

Part B State Annual Performance Report (APR) for Federal Fiscal Year (FFY) 2008

APRIL 2010

INTRODUCTION

Overview of the Annual Performance Report Development:

Background

In December 2005, the Nevada Department of Education (NDE) submitted a State Performance Plan (SPP) to the U.S. Office of Special Education Programs (OSEP) describing baseline data, six-year targets, and improvement activities for making improvements in 20 key areas over the next six years. The following 20 Performance Indicators were established by OSEP to ensure compliance with state and federal special education laws and to improve results for students with disabilities. The 20 Performance Indicators are designed to:

- (1) increase high-school graduation rates for students with disabilities earning regular diplomas;
- (2) decrease the dropout rate for students with disabilities;
- (3) ensure that all students participate in statewide assessments and improve the performance of students with disabilities in those assessments;
- (4) reduce suspension and expulsion rates when those rates significantly exceed statewide averages;
- (5) provide school-age students with disabilities ages 6-21 with services in the least restrictive environment;
- (6) provide preschool children with disabilities ages 3-5 with services in the least restrictive environment;
- (7) improve cognitive and social outcomes for preschool children with disabilities;
- (8) improve parents' involvement in their children's special education programs;
- (9) eliminate disproportionate identification of students in race/ethnic groups as having a disability when it is the result of inappropriate identification;
- (10) eliminate disproportionate identification of students in race/ethnic groups as having a particular disability when it is the result of inappropriate identification;
- (11) improve efforts to evaluate students with disabilities in a timely manner;
- (12) ensure a smooth transition from infant/toddler programs to school-based programs for preschool children with disabilities at age three;
- (13) improve transition planning for students with disabilities at the secondary school level;
- (14) improve post-school outcomes for students with disabilities in the areas of post-secondary education/training and employment;
- (15) ensure that noncompliance with special education statutes and regulations is corrected within one year of identification;
- (16) ensure that complaint investigations are conducted by the NDE within required timelines;
- (17) ensure that due process hearings are conducted within required timelines;
- (18) promote resolution sessions as a mechanism for resolving disputes;
- (19) promote mediations as a mechanism for resolving disputes; and
- (20) ensure that timely and accurate data are reported from the NDE to OSEP.

Progress for Indicators 1, 2, 3, 4a, 5, 8, 9, 10, 11, 12, 13 (correction of previously identified noncompliance only), 15, 16, 17, 18, 19, and 20 is reported in this February 2010 Annual Performance Report (APR) for the 2008-2009 school year. The state's SPP has been revised as of February 2010 to include revised indicators, measurements, targets, and baseline data for most indicators. The February 2010 APR and the February 2010 SPP should be read as companion documents. The SPP contains more complete descriptions of Nevada's systems for ensuring compliance with the Individuals with Disabilities Education Act (IDEA) and for improving results for Nevada's students with disabilities. These more complete descriptions of Nevada's special education systems provide the context for understanding the progress that is being made toward Nevada's goals.

Issues Identified in Nevada's June 2009 SPP/APR Response Table

In June 2009, OSEP sent correspondence to the NDE acknowledging the state's submission of its February 2009 SPP/APR for FFY 2007 (2007-2008). Attached to the correspondence was the "Nevada Part B FFY 2007 SPP/APR Response Table" addressing issues identified by OSEP that required additional information to be submitted in Nevada's February 2010 SPP/APR submission. The NDE has taken necessary steps to address the issues identified, and those steps are summarized below and within the section for each indicator, as applicable.

Indicator 1 (Graduation Rates): No action needed.

Indicator 2 (Dropout Rates): No action needed.

Indicator 3 (Participation and Performance on Statewide Assessments): No action needed.

Indicator 4a (Suspension and Expulsion Rates): As directed, the February 2010 APR again describes the results of the state's examination of data from FFY 2007. In addition, the NDE has again described the review, and if appropriate, revision of policies, procedures and practices relating to the development and implementation of the IEPs, the use of positive behavioral interventions and supports, and procedural safeguards to ensure compliance with the IDEA for the LEA identified with significant discrepancies in FFY 2007 (Clark County School District), as required by 34 CFR §300.170(b).

Indicator 5 (LRE for Students Aged 6-21): No action needed.

Indicator 6 (LRE for Students Aged 3-5): No action needed.

Indicator 7 (Early Childhood Outcomes): As directed, the February 2010 SPP includes FFY 2008 baseline data and targets.

Indicator 8 (Parent Involvement): As directed, the February 2010 APR continues to indicate whether Nevada's response group is representative of the state's population and, if not, the actions Nevada is taking to address this issue.

Indicator 9 (Disproportionate Representation in Special Education that is the Result of Inappropriate Identification): No action needed.

Indicator 10 (Disproportionate Representation in Specific Disability Categories that is the Result of Inappropriate Identification): No action needed.

Indicator 11 (Initial Evaluation Timeline): As directed, the February 2010 APR includes FFY 2008 data demonstrating its compliance with the requirements in 34 CFR §300.301(c)(1), including correction of the noncompliance reported under this indicator in the FFY 2007 APR. As directed, the NDE has reported that it has verified that each LEA with noncompliance reported by the state under this indicator in the FFY 2007 APR: (1) is correctly implementing the specific regulatory requirements; and (2) has completed the initial evaluation, although late, unless the child is no longer within the jurisdiction of the LEA, consistent with OSEP Memorandum 09-02, dated October 17, 2008 (OSEP Memo 09-02).

Indicator 12 (Part C to Part B Transition—IEPs by Third Birthday): As directed, the February 2010 APR includes FFY 2008 data demonstrating its compliance with the requirements in 34 CFR §300.301(c)(1), including correction of the noncompliance reported under this indicator in the FFY 2007 APR. As directed, the NDE has reported that it has verified that each LEA with noncompliance reported by the state under this indicator in the FFY 2007 APR: (1) is correctly implementing the specific regulatory requirements; and (2) has developed and implemented the IEP, although late, unless the child is no longer within the jurisdiction of the LEA, consistent with OSEP Memorandum 09-02, dated October 17, 2008 (OSEP Memo 09-02).

Indicator 13 (Annual Goals and Transition Services): As directed, in the February 2010 APR, the NDE has reported that it has verified that each LEA with noncompliance reported by the state under this indicator in the FFY 2007 APR: (1) is correctly implementing the specific regulatory requirements; and (2) has developed an IEP that includes the required transition content for each youth, unless the youth is no longer within the jurisdiction of the LEA, consistent with OSEP Memo 09-02.

Indicator 14 (Post-School Outcomes): No action needed.

Indicator 15 (Correction of Noncompliance in One Year): As directed, in its February 2010 APR the NDE has reported on Indicator 15 by incorporating the Indicator 15 Worksheet into the text of this APR and by attaching it as a separate excel spreadsheet (Attachment 2).

Indicator 16 (Complaint Timelines): No action needed.

Indicator 17 (Due Process Hearing Timelines): No action needed.

Indicator 18 (Resolution Session Agreements): No action needed.

Indicator 19 (Mediation Session Agreements): No action needed.

Indicator 20 (Timely and Accurate Data): As directed, in its February 2010 APR the NDE has attached the Indicator 20 Data Rubric (Attachment 3).

Justification for Revisions to Improvement Activities/Timelines/Resources

The NDE's improvement activities are organized around three primary "system" goals:

- (1) Increasing Capacity
- (2) Increasing Compliance
- (3) Increasing Performance

Then, within these goals, improvement activities are organized and presented in an attempt to make clear how the improvement activities support achievement of the three primary "system" goals in addition to supporting improvement on the selected indicators in the State Performance Plan.

Minor adjustments have been made to the timelines and activities to account for progress made, delays encountered, resources allocated, and competing priorities. More substantive revisions to the content of the improvement activities/timelines/resources are described and justified within each improvement activity.

February 2010 APR Development

The NDE began data collection for the FFY 2008 APR with the collection of the special education child count data on October 1, 2008, including the disability category, age, grade, race/ethnic category, and placement category for each student with a disability ages 3 through 21. Data collection continued through the summer of 2009, with the annual collection of §618 IDEA program data for 2008-2009 from local school districts, including suspension/expulsion data. During the fall of 2009, the NDE analyzed assessment data, including participation and performance data, and determined whether districts made adequate yearly progress in accordance with the No Child Left Behind (NCLB) requirements. Also in the fall of 2009, the NDE analyzed the survey data on parent involvement obtained from an outside vendor. It was not until January 2010 that the NDE generated graduation and dropout data for FFY 2007 (2007-2008) according to the calculation established under the ESEA, disaggregated by IEP population.

In July 2009, the NDE conducted a preliminary analysis of Nevada's data for Indicators 4a, 5, 9, 10, 11, 12, 13 and 15. Preliminary statewide and district-level data were presented for these indicators to an August 2009 meeting of Nevada's Special Education District Administrators (SEDA) group for review and discussion of the implementation of improvement strategies. Although the NDE is not required to report data on Indicator 13 or 14 for the FFY 2008 APR, a considerable amount of time was spent at the August 2009 SEDA meeting discussing the increased secondary transition requirements now measured in Indicator 13 and strategies for increasing the rate of Nevada's compliance with these requirements.

The NDE participated in a Leadership Conference sponsored by OSEP in August 2009. The SPP and APR requirements were a central focus in this meeting. Throughout the late summer, fall and early winter, staff members from the NDE participated in technical assistance conference calls offered by OSEP, the Western Regional Resource Center (WRRC), and other OSEP-supported technical assistance centers in order to clarify our understanding of the requirements and strengthen the presentation of our data.

February 2010 APR Dissemination

Final data analysis for each indicator to be reported in the FFY 2008 APR (Indicators 1, 2, 3, 4a, 5, 8, 9, 10, 11, 12, 15, 16, 17, 18, 19, and 20) was completed in January 2010, and reported to OSEP on February 1, 2010. The APR will be made available to the public by March 2010 on the NDE website at http://www.doe.nv.gov/SpecialEducation_Reports.htm following the submission to OSEP and an opportunity for clarification, if necessary. The February 2010 SPP, which includes baseline data and targets set for the first time for Indicator 7, will be posted immediately upon submission to OSEP on February 1, 2010. Progress will also be reported whenever the NDE has an opportunity to meet with and address local and statewide organizations such as parent and professional organizations, other state and local agencies, university and community college groups, and other community groups.

April 2010 Reporting of District-Level Performance Indicator Data

The progress of school districts toward the state targets will be reported to the public by April 2010 on the NDE website listed above and will be disseminated directly to SEDA and Nevada's Special Education Advisory Committee (SEAC).

Part B State Annual Performance Report (APR) for Federal Fiscal Year (FFY) 2008

INDICATOR 1

Overview of the Annual Performance Report Development:

See description in the Introduction.

Monitoring Priority: FAPE in the LRE

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

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

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

FFY	Measurable and Rigorous Target
2007 (2007-2008)	50% of Nevada's youth with IEPs will graduate from high school with a regular diploma.

Actual Target Data for FFY 2007:

OSEP has directed the NDE to describe the results of the NDE's examination of graduation data for the year before the reporting year to report progress in the FFY 2008 report (e.g., for the FFY 2008 APR reporting year, use data and target from 2007-2008). Consequently, 2007-2008 data are presented below for this FFY 2008 report.

As of the FFY 2008 reporting year, the NDE must report using the graduation rate calculation and timeline established by the Department under the ESEA. In addition, the NDE must use the same graduation target as the annual graduation rate target established under Title I of the ESEA for all students. Consequently, the NDE has revised its targets in the February 2010 SPP to set the graduation rate target at 50%.

Prior to the FFY 2008 reporting year, Nevada's graduation rate was calculated by dividing the number of students with disabilities who received a regular diploma according to the federal exit data table, by the total number of students with disabilities in grade 12 plus any "ungraded" students with disabilities ages 17-21 as reported on the federal child count. Graduation rates calculated in this fashion for previous years are available in the February 2009 APR.¹

Graduation Rate Calculation under the ESEA:

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

¹ Throughout this February 2010 APR, reference is made to documents (e.g., February 2009 APR, February 2009 SPP, and February 2010 SPP) which are available on the NDE website at: http://www.doe.nv.gov/SpecialEducation_Reports.htm

For a given year Y:

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

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

Graduation data for 2007-2008 IEP students:

IEP students earning standard diplomas = 571
 IEP students earning advanced diplomas = 115
 IEP students earning adult diplomas = 7
 IEP students earning adjusted diplomas = 1,289
 IEP students earning certificates of attendance = 30
 Completer Total = 2012

DO 12Y (Number of 12th grade dropouts from current year) = 204
 DO 11Y-1 (Number of 11th grade dropouts from year previous) = 127
 DO 10Y-2 (Number of 10th grade dropouts from two years previous) = 182
 DO 9Y-3 (Number of 9th grade dropouts from three years previous) = 234

The calculation of the state's IEP graduation rate for the 2007-2008 school year is:

$$\frac{(571 + 115 + 7)}{(2012 + 204 + 127 + 182 + 234)} \times 100 = 25.1\%$$

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that Occurred for FFY 2007:

Discussion of Improvement Activities Completed for FFY 2008:

See APR Attachment 1, Improvement Activities/Timelines/Resources, for a detailed listing of activities completed during 2008-2009 for the following activities:

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

Explanation of Progress or Slippage that Occurred for FFY 2008:

For the FFY 2008 reporting year and the remaining years in the current State Performance Plan, OSEP has changed the indicator and measurement instructions for reporting the regular high-school diploma graduation rate for youth with IEPs. As a result, the 25.1% graduation rate reported in this APR cannot be validly compared to previous graduation rates in order to analyze progress or slippage.² In subsequent APRs, the NDE will conduct the requisite analysis of progress or slippage.

OSEP has directed that the target for the regular high-school diploma graduation rate for youth with IEPs correspond to the same rate targeted for all students under NCLB. The NDE has revised its targets accordingly (see February 2010 SPP). The target is now set at 50%, and the NDE did not reach its target graduation rate.

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

See APR Attachment 1 for a summary of revisions, with justifications, that appears in each Improvement Activity referenced above.

² Although not a valid comparison, the NDE notes that in the February 2009 APR, Nevada's regular high school diploma graduation rate for youth with IEPs was 16.3%.

Part B State Annual Performance Report (APR) for Federal Fiscal Year (FFY) 2008

INDICATOR 2

Overview of the Annual Performance Report Development:

See description in the Introduction.

Monitoring Priority: FAPE in the LRE

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

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

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

FFY	Measurable and Rigorous Target
2007 (2007-2008)	7.1% of Nevada's youth with IEPs will drop out of high school.

Actual Target Data for FFY 2007:

OSEP has directed the NDE to describe the results of the NDE's examination of dropout data for the year before the reporting year to report progress in the FFY 2008 report (e.g., for the FFY 2008 APR reporting year, use data and target from 2007-2008). Consequently, 2007-2008 data are presented below for this FFY 2008 report.

As of the FFY 2008 reporting year, the NDE must report using the dropout data used in the ESEA graduation rate calculation and follow the timeline established by the Department under the ESEA. Prior to the FFY 2008 reporting year, Nevada's dropout rate for students with disabilities was calculated by dividing the number of students with disabilities who were dropouts according to the federal exit data table, by the total number of students with disabilities in grades 9-12 plus any "ungraded" students ages 14-21 as reported on the federal child count. Dropout rates calculated in this fashion for previous years are available in the February 2009 APR.

Dropout Rate Calculation:

No difference exists between youth with and without an IEP in their treatment as a dropout. There is no difference between what counts as dropping out for all youth and what counts as dropping out for youth with IEPs. Dropouts are determined by the student's withdrawal code. Nevada has revised the state's withdrawal codes in anticipation of calculating a cohort graduation rate in future years. See the following page for a list of the withdrawal codes that qualify as a "dropout" withdrawal.

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

In a given year, the formula is expressed as:

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

Withdrawal Codes that Qualify as a "Dropout" Withdrawal:

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

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

Dropout Data for 2007-2008 IEP students:

Total IEP Dropouts = 747

DO 12Y (Number of 12th grade dropouts from current year) = 204

DO 11Y-1 (Number of 11th grade dropouts from year previous) = 127

DO 10Y-2 (Number of 10th grade dropouts from two years previous) = 182

DO 9Y-3 (Number of 9th grade dropouts from three years previous) = 234

Total IEP Enrollment = 13041

Total IEP NonReturns = 301

The calculation of the state's IEP dropout rate for the 2007-2008 school year is:

$$\frac{747}{(13041 + 301)} \times 100 = 5.6\%$$

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that Occurred for FFY 2008:

Discussion of Improvement Activities Completed for FFY 2008:

See APR Attachment 1, Improvement Activities/Timelines/Resources, for a detailed listing of activities completed during 2008-2009 for the following activities:

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

Explanation of Progress or Slippage that Occurred for FFY 2008:

For the FFY 2008 reporting year and the remaining years in the current State Performance Plan, OSEP has changed the indicator and measurement instructions for reporting the dropout rate for youth with IEPs. As a result, the 5.6% graduation rate reported in this APR cannot be validly compared to previous dropout rates in order to analyze progress or slippage.³ In subsequent APRs, the NDE will conduct the requisite analysis of progress or slippage.

The target established for FFY 2007 was 7.1%, and Nevada's dropout rate was 5.6%. Because the actual dropout rate was lower than the target, Nevada reached its target.

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

See APR Attachment 1 for a summary of revisions, with justifications, that appears in each Improvement Activity referenced above.

³ Although not a valid comparison, the NDE notes that in the February 2009 APR, Nevada's dropout rate for youth with IEPs was 9.2%.

Part B State Annual Performance Report (APR) for Federal Fiscal Year (FFY) 2008

INDICATOR 3

Overview of the Annual Performance Report Development:

See description in the Introduction.

Monitoring Priority: FAPE in the LRE

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

- A. Percent of the districts with a disability subgroup that meets the State's minimum "n" size that meet the State's AYP targets for the disability subgroup.
- B. Participation rate for children with IEPs.
- C. Proficiency rate for children with IEPs against grade level, modified and alternate academic achievement standards.

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

Measurement:

- | |
|---|
| <ol style="list-style-type: none"> A. AYP percent = [(# of districts with a disability subgroup that meets the State's minimum "n" size that meet the State's AYP targets for the disability subgroup) divided by the (total # of districts that have a disability subgroup that meets the State's minimum "n" size)] times 100. B. Participation rate percent = [(# of children with IEPs participating in the assessment) divided by the (total # of children with IEPs enrolled during the testing window, calculated separately for reading and math)]. The participation rate is based on all children with IEPs, including both children with IEPs enrolled for a full academic year and those not enrolled for a full academic year. C. Proficiency rate percent = [(# of children with IEPs enrolled for a full academic year scoring at or above proficient) divided by the (total # of children with IEPs enrolled for a full academic year, calculated separately for reading and math)]. |
|---|

INDICATOR 3A

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

INDICATOR 3B

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

INDICATOR 3C

FFY	Measurable and Rigorous Target													
2008 (2008-2009)	Mathematics							Reading						
	3rd	4th	5th	6th	7th	8th	11th	3rd	4th	5th	6th	7th	8th	11th
	38%	34%	30%	27%	20%	21.5%	18.5%	29.5%	29%	24.5%	23%	20%	21.5%	29%

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

Actual Target Data for FFY 2008:**A. 2008-2009 Data for Percent of Districts Meeting Nevada's AYP Targets for Disability Subgroup**

During 2008-2009, 37.5% of Nevada's districts with the minimum "n" size for English Language Arts (ELA) and Math met Nevada's AYP targets for the disability subgroup $[(3 \div 8) \times 100 = 37.5\%]$. See Table 3-A-1 below.

Table 3-A-1 Percent of Districts That Have a Disability Subgroup that Meets the State's Minimum "n" Size Meeting Nevada's AYP Targets For Disability Subgroup 2008-2009 School Year		
Total # Districts With Minimum "n" Size for ELA and Math	# Districts With Minimum "n" Size for ELA and Math that Met Nevada's AYP Targets for Disability Subgroup	% of Districts With Minimum "n" Size Meeting Nevada's AYP Targets for Disability Subgroup
8	3	37.5%

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

Table 3-A-2 AYP Targets for Disability Subgroup In Nevada's 17 School Districts 2008-2009 School Year				
DISTRICT	AYP AREAS	Does District Have Disability Subgroup that meets the State's Minimum "n" Size at Elementary, Middle, and High School Levels?	Did District Meet AYP Targets? *	Did District Meet AYP Targets in Both ELA and Math? **
Carson City	ELA	Y	Y	Y
	Math	Y	Y	
Churchill	ELA	Y	Y	Y
	Math	Y	Y	
Clark	ELA	Y	N	N
	Math	Y	N	
Douglas	ELA	Y	Y	Y
	Math	Y	Y	
Elko	ELA	Y	N	N
	Math	Y	Y	
Esmeralda	ELA	No	NA	NA
	Math	No	NA	
Eureka	ELA	No	NA	NA
	Math	No	NA	
Humboldt	ELA	No	NA	NA
	Math	No	NA	
Lander	ELA	No	NA	NA
	Math	No	NA	
Lincoln	ELA	No	NA	NA
	Math	No	NA	
Lyon	ELA	Y	Y	N
	Math	Y	N	
Mineral	ELA	No	NA	NA
	Math	No	NA	
Nye	ELA	Y	N	N
	Math	Y	Y	
Pershing	ELA	No	NA	NA
	Math	No	NA	
Storey	ELA	No	NA	NA
	Math	No	NA	
Washoe	ELA	Y	N	N
	Math	Y	N	
White Pine	ELA	No	NA	NA
	Math	No	NA	

* Y = means district met targets in participation + either achievement or safe harbor at any level (elementary, middle, or high).

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

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that Occurred for FFY 2008:

Discussion of Improvement Activities Completed for FFY 2008:

See APR Attachment 1, Improvement Activities/Timelines/Resources, for a detailed listing of activities completed during 2008-2009 for the following activities:

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

Explanation of Progress or Slippage that Occurred for FFY 2008:

During FFY 2008 (2008-2009), there were 8 districts that met the state's minimum "n" size for calculation of AYP, and only 3 of those districts met the established AYP targets for the IEP subgroup (37.5%). The target established for FFY 2008 was 88.9%, so Nevada did not reach its target for districts meeting Nevada's AYP targets for the disability subgroup. Because the FFY 2007 performance was 100%, there is slippage to report.

The slippage is related to the steep increases in the Annual Measurable Objectives (AMOs) commencing in FFY 2007, and continuing to increase dramatically each year thereafter until FFY 2013 when all students must be proficient under NCLB requirements.

For example, at the elementary level in the four years from FFY 2002 to FFY 2006, the AMOs in English/Language Arts (ELA) only increased 9.6 points (from 30% to 39.6%). However, in the next four years from FFY 2006 to FFY 2010, the AMOs in ELA will increase 24.2 points, from 39.6% to 63.8%. One year later, by FFY 2011, the AMO in ELA increases another 12.1 points to 75.9%. By FFY 2012, the AMO in ELA increases another 14.1 points to 88%. And by FFY 2013 the AMO in ELA increases by 12 points to 100%. There are similarly dramatic increases in ELA at the middle and high school levels, and similar increases for Math at all levels.

Given the dramatic increase in AMOs for the FFY 2007 and FFY 2008 years, combined with the fact that a district must fail to meet AMOs for two years before failing to make AYP, it is not surprising that in the FFY 2008 school year, fewer districts were able to make AYP targets for the IEP subpopulation than in previous years. So even though achievement levels were improving for the IEP subpopulation, performance was not improving at rate sufficient to meet the sharply increasing AMO requirements.

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

See APR Attachment 1 for a summary of revisions, with justifications, that appears in each Improvement Activity referenced above.

B. 2008-2009 Data for Participation Rates

During FFY 2008, 98.8% of IEP students participated in the statewide NCLB Math assessment $[(23,600 \div 23,889) \times 100 = 98.8\%]$. During FFY 2007, 98.8% of IEP students participated in the statewide NCLB ELA/Reading assessment $[(23,603 \div 23,889) \times 100 = 98.8\%]$. These students participated in the statewide assessments by participating in a regular assessment with no accommodations, a regular assessment with accommodations, or an alternate assessment against alternate academic achievement standards. During 2008-2009, Nevada did not administer alternate assessments against grade level academic achievement standards or modified academic achievement standards.

Participation rates for 2008-2009 were calculated by dividing the number of students with IEPs participating in the assessment ("b" below) by the total number of students with IEPs enrolled during the testing window ("a" below), calculated separately for reading and math. Students with IEPs included both students with IEPs enrolled for a full academic year and those not enrolled for a full academic year. See below for Table 3-B-1—Math Participants and Table 3-B-2—ELA/Reading Participants for specific calculations.

Table 3-B-1—Math Participants			
Participation Rates for Students with Disabilities in Statewide NCLB Assessments			
2008-2009 School Year			
Grades Assessed	Total # of Students with IEPs Enrolled during the Testing Window (a)	# of Students with IEPs Participating in the Assessments (b)	Overall Percent [(b ÷ a) x 100]
3rd Grade	3523	3504	99.5%
4th Grade	3705	3683	99.4%
5th Grade	3810	3790	99.5%
6th Grade	3576	3552	99.3%
7th Grade	3532	3502	99.2%
8th Grade	3477	3447	99.1%
11th Grade	2266	2122	93.6%
Overall Total	23889	23600	98.8%

Table 3-B-2—ELA/Reading Participants			
Participation Rates for Students with Disabilities in Statewide NCLB Assessments			
2008-2009 School Year			
Grades Assessed	Total # of Students with IEPs Enrolled during the Testing Window (a)	# of Students with IEPs Participating in the Assessments (b)	Overall Percent [(b ÷ a) x 100]
3rd Grade	3523	3493	99.1%
4th Grade	3705	3673	99.1%
5th Grade	3810	3791	99.5%
6th Grade	3576	3553	99.4%
7th Grade	3532	3504	99.2%
8th Grade	3477	3445	99.1%
11th Grade	2266	2144	94.6%
Overall Total	23889	23603	98.8%

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that Occurred for FFY 2008:**Discussion of Improvement Activities Completed for FFY 2008:**

See APR Attachment 1, Improvement Activities/Timelines/Resources, for a detailed listing of activities completed during 2008-2009 for the following activities:

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

Explanation of Progress or Slippage that Occurred for FFY 2008:

During FFY 2008 (2008-2009), 98.8% of Nevada's students with disabilities participated in the Math assessments required under NCLB; 98.8% of Nevada's students with disabilities participated in the ELA/Reading assessments. During FFY 2007, the participation rate for Math was 98.9%, and the participation rate for ELA/Reading was 98.8%, so the state percentage remained consistent. The target established for FFY 2008 was 95% (based on the NCLB participation requirements), so Nevada reached its target for the overall percent of students with disabilities participating in statewide NCLB assessments.

Public Reporting Information: Nevada's public reports of assessment results for students with disabled are found on the NDE website at: <http://www.nevadareportcard.com/>.

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

See APR Attachment 1 for a summary of revisions, with justifications, that appears in each Improvement Activity referenced above.

C. 2008-2009 Data for Proficiency Rates

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

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

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

Table 3-C-1—Math Proficiency Proficiency Rates for Students with Disabilities in Statewide NCLB Assessments 2008-2009 School Year			
Grades Assessed	Total # Students with IEPs Enrolled for a Full Academic Year (a)	# Students with IEPs Enrolled for a Full Academic Year Scoring at or above Proficient (b)	Overall Percent [(b ÷ a) x 100]
3rd Grade	3148	1131	35.9%
4th Grade	3294	1242	37.7%
5th Grade	3377	1065	31.5%
6th Grade	3163	958	30.3%
7th Grade	3026	798	26.4%
8th Grade	2978	576	19.3%
11th Grade	1888	529	28.0%

Table 3-C-2—ELA/Reading Proficiency Proficiency Rates for Students with Disabilities in Statewide NCLB Assessments 2008-2009 School Year			
Grades Assessed	Total # Students with IEPs Enrolled for a Full Academic Year (a)	# Students with IEPs Enrolled for a Full Academic Year Scoring at or above Proficient (b)	Overall Percent [(b ÷ a) x 100]
3rd Grade	3148	980	31.1%
4th Grade	3294	1001	30.4%
5th Grade	3377	722	21.4%
6th Grade	3163	715	22.6%
7th Grade	3026	878	29.7%
8th Grade	2978	645	21.7%
11th Grade	1888	1161	61.5%

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that Occurred for FFY 2008:

Discussion of Improvement Activities Completed for FFY 2008:

See APR Attachment 1, Improvement Activities/Timelines/Resources, for a detailed listing of activities completed during 2008-2009 for the following activities:

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

Explanation of Progress or Slippage that Occurred for FFY 2008:

As shown on the chart below, Nevada met 10 of its 14 targets for proficiency for IEP students during 2008-2009, but did not meet all targets:

Content Area	Grade	Target	% Proficient 2008-2009	Target Met?
Math	3rd	38%	35.9%	N
	4th	34%	37.7%	Y
	5th	30%	31.5%	Y
	6th	27%	30.3%	Y
	7th	20%	26.4%	Y
	8th	21.5%	19.3%	N
	11th	18.5%	28.0%	Y
ELA/Reading	3rd	29.5%	31.1%	Y
	4th	29%	30.4%	Y
	5th	24.5%	21.4%	N
	6th	23%	22.6%	N
	7th	20%	29.7%	Y
	8th	21.5%	21.7%	Y
	11th	29%	61.5%	Y

For the FFY 2008 reporting year and the remaining years in the current State Performance Plan, OSEP has changed the measurement instructions for reporting the proficiency of students with disabilities on statewide assessments. As of 2008-2009, the only IEP students who are included in the performance calculation under 3-C are those who were enrolled for a full academic year. As a result, the "percent proficient" assessment results reported in this APR cannot be validly compared to previous results in order to analyze progress or slippage.⁴ In subsequent APRs, the NDE will conduct the requisite analysis of progress or slippage. Proficiency rates calculated for several previous years are available in the February 2009 APR.

⁴ Although not a valid comparison, the NDE notes that performance improved over the levels reported in the February 2009 APR in 11 of the 14 targets.

Public Reporting Information: Nevada's public reports of assessment results for students with disabled are found on the NDE website at: <http://www.nevadareportcard.com/>.

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

See APR Attachment 1 for a summary of revisions, with justifications, that appears in each Improvement Activity referenced above.

Part B State Annual Performance Report (APR) for Federal Fiscal Year (FFY) 2008

INDICATOR 4

Overview of the Annual Performance Report Development:

See description in the Introduction.

<p>Monitoring Priority: FAPE in the LRE</p>
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Indicator 4: Rates of suspension and expulsion:

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

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

<p>Measurement:</p>

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

<p>Include State's definition of "significant discrepancy."</p>

Sub-Indicator A.

Data Source:

Annually, in conjunction with submission of their eligibility documents for Part B funding, each district submits electronic data to the NDE concerning students who are suspended or expelled for more than 10 days in a school year. The state verifies the reliability and accuracy of the data through automated verification checks through its database. These data are reported annually to OSEP in Table 5 of Information Collection 1820-0621 (Report of Children with Disabilities Unilaterally Removed or Suspended/Expelled for More than 10 Days).

Definition of Significant Discrepancy and Methodology:

Nevada compares district rates for suspension/expulsion of students with disabilities to the statewide average rate of suspension/expulsion of students with disabilities to evaluate comparability.

Nevada defines a district's suspension/expulsion rate as "significantly discrepant" if it is more than 25% higher than the statewide average rate. The statewide average rate is calculated by dividing the statewide total number of students with disabilities suspended/expelled for more than 10 school days by the statewide total number of students with disabilities in the districts reporting suspensions/expulsions totaling more than 10 school days. The threshold for significant discrepancy is calculated by adding 25%

to the statewide average. District rates are calculated by dividing the district's total number of students with disabilities suspended/expelled for more than 10 school days by the total number of students with disabilities in the district. District rates are examined to determine whether they exceed the statewide average rate by more than 25%.

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

Actual Target Data for FFY 2007:

OSEP has directed the NDE to describe the results of the NDE's examination of suspension and expulsion data for the year before the reporting year to report progress in the FFY 2008 report (e.g., for the FFY 2008 APR, use data and target from 2007-2008). Consequently, below are 2007-2008 data and analyses for this FFY 2008 report.

A statewide average rate for suspension/expulsion was calculated by dividing the statewide total number of students with disabilities suspended/expelled for more than 10 school days (1,239) by the statewide total number of students with disabilities in the districts reporting suspensions/expulsions totaling more than 10 school days (47,638). The calculation for 2007-2008 was $1,239 \div 47,638 = 2.6\%$. The threshold for significant discrepancy was calculated by adding 25% to the statewide average. The threshold calculation for 2007-2008 was 3.25% [$2.6\% + (0.25 \times 2.6) = 3.25\%$]. District rates were calculated by dividing the district's total number of students with disabilities suspended/expelled for more than 10 school days by the total number of students with disabilities in the district. District rates were examined to determine whether they exceeded the statewide average rate by more than 25%. If the district rate exceeded the statewide average by more than 25%, the state was identified as having a significant discrepancy in the rate for suspension and expulsion.

School Districts with Significant Discrepancy in Rates for Suspension and Expulsion:

Year	Total Number of School Districts	Number of School Districts that had Significant Discrepancies	Percent
FFY 2007 (2007-2008)	17	1	5.9%

During 2007-2008, 5.9% (representing one of Nevada's 17 school districts) were identified as having a significant discrepancy in the rate of suspension and expulsion of children with disabilities for greater than 10 days in a school year [$(1 \div 17) \times 100 = 5.9\%$]. The statewide and school district calculations are shown below in Table 4-A. Suspension/expulsion data with cell sizes smaller than 10 are included in the statewide calculations but are not considered significant for analysis.

Eleven school districts in Nevada during 2007-2008 reported suspensions or expulsions of students with disabilities for more than 10 days (Carson City, Churchill, Clark, Douglas, Elko, Humboldt, Lander, Lyon, Mineral, Nye, and Washoe). A significant discrepancy was identified for Clark County School District, whose district suspension/expulsion rate was 3.59%, only slightly higher than the threshold rate of 3.25%.

Table 4-A Statewide and District Suspension/Expulsion Rates 2007-2008 School Year		
	Number of Students with Disabilities with Out-of-School Suspensions/Expulsions Totaling > 10 Days As % of All Students with Disabilities	
	# Students	% of Students with Disabilities
Students with Disabilities in Districts with Reported Suspensions = 47,638	1,239	2.6%
Statewide Average Suspension Rate + 25% = Threshold for Significant Discrepancy	3.25%	
Carson City Sch. Dist. (Child Count = 1,079)	7*	0.65%*
Churchill Co. Sch. Dist. (Child Count = 651)	2*	0.31%*
Clark Co. Sch. Dist. (Child Count = 32,462)	1,166	3.59%
Douglas Co. Sch. Dist. (Child Count = 823)	2*	0.24%*
Elko Co. Sch. Dist. (Child Count = 1,123)	9*	0.8%*
Humboldt Co. Sch. Dist. (Child Count = 472)	4*	0.85%*
Lander Co. Sch. Dist. (Child Count = 129)	1*	0.78%*
Lyon Co. Sch. Dist. (Child Count = 1,217)	2*	0.16%*
Mineral Co. Sch. Dist. (Child Count = 105)	2*	1.9%*
Nye Co. Sch. Dist. (Child Count = 1,015)	27	2.66%
Washoe Co. Sch. Dist. (Child Count = 8,562)	17	0.2%

* Cell size smaller than 10 students; results not considered significant.

Review of Policies, Procedures, and Practices:

If a district exceeds the statewide average rate for suspensions/expulsions by more than 25%, the NDE conducts a review of district policies, procedures, and practices to ensure compliance with IDEA Part B requirements concerning suspensions/expulsions. In addition, the NDE reviews, and if appropriate requires affected school districts to revise, policies, practices and procedures relating to development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards. The NDE also examines whether the district has established strategies to reduce high rates of suspension and expulsions. Policies and procedures that do not comply with IDEA Part B requirements are revised; noncompliant practices are modified through training and technical assistance.

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

The scope and process for Nevada's review and revision, if appropriate, of policies, procedures and practices relating to development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards, is described more fully in the February 2010 APR. For FFY 2007, policies and procedures were reviewed through reviews of procedures manuals, training materials, technical assistance documents, and other communications to staff members. Practices were reviewed through complaint investigations in FFY 2006 and FFY 2007, and through an NDE review of a sample of special education records for students subjected to disciplinary removals beyond 10 school days.

Review/Revision of Policies, Procedures and Practices Related to **Development and Implementation of IEPs** – Clark County School District Results

During FFY 2006 and FFY 2007, Clark County was the only school district identified as having a rate of suspension and expulsion that was significantly discrepant from the statewide average.

In each year, the NDE reviewed Clark County's policies and procedures regarding the development and implementation of IEP provisions concerning present levels of performance; consideration of behavior as a special factor; development of goals and services regarding behavior; descriptions of special education services, related services, and supplementary aids and services, including behavior intervention plans and provisions of accommodations/ modifications, and found no noncompliant policies or procedures.

The NDE also reviewed Clark County's practices regarding development/implementation of IEPs. No relevant findings of noncompliance regarding development/implementation of IEPs for Clark County were issued during FFY 2006 or FFY 2007 based on complaint investigations. In addition, a sample of special education records was reviewed by the NDE to determine whether there was noncompliance related to IEP development or implementation concerning present levels of performance; consideration of behavior as a special factor; development of goals and services regarding behavior; descriptions of special education services, related services, and supplementary aids and services, including behavior intervention plans and provisions of accommodations/modifications. Records were sampled for both the 2006-2007 and 2007-2008 school years. No noncompliance was identified in this review.

Review/Revision of Policies, Procedures and Practices Related to **Use of Positive Behavioral Interventions and Supports** – Clark County School District Results

In FFY 2006 and FFY 2007, the NDE reviewed Clark County's policies and procedures related to the use of positive behavioral interventions and supports, and found no noncompliant policies or procedures.

As described in the FFY 2006 APR, Clark County School District is actively engaged in developing systems of support for behavioral interventions, with an emphasis on providing positive behavioral interventions and support. This important work continues and is expanded each year.

The NDE also reviewed Clark County's practices regarding the use of positive behavioral interventions and supports. No relevant findings of noncompliance regarding development and/or implementation of positive behavioral supports were issued for Clark County during FFY 2006 or FFY 2007 based on complaint investigations. In addition, a sample of special education records was reviewed by the NDE to determine whether there was noncompliance regarding requirements to address behavior that impedes the learning of the students, including the development of behavior intervention plans if appropriate. Records were sampled for both the 2006-2007 and 2007-2008 school years. No noncompliance was identified.

Review/Revision of Policies, Procedures and Practices Related to **Procedural Safeguards** – Clark County School District Results

In FFY 2006 and FFY 2007, the NDE reviewed Clark County's policies and procedures related to the implementation of discipline provisions within the procedural safeguards, including requirements for providing notice, conducting manifestation determinations, conducting functional behavioral assessments, developing behavioral intervention plans, and providing services on the 11th and each subsequent day of removal in a school year. The NDE found no noncompliant policies or procedures.

The NDE also reviewed Clark County's practices regarding discipline provisions within the procedural safeguards. As previously reported in the FFY 2006 APR, during 2006-2007, one complaint investigation was filed against Clark County School District alleging noncompliance with Part B IDEA disciplinary requirements. Noncompliance findings were found in this single investigation for failure to provide prior written notice of a proposal to conduct a manifestation determination at an IEP meeting and failure to provide services on the 11th day of removal. As a consequence of these findings, policies, procedures, and practices in Clark County School District were reviewed but no revisions were necessary. Compensatory services were provided to remedy and correct the noncompliance created by the failure to provide services on the 11th day of removal.

No findings of noncompliance regarding the implementation of procedural safeguards related to discipline were issued for Clark County during 2007-2008 based on complaint investigations.

In addition, a sample of special education records was reviewed by the NDE to determine whether there was noncompliance related to the procedural safeguards set forth in the IDEA discipline provisions. Records were sampled for both the 2006-2007 and 2007-2008 school years. No noncompliance was identified in this review.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that Occurred for FFY 2008:

Discussion of Improvement Activities Completed for FFY 2008:

See APR Attachment 1, Improvement Activities/Timelines/Resources, for a detailed listing of activities completed during 2007-2008 for the following activities:

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

Explanation of Progress or Slippage that Occurred for FFY 2008:

Nevada targeted that 0% of districts would be identified by the NDE as having a significant discrepancy in the rates of suspension and expulsions of children with disabilities for greater than 10 days in a school year. In the FFY 2008 reporting year, based on data from 2007-2008, 5.9% of districts were identified as having a significant discrepancy in the rate of suspension and expulsion of children with disabilities for greater than 10 days in a school year $[(1 \div 17) \times 100 = 5.9\%]$. Consequently, Nevada did not reach its target for this indicator. Because this is the same rate, based on the same data, reported in the February 2009 APR, there is no progress or slippage to explain.

Significant discrepancies in suspension/expulsion rates do not necessarily reflect systemic noncompliance with IDEA requirements, and they do not necessarily reflect a lack of commitment to positive behavioral interventions and supports. A significant discrepancy can result when, as in this case, a large district (Washoe) has had a policy which discourages the suspension or expulsion of students with disabilities, but when Washoe County School District's child count is added to the denominator in the calculation, a district like Clark County will be found to have a significant discrepancy from the statewide average.

Additional Information Required by the OSEP APR Response Table:

Statement from the Response Table	State's Response
As noted in the revised Part B Indicator Measurement Table, in reporting on this indicator in the FFY 2008 APR, due February 1, 2010, the State must <u>again</u> describe the results of the State's examination of data from FFY 2007 (2007-2008). In addition, the State must <u>again</u> describe the review, and if appropriate, revision of policies, procedures and practices relating to the development and implementation of the IEPs, the use of positive behavioral interventions and supports, and procedural safeguards to ensure compliance with the IDEA for LEAs identified with significant discrepancies in FFY 2007, as required by 34 CFR §300.170(b).	See "School Districts with Significant Discrepancy in Rates for Suspension and Expulsion" above at pp. 21-22. See "Review of Policies, Procedures, and Practices" above at pp. 22-24.

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

See APR Attachment 1 for a summary of revisions, with justifications, that appears in each Improvement Activity referenced above.

Sub-Indicator B.

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

Part B State Annual Performance Report (APR) for Federal Fiscal Year (FFY) 2008

INDICATOR 5

Overview of the Annual Performance Report Development:

See description in the Introduction.

Monitoring Priority: FAPE in the LRE

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

- A. Inside the regular class 80% or more of the day;
- B. Inside the regular class less than 40% of the day; and
- C. In separate schools, residential facilities, or homebound/hospital placements.

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

Measurement:

- | |
|---|
| <ul style="list-style-type: none"> A. Percent = [(# of children with IEPs served inside the regular class 80% or more of the day) divided by the (total # of students aged 6 through 21 with IEPs)] times 100. B. Percent = [(# of children with IEPs served inside the regular class less than 40% of the day) divided by the (total # of students aged 6 through 21 with IEPs)] times 100. C. Percent = [(# of children with IEPs served in separate schools, residential facilities, or homebound/hospital placements) divided by the (total # of students aged 6 through 21 with IEPs)] times 100. |
|---|

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

Actual Target Data for FFY 2008:

- A. During 2008-2009, 62.7% of students with IEPs were served inside the regular class 80% or more of the day [(26,271 ÷ 41,880) x 100 = 62.7%].
- B. During 2008-2009, 12.8% of students with IEPs were served inside the regular class less than 40% of the day [(5,372 ÷ 41,880) x 100 = 12.8%].
- C. During 2008-2009, 1.7% of students with IEPs were served in separate schools, residential facilities or homebound/hospital placements [(726 ÷ 41,880) x 100 = 1.7%].

NOTE: Data do not include 278 students reported on §618 Table 3 who are served in a state-operated correctional facility or in state-sponsored charter schools that are not and do not operate as Local Education Agencies.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that Occurred for FFY 2008:

Discussion of Improvement Activities Completed for FFY 2008:

See APR Attachment 1, Improvement Activities/Timelines/Resources, for a detailed listing of activities completed during 2008-2009 for the following activities:

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

Explanation of Progress or Slippage that Occurred for FFY 2008:

The target for 2008-2009 was for 55% of students with IEPs to be served inside the regular class 80% or more of the day, and the actual data reflected 62.7% of students served inside the regular class 80% of the day. Because a higher percentage than the target achieves the target, Nevada reached its target. During 2007-2008, the percentage was 60.7%, so slight progress was made in increasing the number of students in this category.

Progress was also made in the percent of students with IEPs that were served inside the regular class less than 40% of the day. The target for 2008-2009 was 15.4%, but only 12.8% of students were served inside the regular class less than 40% of the day. Because a lower percentage than the target achieves the target, Nevada reached its target. During 2007-2008, the percentage was 13.0%, so slight progress was made in lowering the percentage of students in this category.

Regarding the percent of students with IEPs served in separate schools, residential facilities or homebound/hospital placements, the target for 2008-2009 was 1.7%, and 1.7% of students were served in these placements. Therefore, Nevada reached its target. During 2007-2008, the percentage was also 1.7%; this percentage reflects the fact that although students with disabilities are removed from regular education environments only when necessary to implement their IEPs, school districts do maintain a continuum of placements as required by federal and state law.

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

See APR Attachment 1 for a summary of revisions, with justifications, that appears in each Improvement Activity referenced above.

Part B State Annual Performance Report (APR) for Federal Fiscal Year (FFY) 2008

INDICATOR 6

Overview of the Annual Performance Report Development:

See description in the Introduction.

Monitoring Priority: FAPE in the LRE

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

- A. Regular early childhood program and receiving the majority of special education and related services in the regular early childhood program; and
- B. Separate special education class, separate school or residential facility.

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

Measurement:

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

Actual Target Data for FFY 2008:

States are not required to report actual data on Indicator 6 for the FFY 2008 APR. In the FFY 2009 submission, due February 1, 2011, the NDE will establish a new baseline, targets and, as needed, improvement activities for this indicator using the 2009-2010 data.

Part B State Annual Performance Report (APR) for Federal Fiscal Year (FFY) 2008

INDICATOR 7

Overview of the State Performance Plan Development:

See description in the Introduction.

Monitoring Priority: FAPE in the LRE

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

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

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

Measurement:

Outcomes:

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

Progress categories for A, B and C:

- a. Percent of preschool children who did not improve functioning = [(# of preschool children who did not improve functioning) divided by (# of preschool children with IEPs assessed)] times 100.
- b. Percent of preschool children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers = [(# of preschool children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers) divided by (# of preschool children with IEPs assessed)] times 100.
- c. Percent of preschool children who improved functioning to a level nearer to same-aged peers but did not reach it = [(# of preschool children who improved functioning to a level nearer to same-aged peers but did not reach it) divided by (# of preschool children with IEPs assessed)] times 100.
- d. Percent of preschool children who improved functioning to reach a level comparable to same-aged peers = [(# of preschool children who improved functioning to reach a level comparable to same-aged peers) divided by (# of preschool children with IEPs assessed)] times 100.
- e. Percent of preschool children who maintained functioning at a level comparable to same-aged peers = [(# of preschool children who maintained functioning at a level comparable to same-aged peers) divided by (# of preschool children with IEPs assessed)] times 100.

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

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

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

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

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

Actual Target Data for FFY 2008:

OSEP has directed states not to report actual data on Indicator 7 for the FFY 2008 APR. See the February 2010 SPP for overview of issue/description of system or process, baseline data, targets, and improvement activities for Indicator 7.

Part B State Annual Performance Report (APR) for Federal Fiscal Year (FFY) 2008

INDICATOR 8

Overview of the Annual Performance Report Development:

See description in the Introduction.

Monitoring Priority: FAPE in the LRE

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

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

Measurement:

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

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

Actual Target Data for FFY 2008:

During 2008-2009, 74% of Nevada parents responded in agreement to survey question #25 (see below for significance of this response), up slightly from 71.7% during 2007-2008 $[(1,058 \div 1,439) \times 100 = 74\%]$.

Discussion of Survey Results

The NDE has elected to purchase a survey instrument from the National Center for Special Education Accountability Monitoring (NCSEAM) to measure the percent of parents who report that their children's schools facilitated parent involvement as a means of improving services and results for students with disabilities. The NDE used the same survey instrument included in the April 2008 SPP (available at the NDE website). The question used to measure this indicator is survey question #25: "The school explains what options parents have if they disagree with a decision of the school." See the February 2010 SPP for an explanation of how this question was determined to be an appropriate measurement of this indicator (p. 35). Nevada's sampling plan for dissemination of this survey was previously approved and is described in the February 2010 SPP (pp. 33-35).

During 2008-2009, parent surveys were disseminated to parents of all students with disabilities in three districts scheduled for a comprehensive compliance monitoring visit (Lyon, Pershing, and Storey).⁵ In addition, a sample was selected for parent survey in Clark and Washoe County school districts because they have an average daily membership (ADM) of more than 50,000 students. Surveys were successfully sent to 10,557 parents, and a total of 1,511 responses were received for a 14.3% response rate. According to NCSEAM, this number exceeds the minimum number required for an adequate confidence level based on established survey sample guidelines (see, <http://www.surveysystem.com/sscalc.htm>).

⁵ Clark County also participated in a comprehensive compliance monitoring visit, but a sample of Clark County parents would have been selected for survey regardless because the district has an average daily membership (ADM) of more than 50,000 students.

Representativeness of Survey Results

Although response rate is an important indicator of the validity of survey results, the representativeness of survey respondents when compared to the pool of possible respondents from which they were drawn is also a very important indicator. In order to examine the representativeness of the respondents in the 2008-2009 parent survey, student-level data regarding disability category and race/ethnic category are collected for each survey response. Then, the disability and race/ethnic category data for survey responses are compared to the disability and race/ethnic category data in the October 1, 2008, child count of students ages 3-21 in the surveyed districts.

In the disability category comparison, the response data were comparable to the statewide child count data in many categories, and often very similar to the FFY 2007 data. For example, 8% of the responding parents were the parents of children with developmental delays (compared to 8% in the child count); 3% were the parents of children with emotional disturbance (compared to 4% in the child count); and 3% were the parents of children with multiple impairments (compared to 2% in the child count). In the autism category, 9.8% of the respondents represented parents of children with autism (compared to 6.3% in the child count). Approximately 37% of the responding parents were the parents of children with learning disabilities (compared to 50% in the child count). Comparisons between survey respondents and child count data for children with hearing impairments, mental retardation, orthopedic impairments, traumatic brain injury, vision, and speech/language impairments were very close. More work needs to be done to increase the percentage of parents of students with learning disabilities who respond to the survey.

Analysis of the race/ethnicity representativeness in the responses when compared to the October 1, 2008, child count showed much improvement. There was very close representativeness in categories for American Indian/Alaskan Native (2% of the respondents; 2% in the child count), and Asian/Pacific Islander (4% of the respondents; 4% in the child count). Responses in the other three race/ethnic categories were not as representative of the child count data, but improvements have been made.

- Improvement has been made in the representativeness of responses for students in the Hispanic/Latino category, with 27% of the survey responses for students in the Hispanic Latino category, compared with 33% in the child count (last year the gap was 23% responding compared to 32% in the child count).
- Significant improvement was found in representativeness of responses for students in the for the Black/African American category, where 18% of the survey responses were for students in the Black/African American category, compared to 17% in the child count (last year the gap was 5% responding compared to 16% in the child count).
- A total of 50% of the responses were for students in the White category, while 44% of students in the child count were White. This shows a closer representativeness than last year when 64% who responded were in the White category, while 46% in the child count were White.

The NDE is continuing to work with its partners and with NCSEAM to increase responses on behalf of children in the Hispanic/Latino category.

Following is a table showing statewide and district-level data for respondents to the parent survey during 2008-2009.

School District	# of Surveys Received	# Surveys Responding "Agree, Strongly Agree, Very Strongly Agree" with Question #25	% Responding "Agree, Strongly Agree, Very Strongly Agree" with Question #25
Statewide	1,439	1,058	74%
Clark	508	364	72%
Lyon	192	127	66%
Pershing	23	14	61%
Storey	21	15	71%
Washoe	693	538	78%

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that Occurred for FFY 2008:

Discussion of Improvement Activities Completed for FFY 2008:

See APR Attachment 1, Improvement Activities/Timelines/Resources, for a detailed listing of activities completed during 2008-2009 for the following activities:

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

Explanation of Progress or Slippage that Occurred for FFY 2008:

During 2008-2009, 74% of Nevada parents responded in agreement to survey question #25, up slightly from 72% during 2007-2008. Nevada reached its target of 74% for this indicator. The response rate decreased from 19.9% to 14.3% but remained high enough to ensure an adequate confidence level. Work remains to be done to increase the representativeness of the responses, although improvements were made in the representativeness of responders when compared to child count data for disability categories and race/ethnic categories.

Although NCSEAM uses Question 25 as a "proxy" for measuring the extent to which "parents with a child receiving special education services report that schools facilitated parent involvement as a means of improving services and results for children with disabilities" (the actual "indicator" for this measure), it is also important to note that **90% or more of parents agreed** with the following survey items:

- At the IEP meeting, we discussed accommodations and modifications that my child would need. (94%) (up from 91% the previous year)
- Teachers and administrators respect my cultural heritage. (93%)
- Teachers are available to speak with me. (90%) (up from 89%)
- My child's evaluation report is written in terms I understand. (90%) (up from 89%)
- Written information I receive is written in an understandable way. (90%) (up from 89%)

Between **80-89% of parents agreed** with the following survey items, many of which directly reflect the extent to which schools actually do facilitate parent involvement:

- Teachers and administrators ensure that I have fully understood the Procedural Safeguards. (88%)
- All of my concerns and recommendations were documented on the IEP. (88%) (up from 86%)
- I am considered an equal partner with teachers and other professionals in planning my child's program. (87%) (up from 86%)
- Teachers treat me as a team member. (86%) (up from 84%)
- The school has a person on staff who is available to answer parents' questions. (86%) (up from 85% the previous year)
- Teachers and administrators encourage me to participate in the decision-making process. (83%)
- Teachers and administrators show sensitivity to the needs of students with disabilities. (84%) (up from 81%)
- The school offers parents a variety of ways to communicate with teachers. (81%) (up from 77%)
- Written justification was given for the extent that my child would not receive services in the regular classroom. (77%)
- Teachers and administrators seek out parent input. (79%) (up from 76%)
- The school gives the parents the help they may need to plan an active role in their child's education. (77%) (up from 75%)
- **The school explains what options parents have if they disagree with a decision of the school. (74%) (up from 72%) (This is the question NCSEAM established as the "proxy" for measuring parent involvement.)**
- The school communicates regularly with me regarding my child's progress on IEP goals. (74%) (up from 72%)
- At the IEP meeting, we discussed how my child would participate in statewide assessments. (73%) (up from 71%)
- The school gives me choices with regard to services that address my child's needs. (72%) (up from 70%)
- I have been asked for my opinion about how well special education services are meeting my child's needs. (70%) (up from 67%)

Fewer than 70% of parents agreed with the following survey items:

- The school provides information on agencies that can assist my child in the transition from school. (58%) (up from 55%) **
- I was given information about organizations that offer support for parents of students with disabilities. (50%) (up from 48%)
- The school offers parents training about special education issues. (51%) (up from 48%)
- I was offered special assistance (such as child care) so that I could participate in the IEP meeting. (45%) (up from 43%)

** Given that only 26% of the responses were related to students in 9-12th grade, this percentage is quite positive.

Notably, in 21 out of the 25 questions, the percentage of parents who agreed with the statement increased from the 2007-2008 school year. Responses to the remaining four questions maintained the same percentage as in 2007-2008.

Additional Information Required by the OSEP APR Response Table:

Statement from the Response Table	State's Response
The State reported that the data for this indicator were based on a parent survey response group that is not representative of the State's population. The State provided improvement activities to address this issue. In the FFY 2008 APR, due February 1, 2010, the State must continue to indicate whether its response group is representative of the State's population and, if not, the actions the State is taking to address this issue.	See "Representativeness of Survey Results" above on p. 32.

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

See APR Attachment 1 for a summary of revisions, with justifications, that appears in each Improvement Activity referenced above.

Part B State Annual Performance Report (APR) for Federal Fiscal Year (FFY) 2008

INDICATOR 9

Overview of the Annual Performance Report Development:

See description in the Introduction.

Monitoring Priority: Disproportionality

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

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

Measurement:

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

Include State's definition of "disproportionate representation."

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

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

Actual Target Data for FFY 2008:

During FFY 2008, 0% of Nevada's 17 school districts had disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification. The measurement is calculated as $[(0 \div 17) \times 100 = 0\%]$.

Criteria for Defining "Disproportionate Representation":

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

Determining “Inappropriate Identification”:

If disproportionate representation is identified in a district, the district's policies, procedures, and practices will be evaluated to determine whether the disproportionate representation is the result of inappropriate identification of students as students with disabilities, as indicated by noncompliant policies, procedures, and/or practices. The scope and details of the review of policies, procedures, and practices is described in the February 2010 SPP. If the review of policies, procedures and practices reveals noncompliance with federal and/or state requirements for identification and evaluation, appropriate corrective actions will be taken.

Determination of Disproportionate Representation for FFY 2008:

Nevada calculated its determination of whether disproportionate over- or under-representation existed for students in any of the five race/ethnic groups during FFY 2008 by analyzing child count data for 12/1/2006, 12/1/2007, and 10/1/2008 using the WESTAT disproportionality analysis tool, which compares district child count data to district enrollment data. Data were analyzed across these three years to determine if a three-year trend existed for any district, for any race/ethnic subgroup. No district had a three-year trend demonstrating disproportionate over- or under-representation of students as students with disabilities for any race/ethnic subgroup. Thus, there was no disproportionate representation in any district, in any race/ethnic subgroup, in the FFY 2008 "annual" determination of disproportionate representation of race/ethnic groups in special education.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that Occurred for FFY 2008:**Discussion of Improvement Activities Completed for FFY 2008:**

See APR Attachment 1, Improvement Activities/Timelines/Resources, for a detailed listing of activities completed during 2008-2009 for the following activities:

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

Explanation of Progress or Slippage that Occurred for FFY 2008:

Because there was no disproportionate representation in FFY 2008, there was no requirement to analyze whether the disproportionate representation was the result of inappropriate identification. The state met its target of 0%. In FFY 2007, there was also no disproportionate representation. Consequently, there is no progress or slippage to report.

Correction of Remaining Identified Noncompliance:

As of FFY 2008, Nevada had no remaining noncompliance from previous years that was not corrected.

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

See APR Attachment 1 for a summary of revisions, with justifications, that appears in each Improvement Activity referenced above.

Part B State Annual Performance Report (APR) for Federal Fiscal Year (FFY) 2008

INDICATOR 10

Overview of the Annual Performance Report Development:

See description in the Introduction.

Monitoring Priority: Disproportionality

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

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

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

Include State's definition of "disproportionate representation."

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

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

Actual Target Data for FFY 2008:

During FFY 2008, 0% of Nevada's 17 school districts had disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification. The measurement is calculated as $[(0 \div 17) \times 100 = 0\%]$.

Criteria for Defining "Disproportionate Representation":

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

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

A weighted risk ratio analysis is used to identify disproportionate over- and under-representation of racial and ethnic groups in special education for five race/ethnic groups (Black/Non-Hispanic, Hispanic, Asian/Pacific Islander, American Indian/Alaska Native, and White). Disproportionate over-representation is identified when the weighted risk ratio is 3.0 or greater for three consecutive years for any racial/ethnic group in which there are at least 25 students in the special education population or in a particular disability category within the district. Disproportionate under-representation will be identified when the weighted risk ratio is -0.3 or less for three consecutive years for any racial/ethnic group in which there are at least twenty-five students in the special education population or in a particular disability category within the district. This analysis results in the identification of districts with possible disproportionate over- or under-representation resulting from inappropriate identification.

Determining “Inappropriate Identification”:

If disproportionate representation is identified in a district, the district's policies, procedures, and practices will be evaluated to determine whether the disproportionate representation is the result of inappropriate identification of students as students with disabilities, as indicated by noncompliant policies, procedures, and/or practices. The scope and details of the review of policies, procedures, and practices is described in the February 2010 SPP. If the review of policies, procedures and practices reveals noncompliance with federal and/or state requirements for identification and evaluation, appropriate corrective actions will be taken.

Determination of Disproportionate Representation for FFY 2008:

Nevada calculated its determination of whether disproportionate over- or under-representation existed for students with particular disabilities in any of the five race/ethnic groups during FFY 2008. To accomplish this task, child count data were analyzed for 12/1/2006, 12/1/2007, and 10/1/2008 using the WESTAT disproportionality analysis tool, which compares district child count data in six different disability categories (autism, mental retardation, learning disabilities, emotional disturbance, speech and language impairments, and other health impairments) to district enrollment data. Data were analyzed across these three years to determine if a three-year trend existed for any district, for any race/ethnic subgroup, in any of the six disability categories. This analysis revealed the following:

- *Carson City School District had over-representation of White students in the other health impairment category.*
- *Clark County School District had under-representation of Hispanic and Asian students in the emotional disturbance category.*
- *Washoe County School District had under-representation of Hispanic students in the emotional disturbance category and in the other health impairment category.*

The existence of disproportionate representation does not violate Part B. Analysis under this indicator requires that the NDE must determine whether any disproportionate representation is the result of inappropriate identification policies, procedures, or practices. See analysis below.

Disproportionate Representation as the Result of Inappropriate Identification:

Carson City School District. This discussion addresses the data for FFY 2008 revealing disproportionate representation associated with the over-representation of White students with other health impairments for the purpose of determining whether this disproportionate representation is the result of inappropriate identification policies, procedures, or practices.

During FFY 2007, the NDE conducted a comprehensive monitoring of all policies and procedures in Carson City School District, and those policies and procedures were found to comply with the requirements in Part B for the identification and evaluation of students suspected of having a disability. In 2008-2009, these policies and procedures were reviewed again, and found to comply with Part B. Importantly, these policies and procedures describe a referral process that is race/ethnic neutral and based upon actual academic and behavioral performance data. In

addition, the policies and procedures describe an evaluation process that emphasizes tests/evaluation instruments and assessment measures that triangulate data from many sources and perspectives, so that there is no over-reliance on any particular form of assessment (e.g., standardized testing).

The NDE also reviewed Carson City's practices for referral, evaluation, and eligibility decision-making. Data gathered through on-site monitoring of student records in FFY 2007, and follow-up monitoring in FFY 2008 revealed no information to suggest that inappropriate identification practices associated with race-based decision-making were occurring in the referral of students suspected of having a health impairment, in the evaluation of students suspected of having a health impairment, or in eligibility determinations. There have been no allegations and no findings concerning inappropriate identification of students with other health impairments in due process hearings or complaint investigations in the Carson City School District during FFY 2005, FFY 2006, FFY 2007, or FFY 2008.

Based on the NDE's review of policies and procedures, the monitoring data gathered by the NDE during FFY 2007, and the analysis of due process hearings and complaint investigations, the NDE has determined that the over-representation occurring in the Carson City School District in FFY 2008 was not the result of inappropriate identification policies, procedures, or practices.

Clark County School District. This discussion addresses the data for FFY 2008 revealing disproportionate representation associated with the under-representation of Hispanic and Asian students in the emotional disturbance category for the purpose of determining whether this disproportionate under-representation is the result of inappropriate identification policies, procedures, or practices.

During FFY 2008, the NDE conducted a comprehensive on-site monitoring of all policies and procedures in Clark County School District, and the district's policies and procedures were found to comply with the requirements in Part B for the identification and evaluation of students suspected of having a disability. Importantly, these policies and procedures describe a referral process that is race/ethnic neutral and based upon actual academic and behavioral performance data. In addition, the policies and procedures describe an evaluation process that emphasizes tests/evaluation instruments and assessment measures that triangulate data from many sources and perspectives, so that there is no over-reliance on any particular form of assessment (e.g., standardized testing).

The NDE also reviewed Clark County's practices for referral, evaluation, and eligibility decision-making. Data gathered through the comprehensive on-site monitoring in FFY 2008 revealed no information to suggest that inappropriate identification practices associated with race-based decision-making were occurring in the referral of students suspected of having an emotional disturbance, in the evaluation of students suspected of having an emotional disturbance, or in eligibility determinations. There have been no allegations and no findings of noncompliance concerning inappropriate identification of students with emotional disturbance in due process hearings or complaint investigations in the Clark County School District during FFY 2005, FFY 2006, FFY 2007, or FFY 2008. The Clark County School District continues in its efforts reported in the February 2009 to collect and analyze data, and to conduct specific training designed to improve its intervention and evaluation systems (see February 2009 APR, p. 38).

Based on the NDE's review of policies and procedures, the comprehensive monitoring data gathered by the NDE during FFY 2008, and the analysis of due process hearings and complaint investigations, together with the comprehensive and ongoing evaluation of disproportionality occurring within Clark County School District, the NDE has determined that the under-representation occurring in FFY 2008 was not the result of inappropriate identification policies, procedures, or practices.

Washoe County School District. This discussion addresses the data for FFY 2008 revealing disproportionate representation associated with the under-representation of Hispanic students with emotional disturbance and other health impairments for the purpose of determining whether this disproportionate representation is the result of inappropriate identification policies, procedures, or practices.

During FFY 2005, the NDE conducted a comprehensive monitoring of all policies and procedures in Washoe County School District, and those policies and procedures were found to comply with the requirements in Part B for the identification and evaluation of students suspected of having a disability. In 2008-2009, these policies and procedures were reviewed again, and found to comply with Part B. Importantly, these policies and procedures describe a referral process that is race/ethnic neutral and based upon actual academic and behavioral performance data. In addition, the policies and procedures describe an evaluation process that emphasizes tests/evaluation instruments and assessment measures that triangulate data from many sources and perspectives, so that there is no over-reliance on any particular form of assessment (e.g., standardized testing).

The NDE also reviewed Washoe County's practices for referral, evaluation, and eligibility decision-making. Data gathered through on-site monitoring of student records in FFY 2005, and follow-up monitoring in FFY 2006, FFY 2007, and FFY 2008 revealed no information to suggest that inappropriate identification practices associated with race-based decision-making were occurring in the referral of students suspected of having an emotional disturbance or a health impairment, in the evaluation of students suspected of having an emotional disturbance or a health impairment, or in eligibility determinations. There have been no allegations and no findings concerning inappropriate identification of students with emotional disturbance or health impairments in due process hearings or complaint investigations in the Washoe County School District during FFY 2005, FFY 2006, FFY 2007, or FFY 2008. The Washoe County School District continues in its efforts reported in the February 2009 to collect and analyze data, and to conduct specific training designed to improve its intervention and evaluation systems (see February 2009 APR, p. 39).

Based on the NDE's review of policies and procedures, the monitoring data gathered by the NDE during each of the last four fiscal years, and the analysis of due process hearings and complaint investigations, the NDE has determined that the under-representation occurring in Washoe County in FFY 2008 was not the result of inappropriate identification policies, procedures, or practices.

Statewide General Education Intervention Initiative. During FFY 2005, FFY 2006, FFY 2007 and continuing into FFY 2008 and beyond, the NDE has invested considerable resources in the implementation of the Instructional Consultation model for improving the performance of students through increasing the quality of instruction they receive—from both general education and special education teachers. This model, developed at the University of Maryland, has a considerable scientific research base, and it has shown results in increasing not only academic and behavior performance in students, but also in reducing disproportionate identification within race/ethnic groups. Nevada's school districts have been invited to participate in the implementation of this model on a volunteer basis, and the details about their participation are provided in the "Academic and Behavioral Supports" Improvement Activity (p. 22).

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that Occurred for FFY 2008:**Discussion of Improvement Activities Completed for FFY 2008:**

See APR Attachment 1, Improvement Activities/Timelines/Resources, for a detailed listing of activities completed during 2008-2009 for the following activities:

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

Explanation of Progress or Slippage that Occurred for FFY 2008:

Based on its review of policies, procedures, and practices, the NDE has determined that the under-representation of students with disabilities in the emotional disturbance and other health impairment categories was not due to inappropriate identification in FFY 2008. The NDE has also determined that the over-representation of students with disabilities in the other health impairment category was not due to inappropriate identification in FFY 2008. The state has made its target for this indicator for FFY 2008. Because the state also met its target in FFY 2007, there is no progress or slippage to report.

Correction of Remaining Noncompliance:

As of FFY 2008, Nevada had no remaining noncompliance identified in previous years that was not corrected.

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

See APR Attachment 1 for a summary of revisions, with justifications, that appears in each Improvement Activity referenced above.

Part B State Annual Performance Report (APR) for Federal Fiscal Year (FFY) 2008

INDICATOR 11

Overview of the Annual Performance Report Development:

See description in the Introduction.

Monitoring Priority: Effective General Supervision Part B / Child Find

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

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

Measurement:

- | |
|---|
| <ul style="list-style-type: none"> a. # of children for whom parental consent to evaluate was received. b. # of children whose evaluations were completed within 60 days (or State-established timeline). |
|---|

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

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

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

Actual Target Data for FFY 2008:

During 2008-2009, 87.2% percent of children with parental consent to evaluate were evaluated within 45 school days $[(136) \div (156) \times 100 = 87.2\%]$. In Nevada, the completion of the initial evaluation occurs when the eligibility team, including the parent, has made an eligibility decision; under state regulations this decision must occur within 45 school days after the parent provides written consent for the initial evaluation.

Selection of School Districts for Monitoring:

The NDE has established a four-year monitoring cycle. The schedule has been established to ensure selection of a representative group of districts to be monitored each year. A stratified random sampling is used to ensure a representative group of school districts in each of the four years of Nevada's four-year monitoring cycle. Nevada's 17 school districts, which are contiguous with Nevada's 17 counties, have been assigned status as either "urban" (4 districts), "medium rural" (5 districts), or "small rural" (8 districts) depending on the relative size of the county and the relative urbanicity of the county seat. In each of the four years in the special education monitoring cycle, the districts selected for monitoring will include one "urban" district, one "medium rural" district, and two "small rural" districts. Each year the districts are randomly sampled from within the three subgroups, without replacement, in order to ensure that all 17 districts are monitored at least once during the four-year cycle. Because there are 5 districts in the "medium rural" subgroup, 2 of these districts will be monitored in one of the four years. (Note: This monitoring cycle was approved by OSEP in April 2008 as part of the Indicator 8 sampling description. See pp. 33-35 in the February 2010 SPP.)

See Table 11-A below for specific data and calculation according to the OSEP measurement instructions.

Table 11-A				
PERCENT OF CHILDREN WITH PARENTAL CONSENT TO EVALUATE, WHO WERE EVALUATED WITHIN 45 SCHOOL DAYS (2008-2009)				
	# Students with Consent for Initial Evaluation* (a)	# Students Evaluated within 45 School Days and Determined Eligible (b)	# Students Evaluated within 45 School Days as % of Students with Consent for Initial Evaluation [(b) ÷ (a) x 100]	Number of Findings Issued for Noncompliance
Statewide	156	136	87.2%	NA
Clark	129	115	89.1%	1
Lyon	20	15	75%	1
Pershing	3	3	100%	0
Storey	4	3	75%	1

* Data do not include students with consent for initial evaluation if the evaluation was not completed because the child moved prior to completing the evaluation, or because consent was withdrawn by the parent prior to completing the evaluation. Data also do not include children whose parent repeatedly failed or refused to produce the child for the evaluation, usually based upon the illness of the child.

Of the 20 children whose evaluations and eligibility determinations were not made within 45 school days, 17 (85%) were evaluated 1-15 school days beyond the 45-school-day timeline, two were evaluated 16-30 days beyond the 45-school-day timeline, and one evaluation was delayed more than 30 days. One delay was the result of parent request to reschedule because of illness, and another was the result of a parent delay in returning information for assessments that were required to be completed under state law. The remaining 18 delays were the result of school district scheduling/staffing issues.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that Occurred for FFY 2007:

Discussion of Improvement Activities Completed for FFY 2008:

See APR Attachment 1, Improvement Activities/Timelines/Resources, for a detailed listing of activities completed during 2008-2009 for the following activities:

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

Explanation of Progress or Slippage that Occurred for FFY 2008:

During 2008-2009, 87.2% percent of children with parental consent to evaluate were evaluated within 45 school days. Nevada did not reach its target for this indicator, and its compliance percentage decreased when compared to the 95.6% compliance rate reported in 2007-2008. Note, however, that because the calculation for this indicator is based on the on-site monitoring findings in a different set of school districts in each year of a four-year cycle, the comparison to the compliance percentage in the previous year is not a comparison to the same districts.

Verification of Correction of Noncompliance Identified During FFY 2007:

In this FFY 2008 APR, the NDE must report on correction of noncompliance identified during FFY 2007 (2007-2008), and that report is provided below. During FFY 2007, the NDE reported a 95.6% level of compliance for this indicator.

During 2007-2008, four districts (Carson City, Douglas, Mineral, Nye) were scheduled for a comprehensive record review as part of Nevada's four-year monitoring cycle. A noncompliance finding for failure to complete initial evaluations within 45 school days was issued for Nye County School District. All identified noncompliance was corrected within one year, described below:

Verification that each District is Correctly Implementing Regulatory Requirements

To verify correction at the system level, Nye County School District collected and reported data for the period from September 2008 through March 2009 verifying that students initially referred for evaluations received timely evaluations during the 2008-2009 school year, with no noncompliance.

Verification that each District has Completed the Initial Evaluation, Although Late

For the two students in Nye County School District whose evaluations exceeded 45 school days, their initial evaluations were completed and their eligibility determinations had been made by the time the records were reviewed during on-site monitoring. Consequently, within the 2007-2008 school year, the noncompliance for these two students was already corrected and they were receiving services in accordance with their IEPs.

Correction of Remaining Noncompliance:

As of FFY 2008, Nevada had no remaining noncompliance identified in previous years that was not corrected. See the February 2009 APR (p. 43) for a discussion of identification and correction of noncompliance identified during FFY 2004, FFY 2005, and FFY 2006.

Additional Information Required by the OSEP APR Response Table:

Statement from the Response Table	State's Response
The State must report, in its FFY 2008 APR due February 1, 2010, that it has verified that each LEA with noncompliance reported by the State under this indicator in the FFY 2007 APR: (1) is correctly implementing the specific regulatory requirements; and (2) has completed the initial evaluation, although late, unless the child is no longer within the jurisdiction of the LEA, consistent with OSEP Memorandum 09-02, dated October 17, 2008 (OSEP Memo 09-02).	See "Verification of Correction of Noncompliance Identified During FFY 2007" above on this page.

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

See APR Attachment 1 for a summary of revisions, with justifications, that appears in each Improvement Activity referenced above.

Part B State Annual Performance Report (APR) for Federal Fiscal Year (FFY) 2008

INDICATOR 12

Overview of the Annual Performance Report Development:

See description in the Introduction.

Monitoring Priority: Effective General Supervision Part B / Effective Transition

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

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

Measurement:

- | |
|--|
| <ul style="list-style-type: none"> a. # of children who have been served in Part C and referred to Part B for Part B eligibility determination. b. # of those referred determined to be NOT eligible and whose eligibilities were determined prior to their third birthdays. c. # of those found eligible who have an IEP developed and implemented by their third birthdays. d. # of children for whom parent refusal to provide consent caused delays in evaluation or initial services. e. # of children who were referred to Part C less than 90 days before their third birthdays. |
|--|

Account for children included in a but not included in b, c, d, or e. Indicate the range of days beyond the third birthday when eligibility was determined and the IEP developed and the reasons for the delays.
--

Percent = [(c) divided by (a – b – d – e)] times 100.

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

Actual Target Data for FFY 2008:

During 2008-2009, 100% percent of children referred by Part C prior to age 3, who were found eligible for Part B, had an IEP developed and implemented by their third birthdays [$11 \div (12 - 1) \times 100 = 100\%$].

Selection of School Districts for Monitoring:

The NDE has established a four-year monitoring cycle. The schedule has been established to ensure selection of a representative group of districts to be monitored each year. A stratified random sampling is used to ensure a representative group of school districts in each of the four years of Nevada's four-year monitoring cycle. Nevada's 17 school districts, which are contiguous with Nevada's 17 counties, have been assigned status as either "urban" (4 districts), "medium rural" (5 districts), or "small rural" (8 districts) depending on the relative size of the county and the relative urbanicity of the county seat. In each of the four years in the special education monitoring cycle, the districts selected for monitoring will include one "urban" district, one "medium rural" district, and two "small rural" districts. Each year the districts are randomly sampled from within the three subgroups, without replacement, in order to ensure that all 17 districts are monitored at least once during the four-year cycle. Because there are 5 districts in the "medium rural" subgroup, 2 of these districts will be monitored in one of the four years. (Note: This monitoring cycle was approved by OSEP in April 2008 as part of the Indicator 8 sampling description. See pp. 33-35 in the February 2010 SPP.)

See Table 12-A below for specific data and calculation according to the OSEP measurement instructions.

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 (2008-2009)							
	# Children Served By Part C And Referred To Part B For Eligibility Determination* (a)	# Children Found Not Eligible Whose Eligibilities Were Determined Prior To 3rd Birthday (b)	# Children Found Eligible With IEPs Developed and Implemented By 3rd Birthday (c)	# Children For Whom Parent Refusal to Provide Consent Caused Delays in Evaluation or Initial Services (d)	# Children Who Were Referred to Part C Less Than 90 Days Before Their Third Birthdays (e)	Children Found Eligible With IEPs Developed and Implemented By 3rd Birthday As % Of Children Served By Part C And Referred To Part B For Eligibility Determination (c) ÷ (a-b-d-e)	Number of Findings Issued for Noncompliance
Statewide	12	0	11	1	0	100%	NA
Clark	11	0	10	1	0	100%	0
Lyon	1	0	1	0	0	100%	0
Pershing	0	0	0	0	0	NA	0
Storey	0	0	0	0	0	NA	0

* Data do not include referrals that did not result in an eligibility determination because the child moved prior to completing the eligibility determination, or because the parent never did consent to the initial evaluation for special education and related services. Data also do not include children whose parent repeatedly failed or refused to produce the child for the evaluation.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that Occurred for FFY 2008:

Discussion of Improvement Activities Completed for FFY 2008:

See APR Attachment 1, Improvement Activities/Timelines/Resources, for a detailed listing of activities completed during 2008-2009 for the following activities:

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

Explanation of Progress or Slippage that Occurred for FFY 2008:

During 2008-2009, 100% of children referred by Part C prior to age 3, who were found eligible for Part B, had an IEP developed and implemented by their third birthdays. Nevada reached its target for this indicator, and demonstrated progress from the previous year when the compliance calculation was 73.9%. Note, however, that because the calculation for this indicator is based on the on-site monitoring findings in a different set of school districts in each year of a four-year cycle, the comparison to the compliance percentage in the previous year is not a comparison to the same districts. Increased levels of compliance may be attributed to increased focus and training regarding this indicator throughout the state.

Verification of Correction of Noncompliance Identified During FFY 2007:

In this FFY 2008 APR, the NDE must report on correction of noncompliance identified during FFY 2007 (2007-2008), and that report is provided below. During FFY 2007, the NDE reported a 73.9% level of compliance for this indicator.

During 2007-2008, four districts (Carson City, Douglas, Mineral, Nye) were scheduled for a comprehensive record review as part of Nevada's four-year monitoring cycle. Noncompliance findings for failure to develop and implement IEPs by children's third birthdays were issued for Carson City, Douglas, and Nye County School Districts. All identified noncompliance was corrected within one year as described below:

Verification that each District is Correctly Implementing Regulatory Requirements

To verify correction at the system level, Carson City, Douglas, and Nye County School Districts collected and reported data for the period from September 2008 through March 2009 verifying that children referred by Part C prior to age 3, who were found eligible for Part B, had an IEP developed and implemented by their third birthdays during the 2008-2009 school year, with no noncompliance.

Verification that each District has Developed and Implemented the IEP, Although Late

For the total of seven students in Carson City, Douglas, and Nye County School Districts whose IEPs were not developed and implemented by their third birthdays, the students did have their IEPs developed and implemented by the time the records were reviewed during on-site monitoring. Consequently, within the 2007-2008 school year, the noncompliance for these seven students was already corrected and they were receiving services in accordance with their IEPs.

Verification of Correction of Uncorrected Noncompliance Identified During FFY 2005 and Subsequently Corrected by FFY 2008:

In this FFY 2008 APR, the NDE must report on the correction of noncompliance identified during FFY 2005 and subsequently corrected. During FFY 2005, the NDE reported an 83.9% level of compliance for this indicator.

For the 2005-2006 school year, the NDE used a statewide data collection to identify noncompliance for failures to develop and implement IEPs by the third birthday for a total of 96 children who were referred by Part C and found eligible for Part B. Noncompliance was identified in 15 school districts (Carson City, Churchill, Clark, Douglas, Elko, Humboldt, Lander, Lincoln, Lyon, Mineral, Nye, Pershing, Storey, Washoe, and White Pine). (See FFY 2005 APR, February 2007, p. 29.) All identified noncompliance was subsequently corrected as described below:

Verification that each District is Correctly Implementing Regulatory Requirements

In response to a directive from the NDE, each of the 15 school districts with noncompliance findings from FFY 2005 submitted data for the period of September 2008 through March 2009 verifying that each child transitioning from Part C to Part B whose third birthday occurred within this period had his/her IEP developed and implemented by the child's third birthday.

Verification that each District has Developed and Implemented the IEP, Although Late

The data submitted from the 15 school districts in July 2006 established that all 96 students whose IEPs were not developed and implemented by their third birthdays had been developed and implemented within the 2005-2006 school year itself. Consequently, within the 2005-2006 school year, the noncompliance for these 96 students was already corrected and they were receiving services in accordance with their IEPs.

Verification of Correction of Uncorrected Noncompliance Identified During FFY 2006 and Subsequently Corrected by FFY 2008:

In this FFY 2008 APR, the NDE must report on the correction of noncompliance identified during FFY 2006 and subsequently corrected. During FFY 2006, the NDE reported an 81% level of compliance for this indicator.

For the 2006-2007 school year, the NDE used a statewide data collection to identify noncompliance for failures to develop and implement IEPs by the third birthday for a total of 125 children who were referred by Part C and found eligible for Part B. Noncompliance was identified in 7 school districts (Carson City, Clark, Douglas, Elko, Humboldt, Lyon, and Washoe) – compared to 15 school districts the previous year. (See FFY 2006 APR, April 2008, p. 46.) All identified noncompliance was subsequently corrected as described below:

Verification that each District is Correctly Implementing Regulatory Requirements

In response to a directive from the NDE, each of the 7 school districts with noncompliance findings from FFY 2006 submitted data for the period of September 2008 through March 2009 verifying that each child transitioning from Part C to Part B whose third birthday occurred within this period had his/her IEP developed and implemented by the child's third birthday.

Verification that each District has Developed and Implemented the IEP, Although Late

The data submitted from the 7 school districts in July 2007 established that all 125 students whose IEPs were not developed and implemented by their third birthdays had been developed and implemented within the 2006-2007 school year itself. Consequently, within the 2006-2007 school year, the noncompliance for these 125 students was already corrected and they were receiving services in accordance with their IEPs.

Correction of Remaining Noncompliance

Other than the FFY 2005 and FFY 2006 noncompliance verified as corrected in the paragraphs above, as of FFY 2008, Nevada had no remaining noncompliance identified in previous years that was not corrected. See the February 2009 APR (pp. 48-49) for a discussion of identification and correction of noncompliance identified during FFY 2004.

Additional Information Required by the OSEP APR Response Table:

Statement from the Response Table	State's Response
<p>The State must demonstrate, in the FFY 2008 APR due February 1, 2010 that the State is in compliance with the requirements in 34 CFR §300.124(b), including correction of the noncompliance the State reported under this indicator in the FFY 2007 APR.</p> <p>The State must report, in its FFY 2008 APR due February 1, 2010, that it has verified that each LEA with noncompliance reported by the State under this indicator in the FFY 2007 APR: (1) is correctly implementing the specific regulatory requirements; and (2) has developed and implemented the IEP, although late, unless the child is no longer within the jurisdiction of the LEA, consistent with OSEP Memo 09-02.</p>	<p>See "Verification of Correction of Noncompliance Identified During FFY 2007" above on p. 48.</p> <p>See "Verification of Correction of Uncorrected Noncompliance Identified During FFY 2005 and Subsequently Corrected by FFY 2008" above on pp. 48-49.</p> <p>See "Verification of Correction of Uncorrected Noncompliance Identified During FFY 2006 and Subsequently Corrected by FFY 2008" above on p. 49.</p>

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

See APR Attachment 1 for a summary of revisions, with justifications, that appears in each Improvement Activity referenced above.

Part B State Annual Performance Report (APR) for Federal Fiscal Year (FFY) 2008

INDICATOR 13

Overview of the Annual Performance Report Development:

See description in the Introduction.

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

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

<p>Measurement:</p>

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

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

Actual Target Data for FFY 2008:

States are not required to report actual data on Indicator 13 for FFY 2008. The Indicator and Measurement have been modified by OSEP to include a number of additional legal requirements that must be compliant in order for a student's record to be compliant under the measurement for this indicator. Actual target data for FFY 2009 will be reported in the FFY 2009 APR to be submitted in February 2011. The 100% compliance target remains the same.

However, correction of noncompliance identified during FFY 2007 must be reported (see below).

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that Occurred for FFY 2008:

Discussion of Improvement Activities Completed for FFY 2008:

See APR Attachment 1, Improvement Activities/Timelines/Resources, for a detailed listing of activities completed during 2008-2009 for the following activities:

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

Explanation of Progress or Slippage that Occurred for FFY 2008:

As of FFY 2008, this indicator and measurement have changed. Because no actual data are reported, there is no progress or slippage to report.

Correction of FFY 2007 Findings of Noncompliance:

In this FFY 2008 APR, the NDE must report on correction of noncompliance identified during FFY 2007 (2007-2008), and that report is provided below. During FFY 2007, the NDE reported a 39.1% level of compliance for this indicator.

Four school districts were identified with noncompliance for Indicator 13 in FFY 2007 (Carson City, Douglas, Mineral, and Nye). All identified noncompliance was corrected within one year, as set forth in the following table:

Number of findings of noncompliance the State made during FFY 2007 (the period from July 1, 2007 through June 30, 2008)	4
Number of FFY 2007 findings the State verified as timely corrected (corrected within one year from the date of notification to the LEA of the finding)	4
Number of FFY 2007 findings <u>not</u> verified as corrected within one year [(1) minus (2)]	0

Verification of Correction of Noncompliance Identified During FFY 2007:

Verification that each District is Correctly Implementing Regulatory Requirements

To verify correction at the system level, Carson City, Douglas, Mineral, and Nye County School Districts collected and reported data from September 2008 through March 2009 verifying that students' IEPs contained coordinated, measurable, annual IEP goals and transition services during the 2008-2009 school year, with no noncompliance.

Verification that each District has Developed an IEP that includes the Required Transition Content for Each Youth

For each record monitored during 2007-2008 where there was noncompliance for coordinated, measurable, annual IEP goals and transition services, detailed instructions for correction of the noncompliance were returned to the student's teacher, and IEPs were accordingly revised and corrected. Copies of these corrected IEPs were submitted to the NDE by February 2009, and the NDE verified correction of noncompliance. In any instance where the NDE could not verify correction of noncompliance, the IEP was returned to the appropriate school district for further correction, and by June 2009 all

noncompliance identified during 2007-2008 was verified by the NDE as completely corrected within one year of identification.

Correction of Remaining Noncompliance:

As of FFY 2008, Nevada had no remaining noncompliance identified in previous years that was not corrected. See the February 2009 APR (pp. 52-53) for a discussion of identification and correction of noncompliance identified during FFY 2005 and FFY 2006.

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

Statement from the Response Table	State's Response
The State must report, in its FFY 2008 APR due February 1, 2010, that it has verified that each LEA with noncompliance reported by the State under this indicator in the FFY 2007 APR: (1) is correctly implementing the specific regulatory requirements; and (2) has developed an IEP that includes the required transition content for each youth, unless the youth is no longer within the jurisdiction of the LEA, consistent with OSEP Memo 09-02.	See "Verification of Correction of Noncompliance Identified During FFY 2007" above on pp. 52-53.

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

See APR Attachment 1 for a summary of revisions, with justifications, that appears in each Improvement Activity referenced above.

Part B State Annual Performance Report (APR) for Federal Fiscal Year (FFY) 2008

INDICATOR 14

Overview of the Annual Performance Report Development:

See description in the Introduction.

Monitoring Priority: Effective General Supervision Part B / Effective Transition

Indicator 14: Percent of youth who are no longer in secondary school, had IEPs in effect at the time they left school, and were:

- A. Enrolled in higher education within one year of leaving high school.
- B. Enrolled in higher education or competitively employed within one year of leaving high school.
- C. Enrolled in higher education or in some other postsecondary education or training program; or competitively employed or in some other employment within one year of leaving high school.

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

Measurement:

A. Percent enrolled in higher education = [(# of youth who are no longer in secondary school, had IEPs in effect at the time they left school and were enrolled in higher education within one year of leaving high school) divided by the (# of respondent youth who are no longer in secondary school and had IEPs in effect at the time they left school)] times 100.

B. Percent enrolled in higher education or competitively employed within one year of leaving high school = [(# of youth who are no longer in secondary school, had IEPs in effect at the time they left school and were enrolled in higher education or competitively employed within one year of leaving high school) divided by the (# of respondent youth who are no longer in secondary school and had IEPs in effect at the time they left school)] times 100.

C. Percent enrolled in higher education, or in some other postsecondary education or training program; or competitively employed or in some other employment = [(# of youth who are no longer in secondary school, had IEPs in effect at the time they left school and were enrolled in higher education, or in some other postsecondary education or training program; or competitively employed or in some other employment) divided by the (# of respondent youth who are no longer in secondary school and had IEPs in effect at the time they left school)] times 100.

Actual Target Data for FFY 2008:

As of FFY 2008, this indicator and measurement have changed. States are not required to report actual data on Indicator 14 for FFY 2008. In the FFY 2009 submission, due February 1, 2011, the NDE will establish a new baseline, targets and, as needed, improvement activities for this indicator using the 2009-2010 data. See the February 2009 APR (pp. 55-57) for data reported in previous years.

Part B State Annual Performance Report (APR) for Federal Fiscal Year (FFY) 2008

INDICATOR 15

Overview of the Annual Performance Report Development:

See description in the Introduction.

Monitoring Priority: Effective General Supervision Part B / General Supervision

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

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

Measurement:
Percent of noncompliance corrected within one year of identification:
a. # of findings of noncompliance.
b. # of corrections completed as soon as possible but in no case later than one year from identification.
Percent = [(b) divided by (a)] times 100.

States are required to use the "Indicator 15 Worksheet" to report data for this indicator.

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

Actual Target Data for FFY 2008:

During FFY 2008, 100% of noncompliance identified during FFY 2007 was corrected as soon as possible and no later than one year from identification $[(120 \div 120) \times 100 = 100\%]$. See Table 15 below, based on the Indicator 15 Worksheet. Also see Attachment 2 for the self-calculating Indicator 15 Worksheet.

**Table 15
SUMMARY OF NONCOMPLIANCE FINDINGS (2007-2008) AND
CORRECTIONS OF THOSE FINDINGS WITHIN ONE YEAR (2008-2009)**

Indicator	General Supervision System Components	# LEAs Issued Findings in FFY 2007 (7/1/07 to 6/30/08)	(a) # of Findings of noncompliance identified in FFY 2007 (7/1/07 to 6/30/08)	(b) # of Findings of noncompliance from (a) for which correction was verified no later than one year from identification
1. Percent of youth with IEPs graduating from high school with a regular diploma. 2. Percent of youth with IEPs dropping out of high school. 14. Percent of youth who had IEPs, are no longer in secondary school and who have been competitively enrolled, enrolled in some type of postsecondary school, or both, within one year of leaving high school.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	4	25	25
	Dispute Resolution: Complaints, Hearings	1	1	1
3. Participation and performance of children with disabilities on assessments. 7. Percent of preschool children with IEPs who demonstrated improved outcomes.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	4	29	29
	Dispute Resolution: Complaints, Hearings	1	3	3
4A. Percent of districts identified as having a significant discrepancy in the rates of suspensions and expulsions of children with disabilities for greater than 10 days in a school year.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	0	0	0
	Dispute Resolution: Complaints, Hearings	0	0	0
5. Percent of children with IEPs aged 6 through 21—educational placements. 6. Percent of preschool children aged 3 through 5—early childhood placement.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	4	18	18
	Dispute Resolution: Complaints, Hearings	0	0	0
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.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	2	8	8
	Dispute Resolution: Complaints, Hearings	0	0	0

(table continued on next page)

9. Percent of districts with disproportionate representation of racial and ethnic groups in special education that is the result of inappropriate identification.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	4	25	25
	Dispute Resolution: Complaints, Hearings	1	1	1
10. Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	1	1	1
	Dispute Resolution: Complaints, Hearings	0	0	0
11. Percent of children who were evaluated within 60 days of receiving parental consent for initial evaluation or, if the State establishes a timeframe within which the evaluation must be conducted, within that timeframe (45 school days in Nevada).	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	3	3	3
	Dispute Resolution: Complaints, Hearings	0	0	0
12. Percent of children referred by Part C prior to age 3, who are found eligible for Part B, and who have an IEP developed and implemented by their third birthdays.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	3	6	6
	Dispute Resolution: Complaints, Hearings	0	0	0
13. Percent of youth aged 16 and above with IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable student to meet the post-secondary goals.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	0	0	0
	Dispute Resolution: Complaints, Hearings	0	0	0
Other areas of noncompliance:	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	0	0	0
	Dispute Resolution: Complaints, Hearings	0	0	0
Sum the numbers down Column a and Column b			120	120
Percent of noncompliance corrected within one year of identification = (column (b) sum divided by column (a) sum) times 100.			(b) / (a) X 100 =	100%

Process for Selecting School Districts for Monitoring:

The NDE has established a four-year monitoring cycle. The schedule has been established to ensure selection of a representative group of districts to be monitored each year. A stratified random sampling is used to ensure a representative group of school districts in each of the four years of Nevada's four-year monitoring cycle. Nevada's 17 school districts, which are contiguous with Nevada's 17 counties, have been assigned status as either "urban" (4 districts), "medium rural" (5 districts), or "small rural" (8 districts) depending on the relative size of the county and the relative urbanicity of the county seat. In each of the four years in the special education monitoring cycle, the districts selected for monitoring will include one "urban" district, one "medium rural" district, and two "small rural" districts. Each year the districts are randomly sampled from within the three subgroups, without replacement, in order to ensure that all 17 districts are monitored at least once during the four-year cycle. Because there are 5 districts in the "medium rural" subgroup, 2 of these districts will be monitored in one of the four years. (Note: This monitoring cycle was approved by OSEP in April 2008 as part of the Indicator 8 sampling description. See pp. 33-35 in the February 2010 SPP.)

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that Occurred for FFY 2008:**Discussion of Improvement Activities Completed for FFY 2008:**

See APR Attachment 1, Improvement Activities/Timelines/Resources, for a detailed listing of activities completed during 2008-2009 for the following activities:

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

Explanation of Progress or Slippage that Occurred for FFY 2008:

During 2004-2005, 49% of noncompliance identified during 2003-2004 had been corrected within one year of identification. During 2005-2006, 52% of noncompliance identified during 2004-2005 had been corrected within one year of identification, and by 2006-2007, 87% of noncompliance identified during 2005-2006 had been corrected within one year of identification. During 2007-2008, 100% of the noncompliance identified during 2006-2007 was corrected within one year of identification. During 2008-2009, 100% of the noncompliance identified during 2007-2008 was corrected within one year of identification. This progress is due to the fact that in the fall of 2007, based on technical assistance from OSEP received during the OSEP Verification meetings in September, Nevada's on-site monitoring system was revised to ensure that a comprehensive record is made for the noncompliance findings for each student's file, and those detailed records are returned to teachers to make corrections. Correction is ensured because the actual revised notices, consents, IEP forms, etc., for each student where noncompliance was identified, are returned to the NDE for verification approximately six-seven months after identification. In the event that the NDE cannot conclude that corrections have been made to the state's standards for compliance, additional instructions are provided within weeks to special education administrators and staff members until the corrections meet NDE standards. This process ensures that corrections are completed as soon as possible and no later than one year from identification. To verify that a district is correctly implementing regulatory requirements, districts are required to submit a sample of complete files containing all required documents to demonstrate that requirements were met for initial evaluations, reevaluations, and IEP development conducted between September and June in the year after the noncompliance was identified. This documentation is carefully reviewed to ensure that it provides evidence that each school district is correctly implementing regulatory requirements as soon as possible and no later than one year from identification of noncompliance.

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

Correction of FFY 2007 Findings of Noncompliance:

In this FFY 2008 APR, the NDE must report on correction of noncompliance identified during FFY 2007 (2007-2008), and that report is provided below. All identified noncompliance identified during FFY 2007 was corrected within one year, as set forth in the following table:

Number of findings of noncompliance the State made during FFY 2007 (the period from July 1, 2007 through June 30, 2008) (Sum of Column a on the Indicator B15 Worksheet)	120
Number of findings the State verified as timely corrected (corrected within one year from the date of notification to the LEA of the finding) (Sum of Column b on the Indicator B15 Worksheet)	120
Number of findings <u>not</u> verified as corrected within one year [(1) minus (2)]	0

Verification of Correction of Noncompliance Identified During FFY 2007:

Four school districts were identified with noncompliance in FFY 2007 (Carson City, Douglas, Mineral, and Nye). One hundred fifteen (115) noncompliance findings were made in June 2008 in conjunction with **monitoring activities** for legal requirements related to the SPP Indicators on Table 15. Within one year, correction had occurred for each of these findings.

Correction of All Instances of Noncompliance

For each student record monitored during 2007-2008 where there was any instance of noncompliance, detailed instructions for correction of the noncompliance were returned to the school district, and IEPs were accordingly revised and corrected by each student's current teacher. Copies of these corrected IEPs were submitted to the NDE by February 2009, and the NDE verified correction of noncompliance. In any instance where the NDE could not verify correction of noncompliance, the IEP was returned to the appropriate school district for further correction, and by June 2009 all noncompliance identified during 2007-2008 was verified by the NDE as completely corrected no later than one year from identification of noncompliance.

Verification that each District is Correctly Implementing Regulatory Requirements

Records were examined during the on-site monitoring visit to determine if correction has already occurred at the student-specific level for timelines that had not been met. For example, even if an evaluation was not conducted within the state-mandated timeline, the NDE determined if the evaluation was complete at the time of the record review—if not, the district was directed to conduct the evaluation immediately and provide evidence to the NDE to verify correction. In the four school districts that were monitored during 2007-

2008, there were no instances where evaluations were still not completed, or where IEP services were not being provided. Second, the NDE reviewed each district's policies, procedures, and practices. Based upon these reviews, districts were required to revise forms and/or procedures as necessary, and to provide extensive staff training to ensure that compliant practices occur in the future. Third, school districts were directed to submit a sample of complete files containing all required documents to demonstrate that requirements were met for initial evaluations, reevaluations, and IEP development conducted between September 2008 and June 2009 (the year after the noncompliance was identified). This documentation was carefully reviewed to ensure that it provided evidence that each school district is correctly implementing regulatory requirements no later than one year from identification of noncompliance.

During 2007-2008, **complaint investigations** were conducted in two school districts (Clark, Washoe), and five findings of noncompliance were made in conjunction with **dispute resolution** legal requirements related to the SPP Indicators on Table 15. Within one year, correction had occurred for each of these findings. There were no findings of noncompliance issued in conjunction with **due process** hearing decisions.

Correction of All Instances of Noncompliance

Documentation of child-specific documentation was required as verification of corrective actions ordered as a result of noncompliance findings in complaint investigations. Each district submitted required information within established timelines.

Verification that each District is Correctly Implementing Regulatory Requirements

Where necessary, policies and procedures were reviewed and revised. The NDE reviewed all proposed revisions before implementation. Once approved by the NDE, districts were required to train appropriate staff in the specific legal requirements where noncompliance was found and provide documentation that training occurred within established timelines. Each district submitted required information within established timelines.

Correction of Remaining Findings of Noncompliance:

As of FFY 2008, Nevada had no remaining noncompliance identified in previous years that was not corrected. See the February 2009 APR (pp. 61-62) for a discussion of identification and correction of noncompliance identified during FFY 2004, FFY 2005, and FFY 2006.

Additional Information Required by the OSEP APR Response Table:

Statement from the Response Table	State's Response
In reporting on correction of noncompliance, the State must report that it has: (1) corrected all instances of noncompliance (including noncompliance identified through the State's monitoring system, through the State's data system and by the Department); and (2) verified that each LEA with identified noncompliance is correctly implementing the specific regulatory requirements, consistent with OSEP Memo 09-02.	See "Verification of Correction of Noncompliance Identified During FFY 2007" above on pp. 59-60.
In addition, in responding to Indicators 11, 12 and 13 in the FFY 2008 APR due February 1, 2010, the State must report on correction of the noncompliance described in this table under those indicators.	See "Verification of Correction Identified During FFY 2007" above as follows: Indicator 11, p. 45. Indicator 12, p. 48. Indicator 13, pp. 52-53.
In reporting on Indicator 15 in the FFY 2008 APR, the State must use the Indicator 15 Worksheet.	See Table 15 above on pp. 56-57, which conforms to the Indicator 15 Worksheet. Also see Indicator 15 Worksheet attached as Attachment 2.

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

See APR Attachment 1 for a summary of revisions, with justifications, that appears in each Improvement Activity referenced above.

Part B State Annual Performance Report (APR) for Federal Fiscal Year (FFY) 2008

INDICATOR 16

Overview of the Annual Performance Report Development:

See description in the Introduction.

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

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

Measurement: Percent = $[(1.1(b) + 1.1(c)) \text{ divided by } 1.1] \text{ times } 100.$

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

Actual Target Data for FFY 2008:

During 2008-2009, 100% of signed written complaints with reports issued were resolved within the 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint, or because the parent (or individual or organization) and the public agency agree to extend the time to engage in mediation or other alternative means of dispute resolution $[(13 + 0) \div 13] \times 100 = 100\%$. There were 13 complaint investigation reports issued during 2008-2009, and each complaint investigation was completed within the 60-day timeline or within a timeline extended for exceptional circumstances with respect to a particular complaint, or because the parent (or individual or organization) and the public agency agree to extend the time to engage in mediation or other alternative means of dispute resolution.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that Occurred for FFY 2008:

Discussion of Improvement Activities Completed for FFY 2008:

See APR Attachment 1, Improvement Activities/Timelines/Resources, for a detailed listing of activities completed during 2008-2009 for the following activities:

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

Explanation of Progress or Slippage that Occurred for FFY 2008:

100% of signed written complaints with reports issued were resolved within the 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint, or because the parent (or individual or organization) and the public agency agree to extend the time to engage in mediation or other alternative means of dispute resolution, so the NDE met the

target. Because the Department has maintained this standard of timeliness for several years, there is no progress or slippage to explain.

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

See APR Attachment 1 for a summary of revisions, with justifications, that appears in each Improvement Activity referenced above.

Part B State Annual Performance Report (APR) for Federal Fiscal Year (FFY) 2008

INDICATOR 17

Overview of the Annual Performance Report Development:

See description in the Introduction.

Monitoring Priority: Effective General Supervision Part B / General Supervision

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

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

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

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

Actual Target Data for FFY 2008:

During 2008-2009, Nevada had no fully adjudicated due process hearings.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that Occurred for FFY 2008:

Discussion of Improvement Activities Completed for FFY 2008:

See APR Attachment 1, Improvement Activities/Timelines/Resources, for a detailed listing of activities completed during 2008-2009 for the following activities:

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

Explanation of Progress or Slippage that Occurred for FFY 2008:

During 2008-2009, Nevada had no fully adjudicated due process hearings, so there is neither progress nor slippage to report when compared to the 2007-2008 data, when 100% of fully adjudicated due process hearing requests were fully adjudicated within the 45-day timeline or a timeline that was properly extended by the hearing officer at the request of either party or in the case of an expedited hearing, within the required timelines.

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

See APR Attachment 1 for a summary of revisions, with justifications, that appears in each Improvement Activity referenced above.

Part B State Annual Performance Report (APR) for Federal Fiscal Year (FFY) 2008

INDICATOR 18

Overview of the Annual Performance Report Development:

See description in the Introduction.

Monitoring Priority: Effective General Supervision Part B / General Supervision

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

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

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

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

Actual Target Data for FFY 2008:

During 2008-2009, 44% of hearing requests that went to resolution sessions were resolved through resolution session settlement agreements [(24 ÷ 55) x 100 = 44%).

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2008:

Discussion of Improvement Activities Completed for FFY 2008:

See APR Attachment 1, Improvement Activities/Timelines/Resources, for a detailed listing of activities completed during 2008-2009 for the following activities:

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

Explanation of Progress or Slippage that occurred for FFY 2008:

During 2008-2009, 44% of resolutions sessions held resulted in resolution session agreements, down from the 48% during 2007-2008. Consequently, the NDE did not meet the target. Nevada experienced slippage in the resolution agreement rate.

However, written resolution settlement agreements are not the only means for settling disputes, and during 2008-2009, of the 62 hearings requests received, 58 were eventually resolved without a hearing. Consequently, Nevada’s actual resolution rate was 94%. This overall resolution rate is significant—it suggests that although resolution sessions per se may not always result in written settlement agreements, there are various other means that are successfully used in Nevada to resolve disputes without due process hearings.

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

See APR Attachment 1 for a summary of revisions, with justifications, that appears in each Improvement Activity referenced above.

Part B State Annual Performance Report (APR) for Federal Fiscal Year (FFY) 2008

INDICATOR 19

Overview of the Annual Performance Report Development:

See description in the Introduction.

Monitoring Priority: Effective General Supervision Part B / General Supervision

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

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

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

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

Actual Target Data for FFY 2008:

During 2008-2009, 33% (1 of 3) of mediations held resulted in full or partial mediation agreements $(((0 + 1) \div 3) \times 100 = 33\%)$. During FFY 2008, slightly fewer mediations were held than in FFY 2007 when 4 were held. This circumstance is not unexpected given the requirement for parties (with few exceptions) to participate in resolution sessions prior to proceeding to a due process hearing.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that Occurred for FFY 2008:

Discussion of Improvement Activities Completed for FFY 2008:

See APR Attachment 1, Improvement Activities/Timelines/Resources, for a detailed listing of activities completed during 2008-2009 for the following activities:

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

Explanation of Progress or Slippage that Occurred for FFY 2008:

During 2008-2009, 33% of mediations held resulted in mediation agreements. Consequently, the NDE did not meet the target. During 2007-2008, 100% of Nevada's mediations resulted in mediation agreements—so there was slippage, but the numbers are so very small that meaningful comparisons are elusive.

The pursuit of a target for mediation agreements could have a coercive effect on the process, which is an undesirable, unintended consequence of establishing a "success" rate as a performance indicator. It is more important that parties in a mediation session are satisfied with the process, than whether they can reach an agreement. The NDE conducts an evaluation of each mediation session, and in 2008-2009, 100% of district representatives (4) who participated in mediation and responded to the survey rated the session as positive. Three of the four parents who participated in mediation and responded to the survey rated the session as positive (75%),

and one rated the session as only somewhat positive. Although the number of respondents is not large, their satisfaction with the mediation system is not inconsequential.

It is clearly not possible nor appropriate for the NDE to ensure that all mediations result in agreements; however, it is possible for the NDE to ensure that its mediators are knowledgeable and well-trained, and that parties are made aware of the value of settling disputes through mediation. The NDE's mediation system meets these criteria.

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

See APR Attachment 1 for a summary of revisions, with justifications, that appears in each Improvement Activity referenced above.

Part B State Annual Performance Report (APR) for Federal Fiscal Year (FFY) 2008

INDICATOR 20

Overview of the Annual Performance Report Development:

See description in the Introduction.

Monitoring Priority: Effective General Supervision Part B / General Supervision

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

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

Measurement:

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

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

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

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

Actual Target Data for FFY 2008:

During 2008-2009, 100% of Nevada's state-reported data were timely and accurate for all required elements in the submissions. The 2008-2009 annual §618 data (child count and placement in February 2009; exiting, discipline, personnel reports, and dispute resolution in November 2009) were submitted on time and accurately.

The revised State Performance Plan (SPP) and the Annual Performance Plan (APR) for FFY 2007 were submitted on time in February 2009.

See Indicator 20 Data Rubric attached as Attachment 3.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that Occurred for FFY 2008:

Discussion of Improvement Activities Completed for FFY 2008:

See APR Attachment 1, Improvement Activities/Timelines/Resources, for a detailed listing of activities completed during 2008-2009 for the following activities:

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

Explanation of Progress or Slippage that Occurred for FFY 2008:

100% of Nevada's state-reported data were timely and accurate for all required elements in the submissions, so the NDE met the target. The NDE also met the target in FFY 2007, so there is no progress or slippage to explain.

The NDE annually collects data from its 17 local school districts. All IDEA §618 data are now collected electronically and software tools are used to compile submissions, search for duplicates, perform error checks, and prepare data for submission to OSEP on OSEP-supplied data files each year in November and February.

The February 2010 SPP describes the steps taken by the NDE to ensure that data are reported in a timely manner, the steps taken to ensure that data are accurate, and the steps taken to ensure that local agencies collect and report data that is consistent with the federal requirements (see February 2010 SPP, pp. 67-68).

In addition to those routine steps, during May 2009 Nevada sponsored the fourth annual "Data School"—a one-day training for special education administrators and the school district special education data managers. The training focused on further implementation and clarification regarding changes to the federal data collections that were implemented for data collected during the 2006-2007 school year, including significant changes to the following data collections: child count, placement, and suspension/expulsion. In addition, sessions focused on timely and accurate submissions of all special education data to the NDE. Tools were reviewed and disseminated for calculating early childhood placement data and for collecting student-level suspension/expulsion data. This training will continue to be held annually, as part of the NDE's efforts to ensure that timely and accurate data are collected from school districts and reported to OSEP. These efforts are particularly important given the extensive changes recently made to the federal data collections, and the importance attached to the data analyses when used to determine Nevada's accountability for its programs and services for students with disabilities.

Finally, in FFY 2008, the NDE maintained its capacity to provide timely and accurate data to OSEP through the assistance of two independent contractors who were hired to enhance data collection, verification, and reporting activities. One of these contractors not only ensures that data are timely submitted, she also develops tools and protocols, and provides district-specific technical assistance to ensure that data are accurate and valid. The work of these contractors has improved the accuracy and timeliness of Nevada's §618 and APR data, but it has also enhanced the NDE's ability to make school- and district-level data available to districts for their use in data-based improvement planning.

Additional Information Required by the OSEP APR Response Table:

Statement from the Response Table	State's Response
In reporting on Indicator 20 in the FFY 2008 APR, the State must use the Indicator 20 Data Rubric.	See Indicator 20 Data Rubric attached as Attachment 3.

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

See APR Attachment 1 for a summary of revisions, with justifications, that appears in each Improvement Activity referenced above.