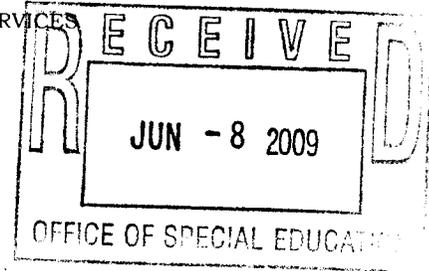




UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

Honorable Lucille Davy
Commissioner of Education
New Jersey Department of Education
100 Riverside Plaza
Trenton, New Jersey 08625-0500

JUN - 8 2009



Dear Commissioner Davy:

Thank you for the timely submission of New Jersey's Federal fiscal year (FFY) 2007 Annual Performance Report (APR) and revised State Performance Plan (SPP) under Part B of the Individuals with Disabilities Education Act (IDEA). We also acknowledge the revisions to New Jersey's APR received on April 7, 2009. We appreciate the State's efforts in preparing these documents.

The Department has determined that, under IDEA section 616(d), New Jersey meets the requirements of Part B of IDEA. The Department's determination is based on the totality of the State's data and information including the State's FFY 2007 APR and revised SPP, other State-reported data, and other publicly available information. See the enclosure entitled "How the Department Made Determinations under Section 616(d) of the IDEA in 2009" for further details.

Specific factors affecting the Office of Special Education Programs' (OSEP's) determination that New Jersey meets requirements under IDEA section 616(d) include: (1) The State provided valid and reliable FFY 2007 data reflecting the measurement for each indicator; and (2) The State reported correction of its FFY 2006 findings of noncompliance or high levels of compliance for Indicators 9, 10, 11, 12, 13, 15, 16, 17, and 20. We commend New Jersey for its performance.

The enclosed table provides OSEP's analysis of the State's FFY 2007 APR and revised SPP and identifies, by indicator, OSEP's review of any revisions made by the State to its targets, improvement activities (timelines and resources) and baseline data in the State's SPP. The table also identifies, by indicator, the State's status in meeting its targets, whether the State's data reflect progress or slippage, and whether the State corrected noncompliance and provided valid and reliable data.

As you know, your State must report annually to the public on the performance of each local educational agency (LEA) located in the State on the targets in the SPP as soon as practicable, but no later than June 2, 2009, pursuant to IDEA section 616(b)(2)(C)(ii)(I) and 34 CFR §300.602(b)(1)(i)(A). In addition, your State must review LEA performance against targets in the State's SPP, determine if each LEA 'meets requirements,' 'needs assistance,' 'needs intervention,' or 'needs substantial intervention' in implementing Part B of the IDEA, and inform each LEA of its determination. For further information regarding these requirements, see the SPP/APR Calendar at: <http://spp-apr-calendar.rfcnetwork.org/explorer/view/id/656>. Finally, as you included revisions to baseline, targets or improvement activities in your APR submission, and OSEP accepted those revisions, please ensure that you update your SPP accordingly and that the updated SPP is made available to the public.

In its October 17, 2008 Memorandum 09-02, "Reporting on Correction of Noncompliance in the Annual Performance Report Required under Sections 616 and 642 of the IDEA," OSEP provided Chief State School Officers and Lead Agency Directors with important information regarding: (1) requirements for identifying noncompliance and reporting on the correction of noncompliance in States' APRs; and (2) how OSEP will, beginning with the FFY 2008 APR, due February 1, 2010, consider the correction of noncompliance in making annual determinations for States pursuant to section 616(d) of the IDEA. Most significantly, beginning with our 2010 determinations:

1. OSEP will no longer consider a State to be in substantial compliance relative to a compliance indicator based on evidence of correction of the previous year's noncompliance if the State's current year data for that indicator reflect a very low level of compliance (generally 75% or below); and
2. OSEP will credit a State with correction of noncompliance relative to a child-specific compliance indicator only if the State confirms that it has addressed each instance of noncompliance identified in the data for an indicator that was reported in the previous year's APR, as well as any noncompliance identified by the Department more than one year previously. The State must specifically report, for each compliance indicator, whether it has corrected all of the noncompliance identified in its data for that indicator in the prior year's APR as well as that identified by the Department more than one year previously.

It is important for each State to review the guidance in the memorandum, and to raise any questions with your OSEP State Contact. The memorandum may be found at: <http://spp-apr-calendar.rfcnetwork.org/explorer/view/id/656>.

OSEP is committed to supporting New Jersey's efforts to improve results for children and youth with disabilities and looks forward to working with your State over the next year. If you have any questions, would like to discuss this further, or want to request technical assistance, please contact Susan Falkenhan, your OSEP State Contact, at 202-245-7242.

Sincerely,



Patricia J. Guard
Acting Director
Office of Special Education Programs

Enclosures

cc: State Director of Special Education

How the Department Made Determinations under Section 616(d) of the Individuals with Disabilities Education Act in 2009: Part B

In making our determination for each State under section 616(d) of the Individuals with Disabilities Education Act (IDEA), we considered the State's FFY 2007 Annual Performance Report (APR)/State Performance Plan (SPP) submission, information from monitoring visits, including verification reviews, and other public information, such as the State's performance under any existing special conditions on its FFY 2008 grant or a compliance agreement, longstanding unresolved audit findings, and other State compliance data under the IDEA.

FFY 2007 APR/SPP Submissions

In reviewing the States' FFY 2007 APR/SPP submissions, we considered both the submission of valid and reliable data and the level of compliance or correction.

With respect to data, for Indicators 1 through 19, we examined whether the State provided valid and reliable FFY 2007 data (e.g., the State provided all the required data, the data were for the correct year and were consistent with the required measurement and/or the approved SPP, and the State did not indicate that its data were not valid and reliable). For the results indicators (Indicators 1, 2, 3, 4A, 5, 7, 8, 14, 18 and 19), if the State did not provide valid and reliable data, we considered whether the State provided a plan to collect the missing or deficient data for reporting in next year's APR/SPP submission. For Indicators 9, 10, 11, 12, 13, 15, 16, and 17, we also examined whether the State provided any FFY 2007 data, even if the data were not valid and reliable.

With respect to compliance, we examined Indicators 9, 10, 11, 12, 13, 15, 16, 17, and 20. With respect to these indicators, we looked for evidence that the State demonstrated substantial compliance either through reporting a very high level of compliance (generally 95% or better) or full correction of its FFY 2006 findings of noncompliance for Indicators 9, 10, 11, 12, and 13. If the State did not demonstrate either a very high level of compliance or full correction, we examined whether it nonetheless had maintained current levels, or made progress in ensuring compliance over its performance for that indicator as reported in its FFY 2006 SPP/APR submission. We considered "progress" to include reporting higher compliance numbers or reporting more accurate and complete compliance data compared to the data provided in the prior year's submission. Indicator 15 evaluates "timely" correction, so for this indicator we specifically examined whether the correction was timely. For the other compliance indicators, we considered both whether the State timely corrected its FFY 2006 findings of noncompliance and whether the State subsequently corrected findings of noncompliance. We did not consider Indicators 16 and 17 if the State reported less than 100% compliance, but fewer than 10 complaints or 10 fully adjudicated hearings, in recognition of the inequities in basing decisions on small numbers.

Generally, and absent any other issues (see below), we considered a State to "meet requirements" if it provided valid and reliable FFY 2007 data consistent with, or substantially the same as, the measurement for each indicator and/or the approved SPP, and demonstrated substantial compliance for Indicators 9, 10, 11, 12, 13, 15, 16, 17, and 20. We determined that a State demonstrated substantial compliance if it provided data showing a very high level of compliance (generally 95% or better) or that it had fully corrected previously identified noncompliance. (Beginning with the Department's determinations in 2010, we will require States to demonstrate correction of previously identified noncompliance consistent with OSEP's Memorandum, 09-02, dated October 17, 2008, and will not consider a State to be in substantial compliance based on correction if its reported FFY 2007 data are low (generally 75% or lower).) If a State did not meet these standards for only one

indicator, we considered the State to “meet requirements” if the compliance level for this indicator was high (generally 90% or better) or, for a data issue for a results indicator, if the State provided a plan to collect the data for next year. In no case, however, did we place a State in “meets requirements” if it failed to provide valid and reliable FFY 2007 data for compliance Indicators 9, 10, 11, 12, 13, 15, 16 or 17. We also considered whether the State, when it reported under Indicator 4A: (1) made clear that, if it identified any districts as having significant discrepancies in the discipline of children with disabilities, it reviewed and, if appropriate revised (or required the LEA to revise) its policies, procedures and practices related to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards, as required by 34 CFR §300.170(b); and (2) if the State identified any noncompliance in policies, procedures or practices in these areas as a result of this review, corrected the noncompliance.

Generally, and absent any other issues (see below), we considered a State to be “in need of intervention” if it demonstrated very low performance for Indicators 9, 10, 11, 12, 13, 15, 16 or 17 (generally 50% or below, or in the case of Indicators 9 and 10, 50% or above, and such performance did not represent progress (as defined above) over the prior year’s compliance data), and did not demonstrate full correction of its FFY 2006 findings of noncompliance. We also identified a State “in need of intervention” if it did not provide any FFY 2007 data on Indicators 9, 10, 11, 12, 13, 15, 16 or 17 or if the data for these indicators were not valid and reliable (as defined above). We also identified a State “in need of intervention” if it did not provide valid and reliable FFY 2007 data on one of the results indicators and did not provide a plan to collect and report that data.

We would identify a State as “in need of substantial intervention” if its substantial failure to comply significantly affected the core requirements of the program, such as the delivery of services to children with disabilities or the State’s exercise of general supervision, or if the State informed the Department that it was unwilling to comply with an IDEA requirement. In making this determination, we would consider the impact of any longstanding unresolved issues on the State’s current implementation of the program. We would also consider identifying a State “in need of substantial intervention” for failing to submit its APR/SPP.

We determined that States that did not “meet requirements” and were not “in need of intervention” or “in need of substantial intervention” were “in need of assistance,” absent any other issues (see below).

Monitoring Data and Other Public Information

We also considered other public information available to the Department, including information from OSEP monitoring activities, performance under pre-existing special conditions, and longstanding audit findings. We did not consider a State to “meet requirements” if the State had unresolved special conditions that were imposed as a result of the State being designated as a “high risk” grantee, outstanding OSEP monitoring findings, including verification visit findings, or longstanding audit issues or a compliance agreement. We considered the length of time the problem had existed, the magnitude of the problem, and the State’s response to the problem, including progress the State had made to correct the problem, in determining whether the State should be identified as “in need of assistance,” “in need of intervention,” or “in need of substantial intervention.” Finally, for States with a current Compliance Agreement covering the requirements of one or more indicators, we did not consider the State to be “in need of intervention” based on those same indicators if the Compliance Agreement provided for the State to demonstrate compliance beyond the reporting period.

New Jersey Part B FFY 2007 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
<p>1. Percent of youth with IEPs graduating from high school with a regular diploma compared to percent of all youth in the State graduating with a regular diploma.</p> <p>[Results Indicator]</p>	<p>The State's FFY 2007 reported data for this indicator are 78.3%. These data represent progress from the FFY 2006 data of 78%.</p> <p>The State met its FFY 2007 target of 78%.</p>	<p>OSEP appreciates the State's efforts to improve performance.</p>
<p>2. Percent of youth with IEPs dropping out of high school compared to the percent of all youth in the State dropping out of high school.</p> <p>[Results Indicator]</p>	<p>The State's FFY 2007 reported data for this indicator are 4.7%. These data represent progress from the FFY 2006 data of 4.8%.</p> <p>The State met its FFY 2007 target of 4.8%.</p>	<p>OSEP appreciates the State's efforts to improve performance.</p>
<p>3. Participation and performance of children with disabilities on statewide assessments:</p> <p>A. Percent of districts that have a disability subgroup that meets the State's minimum "n" size meeting the State's AYP objectives for progress for disability subgroup.</p> <p>[Results Indicator]</p>	<p>The State's FFY 2007 reported data for this indicator are 89.5%. These data represent slippage from the FFY 2006 data of 94.9%.</p> <p>The State did not meet its FFY 2007 target of 100%.</p>	<p>OSEP looks forward to the State's data demonstrating improvement in performance in the FFY 2008 APR, due February 1, 2010.</p>
<p>3. Participation and performance of children with disabilities on statewide assessments:</p> <p>B. Participation rate for children with IEPs in a regular assessment with no accommodations; regular assessment with accommodations; alternate assessment against grade level standards; alternate assessment against alternate achievement standards.</p> <p>[Results Indicator]</p>	<p>The State's FFY 2007 reported data for this indicator are 97.7% for reading and 97.7% for math.</p> <p>The State's FFY 2006 reported data were 97.8% for both reading and math.</p> <p>The State met its FFY 2007 targets of 96.5% for grades 3-8 and 96% for grade 11.</p>	<p>OSEP appreciates the State's efforts to improve performance.</p>

New Jersey Part B FFY 2007 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps																																																															
<p>3. Participation and performance of children with disabilities on statewide assessments:</p> <p>C. Proficiency rate for children with IEPs against grade level standards and alternate achievement standards.</p> <p>[Results Indicator]</p>	<p>The State revised the Annual Measurable Objectives which required changes to the AYP benchmarks. The revisions to the AYP benchmarks changed the SPP targets for FFY 2008 through FFY 2010. OSEP accepts these revisions.</p> <p>The State's FFY 2007 reported data for this indicator are:</p> <table border="1" data-bbox="617 431 1476 938"> <thead> <tr> <th>Grade</th> <th>FFY 2006 Data</th> <th>FFY 2007 Data</th> <th>FFY 2007 Target</th> <th>FFY 2006 Data</th> <th>FFY 2007 Data</th> <th>FFY 2007 Target</th> </tr> </thead> <tbody> <tr> <td></td> <td align="center" colspan="3">Reading</td> <td align="center" colspan="3">Math</td> </tr> <tr> <td>3</td> <td>59.03%</td> <td>62.49%*</td> <td>73%</td> <td>72.82%</td> <td>73.16%</td> <td>69%</td> </tr> <tr> <td>4</td> <td>51.85%</td> <td>56.19%*</td> <td>73%</td> <td>64.97%</td> <td>66.24%</td> <td>69%</td> </tr> <tr> <td>5</td> <td>65.56%</td> <td>27.21%</td> <td>73%</td> <td>62.00%</td> <td>49.96%</td> <td>69%</td> </tr> <tr> <td>6</td> <td>41.29%</td> <td>21.68%*</td> <td>72%</td> <td>49.31%</td> <td>38.62%</td> <td>61%</td> </tr> <tr> <td>7</td> <td>47.37%</td> <td>32.14%</td> <td>72%</td> <td>31.85%</td> <td>27.86%*</td> <td>61%</td> </tr> <tr> <td>8</td> <td>35.89%</td> <td>45.05%*</td> <td>72%</td> <td>31.90%</td> <td>28.38%*</td> <td>61%</td> </tr> <tr> <td>HS</td> <td>50.70%</td> <td>44.68%</td> <td>85%</td> <td>32.00%</td> <td>32.55%</td> <td>74%</td> </tr> </tbody> </table> <p>The State indicated that stakeholders were provided an opportunity to comment on the revised targets. The revised targets are less rigorous than previously-established targets; however, the State reported that the revised targets are based on more rigorous assessments for grades 5 through 7.</p> <p>OSEP cannot determine whether there was progress or slippage because the State reported that trend data could not be presented and comparison to the results of prior administrations would not be appropriate.</p> <p>The State met part of its FFY 2007 targets.</p>	Grade	FFY 2006 Data	FFY 2007 Data	FFY 2007 Target	FFY 2006 Data	FFY 2007 Data	FFY 2007 Target		Reading			Math			3	59.03%	62.49%*	73%	72.82%	73.16%	69%	4	51.85%	56.19%*	73%	64.97%	66.24%	69%	5	65.56%	27.21%	73%	62.00%	49.96%	69%	6	41.29%	21.68%*	72%	49.31%	38.62%	61%	7	47.37%	32.14%	72%	31.85%	27.86%*	61%	8	35.89%	45.05%*	72%	31.90%	28.38%*	61%	HS	50.70%	44.68%	85%	32.00%	32.55%	74%	<p>OSEP looks forward to the State's data demonstrating improvement in performance in the FFY 2008 APR, due February 1, 2010.</p>
Grade	FFY 2006 Data	FFY 2007 Data	FFY 2007 Target	FFY 2006 Data	FFY 2007 Data	FFY 2007 Target																																																											
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HS	50.70%	44.68%	85%	32.00%	32.55%	74%																																																											
<p>4. Rates of suspension and expulsion:</p> <p>A. Percent of districts identified by the State as having a significant discrepancy in the rates of suspensions and expulsions of children with disabilities for greater than 10 days in a school</p>	<p>The State's FFY 2007 reported data for this indicator are 2.9%. These data represent progress from the FFY 2006 data of 3.8%.</p> <p>The State met its FFY 2007 target of 3.2%.</p> <p>OSEP's June 6, 2008 FFY 2006 SPP/APR response table required the State to demonstrate that the uncorrected noncompliance identified as a result of the</p>	<p>OSEP appreciates the State's efforts to improve performance.</p> <p>The State reported that the timeline had not yet expired on correction for the districts identified with noncompliance as a result of the</p>																																																															

New Jersey Part B FFY 2007 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
<p>year; and [Results Indicator]</p>	<p>review required by 34 CFR §300.170(b) from FFY 2004 and FFY 2005 was corrected.</p> <p>The State reported that 15 of 15 findings in FFY 2004 and 12 of 12 findings in FFY 2005 were corrected.</p> <p>The State did, as required by the FFY 2006 response table, describe how the State reviewed, and if appropriate, revised (or required the affected LEAs to revise), the LEA's policies, procedures, and practices relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards to ensure compliance with the IDEA, as required by 34 CFR §300.170(b) for the LEAs identified with significant discrepancies for FFY 2006. The State reported that the one-year timeline had not yet expired for the LEAs identified with noncompliance as a result of this review.</p> <p>The State was identified as being in need of assistance for two consecutive years based on the State's FFYs 2005 and 2006 APRs, was advised of available technical assistance, and was required to report, with the FFY 2007 APR, on: (1) the technical assistance sources from which the State received assistance; and (2) the actions the State took as a result of that technical assistance. The State reported on the technical assistance sources from which the State received assistance for this indicator and reported on the actions the State took as a result of that technical assistance.</p>	<p>review of policies, practices and procedures for the LEAs identified with significant discrepancies for FFY 2006.</p> <p>The State must demonstrate, in the FFY 2008 APR, due February 1, 2010 that the noncompliance identified as a result of the review of policies, practices and procedures for LEAs identified with significant discrepancies for FFY 2006 was corrected by reporting that it has ensured that each LEA with noncompliance is correctly implementing the specific regulatory requirement.</p> <p>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 again describe the results of the State's examination of data from FFY 2007 (2007-2008).</p> <p>In addition, the State must describe the review, and if appropriate, revision of policies, procedures and practices relating to the development and implementation of 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).</p>
<p>4. Rates of suspension and expulsion:</p>	<p>States were not required to report on this indicator for FFY 2007.</p>	<p>The State is not required to report on this indicator in the FFY 2008 APR,</p>

New Jersey Part B FFY 2007 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps																				
<p>B. Percent of districts identified by the State as having a significant discrepancy in the rates of suspensions and expulsions of greater than 10 days in a school year of children with disabilities by race and ethnicity.</p> <p>[Results Indicator]</p>		<p>due February 1, 2010.</p>																				
<p>5. Percent of children with IEPs aged 6 through 21:</p> <p>A. Removed from regular class less than 21% of the day;</p> <p>B. Removed from regular class greater than 60% of the day; or</p> <p>C. Served in public or private separate schools, residential placements, or homebound or hospital placements.</p> <p>[Results Indicator]</p>	<p>The State's reported data for this indicator are:</p> <table border="1" data-bbox="621 574 1493 1123"> <thead> <tr> <th></th> <th>FFY 2006 Data</th> <th>FFY 2007 Data</th> <th>FFY 2007 Target</th> <th>Progress</th> </tr> </thead> <tbody> <tr> <td>A. % Removed from regular class less than 21% of the day.</td> <td align="center">43.3</td> <td align="center">45.0</td> <td align="center">45.5</td> <td align="center">1.70%</td> </tr> <tr> <td>B. % Removed from regular class greater than 60% of the day.</td> <td align="center">17.7</td> <td align="center">16.2</td> <td align="center">18.5</td> <td align="center">1.50%</td> </tr> <tr> <td>C. % Served in public or private separate schools, residential placements, or homebound or hospital placements.</td> <td align="center">10.2</td> <td align="center">10.1</td> <td align="center">9.5</td> <td align="center">0.10%</td> </tr> </tbody> </table> <p>These data represent progress for 5A, 5B and 5C from the FFY 2006 data.</p> <p>The State met its FFY 2007 targets for 5A and 5B and did not meet its target for 5C.</p>		FFY 2006 Data	FFY 2007 Data	FFY 2007 Target	Progress	A. % Removed from regular class less than 21% of the day.	43.3	45.0	45.5	1.70%	B. % Removed from regular class greater than 60% of the day.	17.7	16.2	18.5	1.50%	C. % Served in public or private separate schools, residential placements, or homebound or hospital placements.	10.2	10.1	9.5	0.10%	<p>OSEP appreciates the State's efforts to improve performance and looks forward to the State's data demonstrating improvement in performance in the FFY 2008 APR, due February 1, 2010.</p>
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<p>6. Percent of preschool children with IEPs who received special education and related services in settings with typically developing peers (i.e., early childhood settings, home, and part-time early childhood/part-time early childhood special education settings).</p>	<p>States were not required to report on this indicator for FFY 2007.</p>	<p>The State is not required to report on this indicator in the FFY 2008 APR, due February 1, 2010.</p>																				

New Jersey Part B FFY 2007 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps																												
<p>[Results Indicator]</p> <p>7. Percent of preschool children with IEPs who demonstrate improved:</p> <p>A. Positive social-emotional skills (including social relationships);</p> <p>B. Acquisition and use of knowledge and skills (including early language/communication and early literacy); and</p> <p>C. Use of appropriate behaviors to meet their needs.</p> <p>[Results Indicator]</p>	<p>The State revised the improvement activities for this indicator and OSEP accepts those revisions.</p> <p>The State's FFY 2007 reported progress data for this indicator are:</p> <table border="1" data-bbox="583 431 1451 1179"> <thead> <tr> <th data-bbox="583 431 1094 605">07-08 Preschool Outcome Progress Data</th> <th data-bbox="1094 431 1213 605">Social Emotional</th> <th data-bbox="1213 431 1333 605">Knowledge & Skills</th> <th data-bbox="1333 431 1451 605">Appropriate Behavior</th> </tr> </thead> <tbody> <tr> <td data-bbox="583 605 1094 675">a. % of preschoolers who did not improve functioning.</td> <td align="center" data-bbox="1094 605 1213 675">0</td> <td align="center" data-bbox="1213 605 1333 675">0</td> <td align="center" data-bbox="1333 605 1451 675">0</td> </tr> <tr> <td data-bbox="583 675 1094 810">b. % of preschoolers who improved but not sufficient to move nearer to functioning comparable to same-aged peers.</td> <td align="center" data-bbox="1094 675 1213 810">11</td> <td align="center" data-bbox="1213 675 1333 810">21</td> <td align="center" data-bbox="1333 675 1451 810">22</td> </tr> <tr> <td data-bbox="583 810 1094 911">c. % of preschoolers who improved to a level nearer to same-aged peers but did not reach it.</td> <td align="center" data-bbox="1094 810 1213 911">16</td> <td align="center" data-bbox="1213 810 1333 911">33</td> <td align="center" data-bbox="1333 810 1451 911">21</td> </tr> <tr> <td data-bbox="583 911 1094 1011">d. % of preschoolers who improved functioning to reach a level comparable to same-aged peers.</td> <td align="center" data-bbox="1094 911 1213 1011">41</td> <td align="center" data-bbox="1213 911 1333 1011">34</td> <td align="center" data-bbox="1333 911 1451 1011">47</td> </tr> <tr> <td data-bbox="583 1011 1094 1112">e. % of preschoolers who maintained functioning at a level comparable to same-aged peers.</td> <td align="center" data-bbox="1094 1011 1213 1112">32</td> <td align="center" data-bbox="1213 1011 1333 1112">12</td> <td align="center" data-bbox="1333 1011 1451 1112">11</td> </tr> <tr> <td data-bbox="583 1112 1094 1179">Total (approx. 100%)</td> <td align="center" data-bbox="1094 1112 1213 1179">100.00 %</td> <td align="center" data-bbox="1213 1112 1333 1179">100.00 %</td> <td align="center" data-bbox="1333 1112 1451 1179">101.00 %</td> </tr> </tbody> </table>	07-08 Preschool Outcome Progress Data	Social Emotional	Knowledge & Skills	Appropriate Behavior	a. % of preschoolers who did not improve functioning.	0	0	0	b. % of preschoolers who improved but not sufficient to move nearer to functioning comparable to same-aged peers.	11	21	22	c. % of preschoolers who improved to a level nearer to same-aged peers but did not reach it.	16	33	21	d. % of preschoolers who improved functioning to reach a level comparable to same-aged peers.	41	34	47	e. % of preschoolers who maintained functioning at a level comparable to same-aged peers.	32	12	11	Total (approx. 100%)	100.00 %	100.00 %	101.00 %	<p>The State reported the required progress data and improvement activities. The State must provide baseline data, targets and improvement activities with the FFY 2008 APR, due February 1, 2010.</p>
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Total (approx. 100%)	100.00 %	100.00 %	101.00 %																											
<p>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.</p> <p>[Results Indicator]</p>	<p>The State revised the targets for this indicator and OSEP accepts those revisions.</p> <p>The State indicated that stakeholders were provided an opportunity to comment on the revised targets. The revised targets are less rigorous than the previously-established target.</p> <p>The State's FFY 2007 reported data for this indicator are 81.1%. These data represent progress from the FFY 2006 data of 80.6%.</p> <p>The State did not meet its FFY 2007 target of 81.6%.</p>	<p>OSEP looks forward to the State's data demonstrating improvement in performance in the FFY 2008 APR, due February 1, 2010.</p>																												

New Jersey Part B FFY 2007 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
<p>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.</p> <p>[Compliance Indicator]</p>	<p>The State's FFY 2007 reported data for this indicator are .81%. These data represent progress from the FFY 2006 data of 4%.</p> <p>The State did not meet its FFY 2007 target of 0%.</p> <p>The State reported the actual number of districts determined in FFY 2006 and FFY 2007 to have disproportionate representation of racial or ethnic groups in special education and related services that was the result of inappropriate identification.</p> <p>OSEP's June 6, 2008 FFY 2006 SPP/APR response table required the State to clarify in the FFY 2007 APR, due February 2, 2009, whether the State corrected the noncompliance identified in FFY 2005 and FFY 2006 or whether if the noncompliance was corrected, it was corrected in a timely manner.</p> <p>The State clarified that the districts identified in FFY 2005 were the same districts identified in FFY 2006 and that the determination of whether or not the disproportionate representation was the result of inappropriate identification did not occur until FFY 2006.</p> <p>The State reported that 26 of 26 districts identified in FFY 2006 corrected noncompliance in a timely manner.</p>	<p>The State reported that noncompliance identified in FFY 2006 with the requirements in 34 CFR §§300.173, 300.111, 300.201, and 300.301 through 300.311 was corrected in a timely manner.</p> <p>OSEP appreciates the State's efforts and looks forward to reviewing data in the FFY 2008 APR, due February 1, 2010 that demonstrate that the State has in effect policies and procedures as required by 34 CFR §300.173 and that the LEAs identified in FFY 2007 as having disproportionate representation of racial or ethnic groups in special education and related services that was the result of inappropriate identification are in compliance with the requirements of 34 CFR §§300.111, 300.201 and 300.301 through 300.311.</p> <p>The State must demonstrate, in the FFY 2008 APR, due February 1, 2010, that the uncorrected noncompliance was corrected, by reporting that it has verified that each LEA with remaining noncompliance identified in FFY 2007: (1) is correctly implementing the specific regulatory requirements; and (2) has corrected each individual case of noncompliance, 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).</p>

New Jersey Part B FFY 2007 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
		<p>If the State is unable to demonstrate compliance in the FFY 2008 APR, the State must review its improvement activities and revise them, if necessary to ensure compliance.</p>
<p>10. Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification. [Compliance Indicator]</p>	<p>The State's FFY 2007 reported data for this indicator are 0%. These data represent progress from the FFY 2006 data of 1.9%.</p> <p>The State met its FFY 2007 target of 0%.</p> <p>The State reported the actual number of districts determined in FFY 2007 to have disproportionate representation of racial or ethnic groups in specific disability categories that was the result of inappropriate identification.</p> <p>OSEP's June 6, 2008 FFY 2006 SPP/APR response table required the State to clarify in the FFY 2007 APR, due February 2, 2009 whether the State corrected the noncompliance identified in FFY 2005 and FFY 2006 or whether if the noncompliance was corrected, it was corrected in a timely manner.</p> <p>The State clarified that the districts identified in FFY 2005 were the same districts identified in FFY 2006 and that the determination of whether or not the disproportionate representation was the result of inappropriate identification did not occur until FFY 2006.</p> <p>The State reported that 12 of 12 districts identified in FFY 2006 corrected noncompliance in a timely manner.</p>	<p>The State reported that noncompliance identified in FFY 2006 with the requirements in 34 CFR §§300.173, 300.111, 300.201, and 300.301 through 300.311 was corrected in a timely manner.</p> <p>OSEP appreciates the State's efforts regarding this indicator.</p>
<p>11. Percent of children with parental consent to evaluate, who were evaluated within 60 days (or State-established timeline). [Compliance Indicator]</p>	<p>The State's FFY 2007 reported data for this indicator are 99%. These data represent progress from the FFY 2006 data of 91%.</p> <p>The State did not meet its FFY 2007 target of 100%.</p> <p>The State reported that 546 of 573 findings of noncompliance identified in FFY 2006 were corrected in a timely manner and that the remaining 27 findings were subsequently corrected.</p> <p>OSEP's June 6, 2008 FFY 2006 SPP/APR response required the State to demonstrate in the FFY 2007 APR, due February 2, 2009, that the remaining noncompliance in FFY 2005 was corrected.</p> <p>The State reported that it corrected 46 of the 46 outstanding findings of</p>	<p>The State reported that noncompliance identified in FFY 2005 and FFY 2006 with the timely initial requirements in 34 CFR §300.301 (c) (1) was corrected.</p> <p>OSEP appreciates the State's efforts and looks forward to reviewing in the FFY 2008 APR, due February 1, 2010, the State's data demonstrating that it is in compliance with the requirements in 34 CFR §300.301(c)(1), including correction of the noncompliance the</p>

New Jersey Part B FFY 2007 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
	<p>noncompliance from FFY 2005.</p> <p>The State was identified as being in need of assistance for two consecutive years based on the State's FFY 2005 and 2006 APRs, was advised of available technical assistance, and was required to report, with the FFY 2007 APR, on: (1) the technical assistance sources from which the State received assistance; and (2) the actions the State took as a result of that technical assistance. The State reported on the technical assistance sources from which the State received assistance for this indicator and reported on the actions the State took as a result of that technical assistance.</p>	<p>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 completed the initial evaluation although late, unless the child is no longer within the jurisdiction of the LEA, consistent with OSEP Memo 09-02.</p> <p>If the State is unable to demonstrate compliance in the FFY 2008 APR, the State must review its improvement activities and revise them, if necessary to ensure compliance.</p>
<p>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.</p> <p>[Compliance Indicator]</p>	<p>The State's FFY 2007 reported data for this indicator are 93%. These data represent progress from the FFY 2006 data of 89%.</p> <p>The State did not meet its FFY 2007 target of 100%.</p> <p>The State reported that three of three findings of noncompliance from FFY 2006 were corrected in a timely manner.</p>	<p>The State reported that noncompliance identified in FFY 2006 with the early childhood transition requirements in 34 CFR §300.124(b) was corrected in a timely manner.</p> <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 FFFY 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</p>

New Jersey Part B FFY 2007 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
		<p>noncompliance reported by the State under this indicator in the FFY 2007 APR: (1) is correctly implementing the specific regulatory requirement(s); 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>If the State is unable to demonstrate compliance in the FFY 2008 APR, the State must review its improvement activities and revise them, if necessary to ensure compliance.</p>
<p>13. Percent of youth aged 16 and above with an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the postsecondary goals.</p> <p>[Compliance Indicator]</p>	<p>The State's FFY 2007 reported data for this indicator are 91%. These data represent progress from the FFY 2006 data of 75%.</p> <p>The State did not meet its FFY 2007 target of 100%.</p> <p>The State reported that 23 of 23 findings of noncompliance identified in FFY 2006 related to this indicator were corrected in a timely manner.</p>	<p>The State reported that noncompliance identified in FFY 2006 with the secondary transition requirements in 34 CFR §300.320(b) was corrected in a timely manner.</p> <p>Although the State is not required to report data on this indicator in the FFY 2008 APR, the State must report on the timely correction of the noncompliance reported by the State 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 an IEP that includes the required transition content for each individual case of</p>

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Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
		noncompliance, unless the youth is no longer within the jurisdiction of the LEA, consistent with OSEP Memo 09-02.
<p>14. Percent of youth who had IEPs, are no longer in secondary school and who have been competitively employed, enrolled in some type of postsecondary school, or both, within one year of leaving high school.</p> <p>[Results Indicator]</p>	<p>The State revised the improvement activities for this indicator and OSEP accepts those revisions.</p> <p>The State's FFY 2007 reported data for this indicator are 79%. These data remain unchanged from the FFY 2006 data of 79%.</p> <p>The State met its FFY 2007 target of 79%.</p>	<p>OSEP appreciates the State's efforts to improve performance.</p> <p>The State is not required to report on this indicator in the FFY 2008 APR, due February 1, 2010.</p>
<p>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.</p> <p>[Compliance Indicator]</p>	<p>The State's FFY 2007 reported data for this indicator are 95.44%. These data represent progress from the FFY 2006 data of 90%.</p> <p>The State did not meet its FFY 2007 target of 100%.</p> <p>The State reported that 1654 of 1733 findings of noncompliance identified in FFY 2006 were corrected in a timely manner and that the remaining findings subsequently were corrected prior to the February 2, 2009 submission of the FFY 2007 APR.</p> <p>OSEP's June 6, 2008 FFY 2006 SPP/APR response table required the State to demonstrate in the FFY 2007 APR, due February 2, 2009 that the State corrected the remaining noncompliance identified in Indicator 15 for FFY 1999-2003. The State reported that 100% of the remaining findings of noncompliance from FFY 1999-2003 have been verified as corrected.</p> <p>The State was identified as being in need of assistance for two consecutive years based on the State's FFYs 2005 and 2006 APRs, was advised of available technical assistance, and was required to report, with the FFY 2007 APR, on: (1) the technical assistance sources from which the State received assistance; and (2) the actions the State took as a result of that technical assistance. The State reported on the technical assistance sources from which the State received assistance for this indicator and reported on the actions the State took as a result of that technical assistance.</p>	<p>OSEP appreciates the State's efforts and looks forward to reviewing in the FFY 2008 APR, due February 1, 2010, the State's data demonstrating that the State timely corrected noncompliance identified by the State in FFY 2007 in accordance with 20 U.S.C. 1232d(b)(3)(E), 34 CFR §§300.149 and 300.600(e) and OSEP Memo 09-02.</p> <p>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.</p> <p>In addition, in responding to Indicators 4, 9, 10, 11, 12 and 13 in the FFY</p>

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Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
		<p>2008 APR, due February 1, 2010, the State must report on correction of the noncompliance described in this table under those indicators.</p> <p>If the State is unable to demonstrate compliance in the FFY 2008 APR, the State must review its improvement activities and revise them, if necessary to ensure compliance.</p> <p>In reporting on Indicator 15 in the FFY 2008 APR, the State must use the Indicator 15 Worksheet.</p>
<p>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.</p> <p>[Compliance Indicator]</p>	<p>The State's FFY 2007 reported data for this indicator are 99%. These data represent progress from the FFY 2006 data of 83.4%.</p> <p>The State did not meet its FFY 2007 target of 100%.</p> <p>The State was identified as being in need of assistance for two consecutive years based on the State's FFYs 2005 and 2006 APRs, was advised of available technical assistance, and was required to report, with the FFY 2007 APR, on: (1) the technical assistance sources from which the State received assistance; and (2) the actions the State took as a result of that technical assistance. The State reported on the technical assistance sources from which the State received assistance for this indicator and reported on the actions the State took as a result of that technical assistance.</p>	<p>OSEP appreciates the State's efforts and looks forward to reviewing in the FFY 2008 APR, due February 1, 2010, the State's data demonstrating that it is in compliance with the timely complaint resolution requirements in 34 CFR §300.152.</p>
<p>17. Percent of fully adjudicated due process hearing requests that were fully adjudicated within the 45-day timeline or a timeline that is properly extended by the hearing officer at the request of either party.</p> <p>[Compliance Indicator]</p>	<p>The State revised the improvement activities for this indicator in its SPP and OSEP accepts those revisions.</p> <p>The State's FFY 2007 reported data for this indicator are 91%. These data represent slippage from the FFY 2006 data of 98.1%.</p> <p>The State did not meet its FFY 2007 target of 100%.</p>	<p>The State must review its improvement activities and revise them, if appropriate, to ensure they will enable the State to provide data in the FFY 2008 APR, due February 1, 2010, demonstrating that the State is in compliance with the due process hearing timelines requirements in 34 CFR §300.515.</p>
<p>18. Percent of hearing requests that</p>	<p>The State's FFY 2007 reported data for this indicator are 50%. The data for</p>	<p>OSEP appreciates the State's efforts to</p>

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<p>went to resolution sessions that were resolved through resolution session settlement agreements.</p> <p>[Results Indicator]</p>	<p>FFY 2006 were 51.2%.</p> <p>The State met its FFY 2007 target of 45-55%.</p>	<p>improve performance.</p>
<p>19. Percent of mediations held that resulted in mediation agreements.</p> <p>[Results Indicator]</p>	<p>The State's FFY 2007 reported data for this indicator are 37%. The data for FFY 2006 were 38.3%.</p> <p>The State met its FFY 2007 target of 36%.</p>	<p>OSEP appreciates the State's efforts to improve performance.</p>
<p>20. State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate.</p> <p>[Compliance Indicator]</p>	<p>The State's FFY 2007 reported data for this indicator are 97.7%. These data represent progress from the FFY 2006 data of 97%.</p> <p>The State did not meet its target of 100%.</p>	<p>OSEP appreciates the State's efforts and looks forward to reviewing in the FFY 2008 APR, due February 1, 2010, the State's data demonstrating that it is in compliance with the timely and accurate data reporting requirements in IDEA sections 616 and 618 and 34 CFR §§76.720 and 300.601(b).</p> <p>In reporting on Indicator 20 in the FFY 2008 APR, the State must use the Indicator 20 Data Rubric.</p>