



Memo

To: Special Education Directors
From: Paul Foster, Exceptional Student Services Executive Director
Date: January 9, 2020
Re: Notice of Change in Reporting Requirements and CDE Guidance for Measuring Indicator 13 Compliance

Notice of Change in Reporting Requirements

On December 16, 2019, State Education Agencies (SEA) received clarification from the Office of Special Education Programs (OSEP) that will change how the Colorado Department of Education (CDE) reports compliance for Indicator 13 (I 13).

OSEP informed states that “while the SEA may provide an LEA the opportunity to correct noncompliance prior to the issuance of a written finding, the percentage reported in the [Annual Performance Report] must reflect the actual level of compliance *prior to the opportunity to correct any noncompliance.*” This means that once the CDE reviews a transition IEP and finds noncompliance in one of the elements required for I 13, the IEP must be considered noncompliant for reporting purposes.

Previously, the CDE allowed Administrative Units (AU) 45 days to correct the noncompliance when conducting a side-by-side review, as described in the [CDE I 13 Overview Memo](#). Once verified as corrected, the AU and the CDE would then report the IEP as compliant for I 13.

Based on the recent clarification from OSEP, however, the CDE can no longer continue this practice when reporting compliance for I 13. Instead, the CDE must now measure and report the AU’s compliance percentage *prior* to any individual correction. This change will take effect immediately for the SY 2019-2020 data collection.

The change in I 13 reporting requirements does not change the CDE’s responsibility to demonstrate correction of noncompliance as defined in [OSEP Memo 09-02](#). Accordingly, Steps 1 and 2 of the Targeted Support section still apply.

Notice of Change in CDE Guidance on Compliance for Postsecondary Goals (PSGs)

Transition IEPs must include appropriate measurable postsecondary goals based upon age appropriate transition assessments related to training, education, employment, and, where appropriate, independent living skills. 34 C.F.R. § 300.320(b)(1). Prior CDE guidance and training stated that “[o]n rare occasions, the IEP team may determine that a PSG in education/training and/or career/employment would be inappropriate and that it would be acceptable to state that the student will not be employed and/or attend training.” This language is not consistent with IDEA and will no longer be considered compliant for I 13. Effective immediately for SY 2019-2020, *all* transition age students must have measurable postsecondary goals in education/training and career/employment to be considered compliant with IDEA, regardless of the severity of disability. All current IEPs without a PSG for Education/Training and/or Career/Employment must be identified and corrected as soon as possible, and no later than June 1, 2020, the date that data collection closes for Indicator 13.

Information on SY 2019-2020 Indicator 13 reporting will be presented in more detail during a webinar to be hosted on Friday, January 17, 2020 at 2:30 PM.

Join Zoom Meeting

<https://zoom.us/j/123784686>

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