

**Proceedings of the
2006 Overlapping Part C and Part B
Data Managers' Meetings**

**U.S. Department of Education
Office of Special Education Programs**

**Proceedings of the
2006 Overlapping Part C and Part B
Data Managers' Meetings**

May 21-26, 2006

**Office of Special Education Programs and
Westat**

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Agenda

Theme: Using Data To Enhance Accountability and Program Improvement

Sunday, May 21

- 2:30-4:30** **Part B Conference Registration**
- 3:00-4:30** **Orientation for New Part B Data Managers**
Carol Bruce, Jessica Lautz, Roberta Garrison-Mogren, Westat
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Monday, May 22

- 8:00- 9:00** **Continental Breakfast and Part B Registration**
- 9:00- 9:15** **Welcome to Part B, Review of Agenda, and General Announcements**
Marsha Brauen, Westat
- 9:15- 9:30** **Welcome Part B From OSERS/OSEP**
Lou Danielson, OSEP/RTP
- 9:30-10:30** **Washington Update for Part B**
Nancy Reder, NASDSE
- 10:30-10:45** **Break**
- 10:45-12:00** **Update on Part B Data Collections**
Marsha Brauen, Carol Bruce, Roberta Garrison-Mogren, and Jessica Lautz, Westat
- 12:00- 1:15** **Lunch** (on own)
- 1:15-2:45** **Part B Concurrent Sessions**
- Follow-up on Part B Data Collections (not repeated)**
Marsha Brauen, Carol Bruce, Roberta Garrison-Mogren, and Jessica Lautz, Westat
- Non-618 Part B Data for the SPP/APR: Challenges and Successes in Collection and Reporting (not repeated)**
Jane Nell Luster, NCSEAM; Gregg Corr, OSEP/MSIP; Paul Raskopf, Virginia; Nancy Fuhrman, Wisconsin; David Phillips, Vermont; and Chris Drouin, California
- Reporting Part B Data to the Public (not repeated)**
Diana Hinton Noel, NCSL; John Hoffman, PACER; Nancy Reder, NASDSE

Monday, May 22 continued

1:15–2:45	Part B Concurrent Sessions (continued) Sampling Related to SPP/APR Larry Wexler, OSEP/MSIP, and Jim Green, Westat
2:45– 3:00	Break
3:00– 4:30	Part B Concurrent Sessions Modifying Data Systems To Address Changing Data Requirements (not repeated) Jody Fields, Arkansas; Charm Paulmeno, Colorado; Sandra McQuain, West Virginia; and Jessica Lautz, Westat Displaying Data: Effectively Communicating Your Message (not repeated) Arlene Russell Bender and Caroline Moore, WRRRC Dispute Resolution Data – Part B (not repeated) Marshall Peter, Aimee Taylor, and Richard Zeller, CADRE Sampling Related to SPP/APR Larry Wexler, OSEP/MSIP, and Jim Green, Westat
4:30– 5:00	Part B Converse with Crew OSEP and Westat Staff

Tuesday, May 23

7:45– 8:45	Continental Breakfast and Part C Registration
8:45–9:30	NCLB and IDEA Christine Wolfe, Office of the Under Secretary
9:30–10:15	Update on EDEN Ross Santy, Office of Planning, Evaluation, and Policy Development
10:15–10:30	Break
10:30–12:00	Orientation for New Part C Data Managers Carol Bruce and Shafali Srivastava, Westat
10:30–11:50	Update From Specialty Centers National Drop-out Prevention Center —Loujeania Bost National Post-School Outcomes Center —Michael Bullis National Center on Educational Outcomes —Ross Moen

Tuesday, May 23 continued

11:50–12:00	Update From EIMAC Mary Keenan
12:00 – 2:00	Regional Resource Center Luncheons for Parts C and B
2:00–2:15	Welcome to Part C, Review of Agenda, and General Announcements Marsha Brauen, Westat
2:15–3:00	Welcome From OSERS/OSEP Alexa Posny, Director, OSEP, introduction by Lou Danielson
3:00–3:30	Recommendations for Working with Rapid Changes Panel of Experienced Part C and Part B Data Managers
3:30– 3:45	Break
3:45– 5:00	Tracking Students From C To B – Common Student Identifiers, Merging Data From Different Databases, Confidentiality Kala Surprenant, Office of the General Counsel, and Karen Denbroeder, Part B, and Janice Kane, Part C, Florida
5:15 – 6:30	Reception for Parts C and B—Light Snacks and Cash Bar Displays and Demonstrations Communities of Practice CADRE Georgia – Part C NCSEAM NPSO Tennessee – Part B Utah – Part C Washington – Part C Westat – Disproportionality Spreadsheet Application

Wednesday, May 24

7:30– 9:00	Continental Breakfast
7:45-8:45	Early Bird: What Data Managers Need To Know and Do To Support Post-School Outcome Data Collection and Use Mike Bullis, NPSO, and Marsha Brauen, Westat
7:45– 8:45	Early Bird: Tracking Students from C to B – Sharing Session Jim Leinen and Cesar D’Agord, WRRC and Data Community of Practice

Wednesday, May 24 continued

- 9:00–9:15** **Part B and C Update on Common Issues**
Marsha Brauen, Westat, and Lisa Holden-Pitt, OSEP/RTP
- 9:15–10:15** **Now Comes the Fun Part: Gleaning Meaning From Early Childhood Outcomes Data**
Kathy Hebbeler, ECO Center
- 10:15–10:45** **General Feedback on State Performance Plans**
Ruth Ryder, OSEP/MSIP
- 10:45–11:15** **Break** (Part B check out)
- 11:15–12:15** **Part C Feedback on State Performance Plans**
Charlie Kniseley, Julia Martin, and Rhonda Spence, OSEP/MSIP
- 11:15–12:15** **Part B Feedback on State Performance Plans**
Hugh Reid, Michael Slade, and Alma McPherson, OSEP/MSIP
- 12:15– 1:30** **Lunch** (on own)
- 1:30– 3:00** **Part C Concurrent Sessions**
- Dispute Resolution Data – Part C (not repeated)**
Marshall Peter, Aimee Taylor, and Richard Zeller, CADRE
- Interesting Ways To Look at Outcome Data: Now and in the Future**
Kathy Hebbeler and Lynne Kahn, ECO
- Sampling Related to the SPP/APR**
Larry Wexler, MSIP, and David Morganstein, Westat
- Non-618 Part C Data for the SPP/APR: Challenges and Successes in Collection and Reporting (not repeated)**
Jane Nell Luster, NCSEAM; Gregg Corr, OSEP/MSIP; Alice Ridgway, Connecticut; Eleanor Howell, North Carolina; and Fran Ferrari and Cynthia Valenzuela, Oklahoma; and Jamie Kilpatrick, Tennessee
- 3:00– 3:15** **Break**
- 3:15– 4:45** **Part C Concurrent Sessions**
- Modifying Data Systems To Address Changing Data Requirements (not repeated)**
Sandy Loerch Morris and Richard Sanders, Washington; Charles Peterson, Idaho; Jorge Laguna, Florida; and Shafali Srivastava, Westat
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Wednesday, May 24 continued

3:15– 4:45

Part C Concurrent Sessions (continued)

Interesting Ways To Look at Outcome Data: Now and in the Future
Kathy Hebbeler and Lynne Kahn, ECO

Sampling Related to the SPP/APR
Larry Wexler, OSEP/MSIP, and David Morganstein, Westat

Displaying Data: Effectively Communicating Your Message (not repeated)
Arlene Russell Bender and Caroline Moore, WRRRC

4:45– 5:15

Part C Converse with Crew
OSEP and Westat staff

Thursday, May 25

7:30– 8:30

Continental Breakfast

8:30–9:15

Washington Update for Part C
Sharon Walsh, Walsh/Taylor, Inc.

9:15–10:00

Update on Part C Data Collections
Scott Brown, OSEP/RTP

10:00–10:30

Break (Check out)

10:30– 12:00

Reporting Part C Data to the Public
Julie Curry, ITCA; John Hoffman, PACER; and Raeann Kelsch, ND State Legislature

12:00 – 1:15

Lunch (on own)

1:15–2:00

NCES Data Handbooks and Update on the *Early Intervention Data Handbook*
Haidee Bernstein, Westat; Scott Brown, OSEP/RTP; and Lee Hoffman, NCES

2:00– 3:30

Using Data for Program Improvement
Virginia Johnson and Kelly Worthington, OSEP/MSIP

3:30

Closing Remarks for Part C

Overlapping Part C and Part B Data Managers' Meetings

The OSEP/Westat Overlapping Part C and Part B Data Managers' Meetings were held Sunday, May 21, through Thursday, May 25, 2006, at the Hyatt Regency in Bethesda, Maryland. Registration for Part B attendees took place on Sunday, followed by 1½ days of presentations for Part B, 1 day of material pertinent to both Parts B and C, and 1½ days of presentations for Part C. One highlight of the meeting was a humorous skit put on by a group of experienced Part C and Part B data managers. Displays and demonstrations by states, centers, Westat, and the Data Community of Practice were available Tuesday evening during a reception for both Part B and Part C attendees. Summaries of conference sessions are presented below.

Monday, May 22

Welcome to Part B From OSEP Lou Danielson, OSEP/RTP

Since 1976, when the first data forms were developed for the child count, the forms have had relatively few changes. Now, however, the data collections are in a period of great change.

Data are central to OSEP's activities. In recognition of the states' efforts to provide the data, OSEP tries to assist states through:

- Westat technical assistance on the data collection forms;
- The Early Childhood Outcomes (ECO) center;
- The National Post-School Outcomes (NPSO) center;
- The National Center on Educational Outcomes (NCEO);
- The National Center on Secondary Education and Transition (NCSET);
- The Consortium for Appropriate Dispute Resolution in Special Education (CADRE);
- The National Drop-out Prevention Center (NDPC); and
- The National Early Childhood Technical Assistance Center (NECTAC).

OSEP changes the Parts B and C data collections to reflect changes in IDEA. OSEP hopes that the new forms, reflecting changes or additions in IDEA 2004, will be available for the 2006-07 school year. Among other changes to the data collections is their eventual migration to the Education Data Exchange Network (EDEN).

OSEP has also changed the way it approaches state monitoring. It has shifted from an emphasis on procedures and policies to outcomes. In addition, OSEP expects technical assistance to states to shift over time from an emphasis on getting the data correct to using the data for program improvement.

Washington Update for Part B Nancy Reder, NASDSE

This presentation addressed critical IDEA implementation issues and other topics affecting IDEA implementation. NASDSE has been tracking State Performance Plans (SPPs), Annual Performance Plans (APRs), and their related data collection; requirements for highly qualified teachers; parentally placed students in private schools; Response to Intervention (RtI) model; access to all instructional materials; and addressing the needs of mobile students and young children who are abused and/or neglected.

IDEA does not exist in a vacuum—there are NCLB issues such as the proposed 2 percent flexibility for students who need modified state assessments and flexibility for special educators related to meeting requirements for highly qualified teachers. The Federal fiscal year 2007 appropriations and reauthorizations of other laws (e.g., Higher Education, Perkins Career and Technical Education, Vocational Rehabilitation) influence IDEA as well. In addition, litigation around the country has an impact on IDEA (e.g., cases related to abuse and use of restraints).

The final IDEA Part B regulations are expected to be released in late summer. The delay is due, in part, to the huge number of oral and written comments (more than 11,000) that OSEP needs to address in the preamble to the regulations.

SPPs were due on December 4, 2005, and APRs based on these SPPs are due February 2007. NASDSE has received many inquiries about the SPPs and data collection. Approximately 50 percent of inquiries are on this topic, particularly data collection on in-school suspensions. There is concern in the field that an in-school suspension may mean students are not receiving the services specified on individual education programs (IEPs); however, others say collecting these data is an unnecessary burden and the availability of these data may jeopardize college admissions for students with disabilities.

Strategies for ensuring highly qualified (HQ) special education teachers include use of high objective uniform state standard of evaluation (HOUSSE); co-teaching; interstate licensing; flexibility for special education teachers; and changes at the higher education/teacher preparation level. Not all institutions of higher education (IHEs) graduate students who meet the HQ requirements. Becoming HQ may happen after the teacher has been hired and knows where and what he/she will be teaching. Special education teachers cannot be expected to be experts in all subject areas. States must work with their IHEs on this. Outstanding issues include applicability of HQ requirements to preschool teachers, special schools for students with low-incidence disabilities, private school placements, rural communities, and self-contained classes in high schools.

Parentally placed students in private schools are now the responsibility of the LEA in which the private school is located, not the LEA where the student resides. Some states provide FAPE to parentally placed students, but are faced with providing services to students whose parents do not pay taxes in that jurisdiction. NASDSE is helping states grapple with child

find, complaint procedures, and HQ teachers as these issues pertain to parentally placed students in private schools.

Response to Intervention (RtI) is the practice of providing high-quality instruction/intervention matched to student needs and using learning rate over time and level of performance to make important educational decisions. RtI is an instructional modality for teaching all students, a tool for understanding where and how students are learning to learn and struggling to learn, and a documented approach that can be used as a component of a special education evaluation. RtI is intended for use by general education because it is not just for identifying students with learning disabilities. Correct use of RtI will not prevent students from being identified and referred for special education evaluations.

There is often confusion between the terms “early intervention” and “early intervening.” Early intervention refers to services provided to infants and toddlers through Part C of the IDEA. Early intervening services are those services provided to students at risk of being identified as having a disability. Up to 15 percent of Federal funds may be used for students at risk. Any LEA that is determined to have significant disproportionate representation is required to provide early intervening services.

Serving all students means addressing the needs of mobile students and of infants and toddlers identified as abused and/or neglected. It also means providing access to instructional materials. Special education personnel are typically not responsible for purchasing text books, but they must bring to the attention of those who do the National Instructional Materials Accessibility Standard (NIMAS) and the National Instructional Materials Access Center (NIMAC).

NASDSE Resources:

- NASDSE web site: www.nasdse.org;
- New NASDSE publication—Response to Intervention: Policy Considerations and Implementation;
- LexisNexis/NASDSE publication, IDEA Reauthorized 2004, can be ordered from www.lexisnexis.com/educationlaw;
- IDEA and NCLB: The Intersection of Access and Outcomes (NASDSE/NEA joint publication);
- IDEA Partnership, www.ideapartnership.org;
- Project Forum, www.projectforum.org; and
- NASDSE side-by-side on regulations—forthcoming.

Department of Education Resources:

- OSEP TA&D network;
- New Comprehensive Centers, funded out of the Office of Elementary and Secondary Education (OESE);
- General Supervision Enhancement Grants (GSEGs);
- New toolkit on assessments: <http://osepideasthatwork.org/toolkit/index.asp>

- OSEP “one pagers” on the new law; <http://www.ed.gov/policy/SpecEd/guid/idea/idea2004.html>; and
- 2 percent flexibility information at www.ed.gov.

Update on Part B Data Collections

Marsha Brauen, Carol Bruce, Roberta Garrison-Mogren, and Jessica Lautz, Westat

This presentation provided an overview of pending changes in the IDEA Part B data collections, scheduled for implementation for 2006-07. The proposed changes are driven by new requirements specified in the 2004 reauthorization of IDEA. The revised data collections are currently under review by the Office of Management and Budget (OMB). Across all of the proposed data collections, data will now be collected by the gender and limited English proficiency (LEP) status of the student. Percentages are also required now; however, these figures will be computed automatically in the data transmittal sheets (DTS).

Child Count

For the child count (Table 1), states will be allowed to choose their data collection date to fall between October 1 and December 1, inclusive. However, the reference date must remain the same from year to year. Sampling for reporting race/ethnicity is no longer permitted. In the interests of minimizing the reporting burden, child count will not be collected by gender or LEP.

Personnel

The new data collection form for personnel (Table 2) addresses paraprofessionals separately from related services personnel. In addition, states will no longer be required to report special education teachers by their area of specialization. Special education teachers will be reported according to whether they are highly qualified, and paraprofessionals will be reported according to whether they are qualified.

The categories for physical education teachers and recreation/therapeutic recreation specialists have been combined. The diagnostic and evaluation staff category has been changed to medical services (for diagnostic and medical purposes only). Speech pathologists are now referred to as speech-language pathologists, and a personnel category was added for orientation and mobility specialists. The categories for vocational education teachers, work-study coordinators, supervisors/administrators, and other staff have been removed.

Environment

States will be permitted to choose their reference date, under the same guidelines as specified for the child count. These data will be reported by gender and LEP status. Sampling to report race/ethnicity data is no longer permitted.

The environment categories for 3- to 5-year-olds have been extensively revised. Children will be reported according to whether they attend a regular early childhood program and the amount of time that they spend in the regular program (at least 80 percent of the time, 40 percent to 79 percent of the time, or less than 40 percent of the time). Children who are not attending a regular early childhood program but are in a special education program will be reported as being in a separate class, a separate school, or a residential facility. Children who are attending neither a regular early childhood program nor a special education program will be reported as receiving services in a service provider location or in the home.

The environment categories for students ages 6 to 21 years have been similarly revised. Students who receive services in a regular classroom will be reported according to the amount of time that they spend in that classroom (80 percent or more of the time, 40 percent to 79 percent of the time, less than 40 percent of the time). The categories for public and private residential facilities have been combined, as have the categories for public and private separate schools. The duplicated counts of children placed in private schools by their parents will not be unduplicated counts, as will the count of children in correctional facilities.

Exiting

These data will now be reported by gender and LEP status.

Discipline

This data collection will include new categories for removals of students by school personnel to interim alternative educational settings (IAES) for serious bodily injury, as well as students with out-of-school suspensions totaling 10 days or less in a school year, and students with in-school suspensions (totaling 10 days or less or more than 10 days in a school year). There will also be new categories for the total number of disciplinary removals and the cumulative days of removal during the school year (1 day, 2 to 10 days, or more than 10 days). These data will be collected by gender and LEP status.

There is a new section to this data collection for expulsions with and without educational services for children with and without disabilities. These new data will not be reported by disability, race/ethnicity, gender, or LEP status.

Assessment

This data collection is currently under revision by OSEP to bring it into closer alignment with the requirements of NCLB.

Dispute Resolution

This will be a new data collection for the 2006-07 year, due November 1, 2007. Its content is the same as the existing Attachment 1 of the SPPs.

Early Intervening Services

This proposed new data collection has been withdrawn.

Monday Concurrent Sessions

Follow-up on Part B Data Collections

Marsha Brauen, Carol Bruce, Roberta Garrison-Mogren, and Jessica Lautz, Westat

This was a question-and-answer session to follow up on the morning's overview of pending changes in the IDEA Part B data collections, scheduled for implementation in 2006-07. The proposed changes are driven by new requirements specified in the 2004 reauthorization of IDEA.

Child Count

- Participants asked what reference date should be used for the child count when the date that is ordinarily used falls on a Saturday or Sunday. Westat instructed that, in these cases, the correct reference date would be the Friday before the usual reference date.

Environment

- Participants asked that we provide a technical assistance document that provides descriptions or scenarios of specific service settings and how those would be properly documented in the revised forms.
- They also asked that we post a general crosswalk between the old and new environment categories, to be posted on IDEAdata.org.
- States are struggling with the need to determine the balance of children with and without disabilities in order to properly categorize children according to the environment where they are receiving services. One point of confusion is whether the balance of children with and without disabilities is tied to the reference date of the child count, as that balance may shift throughout the year. As the environment data are tied to the child count reference date, it is presumed that the balance of children with and without disabilities should be anchored to that same point in time.
- The states further point out that if the local district does not run the special education program, it may not know the proportion of students with disabilities versus students without disabilities.
- There is some confusion about how to categorize children who are cared for by babysitters. Westat informed the states that these children should be counted in the "home" category, if they are receiving services in the caregiver's home.
- The instructions do not indicate whether time that the child spends in lunch, recess, and study periods should be included in the numerator as time in the regular class-

room. Westat will discuss this issue with OSEP and provide clarification in technical assistance documentation to be posted on IDEAdata.org.

- States expressed concern that limited English proficiency status will be quite difficult to determine for 3- to 5-year-olds.

Discipline

- States are not happy with the current definition of in-school suspension and are asking that it be refined.
- There is confusion about reporting cumulative removals of 1 day or less. Westat clarified that a single suspension of less than a half day should not be included. But, a series of shorter suspensions that total to less than 1 day should be included. So, if a child is suspended from a 30-minute lunch period for 2 weeks, that student would have a cumulative suspension of 5 hours and should be counted in Column 5B, 1 day or less.
- States pointed out that determining whether a child without disabilities is receiving educational services during a period of suspension is difficult to do, and “educational services” is not well defined.

Non-618 Part B Data for the SPP/APR: Challenges and Successes in Collection and Reporting—Part B

Jane Nell Luster, NCSEAM (moderator); Gregg Corr, OSEP/MSIP (respondent); Panelists: Paul Raskopf, Virginia; Nancy Fuhrman, Wisconsin; David Phillips, Vermont; and Chris Drouin, California

The panelists were asked to talk to attendees for 8-10 minutes in response to three key items: (1) the extent of involvement in the development of the SPP and in the preparation for the submission of the APR; (2) responsibilities for the collection, maintenance, and reporting of the data for Indicators 8, 11, 14, and 15; and (3) the extent of involvement or noninvolvement and its effect on the role of the data manager.

Paul Raskopf talked of the tension of 618/non-618 data collections. His role as “coordinator” of the Virginia SPP evolved from his lead role with the APR. As coordinator, he must train, educate, or enlighten SEA staff and stakeholders as well as LEA staff. Part of the challenge is, while several SEA staff have responsibility for individual indicators, he must convey the data information to each of these persons. This requires him to be an “expert” for all 20 indicators. He also touched on the tensions caused by the state’s collecting data that are non-618, such as—who is responsible, and how are the data collected and stored? There is also the issue of teaching LEA personnel to collect and submit these data. Raskopf addressed the challenges of setting and meeting targets for the performance and compliance indicators. He closed with the observation that data managers wear multiple hats and must be cognizant of the evolving nature of the job.

David Phillips, as a new data manager, was heartened to learn that his concerns and Ras-kopf's were similar. Phillips is part of a two-person coordination team for the SPP. He addressed the challenge to "message" across the department for information that is non-618. As data manager, he has responsibility for Indicators 8 and 14, while the monitoring team has responsibility for 11 and 15A and 15B, and the legal team for 15C. One of the realizations for Vermont has been the economies of scale in collecting data for the parent survey (#8); that is, even with states that have primarily small school districts, the cost burden is similar to that of states with multiple large population districts. The data manager role and job are changing; the job in the future is to message across the department, stakeholders, and LEAs that data are "not a nice to have, but a need to have."

Nancy Fuhrman told the group that the responsibility for compiling the information on the indicators is assigned to individuals or groups, while her role is primarily working with the numbers and with the information technology staff. Yet, even as her role is delimited, she is expected to be involved with each of the individuals and groups. The North Central Regional Resource Center developed an electronic web-based survey for Indicator 8; Fuhrman will select parent names and give the information to LEAs, so they can ask parents to complete the survey. Data collection for Indicator 11 is being developed through a local performance plan, similar to the SPP. Wisconsin has been collecting post-school data for 5 years or so because of state law; some adjustments will be necessary with this data collection both to address the SPP indicator and changes in the state data system. Indicator 15 data come from a district self-assessment. Fuhrman closed by reminding participants that the role of data managers is changing, and new learning is a necessity.

Chris Drouin shared with the group that the SPP, just as the APR, is shared "out across the Special Education Division." He emphasized that point by using a table to show the multiple sources and responsible parties for the various SPP indicators. He is part of the Assessment, Evaluation, and Support (AES) unit; this unit coordinates data collection, analysis, and reporting of non-618 data. California faces special challenges because it has very small school districts as well as a number of districts with more than 50,000 students. In general, the role of the data manager has not changed in California, yet data collection has gone through a major adjustment, and the amount of work has increased.

Gregg Corr acknowledged a better feel for the angst of the states in this evolving work of the SPP. OSEP is attempting to respond to the needs of states through monthly calls with individual states, national teleconferences, and the upcoming National Accountability Conference. Also, workgroups at OSEP are addressing various aspects of assistance to states. Corr identified some of the overarching issues addressed by the panelists and through OSEP's review of the SPPs: Current data systems are not designed for the collections now needed; it is not clear what states should do when targets are not met; and how do states report LEA data to the public. He concluded by identifying as a major challenge incorporating the SPP into the daily work, rather than viewing it as an additional job or add-on.

Reporting Part B Data to the Public

Nancy Reder, NASDSE; John Hoffman, PACER; Diana Hinton Noel, NCSL

NASDSE

Nancy Reder began this panel discussion by emphasizing that data or numbers by themselves are meaningless, and without context and interpretation, people will attach their own meaning. Although the actual data may not be debatable, meaning and interpretation are, and reasonable people may come to different conclusions—for example, if the finding (data) is good or bad news. Involving stakeholders can be helpful when determining how to interpret data and make data meaningful to the public. Also, stakeholders can be helpful when it comes to taking action or making recommendations based on the data.

In order to head off the misuse of data, Reder said that those who understand the data have an opportunity and obligation to attach meaning to them. The possible ways that data may be interpreted and used positively and negatively must be anticipated. Data managers should think about what questions the public wants answered—Are students showing improvement over last year’s test results? What can be done to make programs/supports better?

Data can answer different types of questions—status at a point in time (e.g., the percentage of students who graduated from high school in 2004) or change over time (e.g., the increase or decrease in the percentage of students who graduated from high school between 1994 and 2004).

According to Reder, it is important to be “media savvy.” This means knowing the publications that cover education or early intervention and developing a good working relationship with reporters who cover those beats. State staff should seek out reporters to give them good news before they call and ask for explanations of bad news. Prior to being interviewed by a reporter, staff should know the goal of the interview, write down the key points they want to cover, consider possible questions/answers, and rehearse. When talking with media representatives, staff should first offer findings briefly and directly, then support them with details. It is important not to “over answer” by giving too many details. When asked about a problem, staff should focus on the solutions and not let wrong data stand uncorrected. Reder provided the following additional tips for interviews with reporters: frame replies as a positive statement, avoid jargon and acronyms, do not repeat negative statements or be provoked, be engaging, and keep cool. If staff do not know the answer to a reporter’s questions, they should be honest and tell the reporter that they will find and provide the answer, and then do so. Reder drew the information in this paragraph from Fleishman Hillard.

PACER

John Hoffman explained that the ALLIANCE Project provides technical assistance to the nation’s more than 100 Parent Centers. This includes convening conferences and institutes, issuing publications, and providing management expertise and technology assistance. Between October 1, 2004, and September 30, 2005, the ALLIANCE conducted a unified data collection to determine the outcomes of the work of the Parent Centers. Five thousand ran-

dom telephone surveys were conducted with parents who received assistance via telephone or at a workshop. ALLIANCE received data from 99 centers and had a response rate of 95 percent. John Hoffman presented some of data from this survey as an example of how the ALLIANCE reported data to the public.

Across the country, Parent Centers had more than 1.6 million contacts with parents and professionals, and reached over 500,000 people through workshops and presentations. In addition, parent centers had more than 7.7 million visitors to their web sites.

Parent Centers helped families of children with all disabilities. The most common were specific learning disability, attention deficit disorder, and autism (for each, more than 14 percent of the respondents). The Parent Centers helped families of children ages birth to 26, with the most common age range 6 to 11 years (35 percent of the respondents). Thirty-seven percent of the Parent Center contacts were with families of culturally/racially diverse backgrounds.

Hoffman presented some of the family-reported data from the Parent Centers:

- 81 percent of children received more appropriate services because of information learned from the Parent Centers.
- 98 percent of families were more knowledgeable about how to work with schools due to assistance via workshops.
- 89 percent of families were able to address critical needs related to their children's education due to information received via workshops.
- 92 percent were provided with information to make decisions via telephone contact.
- 88 percent shared with others the information they received from Parent Center workshops.
- 84 percent were able to resolve disagreements with schools due to information received via telephone contact.

When Parent Centers were asked how IDEA data could be more useful to families, they requested more data on: postsecondary outcomes (e.g., tracking of dropouts); parent involvement (e.g., percentage attending IEP meetings, advisory councils); students who are homeless, in the juvenile justice system or the child welfare system; and dispute resolution issues, findings, and resolutions. They also would like data disaggregated by teacher characteristics (e.g., highly qualified subject area, instructional method), and state test data disaggregated by placement.

Parent Centers could be more involved in the reporting of data to the public by helping lead agencies make the presentation of data more meaningful and understandable to families, and collaborating with lead agencies in the release and dissemination of annual reports.

To order a full copy of the *Outcome Data* book, contact the ALLIANCE at 1-888-248-0822.

NCSL

Diana Hinton Noel began her presentation with an overview of the National Conference of State Legislators (NCSL). This is a bipartisan organization that serves state legislators and staff of all 50 states and the territories. NCSL has offices in Denver, Colorado, and Washington, DC. There are 15 standing committees that consider policy positions and guide lobbying efforts. The state legislatures are all bicameral, with the exception of Nebraska. All states but Vermont have a constitutional requirement for a balanced budget. State legislative staff range from large, full time, and well paid to small, part time, and low paid.

Data are particularly important to state legislators for formula distribution for funds and allocation of resources. The major components of general fund appropriations for fiscal year 2006 were K-12 education, 33.7 percent; Medicaid, 15.8 percent; higher education, 10.8 percent; corrections, 6.0 percent; and other, 33.7 percent. Sources of state revenue were Federal revenues, 25 percent; sales tax, 18 percent; personal income tax, 18 percent; excise tax, 16 percent; and corporate taxes, 15 percent.

States fund special education in a variety of ways, including *pupil weight*— a funding weight is assigned to students based on service needs and costs; *flat grant or census-based*— a fixed per-student dollar amount or a lump sum for special education services based on averages; *percentage reimbursement*—districts are reimbursed for a certain percentage of allowable costs; *resource-based*—states pays for specific resources, such as teachers or classroom units; and a new policy option—sufficient resources are distributed so there is no incentive to classify students with specific disorders. Using the pupil weight method may create an incentive to over identify; however, using the flat grant or census-based method may mean that there are not adequate funds for high-cost students.

Students receiving special education services are about 13 percent of the student population, but account for about 22 percent of K-12 expenditures. Federal funds cover about 18 percent of average per pupil expenditures (APPE), but Federal money is only about 12 percent of additional expenditures for students receiving special education services.

When the Federal special education law was enacted, the government promised to pay for the excess costs of special education, estimated to be 40 percent above K-12 APPE, but Federal funds are only half of the promised amount or \$11 billion. The actual excess cost to states is more than twice the Federal estimate of 40 percent. The total cost to states and localities is \$25 billion a year for IDEA.

In summary, Noel stressed that data for state legislators must be presented in a clear and concise manner; two-page briefs are effective. State staff should try to think like a policy-maker when reporting data to legislators: what do the data mean and what are the positive results for students? Legislators may go first to the internet to get information, but Noel does *not* recommend replacing face-to-face reporting of data with web-based reporting only.

Sampling Related to the SPP/APR

Larry Wexler, OSEP/MSIP, and Jim Green and David Morganstein, Westat

In addition to providing technical assistance in the collection of 618 data, Westat assisted MSIP in evaluating the SPPs and evaluated close to 100 sampling plans. This session was repeated on Wednesday for Part C. Larry Wexler presented the most common reasons that sampling plans in the SPPs were found to be technically inadequate. He was assisted by Jim Green (Monday) and David Morganstein (Wednesday) from Westat. Many SPPs mentioned sampling, but they did not describe an actual sampling plan. MSIP used liberal standards to evaluate the sampling plans, but Wexler noted that no Part C agencies had an “A” level plan. MSIP notified states when their sampling plans were deemed not technically sound and likely to result in data that would not be considered valid for the 2007 APR.

Wexler explained that sampling is not required on the part of the states, but they can choose to implement sampling if it simplifies the data collection process. States may sample in some districts and not in others, and sample size is less important than the overall representativeness of the sample. If properly designed and implemented, sampling can be a means of controlling costs and improving the efficiency of data collection; however, it may not be practical in smaller districts. Moreover, states will not be able to draw accurate conclusions if they are working with very small cell sizes, so the sample should be planned accordingly. MSIP discourages states from sampling if it is not cost effective to do so.

If states sample districts, they must include any district with more than 50,000 students with disabilities in the sample (i.e., it must be sampled with certainty). Moreover, all districts must be included at some point in the life of the SPP. However, it is acceptable to sample within the larger districts. The samples should be designed to avoid small cell sizes, as these will lead to inference problems and problems with confidentiality.

It may be easier and more informative for states to do a census in some cases, particularly in states with smaller districts. One caveat in conducting a census, however, is the need for a larger proportion of respondents to get adequate precision from a small population. This fact renders sampling inefficient for the smaller districts. Above all, the resulting sample must be demographically representative. If stratification factors are used, they must preserve this representativeness. One means for ensuring that a sample is representative is to compare it against the 618 data. However, if the state uses this sampling, it increases the risk of incorporating response bias into the data. Rather than use such a census, states are better off planning for sampling. In either case, the state must address how it will deal with nonresponse. Sampling provides higher response rates, better representativeness, and minimal bias.

MSIP encourages states to consult with sampling methodologists in developing their sampling plan and to hire a consultant, if necessary, to ensure a quality sample design. The best plans were designed by consultants, often for less than \$20,000.

Wexler also noted that database characteristics will affect the feasibility of drawing a sample. Data systems with individual student records tend to be more amenable to sampling be-

cause they are easier to sort. A sample calculator can help to determine the appropriate sample size and response rate to yield the desired precision, and there is one available on the MSIP web site.

State representatives expressed discomfort about having to publish data that they are not confident are good. Wexler indicated that OSEP expects that the data will improve from year to year, as a part of a process of successive approximation. States also expressed confusion about the parallel tracks of data reporting. States report to the Department of Education on state performance and report to the public on local performance. The sampling plans, however, often were not appropriate for reporting at the district level. Geographic clustering may be acceptable for reporting at the state level, but is not appropriate for reporting at the local level. Within a State, where small LEA cell size precludes publication of LEA or local agency data, the State may opt to go beyond OSEP's requirement and aggregate some local program data to provide the public with information about the performance of a region. However, Wexler stressed that this exceeds the Federal requirement.

One data manager expressed concern that the year-to-year changes may be evaluated at some point, and states will have to be prepared to discuss what is a significant change and what is not.

Additional problems with sampling plans include problems with using the monitoring cycle as the basis for sampling. In cases where districts are selected for a given year, the districts may not be representative of other districts in the state.

Modifying Data Systems To Address Changing Data Requirements

Jody Fields, Arkansas; Charm Paulmeno, Colorado; Sandra McQuain, West Virginia; and Jessica Lautz, Westat

The session presented three states' perspectives on modifying data systems to address changing data requirements. Presentations from Arkansas, Colorado, and West Virginia addressed challenges, developments, and fresh ideas on how to change a state data system. The session included the perspective of a local control state (Colorado) and a state with a centralized system (Arkansas).

Arkansas

Arkansas is unique in that the Arkansas IDEA Data and Research Office is a partnership of the University of Arkansas at Little Rock and the Arkansas Department of Education (ADE). The Data and Research Office provides data management, analysis, technical assistance, and research for enhancement of the ADE's supervision of LEAs' special education programs. The office has four full-time staff members and one part-time staff member.

Arkansas' data collection program, called Arkansas Public School Computer Network (APSCN), collects data in seven cycles throughout the school year, including special education data. All changes to APSCN must be submitted in March of the current school year for

the next year. APSCN has its own dedicated special education programmer for changes to the data system. The ADE Data Administration cannot report special education data unless they come through the Special Education Unit. The Special Education Unit manages a special education web site, MySped Resource, and two special education surveys. Although Arkansas tries to have all changes in the database by March, the state can make changes throughout the school year, as needed. As a result of IDEA 2004, Arkansas had new data elements in place for the 2005-06 school year. When the state makes changes to the database and data collection, it notifies districts and early childhood programs through Commissioner memos and announcements on MySped Resource.

West Virginia

West Virginia's 2005-06 student enrollment was 279,788, of which 52,377 students had disabilities. There are 55 county school districts, and all of the student records belong to the district. The state superintendent is board appointed. Centralized policy decisions are made by the West Virginia Department of Education, West Virginia Board of Education, and the legislature. The Office of Special Education is in the Division of Instructional Services. West Virginia has a centralized data system with reporting and data analysis at the state level, which is advantageous to database changes. The centralized data system includes student records (a statewide unique student identifier is used), financial records, and personnel management records. However, IEPs are not part of the system, so records require data entry from IEPs or other documentation. Currently, the state submits its environments, child count, and exit tables through EDEN. West Virginia is moving to a web-based system over the next 3 years.

West Virginia has seen an increase in data demands for district-level data analysis and reporting and an expectation for immediate data collection and availability. FERPA issues create confusion about data. The state keeps up with changes in the data system through EIMAC, EDFacts/EDEN, NCES forum, and the OSEP data conference. Changes to anything affecting special education regulations, such as changes in definitions of placement options, require a change in state board policy. There are a number of challenges to the state when changing the database, including an underestimation of the burden at all levels, small districts that may have only the special education director or secretary to maintain special education data, data used by special education taken from components of the system that are not controlled by special education, and a growing reporting burden that results in data quality issues.

West Virginia provides the following suggestions to states that are modifying their data systems:

- Anticipate future data needs;
- Do not make major changes until final requirements are approved (they may change);
- Understand the definitions and reporting requirements;
- Get input from district staff—they are providing the data;
- Maintain balance between timeliness and accuracy;

- New data collections
 - Build in time for extra checks and correction of data errors at the local level;
 - Complex changes take more time, training; and
 - Cross-walk or extract from available data, as appropriate, until policy and system changes can be made.

Colorado

Colorado is a local control state, meaning Colorado's constitution gives local control to school districts. Making changes in the data system is slow, and LEAs are involved in every step of the decisionmaking process. To make changes in the state's data system, the state must identify system changes, design a new end-of-year student system, develop a new web-based suspension/expulsion system, notify LEAs of new data collection requirements, meet with a special education directors forum, and meet with Information Management Systems to determine where new systems fit within the processing priorities. The state must also coordinate system development with other Colorado Department of Education collections and systems. The special education student system is separate from the Department's total student system, but the state tries to use common elements and definitions where appropriate. The state must also coordinate needed changes with IEP and Post-School Outcomes teams, provide ongoing updates to special education directors, and receive feedback on recommended changes. The state provides extensive regional training to LEAs on each individual system.

Colorado's advice to data managers:

- Relax;
- Do the best that you can; and
- Find a balance between data accuracy and reporting deadlines.

Displaying Data: Effectively Communicating Your Message Arlene Russell Bender and Caroline Moore, WRRRC

Arlene Russell Bender and Caroline Moore from the Western Regional Resource Center outlined what types of data are best presented in different data displays. This presentation was presented again on Wednesday for Part C.

Pie charts are used to show the parts of a whole quickly. Bar charts show data in a snapshot in time. A benchmark or target line can be inserted on a bar chart to show how the bars match up to that number. Trend line charts are used to show how data change over time. The presenters noted that it is important to consider scale when displaying trend data. In tables, data can easily be compared across rows and/or columns. Shading or color can be used in order to highlight important figures. Tables are a good default option if a report or system is unable to accept a chart. Maps are a great way to display differences in data across geographical areas.

Russell Bender and Moore also discussed displaying qualitative data and suggested minimizing the amount of text in PowerPoint slides. Concise bulleted points are effective for in-

forming viewers. However, it is also important not to oversimplify complex issues. To demonstrate this point, an example was given where the presenter used only six bullets to summarize the entire Gettysburg Address.

To effectively communicate a message, Russell Bender and Moore emphasized that the data presentation should be accurate, informative, and easy to understand. Data displays should paint a clear picture and should be self-explanatory. The simpler the message the better, and avoiding jargon and acronyms is strongly recommended.

Russell Bender and Moore next presented four easy steps to communicating with data (adapted from materials by Larry Gloeckler and The Education Trust): (1) build a recipe of key questions, (2) obtain data to answer them; (3) find the storyline to bring it all together; and (4) use data to communicate, inform, provoke, persuade, and improve your system.

Session attendees then worked through a group activity. For Part B, the example focused on analysis of racial/ethnic disproportionality data for Part B SPP Indicators 9 and 10. For Part C, the example focused on percentage of infants and toddlers receiving Part C services. Attendees were asked to review the data, determine the story or message they wanted the data to communicate, and then suggest alternate ways of displaying the data to communicate that story.

The presentation concluded with a discussion of the different modes for communicating data (e.g., web sites, annual reports, newsletters, other media) and the suggestion that data managers consider options when they want to report data publicly. The presenters emphasized that data often are lifted out of context so it is important to be as clear as possible—in chart titles, legends, and axis titles—when presenting data.

Part B Dispute Resolution: The First 3 Years of Data Marshall Peter, Dick Zeller, and Aimee Taylor, CADRE

CADRE has created a national dispute resolution database using the data reported in Attachment 1 of the last three APR/SPP submissions. The presenters summarized what the data show at the national level and how the data look at the state level. This presentation was given again on Wednesday, tailored to Part C. The presenters discussed their initial findings and the problems identified with the data. The session concluded with a demonstration of an error checking spreadsheet states should use before reporting their 2005-06 data and a discussion of how CADRE might proceed in making data summaries available to the public.

Based on a summary of 40 states with logically consistent data for both 2002-03 and 2004-05, the number of complaints filed declined. The number of mediations not related to due process increased, but the number related to due process declined. The number of hearing requests also increased, but the number of hearings held decreased, suggesting that a higher proportion of hearing requests were resolved without a hearing. Dick Zeller observed that

such a decrease, if it holds for the states not included in these comparisons, translates into big savings for states. While the analyzed data come from 80 percent of the states, they represent only about 60 percent of the Part B child count.

Wednesday's sessions addressed Part C issues. While the reported number of dispute resolution events increased from 2002-03 to 2003-04, many states reported no dispute resolution events. Of the 47 states that reported dispute resolution data for both 2002-03 and 2003-04, 20 states reported no dispute resolution events for 2002-03, 24 reported no events for 2003-04, and 14 reported no dispute resolution events for either year. CADRE defines a dispute resolution event as any complaint filed, mediation held, or hearing requested. Based on two years of Part C national data, there were 15.5 dispute resolution events per 10,000 children served per year. For Part B, the picture is quite different, with a national rate of 39.5 events per 10,000 children served per year.

CADRE hypothesized the various reasons for so little Part C dispute resolution activity compared with Part B, including:

- Early intervention's family-centered orientation;
- Prevention and informal complaint resolution mechanisms resolve concerns;
- Parents not knowing their rights, and being unfamiliar with available dispute resolution options;
- Short time period spent in Part C (compared with time covered by B);
- Smaller base number of children served by Part C; and
- Voluntary nature of early intervention leading to gratitude and discomfort about complaining.

CADRE plans to publish by year's end data summaries that are identifiable by state. However, during this presentation, no state identifiable data were displayed. Some graphics of state-level data were shared with the audience, but state identifiers were omitted. These graphics showed the wide variation in the data reported across states. In keeping with its earlier efforts to help states report clean data through error checking feedback and spreadsheets, CADRE would like for states to have the opportunity to review and correct their data before they are released to the public. CADRE will provide states with a summary of the 3 years of data and identify for them where there are errors or where there may be other issues that need to be addressed. CADRE will ask states to review and correct any errors and confirm the accuracy of the data. This will require the cooperation of states and that summary information CADRE sends to State Directors, including the error checking spreadsheet, be shared with the people responsible for reporting and verifying the accuracy of these data.

Converse with the Crew—Part B Westat Staff

Only one question arose at this session. For the 3 through 5 LRE data, what is the difference between an early childhood program and special education? Westat staff responded that if the program serves a majority of children with disabilities, it is special education; if not, it is

early childhood. For reverse mainstream, if children with disabilities make up less than 50 percent of the program, it is considered an early childhood program. States can always clarify what they are reporting in a data note.

Tuesday, May 23, Morning Sessions

NCLB and IDEA for Part B Christine Wolfe, Office of the Under Secretary

Background

In April 2005, the secretary announced that the Department would propose regulations permitting states to develop modified achievement standards and assessments based on those standards for certain students with disabilities. These assessments would be for students with disabilities who do not have the most significant cognitive disabilities and for whom assessments based on alternate achievement standards would be inappropriate. The Department published a Notice of Proposed Rulemaking (NPRM) on this topic in the Federal Register on Dec. 15, 2005. A copy of the proposed regulations has been posted on the Department's web site at <http://www.ed.gov/legislation/FedRegister/proprule/2005-4/121505a.pdf>. State and local educators, teachers, parents and interested parties were encouraged to submit their comments. The following set of questions and answers summarizes the major provisions of the proposed regulation.

1. Why is the Department permitting states to develop modified achievement standards and assessments based on those standards?

Information accumulated from the experiences of many states, as well as recent research, indicates that there is a group of students with disabilities whose progress in response to high-quality instruction, including special education and related services designed to address the students' individual needs, is such that these students are not likely to achieve grade-level proficiency within the school year covered by their IEPs. Therefore it is appropriate for states to develop and implement modified achievement standards for this limited group of students.

2. What are modified achievement standards?

These proposed regulations would permit states to develop modified academic achievement standards to assess this group of students with disabilities. The regulations would set parameters for those modified achievement standards and for how states are to develop them (§200.1(e)(1)). Those parameters ensure that the modified achievement standards are significantly more rigorous than alternate achievement standards and that the standards:

- Are aligned with the state's academic content standards for the grade in which the student is enrolled;
- Provide access to a grade-level curriculum; and
- Do not preclude the student from earning a regular high-school diploma.

3. How may assessment scores based on modified achievement standards be included in Adequate Yearly Progress (AYP) determinations?

Under the proposed regulations, students assessed (§200.13(c)(2)(ii)). The best available research and data indicate that 2 percent of students assessed, or approximately 20 percent of students with disabilities, is a reasonable and sufficient cap.

4. Who may be assessed based on modified achievement standards?

The regulations also would provide states with criteria for determining which students with disabilities may be assessed based on modified achievement standards (§200.1(e)(2)). The proposed regulations do not set a Federal definition of who may take a test based on modified achievement standards. Instead, they would require that states have in their guidelines for IEP teams certain key criteria to ensure that students with disabilities are not inappropriately held to modified achievement standards. The criteria are as follows:

1. The student's disability has precluded the student from achieving grade-level proficiency, as demonstrated by objective evidence such as—
 - State's Title I assessments; or
 - Other assessment data that can validly document academic achievement.
2. The student's progress in response to high-quality instruction, including special education and related services designed to meet the student's needs, is such that the student is not likely to achieve grade-level proficiency within a year. Progress must be measured by multiple indicators, over a period of time, and with valid assessments.
3. The student is receiving instruction in the grade-level curriculum for the subjects in which the student is being assessed.
4. Student eligibility for being assessed based on modified achievement standards is not limited to a particular disability category (§200.1(e)(3)).
5. A student may be assessed based on modified achievement standards in one or more subjects assessed as part of the state assessment system (§200.1(e)(4)).
6. A student's IEP team must review annually whether it is appropriate for the student to be assessed based on modified achievement standards (§200.1(e)(5)).

5. What are the proposed requirements for assessments based on modified achievement standards?

The proposed regulations would not require states to develop an entirely new assessment §200.6(a)(3)). A state could modify an existing grade-level assessment for this purpose. Out-of-level assessments will not meet the requirements of these proposed regulations, as they are not aligned to grade-level content standards. The basic requirements for the assessments are that they:

- Be aligned to grade-level content standards;
- Yield results in reading/language arts and mathematics separately;
- Meet the requirements for high technical quality, including validity and reliability; and
- Fit coherently in the state assessment system.

6. May states or districts exceed the 2 percent cap?

The proposed regulations would place new limits on the use of proficient and advanced scores based on modified and alternate achievement standards in making AYP determinations. States may not request an exception to exceed either the 1 percent cap on the use of proficient scores based on alternate achievement standards or the 2 percent cap on the use of proficient and advanced scores based on modified achievement standards (§200.13(c)(4)). Districts, for their part, may request permission from a state to exceed the 1 percent cap on the use of proficient scores based on alternate achievement standards for students with the most significant cognitive disabilities (§200.13(c)(5)); they may not request permission to exceed the 2 percent cap based on modified achievement standards (§200.13(c)(6)). Districts may exceed 3 percent if they are granted an exception to the 1 percent cap for students with the most significant cognitive disabilities. States and districts may include scores, without receiving an exception, from more than 2 percent of their students based on modified achievement standards if they include scores of students with the most significant cognitive disabilities that are less than 1 percent, as long as their combined use of proficient scores based on alternate and modified achievement standards does not exceed 3 percent of all students tested (§200.13(c)(3)). There are no caps at the school level.

The following table, included in the proposed regulations, summarizes the policy in the proposed regulation:

WHEN CAN A STATE OR LEA EXCEED THE 1 PERCENT 2 PERCENT CAPS?

	Alternate Achievement Standards 1 Percent Cap	Modified Achievement Standards 2 Percent Cap	Alternate and Modified Achievement Standards 3 Percent Cap
State	Never.	Only if state is below 1 cap, but cannot exceed 3 percent cap.	Never.
LEA	Only if granted an exception by the SEA.	Only if LEA is below 1 percent cap. If not below 1 percent cap, never.	Only if granted an exception to the 1 percent cap by the SEA, and only by the amount of the exception.

7. Will states still be able to set a different group size for students with disabilities?

No. Under the proposed regulations, regardless of whether a state chooses to develop modified achievement standards, it may no longer establish different group sizes for separate subgroups (§200.7(a)(2)(ii)), including for limited English proficient students. Prior to the implementation of the regulations on alternate achievement standards for students with the most significant cognitive disabilities and the announcement of these proposed regulations, a state did not have much flexibility in measuring the achievement of students with disabilities for AYP purposes. Once these proposed regulations are implemented, we believe that

states will have sufficient flexibility to measure the achievement of students with disabilities appropriately and will no longer need a different group size for this subgroup.

8. Is there any additional flexibility for states in calculating AYP?

Yes. Under the proposed regulations, students who have exited the students with disabilities category may be included in the students with disabilities subgroup (for AYP achievement purposes only) for 2 years after the student no longer receives special education services. Because students with disabilities exit this subgroup once special education services are no longer needed, school assessment results for that subgroup do not reflect the gains that these students with disabilities have made in academic achievement or the work that schools and teachers have done to achieve this success. Recognizing this, the proposed regulations would allow a state, for purposes of making AYP determinations, to include the scores of students previously identified as students with disabilities within the subgroup for up to 2 years after they no longer receive services under IDEA. States may not include the scores of these students for reporting purposes under Section 1111(h) apart from AYP, however, because it is very important to have information about the achievement of students with disabilities who are currently receiving services under the IDEA. (§200.20(f)(1))

9. Will the new IDEA regulations be consistent with these proposed regulations?

Yes. In order to ensure that the final IDEA regulations are consistent with Title I, we are including in the NPRM regulatory language on assessments (§300.160) under IDEA. This replaces the proposed IDEA assessment language that we issued earlier this year. In effect, we are “re-proposing” the IDEA language to reflect the creation of the option to develop modified achievement standards and to further align IDEA with NCLB.

In addition, we are including language that would require that state (or, in the case of a districtwide assessment, district) guidelines for IEP teams require that each child be validly assessed and that the teams identify any accommodations that would result in an invalid score. Under Title I, a student must receive a valid score on an assessment in order to be considered a participant. This proposed change would require that a student receive a valid score in order to be reported as a participant for IDEA purposes as well.

After the proposed regulations on modified achievement standards were presented, states were cautioned about developing systems around a proposed rule.

In addition, to assessment issues, the presentation discussed bright-line principles for high-quality growth models. Tennessee and North Carolina are currently approved to conduct growth model pilots, described in detail on the ED web site (<http://www.ed.gov/news/pressreleases/2006/05/05172006a.html>). Key points of the growth model are:

- Ensure that all students are proficient by 2014 and set annual state goals to ensure that the achievement gap is closing for all groups of students;
- Set expectations for annual achievement based upon meeting grade-level proficiency and not upon student background or school characteristics;

- Hold schools accountable for student achievement in reading/language arts and mathematics;
- Ensure that all students in tested grades are included in the assessment and accountability system and hold schools and districts accountable for the performance of each student subgroup;
- Include assessments, in each of grades 3 through 8 and high school, in both reading/language arts and mathematics that have been operational for more than 2 year and have received approval through the NCLB standards and assessment review process for the 2005-06 school year;
- Assessment systems must produce comparable results from grade to grade and year to year;
- Track student progress as part of the state data system; and
- Include student participation rates and student achievement as separate academic indicators in state accountability.

Wolfe referred attendees to two resources—OSEP’s new toolkit at <http://osepideasthatwork.org/toolkit/index.asp> and a document on the web site of the Aspen Institute (www.nclbcommission.org) that addresses the issue of subgroup size. The latter, a 12-page document entitled “Children with Disabilities and LEP Students: Their Impact on the AYP Determination of Schools,” can be found at <http://www.aspeninstitute.org/atf/cf/%7BDEB6F227-659B-4EC8-8F84-8DF23CA704F5%7D/LEP%20and%20Disabilities%20Subgroup%20report%20finala.pdf>.

Update on EDEN for Part B
Ross Santy, Office of Planning, Evaluation, and Policy Development

Ross Santy presented on EDEN and the transition to the new Federal government data collection system. Currently, 25 states are approved to submit to EDEN at least one IDEA, Part B table. The three tables EDEN is collecting currently are the child count, educational environments, and the exiting tables. EDEN’s purpose is to have all Department of Education data collected through one place. The system will reduce data overlap from different data collections and standardize definitions of data elements across the collections. It will be a warehouse for data and will include information on students, teachers, schools, districts, and states. Creating the warehouse will allow data to flow back to the classroom to be used for program improvement.

Regulations for EDEN allow each state a 2-year window, meaning the 2006-07 data will be submitted through EDEN. Santy is working with Lisa Holden-Pitt to match the data element categories on the 2006-07 forms currently being reviewed by OMB to EDEN.

Challenges EDEN is facing include communication struggles within the state between the EDEN coordinator and the state data manager. Additionally, some states do not have the technical capability to collect the data in the format that EDEN requires. Some states have a resource capability gap and do not have enough people working for the state to submit via EDEN. Despite these difficulties, seven states are approved to submit all three tables to

EDEN. States were approved to submit data to EDEN-only by submitting their tables to EDEN and to OSEP. If a comparison of the files showed the quality of data matched the DANS data, then the state could become an EDEN-only submitting state.

Currently, EDEN collects the data and then extracts them into a file that is similar to the OSEP Excel files and sends the file to Westat to be loaded into DANS. The state receives a file from EDEN that is a summary report of the data reported on the school, district, and state levels.

EDEN will provide one log-in for each SEA, so they are able to see how much data and what types of reports are in the EDEN system. SEAs will be able to make decisions affecting their classrooms based on data and research questions. States will also be able to look at other states and compare their data against states regionally or other characteristics.

The first year was difficult for states to submit via EDEN, and many lessons were learned along the way. EDEN does not currently accept data notes, but will be accepting them in the future. EDEN is working to improve edit checks with data submittal to make things easier for states. In the future, EDEN will also be working with territories to submit their data to EDEN, and it is anticipated that Part C data will be submitted via EDEN at some point.

Update From Specialty Centers for Part B Ross Moen, NCEO; Loujeania Bost, NDPC; and Michael Bullis, NPSO

National Center on Educational Outcomes

Ross Moen discussed Indicator 3 (Participation and Performance Data) of the SPP and the goal to improve reporting for better accountability. He stated that participation precedes performance. NCEO showed that the percentage of students with disabilities participating in assessment for accountability has grown since the early 1990s from less than 10 percent for most states to the current rate of more than 95 percent for nearly all states.

Moen discussed recent developments with regard to SPP reporting. What had been Attachment 3, data for APR submissions, is now reported primarily as Table 6 in the 618 data. Those data along with districts' Adequate Yearly Progress (AYP) data will be the future APR/SPP Indicator 3. SPP data were reported in narrative form, which made reporting more flexible. However, the narrative format requires more decisions about what to report and how to report it. This flexibility also removes a compulsory factor that can sometimes be helpful in obtaining data. Reporting data in both section 618 and SPP submissions may seem redundant.

NCEO's challenges in working with the SPPs are looking for results (comparing text and tables), understanding results (when data do not add up), and comparing results (e.g., some states reported only total AYP data while other states reported only by content area). It is hard to show a good national picture from state data due to state reporting differences—

states use different denominators and different reporting years, derive enrollment counts differently, and vary in definitions for “participant.” For these reasons, there is a lack of confidence in comparing percentages across states. The way data was reported in this year’s SPP submissions prevented NCEO from playing its three main roles in report analysis: (1) screening—identifying data problems; (2) highlighting good data, and (3) providing technical assistance on the data preparation process.

NDPC

The National Dropout Prevention Center for Students with Disabilities is funded by OSEP and works on both dropout prevention and re-entry of students into school. NDPC provides guidance to states in designing, implementing, and evaluating effective dropout prevention programs. It provides both indirect technical assistance such as quarterly teleseminars, web events, and an e-newsletter, and direct technical assistance such as analysis of indicator data, help in developing initiatives, self-assessment, and capacity building. The work of the NDPC is relevant to the SPP/APR dropout/graduation rates and comparisons and to the improvement activities states are planning to undertake. Technical assistance can help states get more out of the data they are reporting. The NDPC can provide guidance to states on data collection, can offer strategies and templates for data-entry, and has a calculator to assist with APR data. The NDPC can also help states with causal analysis related to dropout rates in order for program improvement. Loujeania Bost outlined some ideas for data managers to help their states get a better picture of their data. She stated that there needs to be internal consistency, such as common definitions for such terms as graduate, diploma, etc. Data systems need to be designed for portability, regular updates, and longitudinal data collection. She stressed that states can get more mileage out of their data by looking across indicators to get a picture of who is dropping out and why. She suggested that data managers begin by defining questions that need to be answered from the data, determining the data that are needed, and determining how outcomes will be evaluated.

NPSO

The National Post-School Outcomes Center at the University of Oregon has two distinct groups: the Technical Assistance and Consulting Services (TACS) and The Secondary Special Education and Transition Unit (SSET).

States are required to collect data on secondary and postsecondary outcomes for the assessment of Part B services. Indicator 14 examines the outcomes of students within 1 year of leaving school. Michael Bullis discussed the fact that it becomes difficult to track children longer than 1 year. The longer the time until data are collected, the more difficult it becomes to have accurate data. This is because the respondents are former students who need to be tracked—they are no longer available in a classroom. Often, states report that they do not have the resources to collect these data. The mission of the NSPO is to assist states in developing rigorous data collection systems for national, state, and local reporting—and ultimately to improve planning, services, and outcomes for children. NSPO work focuses on state knowledge development through assisting with APR analysis, needs assessments, and

literature reviews and providing technical assistance on such things as web sites, trainings, and dissemination. NSPO's partners include Westat, the Regional Resource and Federal Center network, NASDSE, and PACER. Bullis discussed two major state-level decisions—how the data will be used and from whom the state will collect data. Since many states cannot use a census to collect data, NSPO can help states with sampling. There is also a sampling calculator on the NSPO web site. In offering tips on collecting data, Bullis emphasized that less is more. Fewer survey questions will most likely result in better data and more respondents. He also suggested collecting, at a minimum, data on leaver status, gender, disability category, and ethnicity. This will enable comparability to the National Longitudinal Transition Study-2 (NLTS2) and will facilitate aggregating data nationally.

Update From EIMAC for Part B Mary Keenan

The Education Information Management Advisory Consortium represents and advises SEA chiefs and staff on national data issues; collaborates in the planning of national data initiatives by building partnerships with national data collectors, including Federal program offices; reviews and provides feedback on national data collections and reports and on national assessments and related research studies; and provides networking and professional development opportunities for SEA directors and managers of data and assessment. It meets twice a year, in May and October.

Tuesday, May 23, Afternoon Sessions

Welcome From OSERS/OSEP Alexa Posny, Director, OSEP

The special education community needs to ask what can we learn from NCLB and, in turn, what can NCLB learn from IDEA. The purpose of both laws is to ensure accountability for all students. The Department used to have parallel accountability systems for regular and special education. Now it is looking at the overlap that needs to be there.

What can we learn from NCLB?

- All children can achieve to high standards.
- All schools are accountable for all students.
- The accountability system has to apply to all schools and all children.

According to the President's Commission on Special Education report, states need to align the goals of NCLB and IDEA, define adequate yearly progress, measure and report performance, and take actions when progress is not being made. In the future, education should have a shared accountability, reform based on research, the empowerment of parents, enhanced teacher quality, and high academic standards for all students.

The intent behind NCLB and IDEA is accountability for all students, the need for high quality data, and the need to use information to improve programs by looking at adequate yearly progress, disaggregating groups, and defining grade-level expectations.

In meeting the requirements of IDEA, data managers need to be flexible but detailed and consistent. The OSEP data collection has shifted from collecting, entering, analyzing, and reporting data to using data for decisionmaking, accountability, and program improvement. Reporting has shifted to accountability and usability; monitoring has shifted to looking at outcomes.

Ensuring that students achieve and succeed is driving this change. States should use data to make good decisions, use evidence-based information, and be accountable. States should use the past to improve the future, but focus on the present in terms of trends.

OSEP's vision is to make the data managers' job easier, help states implement changes in the law, and help states to build capacity. States need to keep in mind that changes in the law will also mean changes in trends. The data managers' mission, in turn, is to provide accurate baseline data and to provide complete, consistent, and well-documented data.

Challenges facing data managers include the migration to EDEN and ED Facts, changes to the data collection forms, alignment of IDEA data and NCLB data reporting, changes to the race/ethnicity categories, the demand for public reporting, and breaks in the trend data.

There are three areas for growth in data reporting. Content growth refers to laws, regulations, programs, and data. Process growth includes working as teams and data analysis. Context growth involves the development of a professional learning community that collaborates, shares data files and definitions, and focuses on questions, not just data entry.

Tracking Students from C to B – Common Student Identifiers, Merging Data From Different Databases, Confidentiality Kala Surprenant, Office of the General Counsel, and Karen Denbroeder and Janice Kane, Florida

Kala Surprenant provided an overview of the legal and practical issues lead agencies confront as they collect, maintain, and report data on children who move from Part C early intervention systems into the Part B program. Karen Denbroeder, Part B, and Janice Kane, Part C, then shared Florida's experiences developing an interagency agreement and merging data files with limited common fields.

Kala Surprenant reviewed the following issues regarding data sharing and transition. As children transition from Part C to Part B, states often face challenges related to data sharing due to confidentiality and related requirements, even in circumstances where Part C's lead agency is education. Some important requirements include:

- In general, States must obtain parental consent prior to disclosing personally identifiable information, unless a specific exception under Part C applies.
- When a child reaches the age of 3, the state's Part C lead agency must notify the LEA by providing basic child find information regarding children who are potentially eligible for Part B. However, according to the Letter to Elder, states can adopt opt-out procedures that allow parents to opt out of this mandatory child find referral by the Part C agency if parents do not want the LEA to contact them regarding a referral. (See, OSEP 2004 Letter to Elder). In situations where parents opt-out and if the lead agency documents that the parents opt-out, the lead agency does not need to notify the LEA of those children potentially eligible for Part B.
- The basic child find information that must be provided is the child's name, date of birth, and parent contact information. Information on a child's disability or developmental delay cannot be shared without prior written consent.

Under Section 618, Part C must report reasons for exit, including whether Part B eligibility was determined and referrals made to non-Part B programs. Under Section 616—State Performance Plan (SPP)/Annual Performance Plan (APR), Indicator 8, Part C reports the percentage of all children exiting Part C who received timely transition planning to support transition to preschool by the third birthday including: (1) IFSPs with transition steps and services; and for children potentially eligible under Part B: (2) notifications to LEA; and (3) timely transition conferences (at least 90 days but, at the discretion of all parties, not more than 9 months prior to the child's third birthday). Under Indicator 12, Part B reports on the percentage of children referred by Part C to Part B prior to age 3 who are found eligible for Part B and have an IEP developed and implemented by their third birthday.

Part C lead agencies must ensure LEA notification, timely transition conferences, review of options from the child's third birthday until the end of the school year, and transition plans in the IFSP with steps and services. Part B must ensure an IEP in place by the child's third birthday for a child eligible under Part B who is transitioning from Part C, ensure LEA participation in the transition conference held by the Part C lead agency, invite the service coordinator (if the parent requests it) to the child's initial IEP meeting, and consider the IFSP when the initial IEP is being developed for a child transitioning from Part C to Part B.

When the lead agency is not the SEA, states must have an interagency agreement that address the above requirements. Other general interagency agreement provisions include financial responsibility, dispute resolution, and timely service provision.

There are also requirements for how states must maintain and destroy records. These include:

- A state has a duty to maintain a Part C record until it is no longer needed to provide early intervention services and certain records must be maintained beyond this period.
- Fiscal (billing) records must be maintained by the lead agency and its contractors for at least 3 years after the end of the fiscal period in which Part C funds were expended. IFSPs and service provision records must also be maintained for at least 3

years from the last date of service. The record may be maintained longer if subject to the Health Insurance Portability and Accountability Act (HIPAA), state law, or state statutes of limitation applicable to IDEA claims.

- A parent may request the destruction of records once the required period of maintenance has passed.
- Even when a record is no longer required to be maintained, if the parents request destruction, the Part C lead agency may still maintain a permanent record of the child's name, address, phone number, date of birth, Part C service provision, attendance dates, and exit data.

States may wish to review their interagency agreements or memoranda of understanding, contracts with early intervention service providers, consent and IFSP forms at transition from Part C, Part B consent forms, and data sharing protocols.

Karen Denbroeder and Janice Kane reported that Florida has 53,927 square miles of land area and is the fourth largest state. It has large urban areas and small rural communities. Florida's population is culturally and linguistically diverse, and 6 percent of the population is under five years of age.

Florida's Part C lead agency is the Department of Health (DOH), and Early Steps is its Part C program. Local Early Steps are organized into 16 regions. During 2004-05, Early Steps served approximately 30,950 infants and toddlers. Florida has a broad eligibility definition, but does not serve at-risk infants and toddlers.

The Florida Department of Education (DOE) is the lead agency for Part B-Section 619. LEAs are county-based, and there are 67. During 2004-05, the Section 619 program served approximately 73,820 children; 8,661 were 3-year-olds.

Cross-agency teams began collaboration in 2003-04 and included policymakers, data analysts, and program experts. Discussions topics were HIPAA/ FERPA requirements, Letter to Elder, and data elements to share. The state finalized an interagency agreement in September 2005, and it was reviewed and approved by the general counsel in the Department of Health and the Department of Education. The interagency agreement was signed in November 2005.

The DOH and DOE wanted to establish a baseline of children who transitioned in 2004-05 for its December 2005 SPP. DOH provided a file of children with birthdays that fell between July 1, 2001 and June 30, 2002 ($N=2,974$). DOE matched the DOH file with a file of children enrolled in LEAs between July 1, 2004 and October 10, 2005 ($N=73,820$). The data fields in the DOH file included name, date of birth, gender, disposition (if child was transitioning to B), caregiver, address, and phone number, but children were matched on only first and last name and date of birth. The state found 774 matches across the two data files. (An additional 83 matches were found when DOH files were matched against a DOE file from October 2005.) Of the 774 matches found, 35 percent of children were eligible for Part B and had an IEP developed and implemented by their third birthday. An additional 48 percent

of the children had an IEP developed and implemented within 30 days of their third birthday.

While Florida certainly faced challenges during the data-sharing process, the process strengthened collaboration between the two lead agencies and demonstrated commitment to the data-sharing process. Challenges included no experience as to what is a reasonable number of matches, limited data elements on which to match, differences across data systems (fields and definitions), and no common unique student identifier. In the future, the state will look at data from the LEAs and local Early Steps, engage LEAs and local Early Steps in problem-solving discussions around data, implement an improved data sharing process for the 2005-06 school year, and improve transition for children and their families.

Wednesday, May 24, Morning Sessions

Part B and C Update on Common Issues

Marsha Brauen, Westat, and Lisa Holden-Pitt, OSEP/RTP

OSEP's three main foci currently are clearance of the 618 forms, preparation of the annual report to Congress, and participation in discussions with Department staff regarding the migration of the data collections to EDEN. The presentation included the following key points for data managers to remember:

- Read the data collection instructions;
- Follow through on instructions;
- Request clarification on instructions when needed;
- Document your reporting procedures and your data anomalies;
- Work toward accurate data—placeholder data are busywork and should not be used; and
- Get used to change.

Now Comes the Fun Part: Gleaning Meaning From Early Childhood Outcomes Data **Kathy Hebbeler, ECO**

The Early Childhood Outcomes center is a 5-year project funded by OSEP in 2003 to provide leadership around early childhood issues, particularly in regard to demonstrating program effectiveness and program improvement. Information about the Center is available from the web site www.the-ECO-center.org. Hebbeler urged data managers to send their materials related to collecting data on early childhood outcomes to ECO, particularly materials that states develop for families.

Most states are collecting child outcome data to respond to Federal reporting requirements and to meet provider/teacher, local, and/or state needs for outcome information. The Center operates under the following assumptions:

1. All states want to be able to submit data to OSEP.
2. Some states want to be able to use outcome data to show effectiveness of state programs.
3. Some states want to use outcome data to improve programs.

It is important for state agencies to remember that the numbers they present in their reporting activities are, by themselves, neither good nor bad. It is up to the state agencies to work with stakeholder groups to determine what the numbers mean and how best to report them. State agencies can attach meaning to the numbers and should do so. Data managers can participate in the process of interpreting the data they collect, remembering that reasonable people can reach different conclusions from the same set of numbers.

It is also important that states define what they want to find out before collecting outcome data. For example, questions might be “Are our programs making a difference?” “Are children in our programs achieving good outcomes?” “How can we make our programs better?” To answer these questions, states will need to “drill down” to the specific questions that will provide answers to more global questions. For example, the answer to the question “What percentage of children were functioning at comparable levels to same age peers at the end of 1 year of preschool special education services?” addresses the question “are our programs making a difference.” This very specific question development will allow states to write the code to get the information they need.

There are two categories of outcome data. Status data reflect achievement at one point in time. Progress data reflect change relative to an earlier status. Both categories can provide meaningful information. States need to be able to ask the question that will provide the most appropriate information. For example, asking “did children make progress?” can lead to information of limited value because children will make developmental progress without any intervention. The question that provides meaningful data is “what percentage of children made more progress than would have been expected without the program?” Using the concept of developmental trajectories, the data can be analyzed to show if children are maintaining functioning comparable to age peers, achieving comparable-age functioning, move nearer to achieving comparable-age functioning, etc. By plotting progress at two points in time, states will be able to show whether children’s developmental trajectories are changing and thus can determine if their programs are working.

Program improvement can occur at many levels—state agency, region, classroom, child—and in different ways, such as policy changes, guidance, and intervention modifications. Before program improvement can occur, however, states need information on what is working and what is not working. Using data for program improvement requires both process and outcome data. Examples of process questions include “Are services high quality?” and “Are children and families receiving all the services they should in a timely manner?” For program improvement purposes, the state agency will want to ask questions like “Do outcomes vary by region, services received, level of functioning at entry, education level of parent, etc.?”

For states to determine program effectiveness, they should know what questions they want

addressed, anticipate what accountability questions others are asking, and know how the data have to be framed to answer those questions. States should also plan to collect the data that will answer those questions. State agencies will need to attach meaning to their outcomes data rather than just presenting information and hoping it gets interpreted correctly by those who might not understand an intervention program. Data can show that a program is a good investment even when they show there are areas in need of improvement. Good data can help states identify steps to fix identified weaknesses, but data must be used, not just collected.

General Feedback on State Performance Plans **Ruth Ryder, OSEP/MSIP**

Ruth Ryder began the session by outlining OSEP's review of the SPPs. SPPs were reviewed in three phases. In Phase I, the SPPs were triaged with regard to baseline data, targets, and improvement activities to identify any problems that would prevent the SPP from being approved. Phase II involved reviewing other SPP content, and in Phase III, OSEP assessed states' submissions regarding issues from previous APRs. Any concerns resulting from Phase II or Phase III were summarized in OSEP's response letters to states. In the end, all SPPs were approved.

Some of the indicators that states tended to find challenging include:

- The targets for dispute resolution—states said only that procedures would be followed;
- The data indicators—states addressed timeliness but not accuracy;
- The compliance indicators—states did not have targets of 100 percent, and for the Part C compliance indicators, some states did not use the correct standard;
- The new indicators—states did not always include enough detail in their plans;
- Part B Indicator 3A—states did not use targets that were consistent with NCLB annual measurable objectives; and
- Part B Indicators 4a, 9, and 10—states did not describe the methods used or the state's definition of significant discrepancy (4a) or disproportionate representation (9 and 10).

In addition to OSEP's review of the SPPs, a number of technical assistance centers are reviewing SPP indicators. For the performance indicators, the review categories are the baseline data, targets, and improvement strategies, including the level of specificity of those strategies and any information about effectiveness. For the compliance indicators, the review categories are indicator-specific.

So far, OSEP has learned the following from the reviews of the SPPs:

- States' improvement strategies could be more specific, such as including information about how states will determine what affects change;
- States did not always use the correct measure or calculation;

- States did not always include the requested information (e.g., the baseline data presented are for the wrong year); and
- For many of the compliance indicators, states included baseline data that show significant noncompliance, and it is not clear what the state is doing to correct the non-compliance.

For Part C Indicator 2 (natural environments) and Part B Indicator 3b (participation in state-wide assessments), the state's targets can be at or above 95 percent. For Part C Indicators 5 and 6 (child find), the state's targets can be flat if the state is currently above the national average.

States must post their SPPs to the state's web site and distribute them to the media and through public agencies. States are permitted to revise their SPPs; however, when the APR is submitted in February 2007, states need to inform OSEP of any SPP revisions and justify those changes. After states submit their APRs, they need to report on LEA/EIS program performance against the state's targets. For Part B, states need to report on Indicators 1-14, and for Part C, states need to report on Indicators 1-8. States do not need to report on the indicators related to General Supervision.

MSIP will be providing technical assistance to states in multiple ways in upcoming months, including monthly national technical assistance calls; monthly state contact calls; the external technical assistance center analyses; collaboration with the Regional Resource Centers, NECTAC, and other OSEP-funded technical assistance centers; and the National Accountability Conference in September. In addition, the SPP Resources web site has been reconfigured to be more user-friendly. States can go to <http://www.rfcnetwork.org/> for more information.

Part C Feedback on State Performance Plans **Charlie Kniseley, Julia Martin, and Rhonda Spence, OSEP/MSIP**

During this session, MSIP staff discussed the results of its analyses of the SPP compliance indicators that most commonly presented issues for states. These indicators are:

- Indicator 1—Percent of infants and toddlers with IFSPs who received the early intervention services on their IFSPs in a timely manner;
- Indicator 7—Percent of eligible infants and toddlers with IFSPs for whom an evaluation and assessment and an initial IFSP meeting were conducted within Part C's 45-day timeline;
- Indicator 8—Percent of children exiting Part C who receive timely transition planning to support the child's transition to preschool and other appropriate community services by their third birthday; and
- Indicator 9—General supervision system identifies and corrects noncompliance as soon as possible but in no case later than 1 year from identification.

Also discussed were the results of MSIP's review of Indicator 14 (state-reported data are timely and accurate) for issues of reliable and valid data.

For each indicator, the presenters outlined the common problems or issues, summarized the improvement activities described by states, and outlined the technical assistance needs identified by the RRCs for the indicator. Before opening the session to feedback from the audience, the presenters also reviewed the TA&D resources available to states and summarized MSIP's technical assistance plans for the coming months.

Across the indicators, common problems include states' handling of data on delays resulting from exceptional family circumstances, poor quality data, poor or failure to report baseline data, and lack of data analysis for the indicator. Indicators 1 and 9 share the common problem of states' using only family survey data to develop baselines, while Indicators 9 and 14 share the common problem of failing to report information about corrections to previously identified noncompliance. Other problems for Indicator 1 involve the implementation of the definition of timely services and the standard used to measure "timely." For Indicator 2, common problems include meeting the statutory timeline requirements, providing compliance data in all five domains, and providing data to determine progress. For Indicator 8, MSIP noted that some states include in their data those children for whom the family did not give consent to conduct a transition conference. Finally, a problem identified with Indicator 9 was the reporting of compliance below 100 percent or reporting a lack of correction within a year of the identification of noncompliance.

Most of the improvement activities highlighted during the session involved strategies for improving data systems to improve or assess data quality, enhance data reporting, capture the data needed for the indicators. A few specifically dealt with correcting definitional or measurement problems or issues. Not surprisingly, the technical assistance needs identified by the RRCs also parallel the problems identified.

In the months ahead, MSIP will hold monthly national technical assistance and state contact calls to help states begin to address these needs. There will also be opportunities for technical assistance at the National Accountability Conference in September. In addition, MSIP will begin to hold "indicator days," structured technical assistance workshops to gear-up on specific indicators and collaborate with the RRCs, NECTAC, and the various OSEP-funded technical assistance centers to address the technical assistance needs identified. The SPP question and answer document on the FRC web site will also be revised to make it more user friendly.

Part B Feedback on State Performance Plans

Hugh Reid, Michael Slade, and Alma McPherson, OSEP/MSIP

This session discussed analysis of state Part B SPPs, with emphasis on Indicators 1, 2, 4, 12, 15, and 20. The session included information on common problems with the indicators and a summary of improvement activities from the SPPs.

Indicator 1 is the percentage of youth with IEPs graduating from high school with a regular diploma compared to the percentage of all youth in the state graduating with a regular di-

ploma. Indicator 2 is the percentage of youth with IEPs who drop out of high school compared to the percentage of all youth in the state who drop out of high school. Indicator 4 is (A) the percentage of districts identified by the state as having a significant discrepancy in the rates of suspensions and expulsions of children with disabilities for greater than 10 days in a school year and (B) the percentage 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.

Common problems in SPPs for Indicators 1, 2, and 4 include:

- Did not report timely and accurate data;
- Activities not sufficient to enable the state to meet its targets;
- Improvement activities not connected to outcomes;
- No explanation of the percentages in targets;
- Activities not related to performance;
- Did not calculate the percentage of youth with IEPs compared to the percentage of all youth graduating with a regular diploma or dropping out of high school;
- Baseline data in SPP absent or inaccurate;
- Data for 2004-2005 not available; and
- Used FFY 2003 data to establish the baseline.

Below is a list of some improvement activities listed by states for Indicators 1, 2, and 4:

- Analyze disaggregated data to determine improvement activities;
- Revise and modify, as appropriate, the calculations related to the indicators;
- Revise the SPP baseline, targets, and activities, to reflect revised calculations relative to the indicator; and
- Implement secondary transition plans to increase graduation rates and decrease drop out rates; and
- Reduce suspensions/expulsions for children with disabilities.

Indicator 12 is the percentage 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 birthday.

Common problems on Indicator 12 include:

- Need to revise data systems to collect and report baseline data at the state and local levels;
- Lack of an adequate description regarding data and information;
- Did not report on or use the required measurements; and
- Did not identify reasons for delays.

Below is a list of some improvement activities listed by states for Indicator 12:

- Use intra-agency collaboration to ensure required data elements are included;
- Provide in-service training at the local and district levels to ensure valid data;
- Conduct ongoing analysis of the current data system;
- Upgrade the database system to track transition activities and to ensure accurate reporting;

- Pursue the development of an integrated database to proactively identify correction;
- Develop a web application;
- Have Part B and Part C data managers collaborate with regional and local staff to review data and remediate any shortcomings;
- Ensure timely Part B and Part C data reports; and
- Provide input into the development of an interagency agreement.

Indicator 15 is that the general supervision system (including monitoring, complaints, hearings, etc.) identifies and corrects noncompliance as soon as possible but in no case later than 1 year from identification.

Common problems on Indicator 15 include:

- Ineffective system to collect and report required data;
- Inconsistent data or missing data;
- Lack of reporting on all of the required measurements;
- No indication as to how LEAs were selected for monitoring; and
- Ineffective system to ensure correction within 1 year.

Below is a list of some improvement activities listed by states for Indicator 15:

- Provide training to all staff on implementation of state data system;
- Provide self-assessment training annually to all districts/programs;
- Analyze the LEA data profiles;
- Track CAPs to ensure compliance with the 1-year timeline; and
- Use the data collection system to determine the need for technical assistance.

Indicator 20 is that state-reported data (618, SPP, and APR) are timely and accurate.

Common problems on Indicator 20 include:

- Did not submit timely and accurate data;
- Need to reconsider baseline data;
- Need to revise targets and improvement strategies;
- Did not report on all LEAs that have a disability subgroup that meets the state's minimum *N*; and
- Did not report data under 618 in a timely manner.

Below is a list of some improvement activities listed by states for Indicator 20:

- Establish planning design team for web site development and programming;
- Collaborate with other units within the department;
- Inform LEAs of all new data collection elements, based on new 618 reports and SPP;
- Provide data collection and reporting workshops and other capacity-building forums to assist LEAs;
- Develop a program to electronically collect highly qualified personnel information;
- Generate comprehensive data reports;
- Focus on timely and accurate submissions of annual Federal data collections;

- Publish annually district data profiles that show how each district compares to state targets in the SPP;
- Continue to send data manager to OSEP-sponsored conferences on data reporting and seek technical assistance; and
- Continue Federal reporting utilizing the educational data warehouse.

Wednesday Concurrent Session Topics for Part C

Interesting Ways To Look at Outcome Data: Now and in the Future Kathy Hebbeler and Lynne Kahn, ECO

The purpose of this session was to provide data managers with (1) an understanding of what child outcome data may look like for Part C and Part B-619 and (2) an opportunity to discuss potential analysis questions related to child outcome data.

Data managers should be called upon to assist in decisionmaking about what data will be needed to answer the state’s evaluation/research questions about child outcomes, what data elements can or should be added to the state’s data system, and what data elements will be relevant to the analysis of child outcome data.

The Part C SPP/APR–Indicator 3 asks for the percentage of infants and toddlers with IFSPs who demonstrate improved:

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

Outcome data begin as scores for individual children in each of three areas above. These scores may be a number between 1 and 7 from the ECO Child Outcomes Summary Form for each outcome area or a raw score from an assessment instrument for each outcome area. Scores from an assessment instrument may be percentiles, standard scores, or multiple item scores for each outcome area. Or states may have outcome data from other sources.

For the APR due in February 2007, states must have data on each child’s functioning at entry in each outcome area—the number and percentage of children functioning at an age-appropriate level, and the number and percentage of children functioning below age-appropriate level in each outcome area. States will need to know how they will interpret the raw scores, percentiles, etc. as “at” or “below” age-expected functioning. States will also need to decide whether they want individual or aggregated data from districts/programs, and whether they want raw scores or the interpretation of “at” or “below” from districts/programs.

Beginning in 2008, the APR will require annual progress data, not entry data. This means matching and comparing entry data to exit data for each child for each of the three outcome areas. Although this may change with release of the final regulations, at the time of this

presentation, OSEP was asking for data in four progress categories:

- Number and percent of children (for each outcome) who maintain age-expected functioning;
- Number and percent of children who reach age-expected functioning;
- Number and percent of children who make progress (but do not reach age-expected functioning); and
- Number and percent of children who do not make progress.

These data requirements necessitate that states decide how to determine whether children made “progress.” States must also decide if they want entry, exit, and progress data at the individual or aggregated level from districts/programs.

Beyond meeting the APR requirements, states may want to conduct other analyses. District/program-level data are required by OSEP, but states may want to examine the data by other variables. Examples of additional variables include: child’s age at assessment or age at entry into program; length of time in program; child’s condition, delay, or eligibility criterion; type and/or intensity of services received; specific programs or providers; quality rating of program; participation rate; family outcomes; race/ethnicity; gender; and setting. There are two ways to get additional variables—merge outcome data with other data sets or collect additional data as part of the outcome data collection.

A state may also want to know more about the progress children are making, such as whether a child’s attainment of a new skill or behavior reflects a changing developmental trajectory.

Part C and Part B-619 have the same requirements for measuring and reporting on child outcomes. States may be interested in using the Part C exit data point as the preschool entry data for children transitioning from Part C to Part B.

Some of the issues discussed during the question/answer portion of the session are as follows:

- Two points of data on a child provide a pretty good picture of the developmental trajectory, but three points are much better.
- In regard to small programs, data on 30 children are much more reliable than data on 10 children. OSEP will discuss the issue of reporting to the public on small programs.
- The ECO Child Outcomes Summary Form is a data reduction tool, not an assessment tool.
- The ECO Center does not endorse the use of any particular assessment tool; however, there are instrument crosswalks on the ECO web site (www.the-ECO-center.org).
- The 2008 APR data will not represent the full spectrum of Part C children. Three years of exit data will be needed to get the full spectrum.

In conclusion, the presenters emphasized that data managers must be informed and involved

with decisionmaking about outcome data collection so that they are not surprised later by the questions and requests when it is too late to get the data needed.

Non-618 Part C Data for the SPP/APR: Challenges and Successes in Collection and Reporting

**Jane Nell Luster, NCSEAM (moderator); Gregg Corr, MSIP, OSEP (respondent)
Panelists: Eleanor Howell, North Carolina; Cynthia Valenzuela and Fran Ferrari, Oklahoma; Alice Ridgway, Connecticut; Jamie Kilpatrick, Tennessee**

The panelists were asked to talk to attendees for 8-10 minutes in response to three key items: (1) the extent of involvement in the development of the SPP and in the preparation for the submission of the APR; (2) responsibilities for the collection, maintenance, and reporting of the data for Indicators 4 and 9; and (3) the extent of involvement or noninvolvement and its effect on their role as data manager.

Eleanor Howell outlined the structure of the North Carolina Part C program within the Division of Public Health as having 18 Children’s Developmental Services agencies. Her participation in the SPP was primarily one of providing data tables. North Carolina is considering the best way to collect the parent outcome information; there is an Early Intervention and Assessment Scale, and they have considered the NCSEAM survey. Howell’s role has been to generate the sample through random selection. For Indicator 9, she generated the data table initially. This resulted in new learning and revision because North Carolina has been revising its monitoring system and is still developing the tracking system. She noted that there have been changes in priorities and that she has had to be more reactive than proactive this fiscal year in her role as a data manager; yet, she also sees that there are promising possibilities in the long term.

Presenters from Oklahoma emphasized the team approach used by Oklahoma SoonerStart with the co-lead agencies of education and health. Data management and analysis skills were used. Involvement for the SPP was primarily numbers and graphics. For Indicator 4, Oklahoma has been collecting family information using surveys, focus groups, and quality assurance surveys for several years; it is now refining its methods to answer a specific SPP question. “New Math: everything adds up to Indicator 9” emphasizes that to answer Indicator 9, data must be available for Indicators 1-8, as well as for 10-13. Currently, Oklahoma is collecting these data using site review and single-record review forms. This data team highlighted the team approach, which has allowed them to identify data sources, collect data, and identify areas for future development, such as web-based applications.

Alice Ridgway reminded us that frequently Part C personnel have multiple roles, just as hers is Quality Assurance Manager, SPP/APR “coordinator,” focused monitoring, and tracking the correction of compliance problems; data “management” is a part, but not the only activity, of her role. Ridgway was intricately involved in the development of the SPP along with the Connecticut Part C coordinator and state’s system developer; she will be responsible for

completing the APR each year. This year, the state's data system was modified to collect data necessary for the SPP. Indicator 9 is measured using all of the components of Connecticut's Quality Assurance system. Indicators 1-8 will be reported to the public via program profiles on the web and announcements in the media. According to Ridgway, "There is no data manager for Part C in Connecticut." As with many states, there is no specific data manager because separating data management from general supervision in a small system is an artificial distinction.

Jamie Kilpatrick identified factors that have affected his role, including OSEP letters, the SPP/APR requirements, IDEA 2004, the Tennessee monitoring process, and state-level requirements and initiatives. Tennessee is considering how to address Indicator 4. There was a Pathways Research Project that included family survey data, yet as the name implied, it was a research effort and not designed to answer the specifics of Indicator 4. Systematically, Tennessee is looking at the SPP/APR process as both a state and program responsibility and is using its continuous improvement monitoring process to evaluate and make decisions for improvement. This includes a program-level annual performance report. Kilpatrick identified the primary sources of data for the APR as the 618 child count, rank-ordered data, record review summary, survey/interview data, as well as quantitative data sources. For Indicator 4, Tennessee intends to implement the NCSEAM survey. For Indicator 9, the state is continuing to refine the process through the continuous improvement monitoring process.

Gregg Corr quoted Nancy Reder who, during her plenary on Monday said, "the collection of data is a means to an end, and the end is to improve outcomes for children with disabilities." He provided an overview of the challenges of OSEP's work since the 2004 reauthorization of IDEA. OSEP has been involved in designing the SPP and APR process and working closely with states in the development and review of their SPPs and now APRs. Corr explained that OSEP is attempting to respond to the needs of states through monthly calls with individual states, monthly national teleconferences, and the upcoming National Accountability Conference. Also, workgroups at OSEP are addressing various aspects of assistance to states.

Modifying Data Systems To Address Changing Data Requirements Sandy Loerch Morris and Richard Sanders, Washington; Charles Peterson, Idaho; Jorge Laguna, Florida; and Shafali Srivastava, Westat

Presenters began with an overview of their state's data system, followed by a discussion of strengths, weaknesses, challenges, and the way their states have addressed those challenges.

Washington

Washington State has 36 Local Lead Agencies and requires a data system that works for metropolitan as well as frontier areas. The goal of the Infant Toddler Early Intervention Program (ITEIP) Data Management System was to provide better information for families and more accurate Federal and state-level reporting. There are two separate, but synchronized, data management systems available to all users. The "online" version has up-to-date and ac-

curate data and reports that are available any time and are used to create service coordinators, providers, Local Lead Agencies, State Lead Agency, state and Federal reports. The “offline” version can collect and display family and child information when not connected to the web and has quicker access to client data, which is useful in rural areas where the Internet connection is slow or where the service coordinator wants to use a laptop computer to record the family information without having to connect to the Internet.

The state believes some of the strengths of this system are that it can operate online or offline; meets FERPA and HIPAA personal health information requirements; has business rules for different users, which allow access only to the information they are entitled to view; has real-time reporting; has accurate data because they are entered at the meetings with the family or immediately afterwards; records and prints the family’s IFSP and allows service coordinators to directly enter their information. The system also has mechanisms that improve confidentiality and compliance. The system makes data collection and reporting changes at the federal and state less impacting to the users. The system does not require the user to purchase any software. The online software changes are transparent to the users and the offline software changes are accomplished without user intervention. The state believes the weaknesses of the system include requiring access to a PC or Mac, a web connection, and services from an internet service provider. The system can be expensive to change, requires technical knowledge to support, and needs initial funds to build and on-going funds to maintain it.

The state faced various challenges as it modifies its data system, but continues to address them. The state ensured confidentiality of the family and child information by building a system with privacy and security equal to or surpassing the Federal HIPAA and FERPA requirements. It had limited financial resources, but identified grant opportunities that are useful to amend system components as necessary. The state of Washington encouraged providers and school districts to use the data system by communicating the benefits of the system and how it would ultimately help families, parents and children. ITEIP reduced the amount of work for users by working closely with advisory groups to ensure their needs were met by the system, and the state gained user acceptance by phasing in requirements to give users time to become familiar with the system. The system has been used for data collection and reporting since January 2001. New features have been phased in since 2001 with the use of the full system to develop and print the family and child’s IFSP occurring on October 1, 2005. The system has increased state and federal reporting accuracy and accountability.

Idaho

Idaho’s DATATOT system tracks Part C children, while FINDaTOT tracks the at-risk children. Both were designed in D-BASE, but were rebuilt in Access97 in 1999. DATATOT 4th version is in Access XP. In March 2006, this 4th version of DATATOT was released to the state, and later that month, the state held regional training and implementation visits. Currently, the state is working to identify and correct glitches in the system, revising the data elements, and correcting programming errors.

The state’s system is inexpensive, simple to learn, easy to amend and access, and is MS Of-

vice interchangeable. It also has ad hoc and canned report capabilities and has system updates that are released by email. However, the DATATOT system has some incompatibility issues with Access, has slower speeds on some machines and pushes network capacity, and is pushing the size capabilities that can be handled by Access.

The state's biggest challenge was lack of staff and funds. However, the state believes that routine support and guidance from OSEP has helped, including helping the state better clarify and define what the state needs to measure on its SPP. The Idaho state legislature also granted a \$1.3 million one-time supplement and increased funding to up to \$800 thousand. The newly enhanced DATATOT version 4 system was revised to now collect 35 additional data elements, has eliminated less important data elements, and increased analysis capacity.

Florida

Florida is a broad eligibility state, with culturally and linguistically diverse populations. Each of the 15 regions has a lead agency that contracts with the Department of Health for local service delivery. Early Steps is a system of coordinated early intervention services for infants and toddlers with a potential developmental delay or an established condition. Early Steps provides developmental evaluation and interpretation (DEI) services.

There is a centralized web-enabled system. The system is live, collects the data required by OSEP, has online Medicaid billing, and meets HIPAA and FERPA confidentiality requirements. However, the state believes some staff need training on data entry and that some of its cross-walks of codes need improvement.

The system requires higher processing requirements, but the state made improvements with hardware and software updates. The state also had to change the data reporting elements to accommodate Federal requirements in a timely manner. Improved communication with OSEP, technical assistance from Westat and OSEP, and response to changing policy helped resolve this. The state addressed the lack of technical knowledge of people in the field by providing technical assistance and addressed the difficulty of reporting accurate and timely data by creating data user groups and improving data entry compliance. The state's data sharing agreement with Part B improved the Part C exit and settings data.

Part C Converse with the Crew OSEP and Westat Staff

The following questions were raised during this session:

Q. For Indicators C5 and C6, states need to compare to national data. When will the next batch of national data (Census) be available?

A. Probably next fall.

Q. Part B is trying to work with Part C to transfer data. Is getting information from a service provider a breach of confidentiality?

A. Westat can post the question on the listserv. Or, the state can ask the OSEP state contact

to get an official response. States can also contact Kala Surprenant.

Q. States can collect data on multi-racial children, but how do they report the data to OSEP?

A. A regulation is coming out about race/ethnicity. The Department is going to use seven categories that will apply to all education programs. Westat will provide the URL when the regulation is ready.

Q. When will the data tables be changed to reflect the new race/ethnicity categories?

A. OSEP/Westat is unable to answer that question at this point in time.

Q. Does OSEP have a way to force-fit multi-racial children?

A. States can use Westat's race/ethnicity estimation method described on IDEAdata.org.

Comments from the session included:

- States that are homogenous have difficulty using the Westat formula because multi-racial children come out as white.
- The chance of getting compliance data for GPR. The problem is that Part C is not funded so states can opt out of reporting to Part C.
- Indicator 1 requires too many things to be reported.

Thursday, May 25 Morning Sessions

Washington Update for Part C

Sharon Walsh, Walsh/Taylor, Inc.

The session was designed to provide updates on the following topics:

- IDEA;
- 109th Congress;
- FY'07 budget;
- FY'07 appropriations; and
- Other pending legislation.

An update was provided on the status of regulations for IDEA 2004 and when these are expected to be published. IDEA 2004 was signed into law December 3, 2004, as P.L. 108-446. Most of the provisions went into effect July 1, 2005. Part B draft regulations were out for public comment until September 6, 2005, during which time OSERS held public hearings around the country. There is no official expected timeline for the publication of the final Part B regulations, but some expect the rules will be published in late summer of 2006.

Draft Part C regulations have not been published for comment yet. Draft Part C regulations are expected after the final Part B regulations are published. The statute calls for a 75-day public comment period; however, final changes to the Part C regulations included in a Part C notice of proposed rulemaking from IDEA 1997 were never published, as the 2004 reauthorization process began before the draft Part C process was completed.

The IDEA 2004 gives some guidance to the U.S. Secretary of Education as Federal regulations are developed: “The Secretary shall issue regulations under this title only to the extent that such regulations are necessary to ensure that there is compliance...” (Sec 607(a)). Further, Federal regulations can’t “procedurally or substantively lessen the protections provided to children with disabilities” as of July 20, 1983, except if they “reflect the clear and unequivocal intent of Congress in legislation.” (Sec 607(b)).

In the meantime, the web site of the U.S. Department of Education provides guidance on the implementation of IDEA 2004:

“While regulations implementing the IDEA 2004 are being prepared, the regulations implementing the 1997 law remain in effect, to the extent that they are consistent with the IDEA 2004 statute.”

The session provided a brief review of selected major provisions of Part C of IDEA 2004.

IDEA 2004—Birth to 6 Statewide Option

This new optional statewide system must be developed and implemented jointly by the lead agency and the SEA. If a state applies for and is approved to conduct this option, parents of children with disabilities who are eligible for services under section 619, and previously received services under Part C, may choose to continue early intervention services until the child reaches the age of state eligibility for kindergarten.

Change to Part C Eligibility Criteria

Part C now requires the state to establish “A **rigorous** definition of the term ‘developmental delay’ that will be used by the State in carrying out programs under this part **in order to appropriately identify infants and toddlers with disabilities that are in need of services.**”

Part C Referral Language

Part C now requires “a description of the State policies and procedures that require the referral for early intervention services under this part of a child under the age of 3 who--
(A) is involved in a substantiated case of child abuse or neglect; or
(B) is identified as affected by illegal substance abuse, or withdrawal symptoms resulting from prenatal drug exposure;”

Changes to IFSP Content

The IFSP now must include “a statement of the **measurable results or** outcomes expected to be achieved for the infant or toddler and the family, **including pre-literacy and language skills, as developmentally appropriate for the child, ...**” Further, the IFSP must include “a statement of specific early intervention services **based on peer-reviewed research, to the extent practicable,** necessary to meet the unique needs of the infant or toddler and the

family, including the frequency, intensity, and method of delivering services.”

Part C Changes to Natural Environment

The requirements regarding natural environment now read as follows: “(A) to the maximum extent appropriate, early intervention services are provided in natural environments; and (B) the provision of early intervention services for any infant or toddler **with a disability** occurs in a setting other than a natural environment **that is most appropriate, as determined by the parent and the individualized family service plan team**, only when early intervention cannot be achieved satisfactorily for the infant or toddler in a natural environment.”

Sec 616 – Monitoring

New IDEA 2004 provisions on monitoring apply to Part B and Part C. The primary focus of Federal and state monitoring is:

- “improving educational results and functional outcomes for all children with disabilities”; and
- ensuring that states meet program requirements “with a particular emphasis on those requirements that are most closely related to improving educational results for children with disabilities.”

How Many Days are Left in the 109th Congress?

A brief discussion was held on the short time left in the 109th Congress in relation to all the activities that need to occur:

- May 26-June 5 Memorial Day District Work Period
- June 30-July 10 July 4th District Work Period
- July 28-Sept 5 Summer District Work Period (Senate leaves Aug 4th)
- Oct 6 Targeted Adjournment

The following initiatives are on the agenda for the remainder of the 109th Congress—immigration, health care/insurance, stem cell research, pensions, estate tax, sunset legislation, marriage amendment and the Medicare prescription plan.

FY’07 Budget Process

The President began the FY’07 budget process in February 2006 with the submission of his budget request to the Congress. Next the House and Senate must pass their versions of a budget resolution. The Senate has passed its budget by a vote of 51-49 with a \$7 billion amendment included to bring programs to FY’05 levels. This is \$16 billion more than the President’s budget request. The House passed its budget on May 18th by a vote of 218-210 after significant delay until there were enough votes for passage. The House Budget includes \$4.1 billion over the President’s request for programs under Labor/HHS/Education. The House bill also includes a nonbinding amendment for \$3 billion more that would have to be offset from some other budget category.

FY’07 Appropriations

Final individual funding levels for each program must be passed by October 1, 2006, when the '07 fiscal year begins. This year's appropriations process is expected to result in freezes at last year's program funding levels or cuts to most programs. Additional cuts are expected in the next several years. The House mark-up of funding levels is scheduled for June 7, 2006, but the Senate is not expected to act until September.

The President requested \$436.40 million for the Part C program for FY'07. These are the funds that will be allocated to states in July 2007. The recent Federal funding history for Part C is:

FY 2004 - \$444.37 million

FY 2005 - \$440.81 million

FY 2006 - \$436.40 million

Meanwhile regarding Medicaid, cuts and changes were enacted through the 2006 Deficit Reduction Act (DRA) in January 2007, and additional changes and cuts were proposed by the President in the 2007 budget request. There is a great deal of concern in the community on issues related to continued Medicaid reimbursement of services provided for children with IEPs and IFSPs.

Head Start reauthorization is also on the agenda of the 109th Congress. The House bill, H.R. 2123, passed the full House on September 27, 2005. The Senate bill, S. 1107, passed the Senate HELP Committee and was reported out for floor consideration last fall 2005. Once the Senate bill passes, a conference committee must resolve differences and develop a conference report. This bill must be approved by both houses, and the President has to sign it before the process is complete.

NCLB is scheduled for reauthorization in 2007 by the 110th Congress. Congressional hearings have begun. Final reauthorization of NCLB is not expected until after the presidential election in 2008. The Aspen Institute has established a bi-partisan independent Commission on NCLB. It is chaired by former Health and Human Services Secretary Tommy G. Thompson and former Georgia Governor Roy E. Barnes. The web site for information is: http://www.aspeninstitute.org/site/c.huLWJeMRKpH/b.938015/k.40DA/Commission_onNoChild_Left_Behind.htm.

Update on Part C Data Collections **Scott Campbell Brown, OSEP**

In December 2004, President Bush signed into law a bipartisan bill amending IDEA. This resulted in changes to the five current Part C data collections and the addition of a new data collection. Upcoming changes to the Part C data collection forms, which are expected to be implemented in 2006, are presented below.

The changes to the Child Count (Table 1) include:

- The count may be taken on any date between October 1 and December 1 (inclusive), but states must use the same date every year;
- Additional reporting by gender;
- Additional reporting of children age 3 and older if a state offers parents the option of continuing in Part C until the child is eligible to enter kindergarten; and
- Additional reporting of percentages, which will be calculated automatically by the DTS forms that are submitted through DANS.

The changes to Settings (Table 2) include:

- The count may be taken on any date between October 1 and December 1 (inclusive), but states must use the same date every year and must use the same date as the child count;
- These data are due February 1;
- Additional reporting of children age 3 and older if a state offers parents the option of continuing in Part C until the child is eligible to enter kindergarten; and
- Three primary settings categories—
 - Home: Unduplicated count of children whose early intervention services are provided primarily in the principal residence of the child’s family or caregivers.
 - Community-based Setting: Unduplicated count of children whose early intervention services are provided primarily in a setting where children without disabilities typically are found. These settings include but are not limited to child care centers (including family day care), preschools, regular nursery schools, early childhood center, libraries, grocery stores, parks, restaurants, and community centers (e.g., YMCA, Boys and Girls Clubs).
 - Other Setting: Unduplicated count of children whose early intervention services are provided primarily in a setting that is not home or community-based. These settings include, but are not limited to, services provided in a hospital, residential facility, clinic, and early intervention center/class for children with disabilities.

The changes to Exiting (Table 3) include:

- Additional reporting by gender;
- Additional reporting of percentages, which will be calculated automatically by the DTS forms;
- One new category, Part B eligible, continuing in Part C. This category should include all children determined to be eligible for Part B but whose parents chose to remain in Part C until the child is eligible for kindergarten. It may ONLY be used by states whose application for funds includes a policy under which parents of children with disabilities who were eligible for services under section 619 and previously received services under Part C may continue to receive early intervention services under Part C until the child is eligible to enter kindergarten. States that do not offer this option may NOT report children in this category; and
- One revised category, Part B eligible, exiting Part C. This category should include all children determined to be eligible for Part B during the reporting period and who

exited (or will soon exit) Part C. This includes children who receive Part B services in conjunction with Head Start.

Tables 4 and 5, Services and Personnel, were eliminated. A new Table 4 to report dispute resolution data was added. States will report actions initiated between July 1 and June 30. These data are due November 1 and are the same data states report in their SPPs and APRs.

Reporting Part C Data to the Public—Panel

Julie Curry, Board Member, Infant Toddler Coordinator Association (ITCA)

ITCA represents Part C lead agencies and used this session to impress upon data managers the importance of understanding the laws and regulations on reporting data. These laws and regulations require that the SPP/APR data must be reported to the public, including performance of each local early intervention program on indicators. These data must be disseminated publicly, which includes by web site, in media, and through public agencies; however, states can distribute material beyond the requirements of Federal law and state reporting. There is a continuum of reporting practice from open to minimal, and many factors influence what and how data are reported. State Part C coordinators would like data managers to know reporting requirements and political issues related to reporting because data are used for the SPP/APR, press releases, public relations, by governors for budgeting, state legislatures, SICC and stakeholders, and lead agency discussions. The higher the stakes, the more preparation is needed for the data. They must be accurate, tailored to the audience, and presented such that interpretation is clear.

Data can confirm or refute assumptions. For example, ITCA was interested to know if the type of lead agency made a difference in the 618 child count data, so it compared health, education, and other lead agencies and found that lead agency does not make a difference in the number of children reported, as had been assumed.

State Part C coordinators also use data to select local programs for monitoring. Data managers should know the potential impact of the data they are collecting and reporting.

John Hoffman, Parent Advocacy Coalition for Educational Rights

The PACER Center has 32 projects under one umbrella. One of them, The ALLIANCE Project, provides management expertise, technology, and unified data collection technical assistance to 100+ parent centers around the country. States can get a copy of the 2004-05 ALLIANCE Data Report from PACER.

Like ITCA, PACER uses data to dispel myths and assumptions. For example, almost one-half of attendees at parent center workshops are professionals. The ALLIANCE report shows the demographics of the population parent centers are serving. It shows that high percentages of parents reported improved knowledge about how to work with schools—particularly in how to address a critical need of their children. Parents also reported in-

creased empowerment.

PACER asked parent centers how data could help them. Respondents wanted more post-school outcome data; data connecting placement and performance on state tests; data on children who are homeless, in the juvenile justice system, or in the child welfare system; and data on dispute resolution.

Data managers were cautioned to make sure that the creative process of reporting data to the public does not confuse the message of the data. Parent centers can help states disseminate information widely and in an understandable way.

Raeann Kelsch, ND State Legislature

A Legislator's Perspective: What IDEA Part C Data Do I Need in Order To Make Effective Decisions?

Legislators make decisions about all state general fund appropriations, not just education funding issues. Legislators also make important decisions regarding:

- health and human services;
- transportation;
- higher education;
- commerce;
- agriculture;
- natural resources;
- employment;
- energy;
- the state legal system;
- corrections;
- state institutions; and
- many, many more topics and areas of focus.

During a state legislative session, a legislator's time is limited and precious. If states want a legislator to focus on issues related to children with disabilities, they need to keep in mind that their information must be concise, clear, and useful. Considering all that legislators must deal with in appropriating funds and making decisions about specific issues affecting human services and special education, states should strike a balance between the big picture and all of the details. What are the key points to get across? Kelsch advised states to stick to those key points and provide supplemental information if the legislator requests it.

In North Dakota, IDEA Part C and IDEA Part B have separate lead agencies. Part B in North Dakota is administered by the state Department of Public Instruction, and the Department of Human Services is the lead agency for IDEA Part C.

As chair of North Dakota's Legislative House Education Committee, Kelsch presented areas of statewide data that would be useful for legislators to know:

IDEA Part C Data

- The number of children and families being served by Part C in the state;
- The distribution of children and families being served by region of the state;
- The percentage of infants and toddlers who receive early intervention services primarily in their homes or in programs for typically developing children (natural environments);
- The number of children served by IDEA Part C who enter the public school system requiring special education (IDEA Part B) services;
- The percentage of children who received Part C services who later required special education and related services (Part B);
- The amount of funds received by the state for this Federal program and additional funds that the state must appropriate;
- Increases or decreases in identification of specific disability categories;
- The percentage of infants and toddlers ages birth to 3 with IFSPs compared to other states and the nation;
- Part C trend data that help state policymakers understand what the state needs to anticipate;
- Evidence of the effectiveness of Part C early intervention services (outcome data):
 - Did early intervention services make a difference in the lives of these children and their families?
- Some evidence of parent involvement and satisfaction with Part C services:
 - Do parents report that early intervention services have helped their children develop and learn?

IDEA Part B Data

- Statewide overall K-12 education enrollment;
- Statewide special education child count and the special education percentage of the K-12 enrollment;
- Special education child count trend data by disability (e.g., Are more children with certain disabilities being identified and served in different parts of the state?);
- Enrollment data for state-operated schools (e.g., State School for the Deaf); and
- Financial data related to the state's responsibility for serving students with high-cost needs.

The North Dakota SPP and APR are thick documents that most legislators do not have the time to read. Some of the most useful information in these documents for state legislators includes:

- The high school graduation and dropout data for students with disabilities;
- Performance of students with disabilities on statewide assessments;
- Activities (education and employment) of students with disabilities after they leave high school; and
- The involvement and satisfaction of parents with the special education services their children are receiving.

States should consider preparing a single-page “early intervention/special education critical facts” document that legislators could keep for handy reference throughout a legislative session.

Legislators make policies that are intended to help the citizens of the state. In order to do that effectively, they need valid, reliable, and accurate data. Data managers can help them do their jobs better by ensuring that they have the right amount of data at the right time. As states prepare data reports for legislators, they should keep in mind all of those other agencies, organizations, and statewide needs that legislators are trying to understand too. Remembering that “less is more” might be the best way to get a legislator to focus on the data that are most critical.

NCES Data Handbooks and Update on the *Early Intervention Data Handbook* Haidee Bernstein, Westat; Scott Campbell Brown, OSEP/RTP; Lee Hoffman, NCES

The NCES data Handbooks are a classification of education-related variables. Their purpose is to create a common language for people who work in the education field. The web site for the NCES data Handbooks (<http://nces.ed.gov/programs/handbook>) contains a link to the *Early Intervention Data Handbook*. It is also available on IDEAdata.org (<http://www.ideadata.org/EarlyInterventionDataHandbook.asp>). Patterned after the NCES Handbooks, the *EI Handbook* reflects the data requirements of IDEA. It contains education data, as well as live links to many relevant sites (e.g., the *International Classification of Diseases*, U.S. ZIP Codes).

Following its preparation, Westat conducted a survey of nine states regarding use of the *EI Handbook*. Results are shown below:

Of the nine state staff contacted, three had never used the *EI Handbook*, five used it a few times, and one used it extensively. Low usage may be because the state already had a manual or data system that met its needs; however, it is worthwhile for states to review the *EI Handbook* to determine if there are elements that can be added to their state system.

The *EI Handbook* has been used as a referral source to improve the transfer of data between Parts C and B and to try to make data elements across systems compatible in terminology. The Handbook has an extensive table of contents that makes individual data elements easy to find. It contains child data, family data, personnel, program, and service elements. Some of the drawbacks to the *EI Handbook* are that it is very text heavy and goes beyond the needs of states for reporting.

A plan is being considered to make the *EI Handbook* interactive online, which may lead to more state use. It has already been used to help states create ICC elements for a state database.

The NCES Handbooks were developed to be tools to assist states with data collection and

reporting. They are updated every year. Although previously distributed as a print series, they are now available only online. This change to an electronic system makes it easier to update the Handbooks, which is done by CCSSO. Much of the information in the Handbooks reflects best practices. Each new version contains new or updated content and improved web site functions and reports. New content is based on Forum Task Forces, working groups, the national data collections, and needs identified by users.

The data elements in the Handbooks are organized into six domains—school, staff, student, SEA, LEA, and intermediate education unit. These domains are further divided into sections that are then divided into categories. Most of the data elements related to early childhood education are in the student domain; but, the NCES Handbooks currently have only nine data elements in this category: Caregiver/Early Childhood Program Provider, Early Childhood Program Setting, Family Day Care Status, Caregiver/Early Childhood Program Description, Early Childhood Program Sponsorship, Early Childhood Program Funding Source, Early Childhood Program Components, Early Childhood Special Education Setting, and Early Childhood Program Focus. The last element within each category is always “Other.”

The Handbooks are a technical assistance tool. They are used by the Schools Interoperability Framework to try to standardize definitions used across educational software. They can also help states develop individual student ID systems.

Using Data for Program Improvement

Virginia Johnson and Kelly Worthington, OSEP/MSIP; Robin Nelson, Texas; and Wendy Whipple, Nevada

Virginia Johnson and Kelly Worthington discussed how data and improvement strategies were communicated in two states, and Robin Nelson of Texas and Wendy Whipple of Nevada discussed their state’s perspective on the use of data to compel change, communicate with stakeholders, and strengthen program performance.

Robin Nelson, Texas

In Texas, 60 local early intervention programs use a web-based system that was implemented in 2002. This system provides them with a lot of child-level data, where before they had none. While the data manager extracts, analyzes, and reports data produced by this system, the state monitor verifies, reviews, and checks the data reported by the system against entry reports. The monitor found discrepancies between the child records and the data reported in the system. To correct this, the state provided training, technical assistance, and user manuals to local programs.

The monitor also found that Texas struggled with providing services in a timely manner, but suggested improvement strategies to show progress. Because Texas has an adaptable system that is specific to local and state needs and provides ongoing training and support, the state was able to implement some of these strategies.

During this process, the state maintained frequent contact with MSIP. MSIP provided focused and comprehensive monitoring and technical assistance, and the state produced quarterly program profile reports; had individualized quarterly calls focusing on the SPP indicators; provided systemic and program-specific training activities; and held meetings, retreats, and directors' forums.

Texas conducted statewide data analysis to look at some of the 'big picture' issues affecting the state. It wanted to start analyses with program-level data, but planned to end analyses with child-level data. The analyses provided some insight into why services were not provided in a timely manner. Of services not provided in a timely manner, 41 percent were due to family or child reasons, 35 percent were due to medical or physical exams, 22 percent were due to program reasons, and 1 percent was due to some other reason.

The state shared some of its improvement strategies. These included promoting shared understanding of the data, drilling down from program-level to child-level, explaining the data instead of blaming someone if the data were not what was expected, examining factors on different levels (for example, state vs. local level), and adapting the data system as needed. In order to implement these strategies, the state recommends involving stakeholders, promoting a feeling of joint ownership of solutions, using reports and other mechanisms to track progress and presenting this progress graphically, and using sanctions only as a last resort.

Wendy Whipple, Nevada

Nevada's Part C program has some unique characteristics, including the fact that all services are provided by state agencies (i.e., none are contracted out). In 2003, the state reorganized its early intervention system by combining two programs located in different state agencies, and moving them to the State Health Division.

In June 2003, MSIP had a verification visit, and MSIP and the state discussed how to use trend data. In January 2005, MSIP provided focused monitoring on struggles Nevada was having with meeting the 45-day timeline to have an initial IFSP meeting. The state had gross noncompliance in this area. The product of this meeting was an at-a-glance document. In June 2005, the state went on special conditions for grants, which requires frequent reports to stakeholders. The state showed progress by disseminating quarterly reports. These reports included information on whether children over the age of 3 were being served, whether children were having their initial IFSP meeting within the 45-day timeline, whether the program had transition data, and whether children were in the evaluation stage for too long a time. Over time, these reports showed that the number of children who did not get an initial IFSP meeting within the 45-day timeline was decreasing. The state had made the assumption that each local program was counting children the same way. When it realized this was not the case, it developed ways to define the data.

MSIP feels Nevada is a good example of using data for program improvement because it now makes use of longitudinal data, has clear, concise and useful data, makes accurate pre-

dictions, creates self-explanatory graphs and tables, generates meaning behind the data, and explains data anomalies.

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