| 2006 (2006-2007) | | | |
| 2007 (2007-2008) | | | |
| 2008 (2008-2009) | | | |
| 2009 (2009-2010) | | | |
| 2010 (2010-2011) | | | |

| Improvement Activities | Timelines | | | | | | Resources |
|--|-------------------------------------|----|----|----|----|----|-----------|
| | FFY Year when activities will occur | | | | | | |
| | 05 | 06 | 07 | 08 | 09 | 10 | |
| The Battelle II was piloted at three sites (Waterville, Bangor, and Androscoggin) | | X | | | | | MDOE |
| Training conducted January 2007 on Child Outcomes Summary Form | | X | | | | | MDOE |
| Small group review of instruments to use with Part B children. Mandate throughout CDS system | | | X | | | | CDS sites |
| Current data systems will be modified to capture, aggregate, and report the data by site. | | X | X | | | | MDOE |
| The University of Southern Maine for Maine Roads to Quality achieve protocols of training and technical assistance for teachers, and performance measures for young children; USM-MRTQ will develop scientifically based curricula for birth to five year olds, and develop consensus between agencies to implement the curricula. | | | X | X | X | X | USM MRTQ |
| Continuing assessment of the data collection system | | | X | X | X | X | MDOE |
| Continuing training and professional development | | | X | X | X | X | MDOE |

| Improvement Activities | Timelines | | | | | | Resources |
|---|-------------------------------------|----|----|----|----|----|---------------|
| | FFY Year when activities will occur | | | | | | |
| | 05 | 06 | 07 | 08 | 09 | 10 | |
| <p>Work plan for core subcommittee: January –March 2007</p> <ul style="list-style-type: none"> ➤ Determine common assessment tools used at the site level (done) ➤ Conduct/review crosswalks of tools to outcomes to see how they compare to the outcomes and to Maine’s new Early Learning Guidelines. Gather this information through the work already completed by the Assessment Committee. ➤ Compare assessment tools to the CDS system’s values, beliefs, and newly forming policies in regard to evaluation. Draw on work and experience of Assessment Committee. Solicit feedback from Site Directors ➤ Decide if Maine will require local sites to select from a list of “approved” tools or require use of one tool. If so, determine what tools will be approved. Solicit feedback from Site Directors ➤ Revise Maine’s data system and develop monitoring system accordingly ➤ Revise training plan and implement system-wide. | | X | | | | | Sub-Committee |

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

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.

Overview of Issue/Description of System or Process:

Instead of piloting a parent survey to a few districts as was outlined in the initial SPP submission, a *census survey* was conducted with all parents of children receiving Part B services. This included both parents of school age children as well as pre-school (Part B619) children. This addresses the issue raised in OSEP Table A:

“OSEP could not determine if the State plans to use sampling in collecting data for this indicator.” “If the State intends to collect information through sampling, its SPP must include sampling methodology to ensure the collection of valid and reliable data on which to base its targets and improvement activities.”

A request for parent contact information for students receiving was sent to superintendents of all (159) school districts. Information was returned for 146 (92%) of the districts. This yielded contact information for 32,607 parents of Part B school age students. Contact information for Part B 619 students was obtained from an internal database, yielding a parent population of 4,455.

Survey questions were developed around a modified NCSEAM parent survey by using 18 questions from the “Schools Efforts to Partner with Parents” scale. A cover letter, a copy of the survey, and a self-addressed stamped return envelop was sent to all parents during the last week of June 2006.

Envelops included a “Return Service Requested” stamp so that any incorrect address was automatically returned to MDOE rather than sent to a forwarding address. This yielded two groups of incorrect address returns, one that contained a forwarding address and a second for which no forwarding address was available. A second set of envelops was printed for those with forwarding addresses and a second mailing was done during the third week of November.

Baseline Data for FFY 2004 (2004-2005):

Six-thousand-nine-hundred-forty-five Part B surveys were returned yielding a return rate of 21% whereas 1015 B 619 surveys were returned for a return rate of 23%.

| | | |
|--------------------|--------|-------|
| | Part B | B 619 |
| Total Surveys Sent | 32607 | 4455 |

| | | |
|--------------------|------|------|
| # Surveys Returned | 6945 | 1015 |
| Return Rate | 21% | 23% |

To determine the representativeness of the sample, the return rate for gender was used. As the table below indicates, the returns were very representative of both the Part B and B 619 populations

| | Part B | | Part B 619 | |
|--------|------------|--------|------------|--------|
| | Population | Sample | Population | Sample |
| Male | 66.4% | 67.8% | 69.2% | 69.2% |
| Female | 31.4% | 32.3% | 30.3% | 30.8% |

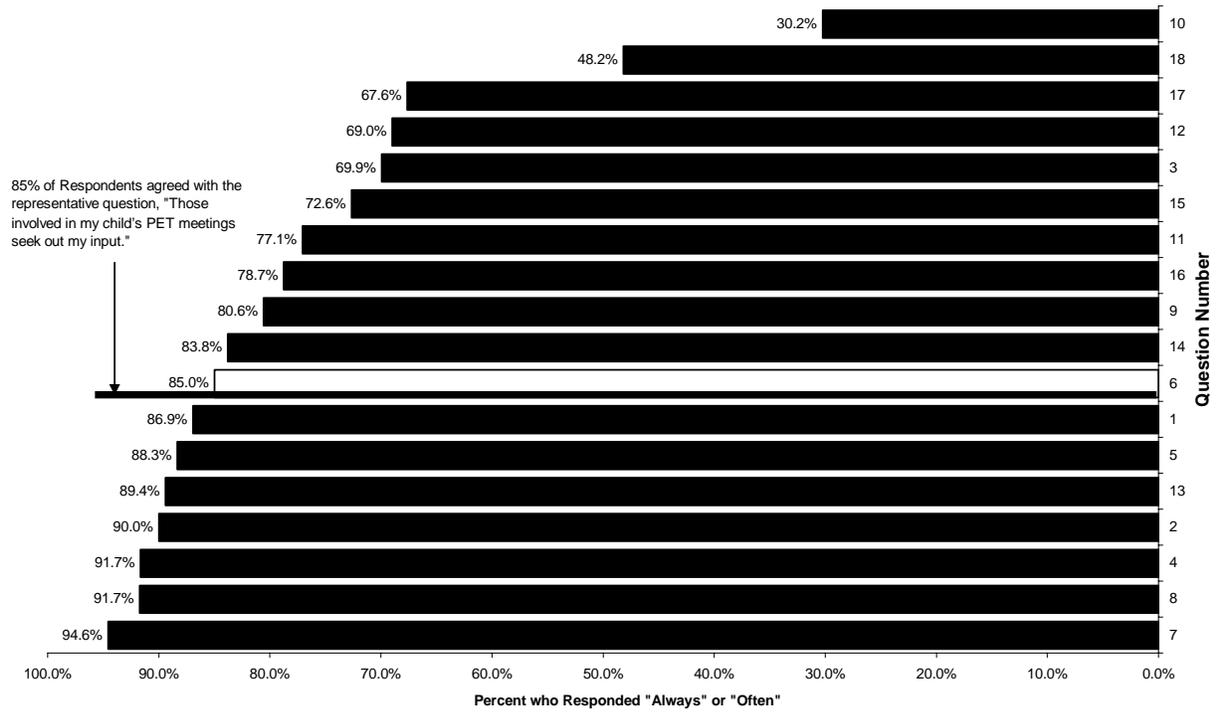
A stakeholder group was asked to review each of the questions and to rank them in order of which question they believed most directly represented the “schools efforts to partner with parents.” They were asked to score the questions from 1 to 18, with 18 being the score of the most representative question. The question deemed most representative for the Part B survey was “Those involved in my child’s PET meetings seek out my input.” For the B 619 survey, the representative question was “CDS staff treat me as a team member.”

Discussion of Baseline Data:

To determine the percentage of respondents in agreement with the target question, viz., “Those involved in my child’s PET meetings seek out my input”, the NCSEAM standard setting process was used. First surveys were scored on a 1-4 basis⁵. This resulted in a possible range of scores from 0 (if someone answered “Never” to all 18 questions) to 72 (if someone answered “Always” to all 18 questions). To determine the percentage of agreement with the target question, the number of 3s and 4s were summed across all respondents then converted from a 72 point to 100 point scale. The results for all 18 questions were then ranked from lowest to highest percentage of agreement, and a line was drawn representing the percentage agreement with the target question. This method resulted in the distribution shown below, a distribution that indicates 85% of the respondents agreed with the target question or, more generally, that 85% of the respondents indicated that “schools facilitated parent involvement as a means of improving services and results for children with disabilities.”

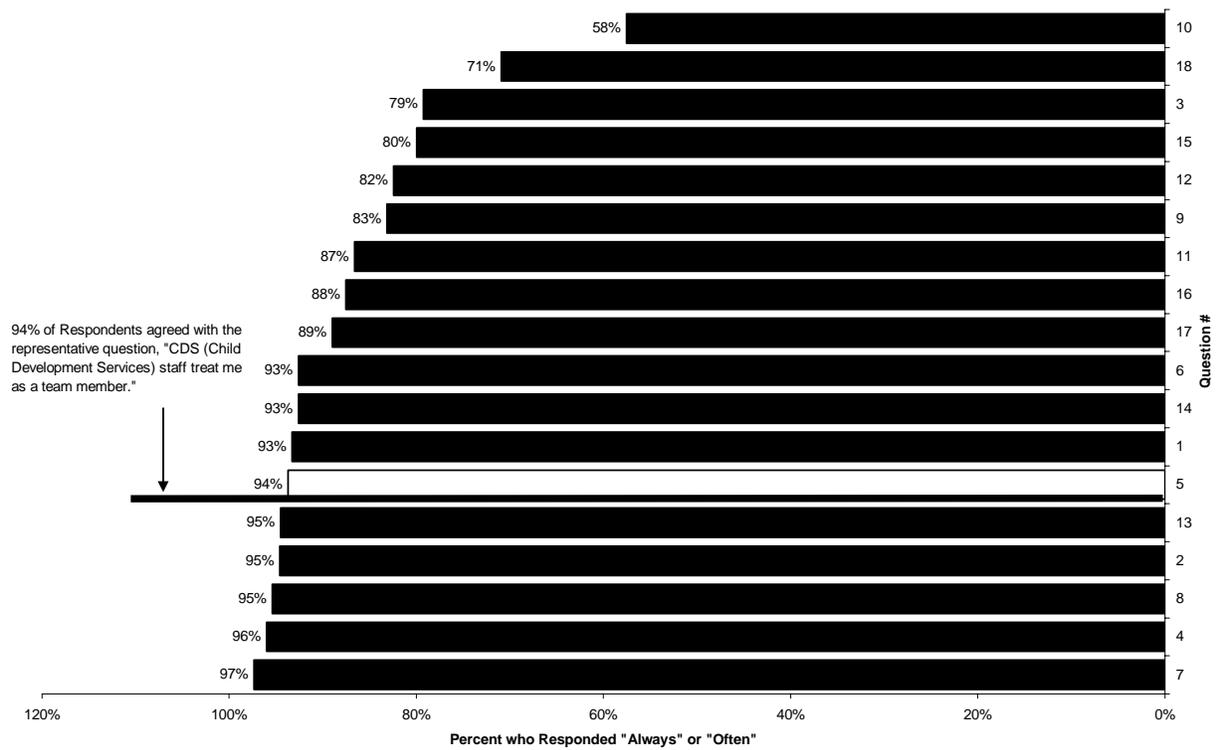
⁵ Never = 1, Rarely = 2, Often = 3, Always = 4.

Distribution of Part B Parent Survey Returns by Percentage of Often/Always (n = 6959)



For the Part B 619 parent, the question stakeholders believed most characterized schools efforts to facilitate parent involvement was “CDS (Child Development Services) staff treat me as a team member.” When the same methods used above were applied to the 619 results, the distribution shown below was the result.

Distribution of Part B 619 Parent Survey Returns by Percentage of Often/Always (n = 1015)



Here the results indicate that 94% of parents believed that the Child Development Service (CDS) site facilitated their involvement.

| FFY | Measurable and Rigorous Target |
|---------------------|--------------------------------|
| 2006 (2006-2007) | 86% |
| 2007 (2007-2008) | 87% |
| 2008 (2008-2009) | 89% |
| 2009 (2009-2010) | 91% |
| 2010 (2010-2011) | 91% |

| Improvement Activities | Timelines | | | | | | Resources |
|--|-------------------------------------|----|----|----|----|----|--|
| | FFY Year when activities will occur | | | | | | |
| | 05 | 06 | 07 | 08 | 09 | 10 | |
| Modify the NCSEAM Parent Survey – Special Education by using the first 25 questions (Schools Efforts to Partner with Parents), a 4 point scale rather than a six point scale with the options of never; rarely; often; always; and selected demographic questions. (See appendix.) | X | | | | | | |
| Pilot the survey instrument: CDS Cumberland; CDS Hancock; CDS Androscoggin; SAD 15 Gray; Freeport; Ellsworth; Union 76 Deer Isle Stonington CSD. | X | | | | | | The survey will be provided in accessible modes including Braille, audio, and language translations. |
| In coordination with the pilot sites, MDOE will obtain contact information of all parents, foster parents, surrogate parents or guardians who comprise the current caseload of the site. The parents and guardians will be sent the survey with a return postage paid envelope to the Department of Education. | X | | | | | | Data entry will be done by a contracted agency. Data analysis will be done by MDOE OSS data analysts. |
| Revise the distribution and collection plan as necessary. | X | | | | | | |
| Set baseline and in January 2007 project annual measurable and rigorous targets based on pilot survey results in January 2007. | X | | | | | | |
| Develop statewide distribution and collection system for surveys. | | X | | | | | |
| MDOE will analyze and interpret the data. | | X | | | | | |
| Review the projected annual measurable and rigorous targets | | X | | | | | |
| Distribute State and local results disaggregated by SAU and by CDS site on the website, through media and to public agencies. | | X | | | | | |
| Provide technical assistance and professional development workshops using Maine’s parent network system. | | | X | X | X | X | Maine Parent Federation, Southern Maine Parent Awareness, Autism Society and Learning Disabilities Association in partnership with Maine Association of Directors of Children with Special Needs |
| Continue statewide distribution and collection system. | | | X | X | X | X | |
| Review the annual data reaching for the measurable and rigorous targets with the stakeholders group. | | | X | X | X | X | Maine Advisory Council on the Education of Children with Disabilities |

**Monitoring Priority:
Disproportionality**

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

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 # of districts in the state times 100.

If an LEA is identified as having disproportionate representation, a review of the policies, practices and personnel (those associated with the student's IEP) must be done to determine that the LEA appropriately identified the student for special education services. "Inappropriate identification" would be any non-compliance in the IEP process that resulted in the student being identified incorrectly.

Overview of Issue/Description of System or Process:

Disproportionality of ethnic representation at the LEA level can be computed from our current data collections. The intent of measuring disproportionality is to assure that procedures and practices for identification of students with disabilities are consistently applied to all students in all ethnic categories in all LEAs. An LEA would be identified as having "disproportionate representation" if its rate of identification for special education services for students in its population was significantly different than the identification rates in the overall State population as weighted by the local community ethnic representation.

Maine has extremely small populations of non-Caucasian students in its LEAs and widely varying ethnic proportions in its communities. Of the 33,282 special education students enrolled in Maine's public schools, only 1426 (4.2%) are non-Caucasian. 458 (32%) non-Caucasian special education students are located in three communities in the state. "Disproportionate representation" in special education for any ethnic group will be added to the State criteria for focused monitoring visit.

Baseline Data for FFY 2005 (2005-2006):

The Analysis of Means calculation was applied to the districts in Maine with greater than 10 students in all 5 ethnic groups. Two (2) LEAs in the state meet the minimum population requirements. One (1) of those LEAs shows a possible disproportionate representation of Caucasian students.

Baseline Data: $1/155 * 100 = 0.6\%$

Discussion of Baseline Data:

Analysis of the data for 2005-2006 indicates that Portland School Department exhibits a possible over-representation of Caucasian students receiving special education services when compared with the LEA population. A review of the LEA will be conducted in the next monitoring visit (school year 2009-2010) determine that all policies, procedures and practices in the referral, evaluation and identification process are educationally appropriate, consistent with the requirements of Part B and are race neutral.

| FFY | Measurable and Rigorous Target |
|----------------------------|---|
| 2005 (2005-2006) | 0% of districts will have disproportionate representation of racial and ethnic groups in special education and related services resulting from inappropriate identification. |
| 2006 (2006-2007) | 0% of districts will have disproportionate representation of racial and ethnic groups in special education and related services resulting from inappropriate identification. |
| 2007 (2007-2008) | 0% of districts will have disproportionate representation of racial and ethnic groups in special education and related services resulting from inappropriate identification. |
| 2008 (2008-2009) | 0% of districts will have disproportionate representation of racial and ethnic groups in special education and related services resulting from inappropriate identification. |
| 2009 (2009-2010) | 0% of districts will have disproportionate representation of racial and ethnic groups in special education and related services resulting from inappropriate identification. |
| 2010 (2010-2011) | 0% of districts will have disproportionate representation of racial and ethnic groups in special education and related services resulting from inappropriate identification. |

| Improvement Activities | Timelines | | | | | | Resources |
|---|-------------------------------------|----|----|----|----|----|---|
| | FFY Year when activities will occur | | | | | | |
| | 05 | 06 | 07 | 08 | 09 | 10 | |
| LEAs with disproportionate representation in special education will be added to the list of focused monitoring visits for the year, or a specific visit will be scheduled to determine that all policies, procedures and practices in the referral, evaluation and identification process are educationally appropriate, consistent with the requirements of Part B and are race neutral. | X | X | X | X | X | X | Maine Department of Education, Monitoring and Program Review Team |

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

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 # of districts in the State times 100.

If an LEA is identified as having disproportionate representation, a review of the policies, practices and personnel (those associated with the student's IEP) must be done to determine that the LEA appropriately identified the student for special education services. "Inappropriate identification" would be any non-compliance in the IEP process that resulted in the student being identified incorrectly.

Overview of Issue/Description of System or Process:

Disproportionality of ethnic representation at the LEA level can be computed from our current data collections. The intent of measuring disproportionality is to assure that procedures and practices for identification of students with disabilities are consistently applied to all students in all ethnic categories in all LEAs. An LEA would be identified as having "disproportionate representation" if its rate of identification for specific disability categories for students in its population was significantly different than the identification rates in the overall State population as weighted by the local community ethnic representation.

Ethnic populations in Maine LEAs are very small so to assure personally identifiable data are not disclosed, a minimum number of students must be represented in the LEA population within specific disability categories. Maine will only measure those disabilities with more than 1% of the total population represented. The calculation of disproportionality will be applied to only those LEAs with total special education enrollment greater than twenty students and ethnic populations greater than ten students in any non-Caucasian ethnic group for each disability.

"Disproportionate representation" in disability categories for any ethnic group will be added to the State criteria for focused monitoring visit.

Baseline Data for FFY 2004 (2005-2006):

The Analysis of Means calculation was applied to the districts in Maine with greater than 10 students in any non-Caucasian ethnic group for each disability, had more than twenty students total in special education, with more than 1% of the total population represented in the disability category. Three (3) LEAs in the state meet the minimum population requirements in specific disabilities (Emotional Disabilities, Multiple Disabilities, Other Health Impairment, Specific Learning Disability, and Speech and Language Impairment). One (1) of those LEAs shows a possible disproportionate representation of Caucasian students in specific disabilities (Multiple Disabilities, Other Health Impairment, Specific Learning Disability, and Speech and Language Impairment).

Baseline Data: $1/155 * 100 = 0.6\%$

Discussion of Baseline Data:

Analysis of the data for 2005-2006 indicates that Portland School Department exhibits a possible over-representation of Caucasian students receiving special education services when compared with the LEA population. A review of the LEA will be conducted in the next monitoring visit (school year 2009-2010) determine that all policies, procedures and practices in the referral, evaluation and identification process are educationally appropriate, consistent with the requirements of Part B and are race neutral.

| FFY | Measurable and Rigorous Target |
|----------------------------|--------------------------------|
| 2005 (2005-2006) | 0% of school districts |
| 2006 (2006-2007) | 0% of school districts |
| 2007 (2007-2008) | 0% of school districts |
| 2008 (2008-2009) | 0% of school districts |
| 2009 (2009-2010) | 0% of school districts |
| 2010 (2010-2011) | 0% of school districts |

| Improvement Activities | Timelines | | | | | | Resources |
|---|-------------------------------------|----|----|----|----|----|---|
| | FFY Year when activities will occur | | | | | | |
| | 05 | 06 | 07 | 08 | 09 | 10 | |
| Each LEA will be added to the list of focused monitoring visits for the year, or a specific visit will be scheduled to determine appropriateness of special education category identification in the highlighted ethnic sub-groups. | X | X | X | X | X | X | Maine Department of Education, Monitoring and Program Review Team |

Monitoring Priority

Effective General Supervision Part B / Child Find

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

Monitoring Priority: Effective General Supervision Part B / Child Find

Indicator 11: Percent of children with parental consent to evaluate, who were evaluated and eligibility determined within 60 days (or State established timeline).

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

Measurement:

- a. # of children for whom parental consent to evaluate was received.
- b. # determined not eligible whose evaluations and eligibility determinations were completed within 60 days (or State established timeline).
- c. # determined eligible whose evaluations and eligibility determinations were completed within 60 days (or State established timeline).

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

Overview of Issue/Description of System or Process:

Current focused monitoring procedures verify compliance with State established timeliness for evaluating and determination of eligibility in a selected group of Individualized Education Program (IEP) files each year. The focused monitoring process will continue to collect these data. The State established timeline is 45 school days from the date the Local Education Agency (LEA) receives written parental consent to the date of the Pupil Evaluation Team (PET) meeting is conducted to determine eligibility. Measurement of this compliance requirement is determined by monitoring of student records.

Program Review Team uses information from the State child count, the Maine Education Data Management System (MEDMS), and other data sources to select school units with wide variances from the State averages or lower than expected variances on key indicators for students with disabilities. The key performance indicators can vary each year and are selected following an analysis of state and federal requirements. The indicators chosen each year cover important compliance issues as well as measurable aspects of educational benefit. Monitoring visits and corrective actions focus on the specific processes related to the indicators that placed school units on the focused monitoring schedule and are aimed at helping school units improve their performance on those indicators. The key performance indicators that have been chosen this year to determine school units selected for monitoring are:

1. **Least Restrictive Environment** (emphasizing inclusion of students with disabilities in regular classes to the maximum extent appropriate with access to the general education curriculum).
2. **Identification** (of students with disabilities targeting possible over- and under-identification of students).
3. **Exiting** (students with disabilities that drop out, exit to regular education or move and not known to be continuing) and, emphasizing post-secondary transition planning for students 14 years of age and older, and students exiting to regular education).
4. **Suspension/Expulsion of students with disabilities** (this indicator will target schools who suspend or expel students with disabilities at a higher rate than students without disabilities).

Monitoring processes are multi-phased and use different resources for the Part B 619 (ages 3-5) children than are applied to the school-age (ages 6-20) students, but the procedures are similar. CDS central

office personnel monitor CDS sites for compliance during on-site file reviews for all children aged 0-5. Reviews file files for students aged 3-5 will include verification of compliance with the evaluation timeline. Self-assessment is conducted by the school-age LEAs using technical assistance, training and guidance from the LEA monitoring team. A total of 46 specific criteria are included in the "Pupil Record Audit Form" used as the mechanism for the self-assessment; item #4 is "Receipt of consent to evaluate and P.E.T. determination (Time line: all referrals - 45 school days)."

Data are reported internally at all levels of review, but the on-site review of timelines is used as the basis for compliance determination. The percentage of student records found to be in compliance upon the on-site visit review of student files is determined by the counting the number of files found to be compliant to the 45 school day timeline and dividing that by the number of files reviewed during the on-site monitoring visit.

Baseline Data for FFY 2005 (2005-2006):

The Maine State Monitoring Review Team performed on-site reviews of 22 LEAs during the 2005-2006 school year, resulting in detailed review of 908 individual student Individualized Education Program documents. 254 documents were found to contain referral requirements and parent consent to evaluate, and 217 were found to comply with the 45 school day timeline requirement; a rate of compliance of **85%** (217/254). 8 of the 21 LEAs reviewed accounted for all non-compliant documents.

OSEP Table B: "The State did not address this area of noncompliance in the SPP." "OSEP recognizes the effort made by the State in working toward compliance with this requirement." "OSEP looks forward to reviewing data in the APR, due Feb. 1, 2007, that demonstrate full compliance with this requirement."

Each monitoring review resulted in detailed corrective action letter describing each non-conformance with required improvements, remediation, and follow-up documentation to validate completion.

Discussion of Baseline Data:

This is a compliance indicator so the target is set at 100%.

| FFY | Measurable and Rigorous Target |
|----------------------------|--|
| 2005 (2005-2006) | 100% of children with parental consent to evaluate, who were evaluated and eligibility determined within 60 days (or State established timeline). |
| 2006 (2006-2007) | 100% of children with parental consent to evaluate, who were evaluated and eligibility determined within 60 days (or State established timeline). |
| 2007 (2007-2008) | 100% of children with parental consent to evaluate, who were evaluated and eligibility determined within 60 days (or State established timeline). |
| 2008 (2008-2009) | 100% of children with parental consent to evaluate, who were evaluated and eligibility determined within 60 days (or State established timeline). |
| 2009 (2009-2010) | 100% of children with parental consent to evaluate, who were evaluated and eligibility determined within 60 days (or State established timeline). |

| FFY | Measurable and Rigorous Target |
|----------------------------|--|
| 2010 (2010-2011) | 100% of children with parental consent to evaluate, who were evaluated and eligibility determined within 60 days (or State established timeline). |

| Improvement Activities | Timelines | | | | | | Resources |
|---|-------------------------------------|-----------|-----------|-----------|-----------|-----------|--|
| | FFY Year when activities will occur | | | | | | |
| | 05 | 06 | 07 | 08 | 09 | 10 | |
| Program reviews performed on site at each LEA once every five years. | X | X | X | X | X | X | Maine Department of Education Program Review Monitoring Team |
| Technical assistance and professional development will be provided to LEAs who have not met the target. | X | X | X | X | X | X | Maine Department of Education Monitoring Team |

Monitoring Priority

Effective General Supervision Part B / Effective Transition

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

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 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.

Percent = c divided by a – b times 100.

Overview of Issue/Description of System or Process:

Maine currently has a seamless system 0-5. Chapter 180(IX.7) currently states: “The regional site Board is responsible for ensuring that all children age 2 who have been identified through the Child Find process as meeting the eligibility criteria for early intervention services have an ECT meeting, at least ninety (90) days prior to the child’s third birthday, for the purpose of developing an IFSP/IEP for implementation at no cost to the family when the child turns age 3.”

- Children ages 0-2 in Maine are eligible if they meet the criteria for “Developmental Delay”, the only disability category for that group. The fourteen disability categories for children 3-5 include “Developmental Delay” with the same set of qualifying criteria as 0-2

Baseline Data for FFY 2004 (2004-2005):

The data below provide an accounting of children who exited Part C to Part B 619 in the specified time frame.

Table 12.1: Children Exited to Part B 619 12/2/03 - 12/1/04

| Children Exited to Part B 619 | Children | Percent |
|-------------------------------|----------|---------|
| Total | 1281 | 100% |
| Eligible for Part B 619 | 1234 | 96% |
| Not Eligible for Part B 619 | 2 | 0% |
| Undetermined | 45 | 4% |

Table 12.1 is based on the OSEP Part C Child Count Table 3 submitted to OSEP in October of 2005.

Discussion of Baseline Data:

- a. The children served in Part C and referred to Part B 619 is represented by the “Total”, that is 1,281 children.
- b. The number of those referred determined to be NOT eligible and whose eligibilities were determined prior to their third birthdays is represented by “Not Eligible for Part B 619”, 2 children.
- c. The number of those found eligible who have an IEP developed and implemented by their third birthdays is represented by “Eligible for Part B 619” 1,234.

There were also in the data 45 children who turned 3 but whose Part B 619 eligibility was “Undetermined”. Those children have left the CDS System or their Part B 619 eligibility would be known.

As is mentioned above, current policies require that existing plans be reviewed and modified before transition so that existing services are uninterrupted by transition to Part B 619. That means that all children have implemented IFSP/IEPs at transition.

| 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, and who 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, and who 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, and who 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, and who 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, and who 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, and who have an IEP developed and implemented by their third birthdays. |

| Improvement Activities | Timelines | | | | | | Resources |
|---|-------------------------------------|----|----|----|----|----|------------------|
| | FFY Year when activities will occur | | | | | | |
| | 05 | 06 | 07 | 08 | 09 | 10 | |
| In previous reviews of the CDS System Exit data was questioned. The CDS sites were notified of the concerns related to transition and training was provided related to Exit codes and procedures with specific emphasis on the Part C to Part B 619 transition. The data system was modified to collect all the codes related to children who leave the system from the Part C program. | X | X | X | X | X | X | CDS State Office |

| | | | | | | | |
|---|---|---|---|---|---|---|------------------|
| Emphasis on transition will continue to be increased and formalized by: | X | X | X | X | X | X | CDS State Office |
| • Providing additional training to CDS sites related to the transition process. | X | X | X | X | X | X | |
| • Notifying the parent that transition will occur in the next 3 to 6 months | X | X | X | X | X | X | |
| • Notifying the local education agency (school district) that there will be an Early Childhood Team (ECT) meeting to address transition steps. | X | X | X | X | X | X | |
| • Coordinating meeting date with the family and school district. | X | X | X | X | X | X | |
| • Explaining to the family the differences between Part C and Part B 619. | X | X | X | X | X | X | |
| • Taking steps to prepare the toddler and family for changes in service delivery. | X | X | X | X | X | X | |
| • Providing information about community resources. | X | X | X | X | X | X | |
| • Modifying the IFSP to document transition outcomes by age 3. | X | X | X | X | X | X | |
| • Ensuring, for children whose first eligibility meeting is held after age 2 years 6 months, that the IFSP developed includes transition information. | X | X | X | X | X | X | |
| • Expanding the data collection system to include elements specific to transition. | X | X | X | X | X | X | |
| • The date of the final ECT meeting to review the IFSP for inclusion of transition needs. | X | X | X | X | X | X | |
| • Send notification to the LEA | X | X | X | X | X | X | |
| • Codified results of the meeting | X | X | X | X | X | X | |
| • Verification that the child's IFSP/IEP is in place at transition. | X | X | X | X | X | X | |
| • Any other modifications required to effectively monitor compliance by the CDS sites with transition requirements. | X | X | X | X | X | X | |
| Monitor sites for compliance and verify data and data entry. Based on findings, continue to provide ongoing professional development and trainings to enhance understanding and compliance. | | X | X | X | X | X | CDS State Office |

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

Monitoring Priority: Effective General Supervision Part B / Effective Transition

Indicator 13: Percent of youth aged 16 and above with an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals.

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

Measurement:

Percent = # of youth with disabilities aged 16 and above with an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals divided by # of youth with an IEP age 16 and above times 100.

Overview of Issue/Description of System or Process:

Current focused monitoring procedures verify measurable transition goals in a selected group of Individualized Education Program (IEP) files each year. The focused monitoring process will continue to collect these data with a clear definition of “measurable goals.” The MDOE has contracted with the Maine Transition Network to assist LEAs with the documentation of the transition related components using the Transition Outcomes Project (TOP) developed by Ed O’Leary of the Mountain Plains Regional Resource Center.

Baseline Data for FFY 2005 (2005-2006):

The Maine State Monitoring Review Team performed on-site reviews of 22 LEAs during the 2005-2006 school year, with 908 student Individualized Education Program documents. 229 of those documents were found to contain requirements for students age 16 or older and 190 were found to comply with the transition goals and services requirement; a rate of compliance of 83% (190/229). 10 of the 22 LEAs reviewed accounted for all non-compliant documents. Those LEAs determined to have a high need for improvement in the area of transition will be required to participate in TOP as part of their improvement plan. All LEAs are encouraged to participate in the program voluntarily to improve their documentation and development of their transition plans.

OSEP Table B: “While the level of compliance reported by the State is below 100% and requires continued implementation of improvement activities to achieve full compliance, OSEP recognizes the effort made by the State in working toward compliance with this requirement.” “OSEP looks forward to reviewing data in the APR, due Feb. 1, 2007, that demonstrate full compliance with this requirement.”

Each monitoring review resulted in detailed corrective action letter describing each non-conformance with required improvements, remediation, and follow-up documentation to validate completion.

Discussion of Baseline Data:

Data indicate that schools have appropriate systems in place to assure the inclusion of transition goals in IEP files. Training support will be provided to those LEAs exhibiting need for improvement.

This is a compliance indicator so the target is set at 100%.

| FFY | Measurable and Rigorous Target |
|----------------------------|--|
| 2005 (2005-2006) | 100% of youth aged 16 and above with an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals. |
| 2006 (2006-2007) | 100% of youth aged 16 and above with an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals. |
| 2007 (2007-2008) | 100% of youth aged 16 and above with an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals. |
| 2008 (2008-2009) | 100% of youth aged 16 and above with an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals. |
| 2009 (2009-2010) | 100% of youth aged 16 and above with an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals. |
| 2010 (2010-2011) | 100% of youth aged 16 and above with an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals. |

| Improvement Activities | Timelines | | | | | | Resources |
|--|-------------------------------------|-----------|-----------|-----------|-----------|-----------|---|
| | FFY Year when activities will occur | | | | | | |
| | 05 | 06 | 07 | 08 | 09 | 10 | |
| Monitoring reviews performed on site at each LEA once every five years. | X | X | X | X | X | X | Maine Department of Education Monitoring Team |
| Technical assistance and professional development will be provided to LEAs who have not met the target. | X | X | X | X | X | X | Maine Department of Education Monitoring Team |
| Ed O'Leary's training protocol, used by the Maine Transition Outcomes Project, will become part of the technical assistance package delivered by MTN/COT regional sites. | | X | X | X | X | X | MTN-COT |

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

FAPE in the LRE

Indicator 14: Percent of youth who had IEPs, are no longer in secondary school and who have been competitively employed, enrolled in some type of postsecondary school, or both, within one year of leaving high school.

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

Measurement:

Percent = # of youth who had IEPs, are no longer in secondary school and who have been competitively employed, enrolled in some type of postsecondary school, or both, within one year of leaving high school divided by # of youth assessed who had IEPs and are no longer in secondary school times 100.

Overview of Issue/Description of System or Process:

Maine initially began collecting post high school data in the State Improvement Grant (SIG) under Goal 1: "Determine baseline and yearly the numbers of students with disabilities entering post-secondary education or employment." This led to the development of the Maine YES (Youth Exiting Schools) project. In that project, special education students and general education students were matched on a number of demographic variables such as age and gender.

The following method was used to determine a representative sampling plan over the next five years that can work in conjunction with Maine's Program Review cycle. The method is developed to use with SPP Indicators B8 and B14.

- A. Districts were sorted from lowest to highest on the basis of number of students with IEPs.
- B. Each district was then assigned a random number between 1 and 5 using the "randbetween" function. NOTE: Although the SPP calls for LEAs to be sampled at least once every six years, Maine's monitoring has a five-year rotation. Hence, the decision was made to conform to Maine's monitoring cycle.
- C. Districts were then sorted based on which random number they received.
- D. This method divides districts into 5 relatively homogeneous groups with a maximum variance in the number of students with IEPs of approximately 4 percent.

Year 1 – 8700, Year 2 – 8376, Year 3 – 8321, Year 4 – 8698, Year 5 – 8664

| LEA Size (# IEPs) | # Yr 1 LEAs | # Yr 1 IEPs | # Yr 2 LEAs | # Yr 2 IEPs | # Yr 3 LEAs | # Yr 3 IEPs | # Yr 4 LEAs | # Yr 4 IEPs | # Yr 5 LEAs | # Yr 5 IEPs |
|-------------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|
| <100 | 4 | 282 | 12 | 563 | 7 | 244 | 4 | 234 | 6 | 396 |
| 100-250 | 17 | 3007 | 7 | 1389 | 11 | 1870 | 10 | 1924 | 11 | 1924 |
| 251-500 | 3 | 1219 | 7 | 2820 | 11 | 3581 | 8 | 2668 | 10 | 3666 |
| >500 | 6 | 4192 | 5 | 3604 | 4 | 2626 | 5 | 3872 | 4 | 2678 |
| Totals | 30 | 8700 | 31 | 8376 | 33 | 8321 | 27 | 8698 | 31 | 8664 |

- E. The method allows LEAs to be switched, as necessary, based on the needs of the program review team.
- F. For post high school follow-up of students, a census method will be used to survey those students who exited from the LEAs being reviewed that year.

The sampling design identifies which districts will be monitored each year by the Maine Department of Education Program Review Team. Prior to the review, the districts to be reviewed that year will be required to provide contact information for *all students* with IEPs who exited high school the previous year. The contact information will be used to engage the youth in the survey process to determine their competitive employment and postsecondary school attendance. The sampling plan is included in the Appendix.

The sampling design addresses OSEP Table A: “On page 67 of the SPP, the State indicated that it would pilot a post-high school survey in 27 sites, plus five LEAs that are part of a General Supervision Enhancement Grant. However, the plan is unclear in that it does not indicate what will happen beyond the first year. OSEP could not determine if the State plans to use sampling in collecting data for this indicator. If so, it is important that the State have a technically sound sampling plan to ensure that data used for entry, baseline, or to report on progress, are valid and reliable. The submission of invalid data is inconsistent with Federal statute and regulations, including section 616(b)(2)(B) of the IDEA, and will affect OSEP’s determination of the State’s status under section 616(d) of the IDEA.” “The State must decide whether or not, as a result of the pilot, it will survey ALL exiting youth with IEPs within one year of leaving high school, or will sample this group. If the State intends to collect information through sampling, the SPP must include sampling methodology to ensure the collection of valid and reliable data on which to base its targets and improvement activities. The State must submit the revised sampling methodology that describes how data were collected with the State’s FFY 2005 APR, due February 1, 2007. If the State decides not to sample, but rather gather census data, please inform OSEP and revise the SPP accordingly.”

It was decided to survey all students with IEPs in order to establish a baseline for this indicator. The target population for those exiting school in the 2004-05 school year was 2,097 youth in all exit categories (graduated, dropped out, aged out, etc.). Contact information was requested for these students and eventually a total of 626 were successfully contacted. Of these, 129 refused to take the survey leaving a respondent sample 497.

Of the 497, 225 or 45.3% were competitively employed. Of the 497 195 or 39.2% are currently in school. Ninety-seven or 20% of the 497 are both competitively employed and enrolled in school.

Individual responses from the survey are counted as *competitively employed* using answers to three questions: “DO YOU CURRENTLY HAVE A PAYING JOB?” answered “Yes” and “WHAT IS YOUR SALARY ON THIS JOB?” answered “Above minimum wage (>\$6.50)”, plus the answer “Yes” to “ARE YOU IN THE MILITARY?”

Individual responses from the survey are counted as *enrolled in some type of postsecondary school* using the answer “Yes” to the question “ARE YOU IN SCHOOL NOW?”

Baseline Data for FFY 2005 (2005-2006):

Baseline data will be provided as required in the FFY 2006 APR submission due February 1, 2008.

Discussion of Baseline Data:

Maine

Baseline data will be provided as required in the FFY 2006 APR submission due February 1, 2008.

| FFY | Measurable and Rigorous Target |
|---------------------|--------------------------------|
| 2005 (2005-2006) | |
| 2006 (2006-2007) | |
| 2007 (2007-2008) | |
| 2008 (2008-2009) | |
| 2009 (2009-2010) | |
| 2010 (2010-2011) | |

| Improvement Activities | Timelines | | | | | | Resources |
|--|-------------------------------------|----|----|----|----|----|-----------|
| | FFY Year when activities will occur | | | | | | |
| | 05 | 06 | 07 | 08 | 09 | 10 | |
| Maine Transition Network for Committee on Transition was contracted to use their six regional sites and "Leadership for Youth" program to increase familiarity with the survey and appropriate response when contacted a year beyond graduation. | | X | X | X | X | X | MTN-COT |
| The survey of June 06 graduates will be revised to include a question(s) to determine if the graduate is considered competitively employed. A question should ask, "how many hours a week do you work?" | | X | | | | | MDOE |
| Maine Transition Network for Committee on Transition will use their six regional sites to improve tracking of students after exit to increase survey response participation. | | X | X | X | X | X | MTN-COT |

Monitoring Priority:

Effective General Supervision Part B / General Supervision

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

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:

- A. Percent of noncompliance related to monitoring priority areas and indicators corrected within one year of identification:
 - a. # of findings of noncompliance made related to monitoring priority areas and indicators.
 - 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.

For any noncompliance not corrected within one year of identification, describe what actions, including technical assistance and/or enforcement that the State has taken.

- B. Percent of noncompliance related to areas not included in the above monitoring priority areas and indicators corrected within one year of identification:
 - a. # of findings of noncompliance made related to such areas.
 - 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.

For any noncompliance not corrected within one year of identification, describe what actions, including technical assistance and/or enforcement that the State has taken.

- C. Percent of noncompliance identified through other mechanisms (complaints, due process hearings, mediations, etc.) corrected within one year of identification:
 - a. # of agencies in which noncompliance was identified through other mechanisms.
 - b. # of findings of noncompliance made.
 - c. # of corrections completed as soon as possible but in no case later than one year from identification.

Percent = c divided by b times 100.

For any noncompliance not corrected within one year of identification, describe what actions, including technical assistance and/or enforcement that the State has taken.

Overview of Issue/Description of System or Process:

Focused monitoring is used by the Maine Department of Education Program Review Team to identify and investigate potential non-compliance in special education identification, least restrictive environment, exit,

and disproportionality at the LEA level using a random selection sampling process to identify districts (LEAs) for focused monitoring. The following method was used to determine a representative sampling plan over the next five years that can work in conjunction with Maine's Program Review cycle.

- G. Districts were sorted from lowest to highest on the basis of number of students with IEPs.
- H. Each district was then assigned a random number between 1 and 5 using the "randbetween" function. NOTE: Although the SPP calls for LEAs to be sampled at least once every six years, Maine's monitoring has a five-year rotation. Hence, the decision was made to conform to Maine's monitoring cycle.
- I. Districts were then sorted based on which random number they received.
- J. This method divides districts into 5 relatively heterogeneous groups with a maximum variance in the number of students with IEPs of approximately 4 percent.

Year 1 – 8700, Year 2 – 8376, Year 3 – 8321, Year 4 – 8698, Year 5 – 8664

- K. The method allows LEAs to be switched, as necessary, based on the needs of the program review committee.

LEAs data are developed into a set of specific measurements that identify significant deviations from State averages for each compliance area. These data are used as part of the Program Review Compliance Monitoring visit for the LEA along with a detailed review of student IEPs using the state developed Pupil Record Audit Form. Any identified non-compliances discovered are documented by letter to the LEA with the requirement for a corrective action plan to be developed by the LEA for approval by the monitoring team. Written approval of the plan initiates the one year compliance resolution period.

The Due Process Office (DPO) monitors complaint investigations and hearings on an ongoing basis using a database system (DOCKET) to track activities and timelines for compliance. Non-compliance corrective actions are tracked in a separate database (CAP) that monitors the case number, critical dates, violations and the corrective action activities associated with the case and the resolution of the non-compliance. Critical dates include the required dates of documentation marking compliance with elements of the corrective actions that will reconcile the non-compliance. These dates also trigger follow-up from the Due Process Office to ensure that corrective actions are completed on time.

Baseline Data for FFY 2004 (2004-2005):

There are no identified non-compliances in focused monitoring that have exceeded one year in resolution. At this writing, one area of non-compliance is open as the letter is being written. The LEA will be notified in writing this fall, will be required to return a corrective action plan for approval, and submit corrections of noncompliance within 3 months of submission of plan.

Eleven (11) due process corrective actions were initiated by case activity in FFY 2004. Seven (7) have been closed: six (6) were closed in less than one year, one was extended. The four cases that remain open have not yet reached the 12 month date and are monitored regularly to ensure completion on time.

Discussion of Baseline Data:

Monitoring is operating at 100% compliance during the 2004-2005 year. Corrective action plans were required of 2 LEAs to resolve compliance issues identified during their Program Review Monitoring visits. Both returned documentation of the completion of their corrective actions within 3 months. Due Process compliance to corrective actions within 12 months is 100%. In 2004-2005, eleven cases required corrective action as a result of due process dispute resolution that took on average 85 days to close; the longest duration was 269 days to close.

This is a compliance measure so the target is set at 100%.

| FFY | Measurable and Rigorous Target | | |
|----------------------------|--|--|---|
| | A. Noncompliance related to monitoring priority areas and indicators | B. Noncompliance related to areas not included in the above monitoring priority areas and indicators | C. Noncompliance identified through other mechanisms (complaints, due process hearings, mediations, etc.) |
| 2005 (2005-2006) | 100% | 100% | 100% |
| 2006 (2006-2007) | 100% | 100% | 100% |
| 2007 (2007-2008) | 100% | 100% | 100% |
| 2008 (2008-2009) | 100% | 100% | 100% |
| 2009 (2009-2010) | 100% | 100% | 100% |
| 2010 (2010-2011) | 100% | 100% | 100% |

| Improvement Activities | Timelines | | | | | | Resources |
|--|-------------------------------------|----|----|----|----|----|-----------|
| | FFY Year when activities will occur | | | | | | |
| | 05 | 06 | 07 | 08 | 09 | 10 | |
| Continue to employ focused monitoring as the oversight mechanism for assuring adherence to key measurements in the State Performance Plan and State regulatory compliance requirements. | X | X | X | X | X | X | |
| Pursue development of management table or monitoring data set to track the various aspects of compliance and performance through the general supervision system. | X | X | X | X | X | X | |
| Due process database system has been modified to add monitoring of resolution session activities and closure in a manner consistent with the current tracking of complaint investigations, hearings, and mediations. | X | | | | | | |

| Improvement Activities | Timelines | | | | | | Resources |
|--|-------------------------------------|----|----|----|----|----|-----------|
| | FFY Year when activities will occur | | | | | | |
| | 05 | 06 | 07 | 08 | 09 | 10 | |
| Data collected in the system will continue to be reviewed on a regular basis for improvement opportunities, preventative actions, or interim course correction regarding key measurements in due process and related activities. | X | X | X | X | X | X | |

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

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.

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

Measurement:

Percent = (# complaints with reports issued within timelines + # of complaints issued within extended timelines) divided by (# of complaints with reports issued) times 100.

Overview of Issue/Description of System or Process:

Complaints are tracked in detail using the Due Process Office database (DOCKET). The database includes the report issued date and resolution dates for all complaint investigations. Timeline extensions can be granted under specific guidelines.

The DPO provided training to Complaint Investigators during the spring of 2005.

Baseline Data for FFY 2004 (2004-2005): (July 1, 2004 through June 30, 2005)

Table 16.1: Data on Signed, Written Complaints (from Attachment 1)

| SECTION A: Signed, written complaints | |
|---|----|
| (1) Signed, written complaints total | 53 |
| (1.1) Complaints with reports issued | 18 |
| (a) Reports with findings | 6 |
| (b) Reports within timeline | 10 |
| (c) Reports within extended timelines | 5 |
| (1.2) Complaints withdrawn or dismissed | 35 |
| (1.3) Complaints pending | 0 |
| (a) Complaint pending a due process hearing | 0 |

Percent = 83% [(10+5)/18]

Discussion of Baseline Data:

15 of 18 (83%) complaints were completed within timelines. The three that did not complete within the timeline were completed in 61, 61 and 68 days. They had not been extended because completion on time appeared likely, but staffing issues with complaint investigators caused unexpected delays. Historical performance cannot be computed because we reported data in non-comparable forms over the past 4 years. Compliance to this measure in 2005 is likely.

This is a compliance measure so the target is set at 100%.

| FFY | Measurable and Rigorous Target |
|---------------------|--|
| 2005 (2005-2006) | 100% 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. |
| 2006 (2006-2007) | 100% 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. |
| 2007 (2007-2008) | 100% 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. |
| 2008 (2008-2009) | 100% 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. |
| 2009 (2009-2010) | 100% 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. |
| 2010 (2010-2011) | 100% 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. |

| Improvement Activities | Timelines | | | | | | Resources |
|--|-------------------------------------|----|----|----|----|----|-----------|
| | FFY Year when activities will occur | | | | | | |
| | 05 | 06 | 07 | 08 | 09 | 10 | |
| The DPO has sent a memo to Complaint Investigators regarding more formalization of the extension of complaint investigations, guidance regarding clear criteria of granting extensions, and the inception of case conferences to discuss complaint investigation drafts. The DPO is in the process of finalizing an internal list of "extenuating circumstances" to distribute to complaint investigators as guidance for the joint (with DPO) consideration of requests for extensions. | X | | | | | | |

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

Effective General Supervision Part B / General Supervision

Indicator 17: Percent of fully adjudicated due process hearing requests that were fully adjudicated within the 45-day timeline or a timeline that is properly extended by the hearing officer at the request of either party.

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

Measurement:

Percent = [(hearing decisions within timeline + hearing decisions within extended timeline) divided by Hearings (fully adjudicated)] times 100.

Overview of Issue/Description of System or Process:

Hearings are tracked in detail using the Due Process Office (DPO) database (DOCKET). The database includes the *report issued date* and *resolution dates* for all hearings. Timeline extensions can be granted by the hearing officer at the request of either or both parties. If a hearing officer grants an extension, the hearing officer must provide to the parties and the DPO a new date certain for the issuance of the hearing decision.

Resolution sessions and agreements are new requirements that will be discussed in Indicator 18.

Baseline Data for FFY 2004 (2004-2005): (July 1, 2004 through June 30, 2005)

Table 17.1: Data on Hearing Requests (from Attachment 1)

| SECTION C: Hearing requests | |
|---|----|
| (3) Hearing requests total | 86 |
| (3.1) Resolution sessions | |
| (a) Settlement agreements | |
| (3.2) Hearings (fully adjudicated) | 17 |
| (a) Decisions within timeline | 0 |
| (b) Decisions within extended timeline | 16 |
| (3.3) Resolved without a hearing (dismissed, mediated or withdrawn) | 68 |

One (1) hearing pending (open).

Percent = 94% [(16/17)]

Discussion of Baseline Data:

One decision was not resolved within the timeline at the time that the Due Process Office had only a single hearing officer. Additional officers have been added since that time.

Historical performance cannot be computed because we reported data in non-comparable forms over the past 4 years. Actions taken this past year have improved performance.

This is a compliance measure so the target is set at 100%.

| FFY | Measurable and Rigorous Target |
|---------------------|--|
| 2005 (2005-2006) | 100% of fully adjudicated due process hearing requests that were fully adjudicated within the 45-day timeline or a timeline that is properly extended by the hearing officer at the request of either party. |
| 2006 (2006-2007) | 100% of fully adjudicated due process hearing requests that were fully adjudicated within the 45-day timeline or a timeline that is properly extended by the hearing officer at the request of either party. |
| 2007 (2007-2008) | 100% of fully adjudicated due process hearing requests that were fully adjudicated within the 45-day timeline or a timeline that is properly extended by the hearing officer at the request of either party. |
| 2008 (2008-2009) | 100% of fully adjudicated due process hearing requests that were fully adjudicated within the 45-day timeline or a timeline that is properly extended by the hearing officer at the request of either party. |
| 2009 (2009-2010) | 100% of fully adjudicated due process hearing requests that were fully adjudicated within the 45-day timeline or a timeline that is properly extended by the hearing officer at the request of either party. |
| 2010 (2010-2011) | 100% of fully adjudicated due process hearing requests that were fully adjudicated within the 45-day timeline or a timeline that is properly extended by the hearing officer at the request of either party. |

| Improvement Activities | Timelines | | | | | | Resources |
|---|-------------------------------------|----|----|----|----|----|-----------|
| | FFY Year when activities will occur | | | | | | |
| | 05 | 06 | 07 | 08 | 09 | 10 | |
| From January 2005 through May 23, 2005, the DPO had only one hearing officer. This was due to the fact that the DOE received a very poor response to the RFP's for hearing officers and complaint investigators. By June of 2005, the DPO had appointed two more hearing officers. On August 2, 2005, the DPO met with six hearing officers, four of whom are on the regular hearing roster and two of whom are back-up/emergency basis hearing officers (see attached agenda of meeting). The appointment of more hearing officers is a significant improvement to our hearing services. | X | | | | | | |

| Improvement Activities | Timelines | | | | | | Resources |
|---|-------------------------------------|----|----|----|----|----|-----------|
| | FFY Year when activities will occur | | | | | | |
| | 05 | 06 | 07 | 08 | 09 | 10 | |
| After the October 2003 OSEP review and the subsequent letter, the DPO improved the hearing extension request form; it now requires the hearing officer to let the parties and the DPO know a new date certain for issuance of the hearing decision when an extension is granted (extensions can only be requested by the parties). | X | | | | | | |
| In response to the July 1, 2005 effective date of the IDEIA 2004, the Commissioner issued Informational Letters #18 and #20 regarding filing for hearings and expedited hearings. | X | | | | | | |
| In response to IDEA and in order to promote resolution of the issues brought to a hearing, the DPO is scheduling mediations to occur on the 21 st day after the LEA's receipt of the request for hearing if both parties are willing to participate in mediation. Then, if the resolution session is waived by both parties or unsuccessful, the parties can participate in mediation. | X | | | | | | |
| A peer reviewer has been contracted with to read and comment on drafts of hearing decisions. | X | | | | | | |

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

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 = # of settlement agreements divided by # of resolution sessions times 100.

Overview of Issue/Description of System or Process:

“Resolution sessions” and “Settlement agreements” are counted in due process case data. The Maine Department of Education Due Process Office (DPO) provides a resolution session status form for LEAs to fill out when they have received a request for a hearing from parents. The DPO docket database status drop-down list the following:

1. “Partially resolved resolution session” to indicate that part of the issues brought in a hearing request have been resolved in a resolution session. (NOTE: If the hearing request is withdrawn & the rest of the issues not taken forward for adjudication, the withdrawal of the hearing status would be “withdrawn with & without prejudice”. The issues not resolved in the resolution session could be brought to DPO in a new hearing request.)
2. “Resolved resolution session” to indicate that all of the issues brought in a hearing request have been resolved in a resolution session.
3. “Voided” to indicate the LEA or the parents exercised their right to void the resolution session agreement within three business days of the execution of the agreement.
4. “Waived” to indicate the parties have agreed to waive the resolution session & either have chosen to participate in mediation or wish to proceed directly to a due process hearing.
5. “Not applicable” to indicate that the initiating party is the LEA & a resolution session is not required in this sort of hearing or that an expedited hearing has been requested.
6. “DPO decision” to indicate that the DPO has declined to make arrangements for an expedited hearing request for reasons other than disciplinary issues.
7. “Not resolved” to indicate that a resolution session was held but did not result in an agreement.

The Maine DOE Commissioner has sent out an informational letter #12 regarding resolution sessions.

Baseline Data for FFY 2005 (2005-2006):

57% (13 of 23) of meetings conducted resulted in settlement agreements.

Discussion of Baseline Data:

The impact of resolution sessions is that they are a less contentious means of reconciling a due process dispute than a hearing or expedited hearing. In that regard, measuring resolution session agreement rates yield an understanding of how likely a plaintiff is to resolve a dispute without escalating to the level of a hearing.

The due process office (DPO) holds the local educational agency (LEA) responsible for:

- 1) Keeping close track of the receipt of a request for a hearing from a parent;
- 2) Sending a facsimile of that request to the State educational agency (SEA) on the date the LEA receives it or no later than the close of the next business day;
- 3) Complying with the timelines for the resolution meeting as well as other applicable timelines at §615(c)(2)(B)(i)(I), §615(c)(2)(B)(ii) and §615(c)(2)(C);
- 4) Arranging for and holding the resolution meeting unless the LEA and the parents have waived the resolution session, agreed to participate in mediation or decided to go directly to a hearing;
- 5) Notifying the Maine Department of Education, Due Process Office if the LEA and the parents have waived the resolution session and want to participate in mediation; and
- 6) Notifying the Maine Department of Education, Due Process Office of the status of the resolution session if the resolution session was held.

The rate of resolution sessions resulting in resolution agreements from January 1, 2006 – June 30, 2006 is 25%. It is unlikely that resolution sessions will be a common method for obtaining agreement between parents and LEAs in the state for a number of reasons. Because LEAs are small in number of students, teachers and buildings, parents have fairly easy access to superintendents and special education directors. Unfortunately, access and familiarity leave the resolution session process looking very much like a repeat of the Pupil Evaluation Team (PET) meeting. Furthermore, resolution sessions do not provide the protection of confidentiality that is available in a mediation. Resolution sessions do not require an impartial presider, and thus far no LEA has chosen to contract with an impartial presider. Parents are frequently opting to resolve their differences with the LEA using methods and mechanisms other than the resolution sessions process. Similar experiences⁶ have been documented elsewhere.

Governor Baldacci's budget bill decreasing the number of LEAs from 290 to 26 regional centers and the number of superintendents from 192 to 26 is currently being discussed by the legislature and the public. As easy access and familiarity with superintendents and special education directors is diminished with the introduction of regional centers, there may be a moderate increase in requests for resolution sessions.

Maine will continue to monitor closely the usage and rate of settlement emerging from the resolution session process. It is very unlikely that resolutions sessions will grow to become the predominant means of resolution, but improvement from the baseline is anticipated. The performance trajectory predicted begins at the current performance of 25% and improves over the 5 years remain in the plan to a rate that exceeds the baseline performance.

⁶ *The Special Educator*, June 23, 2006, pages 4 and 5, 2006 LRP Publications

| FFY | Measurable and Rigorous Target |
|----------------------------|--|
| 2006 (2006-2007) | 30% of resolution sessions will result in settlement agreements |
| 2007 (2007-2008) | 35% of resolution sessions will result in settlement agreements |
| 2008 (2008-2009) | 40% of resolution sessions will result in settlement agreements |
| 2009 (2009-2010) | 45% of resolution sessions will result in settlement agreements |
| 2010 (2010-2011) | 58% of resolution sessions will result in settlement agreements |

| Improvement Activities | Timelines | | | | | | Resources |
|---|-------------------------------------|-----------|-----------|-----------|-----------|-----------|---|
| | FFY Year when activities will occur | | | | | | |
| | 05 | 06 | 07 | 08 | 09 | 10 | |
| Informational Letter # 12 sent to all LEAs – August 15, 2005 | X | | | | | | Due Process Office (DPO), Commissioner of Maine's Department of Education |
| Collection of resolution session data in DPO database | X | | | | | | DPO |
| Review data on resolutions sessions to monitor rates of agreement | | X | X | X | X | X | DPO |

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

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|--|
| 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 = (mediation agreements for mediations related to due process + mediation agreements for mediations NOT related to due process) divided by # mediations completed times 100. |
|--|

Overview of Issue/Description of System or Process:

For reporting purposes, the Due Process Office (DPO) enters into its Due Process Office database (DOCKET), a mediation docket sheet for each complaint investigation, hearing and expedited hearing request received, even if the initiating party indicates an unwillingness to participate in mediation. For at least eight years, the DPO has offered stand-alone mediations to families and LEAs. Mediations are tracked in detail using DOCKET. The database includes the report issued date and resolution dates for all mediations.

The DPO provided training to mediators on March 18, 2005.

Baseline Data for FFY 2004 (2004-2005): (July 1, 2004 to June 30, 2005)

Table 19.1: Data on Mediation Requests (from Attachment 1)

| SECTION B: Mediation requests | |
|---|-----|
| (2) Mediation requests total | 248 |
| (2.1) Mediations | |
| (a) Mediations related to due process | 34 |
| (i) Mediation agreements | 18 |
| (b) Mediations not related to due process | 57 |
| (i) Mediation agreements | 42 |
| (2.2) Mediations not held (including pending) | 157 |

Percent = 66% $[(18+42)/(34+57)]$

Discussion of Baseline Data:

Docket data fro the past several years have been collected on a calendar year basis and reported on that basis in Attachment 1 in Maine’s Annual Performance Report (APR). The data in the chart below are the values reported in Attachment 1 each year since 2001.

Table 19.2: Data on Mediation Outcomes

| Year | Declined | DPO Decision | Mediated | Partially Mediated | Unsuccessful | Withdrawn | Total | % of mediations held that resulted in mediation agreements = (MED+part MED)/(tot-withdrawn-DPO-declined) |
|------|----------|--------------|----------|--------------------|--------------|-----------|-------|--|
| 2001 | 64 | 0 | 63 | 3 | 29 | 32 | 191 | 69% |
| 2002 | 65 | 4 | 81 | 7 | 21 | 28 | 206 | 81% |
| 2003 | 55 | 7 | 74 | 0 | 20 | 17 | 173 | 79% |
| 2004 | 85 | 6 | 41 | 1 | 13 | 27 | 173 | 76% |

Measurable and rigorous targets are based on the measurement calculation required by the indicator. OSEP indicated that States should look for an increase in target rates but probably not 100% (they suggest that we look at the APR Attachments 1; see the DOCKET data above). The goal here is to encourage resolution of issues as early as possible so schools and families can focus on teaching and learning. During the past 4 years, data show about 70-80% of mediations result in agreements.

| FFY | Measurable and Rigorous Target |
|----------------------------|--|
| 2005 (2005-2006) | 76% of mediations held that resulted in mediation agreements. |
| 2006 (2006-2007) | 77% of mediations held that resulted in mediation agreements. |
| 2007 (2007-2008) | 78% of mediations held that resulted in mediation agreements. |
| 2008 (2008-2009) | 80% of mediations held that resulted in mediation agreements. |
| 2009 (2009-2010) | 82% of mediations held that resulted in mediation agreements. |
| 2010 (2010-2011) | 85% of mediations held that resulted in mediation agreements. |

| Improvement Activities | Timelines | | | | | | Resources |
|--|-------------------------------------|----|----|----|----|----|--|
| | FFY Year when activities will occur | | | | | | |
| | 05 | 06 | 07 | 08 | 09 | 10 | |
| <p>The DPO has changed the DOCKET designation of stand-alone mediations to “S” so as to differentiate them from mediations associated with complaint investigations, hearings and expedited hearings. This improves the data collection process.</p> | X | | | | | | |
| <p>With the advent of the resolution session for hearings initiated by parents, the DPO mediation process has been put in a deferential position vis-à-vis the resolution session timeframe. If both parties agree to participate in mediation within the timelines of a hearing requested by a family, the DPO sets up the mediation to occur on or after the 21st day from the receipt of the request for hearing. As in resolution sessions, mediations are a voluntary process and there’s very little that the DPO can do, other than contact the initiating party about the benefits of participation in mediation to ensure that parties participate in mediation. Keeping this in mind, it is difficult to set a percentage goal for mediation agreements when so much of the process is out of the control of the SEA.</p> | X | X | X | X | X | X | <p>When a dispute resolution request is received for a complaint investigation, hearing or expedited hearing and the initiating party has indicated an unwillingness to participate in mediation, DPO staff follow up with the initiating party to discuss the benefits of mediation, the difference between mediation and a PET meeting, the expertise and objectivity of the mediator and the wide scope of issues in hopes that the person will choose to participate in mediation.</p> |
| <p>Review of the indicator by the stakeholder group highlighted the opportunity to improve mediation outcomes by establishing standards for advocates. Additional evaluation will be done of advocate relationships to mediation outcomes to determine the most effective strategies for defining standards.</p> | | X | X | | | | |

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

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)(A))

Measurement: Submitted on or before due dates (February 1 for child count, including race and ethnicity, placement; November 1 for exiting, discipline, personnel; and April 1 for Annual Performance Reports (next APR due February 1, 2007)

Overview of Issue/Description of System or Process:

The Maine Department of Education is required to report annually to the US Department of Education, Office of Special Education Programs (OSEP) on elements of special education data. Data for these reports are taken from the annual student count done at each LEA in December and subsequent data analysis completed within the Maine Department of Education.

Baseline Data for FFY 2004 (2004-2005):

Table 20.1: Data Submission Dates 2004-2005

| Data requirement | Content | Due Data | Actual Date |
|-------------------------|----------------------------|---|-----------------------------|
| Table 2 | Personnel | November 1, 2004 | October 29, 2004 |
| Table 4 | Exiting | November 1, 2004 | October 29, 2004 |
| Table 5 | Discipline | November 1, 2004 | October 29, 2004 |
| Table 1 | Child Count | February 1, 2005 | January 28, 2005 |
| Table 3 | Educational Environments | February 1, 2005 | January 28, 2005 |
| Table 6 | Assessment | February 1, 2005 | January 28, 2005 |
| Table 7 | Dispute Resolution | November 1, 2006 | Next year – new requirement |
| Table 8 | Early Intervening Services | November 1, 2006 | Next year – new requirement |
| Part B APR | Annual Performance Report | April 1, 2005 deferred by letter to May 4, 2005 | May 4, 2005 |

Discussion of Baseline Data:

Submitting data on time has been a priority for the Data Management/Finance and Federal Programs/Research and Evaluation team in the Office of Special Services. Reports are submitted on time. The annual performance report for the 2003-2004 school year was delayed to address a March 4, 2005 letter (page 22 - “within 60 days of this letter”) from the Office of Special Education Programs

(OSEP) in order to provide adequate response to specific inquiry posed and non-compliance indicated in the letter. The deferred date was May 4, 2005.

Data accuracy is assured through a feedback verification methodology. Data submitted are verified by the submitting LEA. The Maine Department of Education (MDOE) sends a report of the data submitted by each LEA back to the submitting LEA for review and verification. The LEA is required to validate the data against their records, correct any errors, then sign and return the data report to the MDOE. The 2004-2005 school year data were transferred to the Maine Education Data Management System (MEDMS). Data verification was done on the data transfer that is repeated at every data entry interval. MEDMS employs a set of data verification rules that screen data inputs for consistent/adherent formats, duplicate entries, and omitted fields. The rules assure that data exist in required fields, that no student is inadvertently duplicated in the data, and that the data are comparable across the database.

Maine's current and sustained performance to this indicator is 100%. This is a compliance indicator so the target is 100%.

| FFY | Measurable and Rigorous Target |
|----------------------------|---|
| 2005 (2005-2006) | 100% of data submitted will be on time and accurate. |
| 2006 (2006-2007) | 100% of data submitted will be on time and accurate. |
| 2007 (2007-2008) | 100% of data submitted will be on time and accurate. |
| 2008 (2008-2009) | 100% of data submitted will be on time and accurate. |
| 2009 (2009-2010) | 100% of data submitted will be on time and accurate. |
| 2010 (2010-2011) | 100% of data submitted will be on time and accurate. |

| Improvement Activities | Timelines | | | | | | Resources |
|---|-------------------------------------|-----------|-----------|-----------|-----------|-----------|------------------|
| | FFY Year when activities will occur | | | | | | |
| | 05 | 06 | 07 | 08 | 09 | 10 | |
| Maine will continue to track required report deadlines and ensure completion on time. | X | X | X | X | X | X | |
| Child count data are being provided in-part using an electronic upload to the OSEP EDEN database. | X | X | X | X | X | X | |
| Additional data elements and other improvement will continue as they are defined. | X | X | X | X | X | X | |

U.S. DEPARTMENT OF EDUCATION

TABLE 7

PAGE 1 OF 1

OFFICE OF SPECIAL EDUCATION
AND REHABILITATIVE SERVICES
OFFICE OF SPECIAL EDUCATION
PROGRAMS

**REPORT OF DISPUTE RESOLUTION UNDER PART B, OF THE
INDIVIDUALS WITH DISABILITIES EDUCATION ACT
2006-07**

OMB NO.: 1820-0677

FORM EXPIRES:
08/31/2009

STATE: Maine

| SECTION A: Written, signed complaints | |
|--|-----|
| (1) Written, signed complaints total | |
| (1.1) Complaints with reports issued | 49 |
| (a) Reports with findings | 19 |
| (b) Reports within timeline | 16 |
| (c) Reports within extended timelines | 3 |
| (1.2) Complaints withdrawn or dismissed | 13 |
| (1.3) Complaints pending | 30 |
| (a) Complaint pending a due process hearing | 0 |
| SECTION B: Mediation requests | |
| (2) Mediation requests total | 120 |
| (2.1) Mediations | |
| (a) Mediations related to due process | 5 |
| (i) Mediation agreements | 4 |
| (b) Mediations not related to due process | 31 |
| (i) Mediation agreements | 26 |
| (2.2) Mediations not held (including pending) | 84 |
| SECTION C: Hearing requests | |
| (3) Hearing requests total | 56 |
| (3.1) Resolution sessions | 23 |
| (a) Settlement agreements | 13 |
| (3.2) Hearings (fully adjudicated) | 4 |
| (a) Decisions within timeline | 0 |
| (b) Decisions within extended timeline | 4 |
| (3.3) Resolved without a hearing | 43 |
| SECTION D: Expedited hearing requests (related to disciplinary decision) | |
| (4) Expedited hearing requests total | 9 |
| (4.1) Resolution sessions | 1 |
| (a) Settlement agreements | 0 |
| (4.2) Expedited hearings (fully adjudicated) | 0 |
| (a) Change of placement ordered | 0 |

Appendix:

OSEP response letter regarding the SPP submission

Table A: Issues Identified in the State Performance Plan

Table B: Previously-Identified Issues

Sampling plan for selection of LEAs for Program Review Focused Monitoring and survey indicators Part B indicators 8 and 14

OSEP Response letter

March 13, 2006

Honorable Susan A. Gendron
Commissioner of Education
Maine Department of Education
23 State House Station
Augusta, Maine 04333-0023

Dear Commissioner Gendron:

Thank you for your timely submission of Maine's State Performance Plan (SPP) for review under Part B of the Individuals with Disabilities Education Act (IDEA). Section 616(b) requires States to submit, within one year after the date of enactment of the reauthorized IDEA, an SPP that evaluates the State's efforts to implement the requirements and purposes of IDEA and describes how the State will improve implementation. We appreciate the State's efforts in preparing the SPP under a short timeline and in the face of many other competing priorities. In the SPPs, due by December 2, 2005, States were to include: (1) baseline data that reflect the State's efforts to implement Part B of the IDEA; (2) measurable and rigorous targets for the next six years for each of the indicators established by the Secretary in the priority areas under section 616(a) of the IDEA; and (3) activities the State will undertake to improve implementation of Part B.

The Office of Special Education Programs (OSEP) is pleased to inform you that your State's SPP under Part B meets the requirements of section 616(b) to include measurable and rigorous targets and improvement activities. The State must make its SPP available through public means, including posting on the State educational agency's (SEA's) website, distribution to the media, and distribution through public agencies. (Section 616(b)(2)(C)(ii)(I))

The SPP included a description of the broad stakeholder input that went into its development and clearly delineated both how the State solicited that involvement and how the State used the responses received through that process. In addition, the SPP included membership lists, dates of stakeholder meetings, and summaries of stakeholder subgroup meetings for each indicator.

Under section 616(b)(2)(C)(ii)(II), the State must annually report to OSEP on its performance under the SPP. The State's first Annual Performance Report (APR) on its progress in meeting its targets is due to OSEP by February 1, 2007. Attached to this letter you will find Table A addressing issues identified during our review of the SPP that – while not requiring disapproval of your plan – will affect our annual determination of State performance and compliance based on data presented in the State's APR. As a result, your State needs to provide additional information as part of its February 2007 APR submission. Table B includes OSEP's analysis of your submission related to previously-identified noncompliance or other issues included in our October 27, 2005 letter that responded to your State's Federal fiscal year (FFY) 2003 APR, that also may require additional reporting.

In addition to reporting to OSEP, the State must report annually to the public on the performance of each local educational agency (LEA) located in the State on the targets in the State's performance plan. (Section 616(b)(2)(C)(ii)(I)) The requirement for public reporting on LEA performance is a critical provision related to ensuring accountability and focusing on improved results for children with disabilities. OSEP will be providing technical assistance regarding the reporting on LEA performance, at the National Accountability Conference, September 18 and 19, 2006 in Denver and through periodic technical assistance conference calls.

Maine

We hope that your State found the August 5, 2005 guidance on submission of the SPPs and the technical assistance that we provided through the August 11-12, 2005 Summer Institute, periodic conference calls, and the [SPP Resources](#) website helpful in this endeavor. If you have any feedback on our past technical assistance efforts or the needs of States for guidance, we would be happy to hear from you as we work to develop further mechanisms to support State improvement activities.

Thank you for your continued work to improve results for children and youth with disabilities and their families. We encourage you to work closely with your State Contact as you proceed in implementing improvement activities and developing your APR. If you have any questions regarding the SPP or the APR, please contact Samara Goodman at 202-245-7356 or Larry Ringer at 202-245-7496.

Sincerely,
/s/ Patricia J. Guard for Troy R. Justesen
Troy R. Justesen
Acting Director
Office of Special Education Programs

Enclosures

Table A

Table B

cc: David Noble Stockford
State Director of Special Education

Table A – MAINE Part B
Issues Identified in the State Performance Plan

| SPP Indicator | Issue | Required Action |
|---|---|--|
| <p>Indicator 1: Percent of youth with IEPs graduating from high school with a regular diploma compared to percent of all youth in the State graduating with a regular diploma. (20 U.S.C. 1416 (a)(3)(A))</p> | <p>On page 9 of the SPP, the State reported that the data provided “are not the most accurate,” and that “truly comparable data will become available in 2007.”</p> | <p>The State must include, in the FFY 2005 APR, due February 1, 2007, accurate data from FFY 2005 (July 1, 2005 through June 30, 2006). Failure to provide accurate data at that time may affect OSEP’s determination of the State’s status under section 616(d) of the IDEA.</p> |
| <p>Indicator 2: Percent of youth with IEPs dropping out of high school compared to the percent of all youth in the State dropping out of high school. (20 U.S.C. 1416 (a)(3)(A))</p> | <p>On page 12 of the SPP, the State indicated that the “comparable drop-out data” reported for 2004-2005 are not the most accurate data and that they will report data that are more accurate in 2007.</p> | <p>The State must include, in the FFY 2005 APR, due February 1, 2007, accurate data from FFY 2005 (July 1, 2005 through June 30, 2006). Failure to provide accurate data at that time may affect OSEP’s determination of the State’s status under section 616(d) of the IDEA.</p> |
| <p>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))</p> | <p>OSEP could not determine if the State plans to use sampling in collecting data for this indicator. If so, it is important that the State have a technically sound sampling plan to ensure that data used for entry, baseline, or to report on progress, are valid and reliable. The submission of invalid data is inconsistent with Federal statute and regulations, including section 616(b)(2)(B) of the IDEA, and will affect OSEP’s determination of the State’s status under section 616(d) of the IDEA.</p> | <p>If the State intends to collect information through sampling, its SPP must include sampling methodology to ensure the collection of valid and reliable data on which to base its targets and improvement activities. The State must submit the revised sampling methodology that describes how data were collected with the State’s FFY 2005 APR, due February 1, 2007. If the State decides not to sample, but rather gather census data, please inform OSEP and revise the SPP accordingly.</p> |
| <p>Indicator 14: Percent of youth who had IEPs are no longer in secondary school and who have been competitively employed, enrolled in some type of postsecondary school, or both, within one year of leaving high school. (20 U.S.C. 1416(a)(3)(B))</p> | <p>On page 67 of the SPP, the State indicated that it would pilot a post-high school survey in 27 sites, plus five LEAs that are part of a General Supervision Enhancement Grant. However, the plan is unclear in that it does not indicate what will happen beyond the first year. OSEP could not determine if the State plans to use sampling in collecting data for this indicator. If so, it is important that the State have a technically sound sampling plan to ensure that data used for entry, baseline, or to report on progress, are valid and reliable. The submission of invalid data is inconsistent with Federal statute and regulations, including section 616(b)(2)(B) of the IDEA, and will affect OSEP’s determination of the State’s status under section 616(d) of the IDEA.</p> | <p>The State must decide whether or not, as a result of the pilot, it will survey ALL exiting youth with IEPs within one year of leaving high school, or will sample this group. If the State intends to collect information through sampling, the SPP must include sampling methodology to ensure the collection of valid and reliable data on which to base its targets and improvement activities. The State must submit the revised sampling methodology that describes how data were collected with the State’s FFY 2005 APR, due February 1, 2007. If the State decides not to sample, but rather gather census data, please inform OSEP and revise the SPP accordingly.</p> |

Table A – MAINE Part B
Issues Identified in the State Performance Plan

| SPP Indicator | Issue | Required Action |
|--|---|---|
| <p>Indicator 15: General supervision system (including monitoring, complaints, hearings, etc.) identifies and corrects noncompliance as soon as possible but in no case later than one year from identification. (20 U.S.C. 1416 (a)(3)(B))</p> | <p>The State did not use the required measurements in reporting its data for this indicator.</p> | <p>The State must include the required data and calculations in reporting its performance on this indicator in the APR, due February 1, 2007. Failure to include this information may affect OSEP’s determination of the State’s status under section 616(d) of the IDEA.</p> |
| <p>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. (20 U.S.C. 1416(a)(3)(B))</p> | <p>Noncompliance: On page 73 of the SPP, the State reported an 83% level of compliance for indicator 16, specifically the timeline requirement at 34 CFR §300.661(a) and (b). Baseline data indicate that 15 of 18 State complaints were completed within timelines and that three that went beyond the timelines were completed in 61 days (two of three) and 68 days (one of three).</p> | <p>The State must ensure that this noncompliance is corrected within one year of its identification and include data in the APR, due February 1, 2007, that demonstrate compliance with this requirement. The State should review and, if necessary revise, its improvement strategies included in the SPP to ensure they will enable the State to include data in the APR that demonstrate full compliance with this requirement. Failure to demonstrate compliance at that time may affect OSEP’s determination of the State’s status under section 616(d) of the IDEA.</p> |

**Table B – Maine Part B
Previously-Identified Issues**

| Issue | State Submission | OSEP Analysis | Required Action |
|--|---|---|--|
| <p>Indicator 4 Suspension and Expulsion</p> <p>OSEP’s October 27, 2005 response to the State’s FFY 2003 APR required the State to, no later than 60 days from the date of the letter, either: (1) demonstrate that it was meeting the requirements of 34 CFR §300.146; or (2) submit a plan including strategies, proposed evidence of change, targets and timelines designed to ensure correction of the noncompliance. The letter further required the State to: (1) ensure compliance with the requirements of 34 CFR §300.146 as soon as possible and not more than one year after OSEP accepted the plan; (2) provide a progress report no later than 6 months from the date of the letter; and (3) submit a Final Report demonstrating compliance within 30 days following the one-year timeline.</p> | <p>Under indicator 4 (pages 26-31), the State reported that it compared the rate of long-term suspensions and expulsions of children with disabilities and nondisabled children within LEAs to determine if significant discrepancies were occurring, and included its definition of “significant discrepancy.”</p> <p>The State identified 25 of 120 districts (21%) for 2004-2005 that met the criteria for possible significant discrepancies in the rate of long-term suspensions and expulsions.</p> | <p>On page 30 of the SPP, the State reported that the baseline data represented only those 120 LEAs that had reported as of October 21, 2005. The data also do not appear to compare the rates of long-term suspensions and expulsions of children with disabilities, aged 3-5, in Child Development Services (CDS) Regional Site Boards. In addition, the State is not currently in compliance with the requirements of 34 CFR §300.146(b), because it did not demonstrate that, in those districts where significant discrepancies occurred, the State reviewed, and if appropriate revised (or required the affected district to revise) its policies, procedures and practices relating to the development and implementation of IEPs, the use of behavioral interventions, and procedural safeguards, to ensure they comply with the IDEA.</p> | <p>As part of its submission of information for indicator 4 in the APR, due February 1, 2007, the State must provide documentation of compliance with the requirements of 34 CFR §300.146. The State must include data from all LEAs and CDSs, a description of its process for examining the existing policies, procedures and practices in those districts and CDSs where significant discrepancies occurred, and a summary of the results of its review. The State must review and, if necessary revise, its improvement strategies to ensure they will enable the State to include data in the APR, due February 1, 2007, that demonstrate full compliance with this requirement. Failure to demonstrate compliance at that time may affect OSEP’s determination of the State’s status under section 616(d) of the IDEA.</p> |

**Table B – Maine Part B
Previously-Identified Issues**

| Issue | State Submission | OSEP Analysis | Required Action |
|--|--|---|---|
| <p>Indicator 11 Evaluation Timeline OSEP's October 27, 2005 response to the State's FFY 2003 APR required the State to submit a Final Report, by April 4, 2006, demonstrating correction of the identified noncompliance related to ensuring the completion of initial evaluations for preschool-aged children with disabilities, consistent with State timelines.</p> | <p>The State did not address this area of noncompliance in the SPP.</p> | <p>The State included no data to address this issue in the SPP. However, as OSEP stated on page 4 of its October 27, 2005 response to the FFY 2003 APR, the State reported in its September 2005 Progress Report that, as of June 2005, 145 of 4,863 evaluations were over the State's 60-day timeline for completing preschool evaluations, of which 24 were due to family circumstances (a statewide compliance level of 97.5%). While the level of compliance reported by the State is below 100% and requires continued implementation of improvement activities to achieve full compliance, OSEP recognizes the effort made by the State in working toward compliance with this requirement.</p> | <p>OSEP looks forward to reviewing data in the APR, due February 1, 2007, that demonstrate full compliance with this requirement.</p> |
| <p>Indicator 13: Secondary Transition As noted in OSEP's October 27, 2005 response to the State's FFY 2003 APR, OSEP's March 2005 response to the State's FFY 2002 APR required the State to submit a Final Report, due April 4, 2006, demonstrating compliance with requirements regarding the statement of needed transition services by age 16. (34 CFR §300.347(b)(2))</p> | <p>On page 64 of the SPP, in response to indicator 13, the State reported that 96% of the schools monitored during 2003-2004, and 90% of the schools monitored during 2004-2005, included required transition content in IEPs.</p> | <p>While the level of compliance reported by the State is below 100% and requires continued implementation of improvement activities to achieve full compliance, OSEP recognizes the effort made by the State in working toward compliance with this requirement.</p> | <p>OSEP looks forward to reviewing data in the APR, due February 1, 2007, that demonstrate full compliance with this requirement.</p> |

**Table B – Maine Part B
Previously-Identified Issues**

| Issue | State Submission | OSEP Analysis | Required Action |
|--|--|--|---|
| <p>Indicator 15 Correction of Identified Noncompliance</p> <p>OSEP's October 27, 2005 response to the State's FFY 2003 APR required the State to submit, with the SPP, clear information regarding the State's effectiveness in identification and correction of noncompliance for preschool- and school-aged children placed by public agencies in private, special-purpose schools.</p> | <p>On December 1, 2005, the State submitted a copy of its Part B Monitoring Tool, but included no information in that submission or the SPP that specifically addressed its effectiveness in identification and correction of noncompliance for preschool- and school-aged children placed by public agencies in private, special-purpose schools.</p> | <p>Based on the information provided by the State, OSEP cannot determine the State's effectiveness in identification and correction of noncompliance for preschool and school-aged children placed by public agencies in private, special-purpose schools.</p> | <p>With the FFY 2005 APR, due February 1, 2007, Maine must provide documentation that it is effectively identifying and correcting noncompliance related to services for school-aged and preschool-aged children with disabilities that public agencies place in private, special-purpose schools. Failure to demonstrate compliance at that time may affect OSEP's determination of the State's status under section 616(d) of the IDEA.</p> |

**Table B – Maine Part B
Previously-Identified Issues**

| Issue | State Submission | OSEP Analysis | Required Action |
|---|--|---|---|
| <p>Indicator 15 Correction of Noncompliance</p> <p>In its FFY 2003 APR, the State described revisions to its policies, procedures and practices regarding timely correction of previously-identified noncompliance. The State's September 2005 Progress Report included further explanation regarding the correction of noncompliance in school-aged programs stating that, through the State's new focused monitoring, local educational agencies (LEAs) now have only one year to reach 100 percent correction of noncompliance identified through monitoring. OSEP's October 27, 2005 response to the FFY 2003 APR stated that it would determine, based on data in the SPP, whether the State needed to continue reporting on this issue in the Final Report, due April 4, 2006.</p> | <p>On page 71 of the SPP, the State indicated that, as of December 2005, it was ensuring the correction of all identified noncompliance within one year of identification.</p> | <p>The State reported full correction of the previously identified noncompliance with the requirement at 34 CFR §300.600. However, the State did not provide the measurement information required under indicators 15A, 15B and 15C in reporting its baseline data.</p> | <p>OSEP looks forward to reviewing data in the APR, due February 1, 2007, demonstrating continued compliance with this requirement. As noted in Table A, the State must include the measurement information required under indicators 15A, 15B and 15C.</p> |

**Table B – Maine Part B
Previously-Identified Issues**

| Issue | State Submission | OSEP Analysis | Required Action |
|--|---|---|---|
| <p>Indicator 15 Correction of Noncompliance Provision of Services for Preschool Children</p> <p>OSEP's October 27, 2005 response to the State's FFY 2003 APR required the State to submit in its SPP, updated data to address noncompliance under 34 CFR §§300.300(a) and 300.350(a)(1), regarding the provision of services to preschool-aged children as set forth in their IEPs/IFSPs, due to personnel shortages. OSEP would decide, based upon those data, whether the State needed to submit a Final Report, due April 4, 2006, that included data demonstrating full compliance.</p> | <p>The State did not address this area of noncompliance in the SPP.</p> | <p>The State included no data to address this issue in the SPP. However, as OSEP stated on page 5 of its October 27, 2005 response to the State's FFY 2003 APR, the State reported in its September 2005 Progress Report that, as of June 2005, 95.37% of children aged 3-5 were receiving the speech services, 96.79% were receiving occupational therapy services, 94.33% were receiving physical therapy services, and 97.32% were receiving developmental therapy services specified on their IEPs/IFSPs. While the levels of compliance reported by the State are below 100% and require continued implementation of improvement activities to achieve full compliance, OSEP recognizes the effort made by the State in working toward compliance with this requirement.</p> | <p>OSEP looks forward to reviewing data in the APR, due February 1, 2007, that demonstrate full compliance with this requirement. The State must, as part of the data that it submits for indicator 15B, provide data specific to the correction of noncompliance regarding the provision of services to preschool-aged children, as set forth in their IEPs/IFSPs.</p> |

**Table B – Maine Part B
Previously-Identified Issues**

| Issue | State Submission | OSEP Analysis | Required Action |
|--|---|---|--|
| <p>Indicator 15 Correction of Noncompliance Secondary Transition</p> <p>OSEP's March 2005 response to the State's FFY 2002 APR required that, for the two secondary transition areas with newly-identified noncompliance -- (1) agency responsibilities (34 CFR §300.348(a)); and (2) age of majority (34 CFR §300.347(c)) -- the State submit, within 60 days of that letter, a plan to correct the noncompliance. In its FFY 2003 APR, the State provided data from which OSEP could not determine whether the State had corrected, or even decreased, the noncompliance in those two areas. OSEP's October 27, 2005 response to the State's FFY 2003 APR required the State to submit, not later than 60 days from the date of the letter, a plan with strategies, proposed evidence of change and timelines, to ensure correction of both areas of noncompliance, as soon as possible but no later than one year from the date on which OSEP accepted the plan.</p> | <p>The State has not, in either the SPP or any other document, submitted a plan that is specific to correction of these two areas of noncompliance.</p> | <p>Although the State has not, in either the SPP or any other document, submitted a plan that is specific to correction of these two areas of noncompliance, the State included, in reference to indicator 15 on page 72 of its SPP, strategies to ensure the timely correction of noncompliance.</p> | <p>With its response to indicator 15 in the FFY 2005 APR, due February 1, 2007, the State must submit documentation that it has ensured the correction of the noncompliance related to the requirements regarding: (1) agency responsibilities (34 CFR §300.348(a)); and (2) age of majority (34 CFR §300.347(c)). The State must ensure that it is implementing its improvement strategies to enable it to include data in the APR that demonstrates correction of these specific areas of noncompliance. The State must include the number of findings of noncompliance related to these specific requirements made in 2004-2005 and the number of findings that were corrected as soon as possible but no later than one year from identification. Failure to demonstrate compliance at that time may affect OSEP's determination of the State's status under section 616(d) of the IDEA.</p> |

**Table B – Maine Part B
Previously-Identified Issues**

| Issue | State Submission | OSEP Analysis | Required Action |
|--|---|---|---|
| <p>Indicator 15 Correction of Noncompliance Secondary Transition</p> <p>As noted in OSEP’s October 27, 2005 response to the State’s FFY 2003 APR, OSEP’s March 2005 response to the State’s FFY 2002 APR required the State to submit a Final Report, due April 4, 2006 demonstrating compliance with requirements regarding: (1) inviting a student and a representative of another agency to the IEP meeting (34 CFR §300.348(a)); and (2) transition-related content of the IEP meeting notification (34 CFR §300.347(b)).</p> | <p>The State did not address this area of noncompliance in the SPP.</p> | <p>The State included no data to address this issue in the SPP. However, as OSEP stated on page 16 of its October 27, 2005 response to the FFY 2003 APR, the State reported in its September 2005 Progress Report that noncompliance was found with secondary transition requirements in only two of the 46 districts monitored in 2004-2005 and the other 44 districts were in 100% compliance. While the level of compliance reported by the State is below 100% and requires continued implementation of improvement activities to achieve full compliance, OSEP recognizes the effort made by the State in working toward compliance with these requirements.</p> | <p>OSEP looks forward to reviewing data in the APR, due February 1, 2007, that demonstrate full compliance with these requirements. The State must, as part of the data that it submits for indicator 15B, provide data that are specific to the correction of noncompliance regarding: (1) inviting a student and a representative of another agency to the IEP meeting (34 CFR §300.348(a)); and (2) transition-related content of the IEP meeting notification (34 CFR §300.347(b)).</p> |

**Table B – Maine Part B
Previously-Identified Issues**

| Issue | State Submission | OSEP Analysis | Required Action |
|--|---|--|--|
| <p>Indicator 17 Due Process Hearings OSEP's October 27, 2005 response to the State's FFY 2003 APR required the State to submit a Final Report, by April 4, 2006, demonstrating compliance regarding the timeliness of due process hearing decisions (34 CFR §300.511(a)).</p> | <p>Data on page 75 of the SPP showed that of 17 hearing requests during 2004-2005, the State resolved 16 within extended timelines, and did not resolve one within 45 days or an extended timeline. The State further reported that only one hearing officer was available during the period of time from January 2005 through May 23, 2005, but that, as of August 2, 2005, the State had four regular hearing officers and two additional back-up/emergency hearing officers.</p> | <p>The SPP showed a statewide compliance rate of 94.6% for FFY 2004, and included strategies to ensure full compliance. While this level of compliance is below 100% and requires improvement activities to achieve full compliance, OSEP recognizes the effort made by the State in achieving a high level of compliance with this requirement.</p> | <p>OSEP looks forward to reviewing data in the APR, due February 1, 2007, that demonstrate full compliance with this requirement.</p> |
| <p>Indicator 20 Timely and Accurate Data OSEP's October 27, 2005 response to the State's FFY 2003 APR required the State to submit, with the SPP, data and analysis (including targets, strategies, explanation of progress or slippage, proposed evidence of change and timelines) to address collection and timely reporting of accurate data for preschool- and school-aged children.</p> | <p>On pages 83-84 of the SPP, the State included information showing that data submissions under section 618 were made on time. In addition, the State assured that its data are accurate and valid and that its performance was at 100% for this indicator.</p> | <p>The State reported that its data are accurate and timely.</p> | <p>OSEP looks forward to reviewing data in the APR, due February 1, 2007, regarding the accuracy and timeliness of the State's data.</p> |

Sampling Plan for SPP Indicators B8 (Parent Involvement) and B14 (Post High School Follow-up) to be used in Conjunction with Program Review

The following method was used to determine a representative sampling plan over the next five years that can work in conjunction with Maine’s Program Review cycle. The method is developed to use with SPP Indicators B8 and B14.

- L. Districts were sorted from lowest to highest on the basis of number of students with IEPs.
- M. Each district was then assigned a random number between 1 and 5 using the “randbetween” function. NOTE: Although the SPP calls for LEAs to be sampled at least once every six years, Maine’s monitoring has a five-year rotation. Hence, the decision was made to conform to Maine’s monitoring cycle.
- N. Districts were then sorted based on which random number they received.
- O. This method divides districts into 5 relatively heterogeneous groups with a maximum variance in the number of students with IEPs of approximately 4 percent.

Year 1 – 8700
 Year 2 – 8376
 Year 3 – 8321
 Year 4 – 8698
 Year 5 – 8664

| LEA Size (# IEPs) | # Yr 1 LEAs | # Yr 1 IEPs | # Yr 2 LEAs | # Yr 2 IEPs | # Yr 3 LEAs | # Yr 3 IEPs | # Yr 4 LEAs | # Yr 4 IEPs | # Yr 5 LEAs | # Yr 5 IEPs |
|-------------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|
| <100 | 4 | 282 | 12 | 563 | 7 | 244 | 4 | 234 | 6 | 396 |
| 100-250 | 17 | 3007 | 7 | 1389 | 11 | 1870 | 10 | 1924 | 11 | 1924 |
| 251-500 | 3 | 1219 | 7 | 2820 | 11 | 3581 | 8 | 2668 | 10 | 3666 |
| >500 | 6 | 4192 | 5 | 3604 | 4 | 2626 | 5 | 3872 | 4 | 2678 |
| Totals | 30 | 8700 | 31 | 8376 | 33 | 8321 | 27 | 8698 | 31 | 8664 |

- P. The method allows LEAs to be switched, as necessary, based on the needs of the program review committee.
- Q. The LEA’s size will determine the number of parents sampled:
 - 1. For districts with enrollments of less than 100, all parents will be surveyed.
 - 2. For districts with enrollments of between 100 and 250, 20% of the parents will be surveyed.
 - 3. For districts larger than 250, but less than 500, 10% of the parents will be surveyed.
 - 4. For districts larger than 500, 5% of the parents will be surveyed.
- R. For post high school follow-up of students, a census method will be used to survey those students who exited from the LEAs being reviewed that year.

To collect baseline data, parents from all LEAs will be surveyed. Likewise all parents of Part B and Part C children from all 16 CDS sites will be included. This method will provide baseline data. Then, beginning in 2007, the survey will be incorporated into the monitoring cycle, based on the methodology described above. The sampling design identifying which districts will be monitored each year is shown below.