NEW YORK STATE EDUCATION DEPARTMENT

IDEA PART B STATE PERFORMANCE PLAN 2005-2010

OFFICE OF VOCATIONAL AND EDUCATIONAL SERVICES FOR INDIVIDUALS WITH DISABILITIES

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THE UNIVERSITY OF THE STATE OF NEW YORK

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OVERVIEW

Public Law 108-446, the Individuals with Disabilities Education Act (IDEA) 2004, requires the State Education Department (SED) to develop and submit a six year State Performance Plan (SPP) to the Office of Special Education Programs (OSEP) at the U.S. Education Department (USED). The SPP is designed to evaluate the State's efforts to implement the requirements and purposes of IDEA and describe how the State will improve results. OSEP has identified three monitoring priorities and 20 indicators relating to the priority areas that must be reported in the SPP. For each of the indicators, the State must establish measurable and rigorous targets and improvement activities for a six-year period of time. The priority areas and indicators addressed in the SPP for 2005-2010 are as follows:

Priority: Free Appropriate Public Education in the Least Restrictive Environment

1. Percent of youth with individualized education programs (IEPs) graduating from high school with a regular diploma compared to percent of all youth in the State graduating with a regular diploma.
2. Percent of youth with IEPs dropping out of high school compared to the percent of all youth in the State dropping out of high school.
3. Participation and performance of children with disabilities on statewide assessments:
   - Percent of districts meeting the State's annual yearly progress (AYP) objectives for progress for disability subgroup.
   - Participation rate for children with IEPs in a regular assessment with no accommodations; regular assessment with accommodations; alternate assessment against grade level standards; alternate assessment against alternate achievement standards.
   - Proficiency rate for children with IEPs against grade level standards and alternate achievement standards.
4. Rates of suspension and expulsion:
   - Percent of districts identified by the State as having a significant discrepancy in the rate of suspensions and expulsions of children with disabilities for greater than 10 days in a school year; and
   - Percent of districts identified by the State as having a significant discrepancy in the rates of suspensions and expulsions of greater than 10 days in a school year of children with disabilities by race and ethnicity.
5. Percent of children with IEPs ages 6 through 21:
   - Removed from regular class less than 21 percent of the day;
   - Removed from regular class greater than 60 percent of the day; or
   - Served in either public/private separate schools, residential placements or in homebound or hospital placements.
6. Percent of preschool children with IEPs who receive special education and related services in settings with typically developing peers (e.g., early childhood settings, home, and part-time early childhood/part-time early childhood special education settings).
7. Percent of preschool children with IEPs who demonstrate improved:
   - positive social-emotional skills (including social relationships);

- acquisition and use of knowledge and skills (including early language/ communication and early literacy); and
- use of appropriate behaviors to meet their needs.

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

Priority: Disproportionality

9. Percent of districts identified with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification.
10. Percent of districts with disproportionate representation of racial and ethnic groups in:
    - specific disability categories that is the result of inappropriate identification.
    - special education placements that is the result of inappropriate policies, procedures and practices.

Priority: Effective General Supervision Part B

Child Find and Effective Transitions

11. Percent of children with parental consent to evaluate, who were evaluated within State required timelines.
12. Percent of children referred by Part C (Early Intervention Services) prior to age three (3), who are found eligible for Part B, and who have an IEP developed and implemented by their third birthday.
13. Percent of youth aged 15 and above with an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals.
14. Percent of youth who had IEPs, are no longer in secondary school and who have been competitively employed, enrolled in some type of postsecondary school, or both, within one year of leaving high school.

General Supervision

15. General supervision system (including monitoring, complaints, hearings, etc.) identifies and corrects noncompliance as soon as possible but in no case later than one year from identification.
16. Percent of signed written complaints with reports issued that were resolved within 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint.
17. Percent of fully adjudicated due process hearing requests that were fully adjudicated within the 45-day timeline for school age students and 30-day timeline for preschool students or a timeline that is properly extended by the hearing officer at the request of either party.
18. Percent of hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements.
19. Percent of mediations held that resulted in mediation agreements.

20. State reported data (618) and SPP and Annual Performance Report (APR) are timely and accurate.

The State must report annually to the public and OSEP on the State's performance on each target for all 20 of the indicators in the SPP. Furthermore the State must also report annually to the public on each local educational agency's (LEA) performance on the targets for the first 14 indicators. The first APR is due on February 1, 2007.

Questions regarding the SPP may be directed to the New York State Education Department, Office of Vocational and Educational Services for Individuals with Disabilities (VESID), Special Education Services at 518-473-2878. For more information on these federal requirements see www.ed.gov/policy/speced/guid/idea/bapr/index.html

TABLE OF CONTENTS

Overview of the State Performance Plan Development 1

Indicator 1: Graduation Rates 6

Indicator 2: Drop-Out Rates 17

Indicator 3: Assessment 23

Indicator 4: Suspension/Expulsion 36

Indicator 5: Least Restrictive Environment – School Age 48

Indicator 6: Least Restrictive Environment – Preschool 56

Indicator 7: Preschool Outcomes 60

Indicator 8: Parental Involvement 71

Indicator 9: Disproportionality in Special Education by Race/Ethnicity 85

Indicator 10: Disproportionality in Classification/Placement by Race/Ethnicity 92

Indicator 11: Child Find 97

Indicator 12: Early Childhood Transition 109

Indicator 13: Secondary Transition 120

Indicator 14: Post-School Outcomes 130

Indicator 15: Identification and Correction of Noncompliance 135

Indicator 16: Complaint Timelines 143

Indicator 17: Due Process Timelines 147

Indicator 18: Hearing Requests Resolved by Resolution Session 152

Indicator 19: Mediation Agreements 155

Indicator 20: State Reported Data 158

Attachment 1: Report of Dispute Resolution 164

Attachment 2: Overview of NYS Sampling Methodology 166

PART B STATE PERFORMANCE PLAN (SPP) FOR 2005-2010

Overview Of The State Performance Plan Development

New York State's (NYS) Part B State Performance Plan (SPP) for 2005-2010 was developed as follows:

In April 2005, the Office of Vocational and Educational Services for Individuals with Disabilities (VESID) convened a work group to develop the SPP. The workgroup included representatives from the following VESID units: Special Education Policy and Partnerships, Quality Assurance, and Strategic Evaluation, Data Collection, Analysis and Reporting (SEDCAR). VESID staff developed the SPP in consultation with staff from the Office of Elementary, Middle, Secondary and Continuing Education (EMSC) responsible for data collection and reporting under the No Child Left Behind Act (NCLB). Data for indicators requiring baselines reported in the 2005-06 SPP were obtained and analyzed to identify trends and related data for establishing targets. Implementation activities that impacted those trends were also identified.

In August 2005, VESID staff attended the OSEP Summer Institute where the requirements for the SPP were provided to states.

VESID issued a State memorandum in September 2005 to provide information to the field about the requirements for the SPP.
http://www.vesid.nysed.gov/specialed/spp/memo.htm.

A report was made to the Board of Regents in October 2005 to obtain their input on addressing the issues relating to the development and implementation of the SPP.
http://www.regents.nysed.gov/2005Meetings/October2005/1005emscvesidd2.htm

Meetings were held with various constituent groups beginning in late September into early November 2005 from a broad spectrum of stakeholders on various stages of the initial development and revisions of the SPP. Stakeholders provided recommendations for State targets, improvement activities and methods to collect data on new indicators,

Composition of the stakeholder groups

In separate meetings conducted from late September until early November 2005, the following groups provided input into the State's development of the SPP. In total, approximately 420 individuals participated in these meetings, providing stakeholder input on the development of the State's Performance Plan.

- Regional and Central office special education staff of VESID.
- Board of Regents, Subcommittee on EMSC and VESID.
- Statewide meeting of the Special Education Training and Resource Centers (SETRC) and representatives of the statewide network of Regional School Support Centers (RSSC). After the full group presentation and overview, there were small group discussions on selected indicators and report out to the larger group. This

stakeholder group represented the State's technical assistance networks for special education and included representatives from every region of the State.

- Local school district Committee on Special Education (CSE) and Committee on Preschool Special Education (CPSE) directors and chairpersons, Board of Cooperative Educational Services (BOCES) directors, principals and assistant principals of schools, directors of preschool programs, school psychologists and regional trainers representing public school districts, BOCES and approved private schools and approved preschool programs.
- Representatives from Parent Training and Information Centers, including representatives from Sinergia, Inc., Parent-to-Parent of NYS, Advocates for Children, Long Island Parent Center, United We Stand of NY, The Advocacy Center and Resources for Children with Special Needs. This meeting was held in New York City (NYC).
- Representatives from the New York City Department of Education (NYCDOE) participated in a meeting held in NYC. A follow-up telephone conference call was conducted with two Parent Coordinators from the NYCDOE to further obtain input on Indicator #8 (Parent Involvement).
- To ensure broad representation from stakeholders in a forum that would foster interactive discussion on various indicators from different perspectives, an invitational group was convened, represented by district superintendents, superintendents and assistant superintendents of schools, directors of approved private schools, representatives from institutions of higher education, New York State United Teachers, School Boards Association, NYS Association of Retarded Citizens, Inc. (NYSARC), NYS Parent Teachers Association (NYSPTA), approved preschool programs and NYS legislative staff.
- Families Together of NYS, an Albany-based parent support and advocacy organization, convened a group of parents from the Capital District.
- The SPP was discussed with BOCES District Superintendents at statewide meetings held in October and November, and various decision points for the SPP were shared at that time. Beginning in November 2005, follow-up meetings in each of the supervisory districts were scheduled with school superintendents to review the requirements for data collection, reporting, accountability and school improvement.
- An all day meeting was held with the Commissioner's Advisory Panel for Special Education to review recommendations received to date and to obtain further input on the submission and implementation of the SPP.
- A meeting was held with the Conference of Big Five School Districts, with representatives participating from the Syracuse, Rochester, Buffalo and NYC school districts.

How stakeholder input was obtained

The requirements set forth by the U.S. Education Department (USED) for the development of the SPP were shared with each group, including information on measures proposed by the State, current baseline information and proposed strategies. The meetings with stakeholders generally included an overview presentation, including a discussion of requirements for targets, a presentation of baseline data and included a

facilitated discussion of targets, improvement strategies and proposed plans to collect data on new indicators. Depending on the size of the stakeholder meeting, both large group and small group discussions focused on particular indicators. Participants were provided with forms with guiding questions to facilitate their input, which could be provided as part of the group process and/or in writing. Guiding questions included:

1. What factors should be considered in setting targets for this indicator (e.g., selected improvement activities, trend data, new policies, etc.)?
2. What targets would you recommend for this indicator?
3. What issues should be considered in designing a method to collect data for the new indicators?
4. What methods or strategies would you recommend?
5. What specific and targeted improvement activities would you recommend the State implement to lead to improved results toward the targets?
6. What role do you recommend our funded networks (e.g., SETRC, Early Childhood Direction Centers, Transition Coordination Sites) take in implementing the SPP and improving results in the priority areas?

Stakeholder input on SPP revisions

VESID staff met with various constituency groups throughout the year to share and discuss the design and implementation of NYS' SPP, including, but not limited to, the following groups:

- Early Childhood Direction Centers
- SETRC
- Transition Coordination Sites
- Parent Centers
- Commissioner's Advisory Panel (CAP) for Special Education
- Higher Education Support Center and Higher Education Task Force
- NYU Disproportionality Technical Assistance Center
- District Superintendents
- Other professional organizations

In October 2006, VESID staff met with CAP to specifically obtain input on proposed targets and revisions to the SPP.

Public dissemination plan

The SPP is posted on the Department's website (http://www.vesid.nysed.gov/specialed/spp/home.html). An announcement of its availability will be provided annually through the list serve and through a memorandum to school districts, parent organizations and others interested in the education of students with disabilities. A press announcement will be released to newspapers regarding its availability.

Data sources

The following current data collection sources were reviewed in determining how the State will collect baseline and annual data for each of the indicators:

- System for Tracking Education Performance (STEP)
- Pupils with Disabilities (PD) data
- Impartial Hearing Reporting System (IHRS)
- Quality Assurance Information System (QAIS)
- Comprehensive Special Education Information System (CSEIS)
- Basic Educational Data System (BEDS)
- TransQual
- New York State Dispute Resolution Association
- Post School Indicator Longitudinal Study
- Preschool Longitudinal Study
- Student Information Repository System (SIRS): NYS will begin to phase in implementation of a statewide SIRS, beginning in the 2005-06 school year for grades 3-8. The new system will be a single system to collect all the required data for NCLB as well as to meet all other State and federal reporting requirements, including data required for the Part B SPP.

Design of the SPP

NYS has, to the maximum extent possible, developed its SPP to minimize reporting burdens on school districts and emphasize opportunities for improvement. For six of the indicators requiring new data collection, NYS will collect and report data from a representative sample of school districts throughout the State (see Indicators 7, 8, 11, 12, 13 and 14). All school districts will provide data on all the indicators selected for sampling distributed over a six-year period beginning with the initial year in which data on the indicator is collected. In this way, a school district can focus its resources to improve results in the identified area. In some instances, the school district will be required or permitted to collect and report on a particular indicator more frequently than once every six years in order to demonstrate improvement and to have their publicly reported data reflect that improvement. All school districts are encouraged to proactively address these indicators prior to the year in which they must provide data to be used in the public reporting. An overview of the sampling methodology is provided in Attachment 2.

Summary of 2006 Revisions to the SPP:

The 2006 NYS SPP was revised as follows:

- Indicators 1, 2, 3 – revisions to measurement, baseline data, overview and improvement activities.
- Indicator 4A – revisions to definitions of significant discrepancy and 04-05 school year data.
- Indicator 4B – revisions to definition of significant discrepancy and baseline data added from 2005-06 school year.

- Indicator 7 – assessment data at entry into preschool special education added for 2005-06 school year. USED changes to the measure.
- Indicator 8 – revision to definition of what constitutes a survey with "positive parental involvement" response and State's calculation of "rate of positive parental involvement." Also, baseline data are added for 2005-06 school year.
- Indicator 9 – revisions to definition of significant disproportionality and baseline data added for 2005-06 school year.
- Indicator 10A and 10B – revisions to definition of significant disproportionality and baseline data added for 2005-06 school year.
- Indicator 11 – baseline data for 2005-06 and targets added. USED changes to the indicator and measure.
- Indicator 12 – baseline data for 2005-06 and targets added. USED changes to the measure.
- Sampling schedule provided in Attachment 2 revised to complete all SPP data collection during the 2010-11 school year from all school district within six years.

Monitoring Priority: FAPE in the LRE

Indicator #1: Percent of youth with individualized education programs (IEPs) graduating from high school with a regular diploma compared to percent of all youth in the State graduating with a regular diploma.

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

Measurement:
Measurement for youth with IEPs should be the same measurement as for all youth. Explain calculation.

New York State's Measurement:
Percent of "graduation-rate cohort" of students with disabilities who graduate with a high school diploma (Regents or local diploma) as of August 31 of the fourth year after first entering 9th grade or for ungraded students with disabilities, after four years from becoming 17 years of age.

NYS will use the same measurements as used for accountability reporting under the No Child Left Behind Act (NCLB).

New York State's Calculation:
The number of students in the "graduation rate cohort" who earn a high school diploma as of August 31 of the fourth year divided by the total number of students in the graduation rate cohort, expressed as a percent.

Definition of Graduation-Rate Cohort:
The graduation-rate cohort includes all students in the accountability cohort plus all students excluded from that accountability cohort solely because they transferred to a program leading to a high school equivalency diploma (General Education Development (GED) program). The final date used to determine the members of the graduation-rate cohort is August 31 of the fourth year after a student first entered 9th grade. For example, graduation-rate cohort membership would be determined on August 31, 2004 for a student who entered grade nine for the first time in the 2000-01 school year.

Definition of District Accountability Cohort:
2000 District Accountability Cohort. The 2000 district accountability cohort consists of all students, regardless of their current grade status, who were enrolled in a district school or placed by the district CSE or a district official in an out-of-district placement on October 2, 2002 (BEDS[1] day) and met one of the following conditions:

- first entered grade 9 (anywhere) during the 2000–01 school year (July 1, 2000

[1] BEDS day is the first Wednesday in October and is the date that enrollment data for all students is collected in New York State.

through June 30, 2001); or

- in the case of ungraded students with disabilities, reached their seventeenth birthday during the 2000–01 school year.

The Department will exclude the following students when reporting data on the 2000 district accountability cohort:

1. students who transferred to a school in another district or state or transferred to a program leading to a high school equivalency diploma after BEDS day 2002;
2. students who left the U.S. and its territories after BEDS day 2002; and
3. students who died after BEDS day 2002.
   - Students who transferred into the district after BEDS day 2002 (October 2, 2002) will *not* be included in the 2000 district accountability cohort.
   - Students who move between district schools and out-of-district placements are included in the cohort, as long as the transfers are the decision of the CSE or a district official.
   - Students who have dropped out are included in the 2000 cohort. A dropout is any student (regardless of age) who left the school district prior to graduation for any reason except death and was not documented to have entered another school or a program leading to a high school equivalency diploma.

Anticipated Change in definition of 2003 Graduation-Rate Cohort . Graduation rate of this cohort will be determined as of August 31, 2007:

The definition of graduation-rate cohort will be revised as follows, beginning with students who first entered 9th grade in 2003-04 or for ungraded students with disabilities who attained the age of 17 during the 2003-04 school year. (The definition of the current **"Total Cohort"** is similar to how the definition will change for the 2003 Graduation Rate Cohort):

- To determine the percentage of students in a school district who have graduated with a regular diploma in the standard number of years, or who have dropped out, the denominator (beginning with the students who first entered ninth grade in the 2003–04 school year, July 1–June 30) will be the count of students who meet Condition 1 and Condition 2 or 3 below:
  1. enrolled in ninth grade (anywhere) for the first time in a particular year (year 1) or, for ungraded students with disabilities, attained age 17 during that school year, AND
  2. were enrolled in the district/school for at least five continuous months during year 1, 2, 3, or 4 of high school (excluding July and August).
     OR
  3. were enrolled for less than five months and reason for ending enrollment was "dropped out" or transferred to a GED program and the student's previous enrollment record in the district (assuming one exists):
     - indicates that the student dropped out or transferred to a GED program, and
     - that the student was enrolled in the district/school for at least five months.

  The only students who are excluded from the cohort are students who transfer to another diploma-granting program, leave the U.S., transferred by court order, or die.

- The graduation rate will be the percentage of the cohort who earned a regular high school diploma no later than by August 31 of the fourth year. An exception will be made for high schools where a majority of students participate in a State-approved five-year program that results in the receipt of certification in a career or technology field in addition to a high school diploma. For those schools, the graduation rate will be the percentage of those students defined in Conditions 1 and 2 who earned a regular high school diploma no later than the end of year 5. The public high school graduation rate will be used pursuant to §1111(b)(2)(1) of NCLB.

Overview of Issue/Description of System or Process

In New York State, a regular diploma is defined as a local or Regents diploma, including a Regents diploma with advanced designation requirements. The course work for high school graduation requirements may be found at:

- http://www.emsc.nysed.gov/part100/pages/1005a.html
- http://www.emsc.nysed.gov/part100/pages/diprequire.pdf

In 2005, the Board of Regents approved policy to phase in more challenging diploma requirements over the next few years. The following chart displays the NYS diploma requirements that will be phased in over the next four years.

DIPLOMA REQUIREMENTS

Entering Freshman Class	***Local Diploma Requirements***	***Regents Diploma Requirements***	***Regents Diploma with Advanced Designation Requirements***
2005	Score 65 or above on 2 required Regents exams and score 55 or above on 3 required Regents exams. Earn 22 units of credit.	Score 65 or above on 5 required Regents exams. Earn 22 units of credit.	Score 65 or above on 8 required Regents exams. Earn 22 units of credit.
2006	Score 65 or above on 3 required Regents exams and score 55 or above on 2 required Regents exams. Earn 22 units of credit.	Score 65 or above on 5 required Regents exams. Earn 22 units of credit.	Score 65 or above on 8 required Regents exams. Earn 22 units of credit.
2007	Score 65 or above on 4 required Regents	Score 65 or above on 5 required Regents	Score 65 or above on 8 required Regents

Entering Freshman Class	*Local Diploma Requirements*	*Regents Diploma Requirements*	*Regents Diploma with Advanced Designation Requirements*
	exams and score 55 or above on 1 required Regents exam. Earn 22 units of credit	exams. Earn 22 units of credit.	exams. Earn 22 units of credit.
2008		Score 65 or above on 5 required Regents exams. Earn 22 units of credit.	Score 65 or above on 8 required Regents exams. Earn 22 units of credit.

The safety net allows eligible students who fail a Regents examination required for graduation to meet the requirement for a local diploma by passing the Regents competency test(s) (RCT), or an approved RCT alternative, in that subject. The student may take the RCT before or after taking the Regents examination. The safety net is available to:

1. any student who is classified as disabled by the CSE at any time; and
2. students with disabilities who have been declassified at any time between grades 8 and 12, as recommended by the CSE at time of declassification; and
3. general education students identified under Section 504, as recommended in their 504 Accommodation Plan by the Multidisciplinary Team.

The RCT safety net for students with disabilities will continue to be available for students entering grade 9 prior to September 2010. Students using this safety net will be eligible to receive a local diploma. Students with disabilities may also graduate with a local diploma if they score between 55 and 64 on the required Regents exams.

Baseline Data for 2000 Graduation-Rate Cohort as of August 31, 2004. This is FFY 2004 data for the 2004-05 school year.

Fifty-three (53) percent of youth with IEPs in the 2000 **graduation-rate cohort** graduated from high school within four years (as of August) compared to 77 percent of all students in that cohort. The graduation rate cohort is the official cohort for accountability under NCLB.

Forty -six (46) percent of youth with IEPs in the **2000 total cohort** graduated from high school within four years (as of June) compared to 67 percent of all students in that cohort. The “total cohort” includes more students than the graduation-rate cohort and the rules for being assigned to this cohort are similar to what the rules will be for the graduation–rate cohort beginning with students who entered 9th grade or for ungraded students with disabilities who became 17 years of age in the 2003-04 school year.

Discussion of Baseline Data

NYS is following the performance of two cohorts until the definition of the graduation-rate cohort is revised to be similar to the definition of the total cohort. This is expected to occur with the 2003 graduation-rate cohort. The graduation-rate cohort will continue to include graduates as of August, unlike the total cohort results presented in this SPP, which include graduates as of June. The graduation-rate cohort is the official cohort of the State for accountability under NCLB, however, VESID has focused its school improvement activities by using data for the total cohort because the total cohort includes more students and is similar to how the graduation-rate cohort will be revised beginning with the 2003 cohort.

The tables below provide several years of data for the two cohorts. The graduation rate for students with disabilities in the 2000 graduation-rate cohort was 53 percent, lower than the graduation rates of the 1999 and 1998 graduation-rate cohorts. However, it should be noted that each year, more students with disabilities were included in the cohort. The 2000 graduation-rate cohort, for example, had 18,909 students with disabilities or 32 percent more students with disabilities than in the 1998 graduation-rate cohort with 14,306 students with disabilities. The increase in the number of students with disabilities in the graduation-rate cohort is indicative of better understanding among school districts of reporting requirements and also to some changes in the definitions of these cohorts. For the definition of each year's accountability cohort and graduation-rate cohort, see the 2005-06 STEP reporting manual at http://www.emsc.nysed.gov/irts/STEP/2006/STEPManual-2006.doc and the Student Information Reporting System (SIRS) User Manual at http://www.emsc.nysed.gov/irts/SIRS/documentation/UserManual.doc. The graduation rate of the 2001 total cohort was lower than the graduation rate of the 2000 total cohort; however, the 2001 total cohort had 26,281 students with disabilities compared to 21,262 students with disabilities in the 2000 total cohort or 24 percent more students with disabilities. The additional students in the 2001 total cohort are reflective of improvements in the State's system of data collection that captures the results of more students, especially students who drop out of school, as well as a better understanding among school districts of reporting requirements.

The data for each graduation-rate cohort includes the summer graduates, as of August 31. The data for each total cohort includes graduates as of June 30. The years that are highlighted in the tables below represent the base year data for New York State. New York is revising its targets for the students with disabilities graduation rate to reflect the total cohort data. Once the total cohort data includes graduates as of August, NYS will consider revising its targets again for subsequent years.

Graduation-Rate Cohort as of August 31, Four Years Later

Cohort Year	All Students		Students with Disabilities	
	# in Cohort	Graduation Rate	# in Cohort	Graduation Rate
1998	165,226	77%	14,306	55%
1999	173,978	76%	15,056	58%
2000 (old baseline)	179,092	77%	18,909	53%

Total Cohort, As of June 30, Four Years Later

Cohort Year	All Students		Students with Disabilities	
	# in Cohort	Graduation Rate	# in Cohort	Graduation Rate
2000	199,312	67%	21,262	46%
2001 (new baseline)	212,135	66.1%	26,281	37.9%

Note: The data and projected targets presented in the 2004 APR were based on the annual exiters of students with disabilities who earned a local, Regents and High School Equivalency (HSE) diploma as a percentage of the total number of students with disabilities who earned a local, Regents, HSE and IEP diploma or who reached maximum age. These data did not consider the number of years it took to graduate nor were students with disabilities who dropped out of school included in the calculation. In addition, these data were not compared to all students or general education students.

Measurable and Rigorous Targets

FFY	Measurable and Rigorous Target
2005 (2005-06) (2002 total cohort)	The percent of youth with IEPs graduating from high school within four years as of June with a regular high school diploma will be 37 percent.
2006* (2006-07) (2003 total cohort)	The percent of youth with IEPs graduating from high school with a regular high school diploma within four years as of June will be 37 percent.
2007 **(**2007-08) (2004 cohort**)**	The percent of youth with IEPs graduating from high school with a regular high school diploma within four years as of June will be 38 percent.
2008 2008-09 (2005 cohort)	The percent of youth with IEPs graduating from high school with a regular high school diploma within four years as of June will be 44 percent.
2009 2009-10 (2006 cohort)	The percent of youth with IEPs graduating from high school with a regular high school diploma within four years as of June will be 49 percent.

FFY	Measurable and Rigorous Target
2010 2010-11 (2007 cohort)	The percent of youth with IEPs graduating from high school with a regular high school diploma within four years as of June will be 52 percent.

* Year definitions of accountability and graduation cohorts will change

Improvement Activities/Timelines/Resources

Activity	Timelines	Resources
Beginning in 2006-07: School districts with graduation rates of higher than 18.5 percent, but less than or equal to 35 percent were identified as districts "in need of assistance." School districts with graduation rates of 18.5 percent or less were identified as "districts in need of intervention." Each school district, as a result of this designation, was required to engage in one or more of the following activities to improve its graduation rates: • Conduct a focused review • Work with one of the State's funded technical assistance networks • Use a portion of its IDEA Part B funds to address the area of concern • Redirect its fiscal or human resources • Conduct a self-review of its policies, procedures and practices • Develop improvement plans	2006-11	Special Education Quality Assurance (SEQA) Regional Offices 42 Special Education Training and Resource Centers (SETRC) For schools also identified under NCLB: 7 Regional School Support Centers (RSSC) - RSSC includes a full-time special education specialist on staff funded by IDEA discretionary funds
Beginning in 2006-07, conduct "IDEA Effective Instructional Practices" focused reviews of school districts identified as in need of intervention (see above). The review protocol targets requirements most directly related to improved instructional practices, with emphasis on:	2006-11	SEQA Regional Offices 42 SETRCs

Activity	Timelines	Resources
• Individual evaluations and eligibility determinations • IEP development and implementation • Appropriate instruction from qualified staff • Access to, participation and progress in the general education curriculum • Specially designed instruction • Instruction in literacy • Behavioral supports • Parental involvement		
Conduct focused "Exiting/Transition" monitoring reviews of selected school districts with graduation rates below the State targets. School districts experiencing a higher dropout and/or lower graduation rate for students with disabilities are targeted for the exiting/transition review.	2005-11	SEQA Regional Offices 42 SETRCs Transition Coordination Sites (TCSs) 7 RSSC - RSSC includes a full-time special education specialist on staff funded by IDEA discretionary funds
Conduct focused monitoring reviews of Board of Cooperative Educational Services (BOCES) to review student access and opportunities to participate in the general education curriculum and to receive course credit to meet the graduation requirements.	2005-11	SEQA Regional Offices, SETRC and RSSC
Develop regional workplans for each of the SEQA offices to direct SEQA resources and the VESID funded technical networks to work with low performing districts.	2006-11	SEQA Regional Offices SETRC TCSs
Provide Quality Assurance Review grants to large city school districts to offset the costs that these school districts may incur to participate in the focused monitoring reviews.	2005-11	IDEA Part B Discretionary Funds

Activity	Timelines	Resources
Provide Quality Assurance Improvement grants to school districts to implement improvement activities identified through the focused review monitoring process.	2005-11	IDEA Part B Discretionary Funds
Use a data-driven strategic planning model to develop annual improvement plans for the Big Four Cities (Buffalo, Syracuse, Rochester and Yonkers) and to provide coordinated technical assistance and professional development programs within the cities.	2005-11	Urban Initiative
Provide "Destination Diploma" forums to bring together school districts with the lowest graduation rates and the highest proportion of students taking three or fewer Regents exams in four years. "Destination Diploma" is designed to create a community of professional practice among school district teams, along with State and regional technical assistance providers and professional organizations.	2005-08	EMSC, SEQA, SETRC, RSSC
Partner with other State agencies to leverage local and State interagency funding to implement school-based collaborative efforts to improve results for students with disabilities.	2005-11	Task Force on School and Community Collaboration http://www.ccf.state.ny.us/schoolcollab.html
Promote implementation of Positive Behavioral Intervention and Supports (PBIS) in school districts with graduation rates below the State target.	2005-11	PBIS project in collaboration with SED, NYS Office of Mental Health (OMH), NYS Department of Health (DOH), the Children's School Health Network (CSHN) and Families Together NYS (FTNYS) -
Support preservice and inservice staff development programs to enhance the knowledge and skills of general and special education teachers who provide instruction to students with disabilities.	2005-08	Contracts using Part B IDEA Discretionary funds for: The Center for the Preparation of Educational Interpreters

Activity	Timelines	Resources
		Bilingual Paraprofessional Certification Bilingual Personnel Development Center Bilingual Special Education Personnel Preparation - United Federation of Teachers Special Education Support Program Bilingual School Psychology and Speech and Language Program Intensive Teacher Institute - Blind/Visually Impaired/Deaf/Hard of Hearing
Develop a network of institutions of higher education (IHEs) to enhance collaborations between school districts and IHEs to promote research based literacy instruction; positive behavioral supports and effective delivery of specially designed instruction to students with disabilities.	2005-11	Higher Education Support Center (HESC) - IDEA discretionary funds
Increase student with disabilities' participation in Career and Technical Education (CTE) Programs • The Regents policy for program approval will continue to be implemented and administered so that students have access to specialized courses that integrate academic and career and technical skill development. • A Career and Technical Education Resource Center (CTERC) has been established to increase graduation rates and support low performing schools. CTERC will provide training and technical assistance in CTE and	2005-11	SED's web site provides information on policy, guidance and resources for CTE programs. http://www.emsc.nysed.gov/workforce/cte/cte.html CTERC established at the Questar III BOCES.See http://www.emsc.nysed.gov/workforce/cteskillsachievementprofile/home.html

Activity	Timelines	Resources
academic integration.		
Promote use of high quality research-based instruction for students with disabilities • Convene a group of experts in reading and response-to-intervention models to assist the State in its development of State criteria to identify students with learning disabilities. • Develop guidance materials and resources on research-based reading instruction and response-to-intervention models. • Identify school districts with effective models of response-to-intervention. • Provide staff development and sharing of effective practices.	2005-09	IDEA Part B Discretionary Funds

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

Overview of the State Performance Plan Development

See *Overview of State Performance Plan* preceding Indicator #1.

Monitoring Priority: FAPE in the LRE

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

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

Measurement:

Measurement for youth with IEPs is the same measurement as for all youth. The calculation is explained below.

New York State's Measurement:

Percent of "graduation-rate cohort*" of students with disabilities who drop out of school.

New York State's Calculation:

The number of students in the "graduation-rate cohort" who drop out of school within four years divided by the total number of students in the graduation rate cohort, expressed as a percent.

Definition of dropout:

School principals must report as dropouts students who complete a school year and do not re-enroll (appear on the attendance register) the following school year unless the student can be documented to have graduated, transferred to another educational program leading to a high school diploma or a high school equivalency diploma, left the United States, or died. These students should be counted as dropouts in the year in which they did not re-enroll.

Any student who, on the last day of required attendance for the school year, has been absent for twenty (20) consecutive, unexcused days and has not resumed attendance should be counted as a dropout.

This definition of "dropout" may be found on page 159-160 of the STEP Reporting Manual at: http://www.emsc.nysed.gov/irts/STEP/2005/downloads/STEPManual.doc

When the Department computes the total number of dropouts and drop-out rate, any student who was reported as a dropout in a previous year is not counted again as a

dropout.

Schools with grade seven or higher who do not grant diplomas are responsible for ensuring that students completing their programs enroll in a diploma-granting school to complete their secondary education. They must report students who complete their program and who do not enroll in and attend a diploma-granting secondary school as dropouts. These students are reported in the school year in which they fail to enroll and to attend the diploma-granting program.

*See indicator #1 for definitions of Graduation-Rate Cohort and School and District Accountability Cohort.

Also see "Change in definition of Graduation-Rate Cohort in 2007" described in Indicator #1.

NYS has adjusted its baseline data and targets for this indicator based on data for the 2000 and 2001 total cohorts for the same reasons as described in Indicator #1. See Indicator #1 for definition of the total cohort.

Overview of Issue/Description of System or Process

NYS Education Law section 3202 does not permit any student over the compulsory attendance age in his or her school district to be dropped from enrollment unless he or she has been absent 20 consecutive school days and the following procedure is complied with: The principal or superintendent must schedule and notify, in writing and at the last known address, both the student and the person in parental relationship to the student of an informal conference. At the conference the principal or superintendent must determine both the reasons for the student's absence and whether reasonable changes in the student's educational program would encourage and facilitate his or her re-entry or continuance of study. The student and the person in parental relationship must be informed orally and in writing of the student's right to re-enroll at any time in the public school maintained in the school district where he or she resides. If the student and the person in parental relationship fail, after reasonable notice, to attend the informal conference, the student may be dropped from enrollment provided that he or she and the person in parental relationship are notified in writing of the right to re-enter at any time. No student may be dropped from enrollment in NYS prior to the end of the school year in which the student turns age 16.

Baseline Data for FFY 2004 (2004-05)

The drop-out rate of students with disabilities in the 2001 total cohort as of June 30, 2004 was 25.5 percent. The drop-out rate for all students in the same cohort was 15.4 percent.

Discussion of Baseline Data

As the data provided in the table below indicate, the drop-out rate of students with disabilities in the 2001 total cohort (25.5 percent) was higher than the drop-out rate of the 2000 total cohort of students with disabilities (13.0 percent). Also, the drop-out rate of students with disabilities in the 2001 total cohort (25.5 percent) is 10.1 percentage points or 66 percent higher than the drop-out rate for all students (15.4 percent).

Total Cohort, As of June 30, Four Years Later

Cohort Year	All Students		Students with Disabilities	
	# in Cohort	Drop Out Rate	# in Cohort	Drop-Out Rate
2000	199,312	11.9%	21,262	13.0%
2001	212,135	15.4%	26,281	25.5%

We have adjusted our baseline data and targets for this indicator based on data for the 2000 and 2001 total cohorts. However, since the Department has revised its 2001 total cohort data as reflected above, it may consider revising its targets for this indicator in a subsequent year, once we have more longitudinal data.

Measurable and Rigorous Targets

FFY	Measurable and Rigorous Target
2005 2005-06 (2002 total cohort)	No more than 19 percent of students with disabilities will drop out of school.
2006 2006-07 (2003 total cohort)	No more than 19 percent of students with disabilities will drop out of school.
2007 2007-08 (2004 total cohort)	No more than 19 percent of students with disabilities will drop out of school.
2008 2008-09 (2005 total cohort)	No more than 18 percent of students with disabilities will drop out of school.
2009 2009-10 (2006 total cohort)	No more than 16 percent of students with disabilities will drop out of school.

FFY	Measurable and Rigorous Target
2010 2010-11 (2007 total cohort)	No more than 15 percent of students with disabilities will drop out of school.

The targets to reduce the drop out rate in this State are determined to be rigorous in relation to the increasing standards established in this State for students to meet the graduation requirements. We believe the targets in the years 2005-2007 reflect improvement because of the State's expectation that the data will include many more students with disabilities who were previously not accounted for in the State's graduation cohort. The projected improvement beginning in 2008 corresponds to the State's implementation of identified improvement activities, and in particular, the projected increase in the numbers of career and technical education programs developed to address the needs of students with disabilities.

Improvement Activities/Timelines/Resources

The improvement activities identified below are designed to address high risk factors associated with dropouts, including attendance, behavior and academic achievement.

Activity	Timeline	Resources
See indicator # 1 activities.		
Beginning in 2006-07: School districts with drop-out rates for students with disabilities of at least 20 percent but less than 33 percent were identified as districts "in need of assistance." School districts with drop-out rates of 33 percent or higher were identified as "districts in need of intervention." Each school district, as a result of this designation, was required to engage in one or more of the following activities to improve its graduation rates: • Conduct a focused review • Work with one of the State's funded technical assistance networks • Use a portion of its IDEA Part B	2006-11	SEQA Regional Offices 42 SETRC TCSs For schools also identified under NCLB: 7 RSSC - RSSC includes a full-time special education specialist on staff funded by IDEA discretionary funds

Activity	Timeline	Resources
funds to address the area of concern • Redirect its fiscal or human resources • Conduct a self-review of its policies, procedures and practices • Develop improvement plans		
Implement Model Transition Programs in 60 school districts throughout the State	2007-11	Competitive contracts with 60 school districts in collaboration with VESID Vocational Rehabilitation District Offices
Expand opportunities for CTE for students with disabilities. • Continue to provide students enrolled in approved school district or BOCES CTE program that successfully complete all requirements the opportunity to earn a technical endorsement to be affixed to the high school diploma. • Provide technical assistance on the CTE Skills Achievement Profile for Students with Disabilities Receiving an IEP Diploma.	2005-11	"High Schools that Work" implemented in four school districts and seven BOCES to integrate academic and technical skills. A CTERC has been established at the Questar III BOCES to increase graduation rates and to support low performing schools. CTERC will provide training and technical assistance in CTE and academic integration. See http://www.emsc.nysed.gov/workforce/cteskillsachievementprofile/home.html. TCSs
Use products from the National Dropout Prevention Center for Students with Disabilities and disseminate to school districts.	2007-11	National Dropout Prevention Center for Students with Disabilities http://www.dropoutprevention.org/

In addition to the above activities targeted to address drop out for students with disabilities, the State Education Department addresses drop out for all students through the following activities.

Activity	Timeline	Resources
Provide technical assistance and training to middle schools to address factors that influence student dropout behavior in their respective communities.	2005-08	Destination: Graduation – an alliance between SED and the National Dropout Prevention Center at Clemson University.
Require school districts with low attendance rates to set aside a portion of their comprehensive operating aid for attendance improvement and dropout prevention.	2005-11	State set aside funding for 2005-06 is posted at: http://www.emsc.nysed.gov/funding/aidp0506.htm

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

Overview Of The State Performance Plan Development

See *Overview of the State Performance Plan Development* preceding Indicator #1.

Monitoring Priority: FAPE in the LRE

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

A. Percent of districts meeting the State's Adequate Yearly Progress (AYP) objectives for progress for disability subgroup.

B. Participation rate for children with IEPs in a regular assessment with no accommodations; regular assessment with accommodations; alternate assessment against grade level standards; alternate assessment against alternate achievement standards.

Proficiency rate for children with IEPs against grade level standards and alternate achievement standards.

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

Measurement:

A. Percent = # of districts meeting the State's AYP objectives for progress for the disability subgroup (children with IEPs) divided by the total # of districts in the State times 100.

Note: For this measure, NYS also computes the percent of districts meeting the State's AYP objectives for progress for the disability subgroup (students with IEPs) divided by the number of districts that were required to make AYP (met the minimum size criteria).

B. Participation rate =

a. # of children with IEPs in assessed grades;
b. # of children with IEPs in regular assessment with no accommodations (percent = [(b) divided by (a)] times 100);
c. # of children with IEPs in regular assessment with accommodations (percent = [(c)divided by (a)] times 100);
d. # of children with IEPs in alternate assessment against grade level achievement standards (percent = [(d) divided by (a)] times 100); and
e. # of children with IEPs in alternate assessment against alternate achievement standards (percent = [(e) divided by (a)] times 100).

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

Overall Percent = [(b + c + d + e) divided by (a)].

C. Proficiency rate =

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

Account for any children included in a but not included in b, c, d, or e above.
Overall Percent = [(b+c+d+e) divided by (a)].

Note:

- NYS is not using data reported under section 618 in OSEP Table 6 for this indicator because Table 6 data are not consistent with how NYS calculates participation, proficiency and AYP under NCLB. Since school, district and State report cards contain data that are calculated to determine accountability under NCLB, the same data that are used in the State report card are presented in this SPP.

- One of the reasons that NYS is not using section 618 data from Table 6 in this SPP is that in Table 6 there is no differentiation between the enrollment of students in each grade that is used as the basis for computing the participation rate and the proficiency rate. In NYS, there is a difference. The participation rate is computed based on total enrollment of students in grade or for high school it is computed based on the enrollment of “seniors”. However, the proficiency rate is based on the enrollment of “continuously enrolled” students in grade or for high school, on the number of students in the accountability cohort.

- Another reason for not using section 618 data is that for measures of proficiency, NYS uses a Performance Index (PI) for each grade and assessment, which consists of the percent of continuously enrolled tested students at “basic proficiency” (Level 2 and above) plus the percent of such students “at or above proficiency” (Levels 3-4). For the 2004-05 school year, NYS had six performance indices (grade 4 ELA, grade 4 math, grade 8 ELA, grade 8 math, high school ELA, and high school math). Beginning with the 2005-06 school year, New York State has four indices (grades 3-8 ELA, grades 3-8 math, high school ELA and high

school math).

- NYS is not able to provide data disaggregated for students with disabilities who received testing accommodations and those who did not. We expect to be able to report this disaggregation once the SIRS is fully implemented.

- NYS does not currently administer an "alternate assessment against grade level standards" as described in d of the measurement of participation and proficiency. NYS administers alternate assessments against alternate achievement standards aligned to grade level content.

Overview of Issue/Description of System or Process

NYS' accountability system for all students that is approved by USED under NCLB is characterized as follows:

- The accountability system applies to all public school districts (including Special Act School Districts) and public schools (including charter schools) and includes all students educated in these institutions or students placed in out-of-district placements by school districts.

- Schools must make AYP in ELA and mathematics at the elementary, middle and secondary levels; in science at the elementary and middle levels; and in graduation rate at the secondary level.

- Districts and schools are responsible for AYP of students in the following accountability groups, assuming sufficient enrollment in the group:
  - all students,
  - students with disabilities,
  - limited English proficient students,
  - economically disadvantaged students,
  - American Indian students,
  - Asian students,
  - Black students,
  - Hispanic students, and
  - White students.

- The failure of one group to make AYP in ELA or mathematics means that the district or school does not make AYP in that subject.

- Districts and schools must meet two requirements to make AYP in ELA and mathematics:
  - the school district must test 95 percent of students in each accountability group with 40 or more students; *and*

- the performance of each group with 30 or more continuously enrolled students must meet or exceed its Effective Annual Measurable Objective (Effective AMO) or the group must make "safe harbor."

- To make AYP in science, only the "all students" group is required to meet the performance requirement; there is no participation requirement.

- To make AYP on graduation rate, the "all students" group must achieve a graduation rate of at least 55 percent or improve by one percentage point over its previous year's performance.

- Assessment performance is defined at four levels:
  - Level 1 = Basic
  - Level 2 = Basic Proficiency
  - Level 3 = Proficient
  - Level 4 = Advanced Proficiency

- A PI is a value from 0 to 200 that is assigned to an accountability group, indicating how that group performed on a required State test (or approved alternative) in ELA, mathematics, or science. PIs are determined using the following equations:
  - For elementary and middle level assessments, the PI = [(number of continuously enrolled tested students scoring at Levels 2, 3, and 4 + the number scoring at Levels 3 and 4) ÷ number of continuously enrolled tested students] X 100 . Beginning with assessments administered during the 2005-06 school year, NYS has a single PI for grades 3-8 in English and another in math.
  - For high school assessments, the PI = [(number of cohort members scoring at Levels 2, 3, and 4 + the number scoring at Levels 3 and 4) ÷ number of cohort members] X 100

- The State has established Annual Measurable Objectives (AMOs) for ELA and mathematics at each grade level. The AMOs increase annually, until reaching the goal of 100 percent student proficiency in 2013–14. In 2005-06, the AMOs were revised to reflect performance in the combined grades 3-8 ELA and math.

- Recognizing that the annual performance data for relatively small groups of students are not statistically reliable, the State has established Effective AMOs based on the number of students in a measured group. The Effective AMO is the lowest PI that an accountability group of a given size can achieve in a subject for the group's PI not to be considered significantly different from the AMO. If an accountability group achieves its Effective AMO, it is considered to have made AYP, as long as the participation requirement, if applicable, has been met.

- The State has established standards on the third indicators, elementary- and middle-level science and high school graduation rate, that districts and schools must meet to make AYP.

- An accountability group whose performance in ELA and mathematics does not equal or exceed its Effective AMO in a subject can make "safe harbor" if its performance improves by a specified amount over its previous year's performance and if its performance on the third indicator equals or exceeds the State standard or improves by 1.0 percentage point on graduation rate and one point on science over the previous year.

The following table identifies the State's AMOs through the 2004-05 school year:

School Year	Elementary Level		Middle Level		Secondary Level	
	ELA	Math	ELA	Math	ELA	Math
2003-04	123	136	107	81	142	132
2004-05	131	142	116	93	148	139

The following table identifies the State's AMOs for grades 3-8 ELA and grades 3-8 math for the 2005-06 year and from 2005-06 through 2013-14 for high school ELA and math.

School Year	Grades 3-8		Secondary Level	
	ELA	Math	ELA	Math
2005-06	122	86	154	146
2006-07	122	86	159	152
2007-08	133	102	165	159
2008-09	Pending	Pending	171	166
2009-10	Pending	Pending	177	173
2010-11	Pending	Pending	183	180
2011-12	Pending	Pending	188	186
2012-13	Pending	Pending	194	193
2013-14	Pending	Pending	200	200

The following sources provide additional detailed information about NYS's Accountability system for all students, including students with disabilities, which is approved under NCLB:

- http://www.ed.gov/admins/lead/account/stateplans03/index.html
- http://www.emsc.nysed.gov/irts/655report/2004/Volume1/combined_report.pdf pages 12-25)
- http://www.emsc.nysed.gov/irts/accountability/school-and-district-accountability-rules-april-2005.ppt
- http://www.emsc.nysed.gov/irts/accountability/accountability-rules_files/flexibility-ayp-swd.ppt
- http://www.emsc.nysed.gov/irts/leap/2005-06/05-leap-manual.pdf (Definitions of many of the terms used in this document are provided in this manual, e.g., AYP, Safe-Harbor Target, Annual Measurable Objective (AMO), Performance Index, Alternate Assessment, etc.)
- http://www.emsc.nysed.gov/irts/STEP/home.shtml - 2004-05 STEP Manual. (Definitions of many of the terms used in this document are provided in this manual, e.g., AYP, Safe-Harbor Target, AMO, Performance Index, Alternate Assessment).

- http://www.emsc.nysed.gov/irts/SIRS/home.shtml - 2005-06 Repository Reporting System Reporting User Manual. This is the new reporting system for reporting student information beginning in 2005-06. This system replaces the LEAP and STEP reporting systems.

Baseline Data for FFY 2004 (School Year 2004-05)

AYP Measure

In 2004-05, 48.3 percent of 290 school districts that were required to make AYP made AYP for the subgroup of students with disabilities in all the subjects in which they were required to. NYS has established a minimum enrollment of 40 students for participation and 30 for performance.

- 69.9 percent of 216 school districts that were required to make AYP in grade 4 ELA made AYP.
- 93.4 percent of 213 school districts that were required to make AYP in grade 4 math made AYP.
- 68.6 percent of 258 school districts that were required to make AYP in grade 8 ELA made AYP.
- 63.4 percent of 254 school districts that were required to make AYP in grade 8 math made AYP.
- 48.7 percent of 189 school districts that were required to make AYP in high school ELA made AYP.
- 52.4 percent of 189 school districts that were required to make AYP in high school math made AYP.

Participation Rate in State Assessments

As shown in the table below, in the 2004-05 school year, the participation rates of students with disabilities in State assessments were 95 percent or higher in elementary and middle school ELA and math assessments. However, at the high school level, 89 percent of the seniors with disabilities participated in a high school English assessment and 90 percent in a high school mathematics assessment.

Assessment	Enrollment of Students with Disabilities	Regular Assessment, With or Without Accommodations*	Alternate Assessment-Alternate Achievement Standards	Participation Rate in 2004-05 School Year	Absent or Administrative Error
Grade 4 ELA	30,927	28,036	1,803	96%	1,088
Grade 4 Math	30,534	28,000	1,753	97%	781
Grade 8 ELA	35,572	32,065	1,822	95%	1,685
Grade 8 Math	35,172	31,520	1,793	95%	1,859

Assessment	Enrollment of Students with Disabilities	Regular Assessment, With or Without Accommodations*	Alternate Assessment-Alternate Achievement Standards	Participation Rate in 2004-05 School Year	Absent or Administrative Error
HS English-Seniors in 2004-05	16,686	14,851	0	89.0%	0
High School Math-Seniors in 2004-05	16,686	15,017	0	90%	0

***** The data in the above table are from USDOE Table 6 containing 2004-05 school year data. NYS will provide disaggregated data for students with disabilities who took the regular assessment with and without testing accommodations when SIRS includes all State assessment data.

Proficiency Rate

- As shown in the table below, in 2004-05, the students with disabilities accountability group achieved the effective AMO score on the grade 4 mathematics assessment, but did not achieve a PI score sufficient to make safe harbor for any of the other grade 4, grade 8 or secondary level State assessments.

Assess-ment	2004-05 Performance		2004-05 Standard				2005-06
	Continuously Enrolled Students with Disabilities in Elementary and Middle Schools and 2000-01 Accountability Cohort in High School (HS)	NYS PI	Effective AMO	Safe-Harbor Target	Met Third Indicator for Safe Harbor	Students with Disabilities Made AYP in 2004-05	Safe-Harbor Target
Grade 4 ELA	29,028	102	130	107	Yes	No	NA
Grade 4 Math	28,754	141	141	NA	NA	Yes	NA
Grade 8 ELA	33,006	85	115	92	Yes	No	NA
Grade 8 Math	32,041	82	92	91	Yes	No	NA
HS Eng. 2001 cohort	19,140	104	147	109	No	No	114
HS Math-2001 cohort	19,140	108	138	107	No	No	117

Discussion of Baseline Data

Adequate Yearly Progress:

- In 2004-05, 48.3 percent of 290 school districts made AYP for the students with disabilities subgroup in all the subjects in which they were required to. This is significant improvement compared to 25.1 percent of 299 school districts in 2003-04. NYS has established a minimum enrollment of 40 students for participation and 30 for performance.

- The majority of school districts were not required to make AYP for the students with disabilities accountability subgroup because they did not have a minimum enrollment of 30 students with disabilities. In 2004-05:
  - 69.9 percent of 216 school districts made AYP in grade 4 ELA;
  - 93.4 percent of 213 school districts made AYP in grade 4 math;
  - 68.6 percent of 258 school districts made AYP in grade 8 ELA;
  - 63.4 percent of 254 school districts made AYP in grade 8 math;
  - 48.7 percent of 189 school districts made AYP in high school ELA; and
  - 52.4 percent of 189 school districts made AYP in high school math.

- Beginning in the 2005-06 school year, many more school districts will be required to make AYP for the students with disabilities subgroup since they will have the minimum numbers of students with disabilities enrolled in grades 3-8 combined. NYS will have AYP calculations in grades 3-8 combined for ELA, grades 3-8 combined for math, high school ELA and in high school math.

Participation:

- As shown in the table above under the participation heading, in the 2004-05 school year, the participation rates of students with disabilities in State assessments were 95 percent or higher in elementary and middle school ELA and math assessments. However, at the high school level, 89 percent of the seniors with disabilities participated in a high school English assessment and 90 percent in a high school mathematics assessment. The participation rates in 2004-05 were better compared to rates in the 2003-04 school year.

Proficiency:

- As shown in the table above under the proficiency heading, the students with disabilities accountability group achieved a Performance Index of:
  - 102 on the Grade 4 ELA examination, five points short of the required safe-harbor target of 107 and twenty-eight points short of the 2004-05 effective AMO for all students of 130.
  - 141 on the Grade 4 mathematics examination, which was the effective AMO in 2004-05 for all students.

- 85 on the Grade 8 ELA examination, seven points short of the required safe-harbor target of 92 and thirty points short of the 2004-05 effective AMO for all students of 115.
- 82 on the Grade 8 mathematics examination, nine points short of the required safe-harbor target of 91 and ten points short of the 2004-05 effective AMO for all students of 92.
- 104 on the high school English examination, five points short of the required safe-harbor target of 109 and 43 points short of 2004-05 effective AMO for all students of 147.
- 108 on the high school mathematics examination, one point above the required safe-harbor target of 107 and 30 points short of 2004-05 effective AMO for all students of 138. The group did not make AYP because the group did not meet the third indicator for safe harbor, which is a graduation rate of at least 55 percent or a one-percentage point increase in the graduation rate compared to the previous year.

* NYS is not able to provide data disaggregated for students with disabilities who received testing accommodations and those who did not. We expect to be able to report this disaggregated data once SIRS includes all State assessment data.

NYS will implement State testing in ELA and mathematics in grades 3-8 during the 2005-06 school year. The State plans to develop two new State PI to replace the four indices that currently exist for elementary and middle level assessments; one new index is planned for grades 3-8 ELA and the other for grades 3-8 mathematics. Creation of the two new indices will require the State to establish new AMOs and safe-harbor targets for school buildings and school districts.

Measurable and Rigorous Targets

The targets established for the three measures relating to the participation and performance of students with disabilities on statewide assessments use the same data that are used for accountability as described in the State's approved plan under NCLB.

School Year	Measurable and Rigorous Target
2005 (2005-06)	**AYP:** 55.9 percent of school districts that are required to make AYP for the students with disabilities subgroup will make AYP in grades 3-8 ELA, grades 3-8 math, high school ELA and high school math. **Participation:** 95 percent in grades 3-8 and high school in ELA and math. **Performance:** The State's average performance on the performance indices (PI) which represent the percent of students with disabilities performing at Level 2 (basic proficiency) and above plus the percent of

School Year	Measurable and Rigorous Target
	students with disabilities performing at Level 3 (proficiency) and above will be as follows: Grades 3-8 ELA: 91 Grades 3-8 Math: 100 High School ELA: 114 High School Math: 124
2006 (2006-07)	**AYP:** 57 percent of school districts that are required to make AYP for the students with disabilities subgroup will make AYP in grades 3-8 ELA, grades 3-8 math, high school ELA and high school math. **Participation:** 95 percent in grades 3-8 and high school in ELA and math. **Performance:** The State's average performance on the performance indices (PI) which represent the percent of students with disabilities performing at Level 2 (basic proficiency) and above plus the percent of students with disabilities performing at Level 3 (proficiency) and above will be as follows: Grades 3-8 ELA: 96 Grades 3-8 Math: 105 High School ELA: 119 High School Math: 129
2007 (2007-08)	**AYP:** 58 percent of school districts that are required to make AYP for the students with disabilities subgroup will make AYP in grades 3-8 ELA, grades 3-8 math, high school ELA and high school math. **Participation:** 95 percent in grades 3-8 and high school in ELA and math. **Performance:** The State's average performance on the performance indices (PI) which represent the percent of students with disabilities performing at Level 2 (basic proficiency) and above plus the percent of students with disabilities performing at Level 3 (proficiency) and above will be as follows: Grades 3-8 ELA: 101 Grades 3-8 Math: 110 High School ELA: 124 High School Math: 134
2008 (2008-09)	**AYP:** 59 percent of school districts that are required to make AYP for the students with disabilities subgroup will make AYP in grades 3-8 ELA, grades 3-8 math, high school ELA and high school math. **Participation:** 95 percent in grades 3-8 and high school in ELA and

School Year	Measurable and Rigorous Target
	math. **Performance:** The State's average performance on the performance indices (PI) which represent the percent of students with disabilities performing at Level 2 (basic proficiency) and above plus the percent of students with disabilities performing at Level 3 (proficiency) and above will be as follows: Grades 3-8 ELA: 106 Grades 3-8 Math: 115 High School ELA: 129 High School Math: 139
2009 (2009-10)	**AYP:** 61 percent of school districts that are required to make AYP for the students with disabilities subgroup will make AYP in grades 3-8 ELA, grades 3-8 math, high school ELA and high school math. **Participation:** 95 percent in grades 3-8 and high school in ELA and math. **Performance:** The State's average performance on the performance indices (PI) which represent the percent of students with disabilities performing at Level 2 (basic proficiency) and above plus the percent of students with disabilities performing at Level 3 (proficiency) and above will be as follows: Grades 3-8 ELA: 111 Grades 3-8 Math: 120 High School ELA: 134 High School Math: 144
2010 (2010-11)	**AYP:** 65 percent of school districts that are required to make AYP for the students with disabilities subgroup will make AYP in grades 3-8 ELA, grades 3-8 math, high school ELA and high school math. **Participation:** 95 percent in grades 3-8 and high school in ELA and math. **Performance:** The State's average performance on the performance indices (PI) which represent the percent of students with disabilities performing at Level 2 (basic proficiency) and above plus the percent of students with disabilities performing at Level 3 (proficiency) and above will be as follows: Grades 3-8 ELA: 116 Grades 3-8 Math: 125 High School ELA: 139 High School Math: 149

Improvement Activities/Timelines/Resources

Activity	Timeline	Resources
The required sanctions for schools and districts not making AYP are defined in federal and State law and include a continuum of consequences.	2005-11	SEQA, EMSC, SETRC and RSSC
Beginning in 2006-07: For school districts that had at least 30 students with disabilities in the 2001 total cohort: • School districts with performance below the statewide average performance index in two or three areas for districts that did not make AYP for the students with disabilities subgroup in the two or three areas were identified as districts "in need of assistance." • School districts with performance below the statewide average performance index in four areas and the district did not make AYP for the students with disabilities subgroup were identified as "districts in need of intervention." For school districts with less than 30 students with disabilities enrolled in grades 4 or 8 in the 2004-05 school year: • School districts with performance significantly below the statewide average in two or three areas were identified as districts "in need of assistance." • School districts with performance significantly below the statewide average in four areas were identified as districts "in need of intervention." Each school district, as a result of this designation, was required to engage in one or more of the following activities to improve its graduation rates: • Conduct a focused review • Work with one of the State's funded technical assistance networks • Use a portion of its IDEA Part B funds to address the area of concern • Redirect its fiscal or human resources • Conduct a self-review of its policies, procedures	2006-11	SEQA Regional Offices 42 SETRC For schools also identified under NCLB: 7 RSSC - RSSC includes a full-time special education specialist on staff funded by IDEA discretionary funds

Activity	Timeline	Resources
and practices • Develop improvement plans		
Improvement activities identified for graduation and drop out rates are also targeted to improve achievement results for students with disabilities.		See Indicators #1 & 2
Conduct "IDEA Effective Instructional Practices" focused monitoring reviews of school districts with achievement rates that are the furthest from State targets.	2005-11	SEQA, SETRC, RSSC
New York State Alternate Assessment (NYSAA) for Students with Disabilities: • Distribute and provide training on the revised teacher manual, training materials, enrollment system and the new electronic data folio template called ProFile™. • Annually issue field memoranda and training regarding performance and participation requirements under NCLB and IDEA.	2005-11	Contract with Measured Progress
Develop an alternate assessment aligned against grade level standards.	2006-08	EMSC & VESID
Conduct regional forums for school leaders from urban school districts to provide professional development, sharing of ideas and problem solving to improve student performance in city school districts.	2005-11	SEQA staff assist in planning and coordination
Provide technical assistance to assist targeted school districts to improve math instruction of students with disabilities.	2005-06	IDEA Part B Funds – Math experts on RSSC
Develop State criteria and identify effective practices to promote the use of "response-to-intervention" identification processes for students with learning disabilities, with an emphasis on implementation in early grades 1-3 statewide. See the description of these improvement activities referenced in Indicator #1.	2005-09	See Indicator #1
Provide financial assistance to the State schools for the deaf and blind to improve academic	2005-08	IDEA Part B Funds

Activity	Timeline	Resources
achievement for their students.		
Provide resources to ensure students with disabilities have their instructional materials in accessible formats: • Expand the distribution of Braille materials in the downstate area. • Provide materials in electronic formats for students unable to use standard print, large print or Braille textbooks due to visual, physical and perceptual disabilities.	2005-08	NYS Resource Center for the Blind Center for the Preparation of Educational Interpreters Helen Keller Services for the Blind
Provide technical assistance regarding assistive technology for students with disabilities, including individual student technology consultations, an Internet Web Page, a newsletter, reference and software libraries, an assistive technology device loan and training service, and turnkey training for the State guidelines.	2005-10	Technology Resource Center (TRE)
Provide universal design for assessment training for State assessment test item writers	2008-11	Office of State Assessment
Provide staff development on universal design for learning to each of the large 5 cities and other targeted low-performing schools.	2005-08	TRE

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

Overview of the State Performance Plan Development

See *Overview of the State Performance Plan Development* preceding Indicator #1.

Monitoring Priority: FAPE in the LRE

Indicator #4: Rates of suspension and expulsion:

A. Percent of districts identified by the State as having a significant discrepancy in the rates of suspensions and expulsions of children with disabilities for greater than 10 days in a school year; and

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

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

Measurement:

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

NYS collects data on the number of students with disabilities suspended or removed for more than 10 days in a school year on the PD-8 form.

Section 618 data was used to analyze for discrepancy in the rates of out-of-school suspensions of students with disabilities for greater than 10 days in a school year among LEAs. Suspension rates were calculated for all school districts. The rates were computed by dividing the number of students with disabilities suspended out-of-school for more than 10 days by the December 1, 2004 count of school-age students with disabilities and the result expressed as a percent. The 2004-05 baseline statewide average suspension rate was 1.34 percent. School districts with at least 75 school-age students with disabilities that had a suspension rate of 4.0 percent or higher were identified as having significant discrepancy in their rate among LEAs. A minimum number of 75 students with disabilities was used since small numbers of students with disabilities may distort percentages.

Definition of significant discrepancy:

- For the baseline year and through 2007-08, significant discrepancy is defined as a suspension rate of greater than three times the baseline statewide average (i.e., a rate of 4.0 percent or higher.).
- Beginning in 2008-09 through 2010-11, significant discrepancy is defined as a suspension rate of greater than two times the baseline statewide average, (i.e., a rate of more than 2.7 percent or higher).

Overview of Issue/Description of System or Process

Section 3214 of NYS Education Law establishes the requirements for the suspension of all students. Section 3214.6 establishes the requirements for the suspension of students with disabilities. Information on the NYS requirements relating to suspensions may be accessed at: http://www.vesid.nysed.gov/specialed/publications/policy/discipcover.htm (The guidance document will be revised to reflect the IDEA 2004 requirements).

Procedures that apply to all students: If a student violates the school code of conduct and is being considered for a suspension or removal, school personnel must ensure the following due process protections are provided to the student and to the student's parent(s).

- For suspensions of five school days or less, the student's parent(s) or guardian must be provided with a written notice (section 3214 notice), and a follow-up telephone call if possible, within 24 hours of the incident leading to the suspension which describes the basis for the suspension and explains that the parent or guardian has a right to request an informal conference with the principal prior to the proposed suspension to discuss the incident and question any complaining witness(es) against the student.

- For suspensions in excess of five consecutive school days, the student's parent(s) or guardian must be provided with a written notice which indicates that the district proposes to suspend the student from school in excess of five consecutive school days, describes the basis for the proposed suspension, explains that the student has an opportunity for a fair hearing conducted by either the superintendent or hearing officer designated by the superintendent at which the student will have a right to question any witnesses accusing him/her of committing the misconduct charged and to present witnesses on his/her own behalf. Where possible, notification must also be provided by telephone.

- For any student of compulsory school age, the school must provide alternative education to the student during the suspension.

In addition to the above requirements that apply to all students, the requirements, procedures and protections in federal law and regulations pertaining to students with disabilities are established section 3212 of the Education Law and Part 201 of the Commissioner's Regulations. These requirements may be found at:
http://www.vesid.nysed.gov/specialed/publications/lawsandregs/part201.htm

4A Baseline Data for FFY 2004 (2004-05)

As shown in the table below, of the 684 school districts in the State, 20 school districts or 2.9 percent had suspension rates greater than or equal to three times the baseline statewide average rate of 1.34 percent. These districts had a rate of 4.0 percent or higher and were identified as having significant discrepancy in their rate among all the LEAs.

Discussion of 4A Baseline Data

NYS computes a suspension rate for students with disabilities suspended out-of school for more than 10 days for all school districts. The table below provides information on the number of school districts and their rates as well as the percentage of all out-of-school suspensions of more than 10 days in these school districts. In addition to the 20 school districts with a suspension rate of 4.0 percent or higher, another 30 school districts had a suspension rate that was between two but less than three times the baseline average and 110 school districts had a rate above the baseline average but below two times the baseline average. The majority of school districts (64.3 percent) had a rate that was below the baseline average. Eighty-four (84) school districts had an enrollment that was considered too small to yield a valid rate.

The focus of the State's efforts on this indicator will be to target school districts with the highest suspension rates during the course of this SPP cycle. As the table below indicates, there are 50 school districts in the baseline year that have a suspension rate that is two times or higher than the baseline average. Almost 40 percent of all suspensions occurred in these school districts in the baseline year.

# of districts	% of 684 districts	% of students with disabilities suspended for greater than 10 days	Comparison to statewide baseline average	% of total 10-day out-of-school suspensions in public school districts
84	12.3%	Not applicable	These districts each had less than 75 students with disabilities enrolled on December 1, 2004.	0.5%
440	64.3%	0% to < 1.3%	Below the baseline	42.6%
110	16.1%	≥1.3% < 2.7%	Between baseline and 2 times the baseline statewide average	17.4%

# of districts	% of 684 districts	% of students with disabilities suspended for greater than 10 days	Comparison to statewide baseline average	% of total 10-day out-of-school suspensions in public school districts
30	4.4%	≥2.7%< 4.0%	Between 2 and 3 times the baseline statewide average	8.4%
20	2.9%	≥4.0%	Three time or more than the baseline statewide average	31.1%

Measurable and Rigorous Targets

FFY	Measurable and Rigorous Target
2005 (2005-06)	No more than 2 percent of school districts in the State will suspend students with disabilities for more than 10 days at a rate of 4.0% or higher. (This rate is three times the baseline average.)
2006 (2006-07)	No more than 0 percent of the school districts in the State will suspend students with disabilities for more than 10 days at a rate of 4.0% or higher. (This rate is three times the baseline average.)
2007 (2007-08)	No more than 2 percent of school districts in the State will suspend students with disabilities for more than 10 days at a rate of 2.7% or higher. (This rate is two times the baseline average.)
2008 (2008-09)	No more than 2 percent of school districts in the State will suspend students with disabilities for more than 10 days at a rate of 2.7% or higher. (This rate is two times the baseline average.)
2009 (2009-10)	No more than 2 percent of school districts in the State will suspend students with disabilities for more than 10 days at a rate of 2.7% or higher. (This rate is two times the baseline average.)
2010 (2010-11)	No more than 2 percent of school districts in the State will suspend students with disabilities for more than 10 days at a rate of 2.7% or higher. (This is two times the baseline average.)

4B: Percent of districts identified by the State as having a significant discrepancy in the rates of suspensions and expulsions of greater than 10 days in a school year of children with disabilities by race and ethnicity.

Measurement:

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

Definition of significant discrepancy:

NYS will compare the number of students suspended of each race/ethnicity category with the number suspended of all other race/ethnicity categories combined and compute relative risk ratios and weighted relative risk ratios to determine if there is disproportion in suspensions. For notifications of school districts during the 2005-06 school year based on 2004-05 school year data, the State will use the following definition of "significant discrepancy" and in subsequent years may revise the definition by lowering the relative risk ratio, weighted relative risk ratio as well as the minimum numbers of suspensions:

- At least 75 students with disabilities enrolled on 12/1/04;
- At least 10 students with disabilities of the particular race/ethnicity were suspended;
- At least 20 students with disabilities of all other race/ethnicities were enrolled; and
- Either:
  - Both the relative risk ratio and weighted relative risk ratio for any minority group was 2.0 or higher; or
  - All students with disabilities suspended were from only one minority group regardless of the size of the relative risk ratio and weighted relative risk ratio.

Data from the 2004-05 school year will be used to identify those districts with disproportionality in their rates of suspension by race/ethnicity. VESID will require a review of selected policies, procedures and practices of each of these identified districts. The percent of districts with inappropriate policies, procedures and practices, which led to the disproportionality by race/ethnicity, will be identified to establish the baseline.

Overview of Issue/Description of System or Process

IDEA section 618(d) requires States to collect and examine data to determine if significant disproportionality based on race and ethnicity is occurring in the State and the LEAs of the State with respect to the incidence, duration, and type of disciplinary actions, including suspensions and expulsions. In the case of a determination of significant disproportionality the State must:

- provide for the review and if appropriate revision of the school district's discipline policies, procedures, and practices to comply with the requirements of federal and State law and regulations;

- require any LEA identified to reserve 15 percent of funds under section 613(f) to provide comprehensive coordinated early intervening services to serve children in the LEA, particularly children in those groups where there is a significant discrepancy in the rates of suspension; and

- require the LEA to publicly report on the revision of policies, practices, and procedures related to disproportionality.

Plan to Collect the Baseline Data for 4B:

By February of 2006, NYS analyzed data and sent notifications to school districts whose data indicate "significant discrepancy" based on the above definition, providing them with a State developed "self-review monitoring protocol." School districts were notified that they must reserve the maximum 15 percent of the school district's IDEA Part B funds to support early intervening services.

By May of 2006, these school districts were required to submit their completed self-review monitoring protocols of relevant school district policies, practices and procedures to the Department. Based on this self-review, if a school district determines that one or more of its policies, procedures and/or practices require revision, it must revise them and publicly post such revisions and provide corrective action documentation to the Department. If a school district determines its policies, procedures and/or practices are appropriate and do not require revision, the Department arranged for verification of this determination.

If the State determines that the school district's policies, procedures and practices are in compliance with federal and State requirements, the school district may not be required to complete another review of its policies, procedures or practices during the remaining period of the SPP. However, the district will be required to reserve the maximum 15 percent of its IDEA Part B funds for each year its data indicates discrepancy, based on the State's definition. Furthermore, if school district's data do not improve, the State may conduct another review of school district's policies, practices and procedures.

School districts that are found to have inappropriate policies, procedures and/or practices through the self-reviews or Department verification reviews will be reported in the baseline data for the 2005-06 school year.

Baseline Data for FFY 2005 (2005-06)

1.5 percent (10 school districts) of all school districts in the State (684) were identified as having a significant discrepancy by race and ethnicity that is the result of inappropriate policies, procedures and practices.

School Year	Number of School Districts Identified in the State as Having Significant Discrepancy by Race and Ethnicity	Number of Identified Districts Reporting Some Inappropriate Policies, Practices or Procedures	Percent of All Districts in the State (684) Identified as Having Significant Discrepancy by Race and Ethnicity That is Result of Inappropriate policies, practices or procedures
2005-06	10	10	1.5%

School district results based review of their policies, practices and procedures:

8 NYCRR Regulatory Citation		# out of 10 School Districts Reporting Compliance	% of 10 School Districts Reporting Compliance
§200.4(b)(1)(v)	Initial evaluations of students with disabilities include a functional behavioral assessment (FBA) for students whose behaviors impede their learning or that of others.	6	60%
§200.4(b)(4)	The reevaluation is sufficient to determine the student's individual needs.	7	70%
§200.1(r)	FBAs identify the problem behavior, define the behavior in concrete terms, identify contextual factors that contribute to the behavior and formulate a hypothesis regarding the general conditions under which a behavior usually occurs and the probable consequences that serve to maintain it.	7	70%
§201.3(a)	FBAs are conducted when students are suspended for behaviors determined to be related to their disabilities.	6	60%
§200.4(d)(3)	For students whose behaviors impede their learning or that of others, the IEPs include positive behavioral interventions and supports and other strategies to address the behaviors.	5	50%
§200.3(d)(1)	The general education teacher participated in the Committee on Special Education (CSE) meeting to	5	50%

8 NYCRR Regulatory Citation		# out of 10 School Districts Reporting Compliance	% of 10 School Districts Reporting Compliance
	identify appropriate positive behavioral interventions and strategies for the student.		
§201.4(e)	The IEP was revised as a result of any deficiencies noted during a manifestation determination review.	5	50%
§201.2(a)	Behavioral intervention plans are based on the results of the FBA and, at a minimum, include a description of the problem behavior, global and specific hypotheses as to why the problem behavior occurs and intervention strategies to address the behavior.	8	80%
§201.3(a)	When a student has been removed for more than 10 days and the student's conduct was determined to be a manifestation of the student's disability, the CSE conducted a FBA and implements a behavioral intervention plan for that student.	7	70%
§201.3(b)	If the student already has a behavioral intervention plan, the CSE meets to review the plan and its implementation and modifies the plan and its implementation, as necessary, to address the behavior that resulted in the disciplinary change of placement.	6	60%
§200.4(e)	Behavioral intervention plans are implemented, monitored and progress documented.	4	40%
§201.4(a)	The manifestation review is conducted immediately, but not later than 10 days after the decision to remove or suspend the student.	3	30%
§201.4(b)	A team that includes the student's parent, an individual knowledgeable about the student and the interpretation of behavior and other relevant members of the CSE as determined by the parent and the school district conducts the manifestation review. Parents are notified in writing of the meeting.	5	50%
§201.4(c)	All relevant information in the student's file, including the student's IEP, any	6	60%

8 NYCRR Regulatory Citation		# out of 10 School Districts Reporting Compliance	% of 10 School Districts Reporting Compliance
	teacher observations and relevant information provided by the parent is reviewed.		
§201.4(d)(2)	The manifestation determination is made based on whether the conduct was caused by or had a direct and substantial relationship to the student's disability or was a direct result of the school district's failure to implement the IEP.	7	70%
§201.4(d) 2)(ii)	If the conduct was determined to be related to the student's disability, the student is returned to the placement from which the student was removed (except drugs, weapons or serious bodily injury removals).	8	80%
§201.7(a)	The parent is notified and provided a copy of the procedural safeguards notice within 10 days of the decision to suspend the student for more than 10 days.	8	80%
§201.7(b)	Suspensions of students with disabilities do not exceed the amount of time that a nondisabled student would be subject to suspension for the same behavior.	10	100%
§201.7(c)	A manifestation determination has been made prior to the removal for more than 10 school days. If the behavior is a manifestation of the disability, the penalty phase of a superintendent's hearing is dismissed.	8	80%
§201.7(d)	Short-term suspensions are reviewed to determine if they constitute a pattern of removals.	5	50%
§201.7(f)	School personnel consider unique circumstances on a case-by-case basis when determining whether to suspend a student with a disability.	10	100%
§201.10(b)	Students with disabilities of compulsory school age are provided with alternative instruction for short-term suspensions (10 days or less in the school year).	6	60%
§201.10(c) and (d)	During suspensions of more than 10	5	50%

8 NYCRR Regulatory Citation		# out of 10 School Districts Reporting Compliance	% of 10 School Districts Reporting Compliance
	days in a school year, regardless of the manifestation determination, students with disabilities receive services to enable them to participate in the general curriculum and to continue to progress toward IEP goals.		
§201.10(e)	Interim alternative educational settings (IAES) and the services to be provided to a student are determined by the CSE.	7	70%

Explanation of Baseline Data

During the 2005-06 school year, 10 school districts were identified by the State as having significant discrepancy based on race/ethnicity in the percent of students with disabilities suspended out-of-school for more than 10 days based on their 2004-05 school year data. These school districts were sent notifications with directions to use a State developed self-review monitoring protocol to review their policies, practices and procedures. These school districts were also required to reserve 15 percent of their IDEA flow through allocation to provide Coordinated Comprehensive Early Intervening Services.

All identified school districts reviewed their policies, practices and procedures related to discipline for students with disabilities during the 2005-06 school year and reported results through a State developed web-based data submission system. All 10 school districts reported being out of compliance with at least one citation related to discipline procedures for students with disabilities. These school districts have been notified that they must correct their policies, practices and procedures within one year from being notified of noncompliance. As soon as possible, but no later than one year from notification, they will be required to resubmit compliance information to the State along with a written assurance that they are in compliance with all citations. They are also required to publicly report on the revision(s) to their policies, procedures and/or practices.

As shown above, at least half of the school districts reported not being in compliance with the following eight citations:

- **§200.4(d)(3) -** For students whose behaviors impede their learning or that of others, the IEPs include positive behavioral interventions and supports and other strategies to address the behaviors.
- **§200.3(d)(1) -** The general education teacher participated in the CSE meeting to identify appropriate positive behavioral interventions and strategies for the student.

- **§201.4(e) -** The IEP was revised as a result of any deficiencies noted during a manifestation determination review.
- **§200.4(e) -** Behavioral intervention plans are implemented, monitored and progress documented.
- **§201.4(a) -** The manifestation review is conducted immediately, but not later than 10 days after the decision to remove or suspend the student.
- **§201.4(b) -** A team that includes the student's parent, an individual knowledgeable about the student and the interpretation of behavior and other relevant members of the CSE as determined by the parent and the school district conducts the manifestation review. Parents are notified in writing of the meeting.
- **§201.7(d) -** Short-term suspensions are reviewed to determine if they constitute a pattern of removals.
- **§201.10(c) and (d) -** During suspensions of more than 10 days in a school year, regardless of the manifestation determination, students with disabilities receive services to enable them to participate in the general curriculum and to continue to progress toward IEP goals.

The Statewide results of compliance with regulatory citations provided above were disaggregated by the State's SEQA regions and other technical assistance network regions so that the regional staff may provide the required technical assistance to school districts based on the regional profile of results on the self-review monitoring protocol.

Measurable and Rigorous Targets

FFY	Measurable and Rigorous Target
2005 (2005-06)	Baseline data were collected
2006 (2006-07)	0 percent of school districts will be 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 that is the result of inappropriate policies, procedures and/or practices.
2007 (2007-08)	0 percent of school districts will be 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 that is the result of inappropriate policies, procedures and/or practices.
2008 (2008-09)	0 percent of school districts will be 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 that is the result of inappropriate policies, procedures

FFY	Measurable and Rigorous Target
	and/or practices.
2009 (2009-10)	0 percent of school districts will be 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 that is the result of inappropriate policies, procedures and/or practices.
2010 (2010-11)	0 percent of school districts will be 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 that is the result of inappropriate policies, procedures and/or practices.

Improvement Activities/Timelines/Resources

Activity	Timelines	Resources
Annually notify and provide a State developed self-review protocol to all school districts in the State whose data on long-term suspensions exceeds 2.7 percent with a recommendation that these districts conduct a self-review of policies, procedures and practices. These districts will be targeted for review by SED in the school year in which SED redefines "significant discrepancy."	February 2008 Annually	SED staff "Suspension Review Monitoring Protocol"
Require each identified school district to submit the results of the monitoring self review of policies, procedures and practices to SED. If the self-review identifies inappropriate policies, procedures and/or practices, SED will direct the school district to revise its policies, procedures and/or practices as soon as possible, but not later than within one year. If the self-review indicates no compliance issues, SED will conduct a verification review of the district's policies, procedures and practices.	2006 -11 Annually	SED, SETRC, RSSC
Direct a school district to obtain technical assistance on its policies, procedures and practices relating to long-term suspensions if the	Annually	SED staff

Activity	Timelines	Resources
data continues to indicate significant discrepancies after two years.		
Review of the districts' suspension/expulsion data and discipline policies, procedures and practices in focused reviews, with targeted technical assistance in positive behavioral interventions to address high rates of suspension.	Annually	SED staff
Revise State regulations to establish standards on behavioral interventions, including standards for functional behavioral assessments, behavioral intervention plans, use of time out rooms and emergency interventions. Issue a guidance document on positive behavioral supports and services.	2006-07	SED staff
Update technical assistance documents to schools and parents to assist in their understanding of the requirements relating to the suspension of students with disabilities.	2007	*Discipline of Students with Disabilities*
Establish a Positive Behavior Interventions and Supports (PBIS) Statewide Technical Assistance Center to coordinate activities of PBIS.	2007-08	PBIS
Increase school district access to community resources to assist with support for families and students. Provide support to the Coordinated Children's Services Initiative (CCSI).	2006-11	CCSI VESID central and regional staff
See improvement activities for Indicators 9 and 10.	2006-11	

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

Overview of the State Performance Plan Development

See *Overview of the State Performance Plan Development* preceding Indicator #1

Monitoring Priority: FAPE in the LRE

Indicator #5: Percent of children with IEPs aged 6 through 21:
A. Removed from regular class less than 21% of the day;
B. Removed from regular class greater than 60% of the day; or
C. Served in public or private separate schools, residential placements, or homebound or hospital placements.

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

Measurement:

A. Percent = # of children with IEPs removed from regular class less than 21% of the day divided by the total # of students aged 6 through 21 with IEPs times 100.

B. Percent = # of children with IEPs removed from regular class greater than 60% of the day divided by the total # of students aged 6 through 21 with IEPs times 100.

C. Percent = # of children with IEPs served in public or private separate schools, residential placements, or homebound or hospital placements divided by the total # of students aged 6 through 21 with IEPs times 100.

Overview of Issue/Description of System or Process

Section 200.4 of the Commissioner's Regulations sets forth the requirements for placement of students with disabilities in the least restrictive environment.

NYS Education law and regulations also establish procedures for students with disabilities determined to be at future risk for residential placement: These procedures require, where a student is determined to be at risk of a future placement in a residential school, that the CSE request in writing that a designee of the appropriate county or State agency participate in any proceeding of the CSE to make recommendations concerning the appropriateness of residential placement and other programs and placement alternatives, including but not limited to, community support services that may be available to the family. The CSE must notify the local social services district when a student who is in a foster care placement is at risk of a future placement in a residential school.

Section 200.2(g) of the Commissioner's Regulations establishes the procedures for development and submission of "Special Education Space Requirements Plans." The

purpose of the plan is to determine the need for additional facilities space for all special education programs in the geographic area served by the BOCES, including programs provided by the public school districts, approved private schools for students with disabilities and State-supported schools which are located within the geographic boundaries of the BOCES supervisory district. The plan must ensure that students with disabilities are educated in age appropriate settings and to the maximum extent appropriate with students who are not disabled. The annual progress report must provide the actual and projected numbers and projected percentages of students with disabilities in settings with nondisabled peers in the region. The Department publishes annual data on the progress regions are making to improve their rates of placements of students with disabilities in integrated settings.

Section 200.7 of the Commissioner's Regulations relating to the approval of new or expanded private schools to serve students with disabilities requires documentation of regional need and sufficient evidence to establish that the proposed program will serve only those students who, because of the nature or severity of their disability, would require a separate facility.

Baseline Data for FFY 2004 (2004-05)

A. 53.6 percent of students with disabilities, ages 6-21, removed from regular class less than 21 percent of the day (i.e., in general education programs for 80 percent or more of the school day).

B. 27.3 percent of students with disabilities, ages 6-21, were removed from regular class greater than 60 percent of the day (i.e., in general education programs for less than 40 percent of the school day).

C. Seven (7.0) percent of students with disabilities, ages 6-21, were served in public or private separate schools, residential placements, or homebound or hospital placements.

Discussion of Baseline Data

- Disaggregation of the data indicates that, compared with the rest of the State, the Big Five Cities where the special education population is the highest and resources are the lowest, place almost twice as many of their students with disabilities in programs in which they are removed from general education classes for more than 60 percent of the day or are in separate educational settings.

- Trend data shows that the rate of students with IEPs who participate daily in general education programs for 40 percent or more of the day has increased steadily from 1997-98 to 2003-04 (56.1 percent to 65.7 percent).
- 71 school districts are below the current 65.7 percent statewide average for students participating in general education programs 40 percent or more of the day.

Measurable and rigorous targets

FFY	Measurable and Rigorous Target
2005 (2005-06)	The statewide percent of students with disabilities, ages 6-21, removed from regular class less than 21 percent of the day will be greater than 54 percent. The statewide percent of students with disabilities, ages 6-21, removed from regular class greater than 60 percent of the day will be less than 27.3 percent. The statewide percent of students with disabilities, ages 6-21, served in public or private separate schools, residential placements, or homebound or hospital placements will be less than 7.0 percent.
2006 (2006-07)	The statewide percent of students with disabilities, ages 6-21, removed from regular class less than 21 percent of the day will be greater than 55 percent. The statewide percent of students with disabilities, ages 6-21, removed from regular class greater than 60 percent of the day will be less than 26 percent. The statewide percent of students with disabilities, ages 6-21, served in public or private separate schools, residential placements, or homebound or hospital placements will be less than 6.5 percent.
2007 (2007-08)	The statewide percent of students with disabilities, ages 6-21, removed from regular class less than 21 percent of the day will be greater than 56 percent. The statewide percent of students with disabilities, ages 6-21, removed from regular class greater than 60 percent of the day will be less than 25 percent. The statewide percent of students with disabilities, ages 6-21, served in public or private separate schools, residential placements, or homebound or hospital placements will be less than 6.0 percent.
2008 (2008-09)	The statewide percent of students with disabilities, ages 6-21, removed from regular class less than 21 percent of the day will be greater than 57 percent. The statewide percent of students with disabilities, ages 6-21, removed from regular class greater than 60 percent of the day will be less than 23 percent.

FFY	Measurable and Rigorous Target
	The statewide percent of students with disabilities, ages 6-21, served in public or private separate schools, residential placements, or homebound or hospital placements will be less than 5.5 percent.
2009 (2009-10)	The statewide percent of students with disabilities, ages 6-21, removed from regular class less than 21 percent of the day will be greater than 58 percent. The statewide percent of students with disabilities, ages 6-21, removed from regular class greater than 60 percent of the day will be less than 21 percent. The statewide percent of students with disabilities, ages 6-21, served in public or private separate schools, residential placements, or homebound or hospital placements will be less than 5.0 percent.
2010 (2010-11)	The statewide percent of students with disabilities, ages 6-21, removed from regular class less than 21 percent of the day will be greater than 60 percent. The statewide percent of students with disabilities, ages 6-21, removed from regular class greater than 60 percent of the day will be less than 20 percent. The statewide percent of students with disabilities, ages 6-21, served in public or private separate schools, residential placements, or homebound or hospital placements will be less than 4.5 percent.

Improvement Activities/Timelines/Resources

Activity	Timeline	Resources
Conduct focused monitoring reviews using a "Least Restrictive Environment" (LRE) protocol, designed to evaluate a school district's performance regarding placement of students with disabilities in the LRE, including a review of the districts' LRE data and policies and practices and determination of root causes for high rates of placements in the most restrictive settings.	2005-11	SEQA, SETRC, RSSC
Target technical assistance and professional development network activities to focus on	2005-10	State Improvement Grant, NYS Metro Center,

Activity	Timeline	Resources
districts identified with high rates of placement of students with disabilities in separate sites.		SETRC, RSSC, Parent Centers
Provide Quality Assurance Review grants to large city school districts to offset the costs that these school districts may incur to participate in the focused monitoring reviews.	2005-11	IDEA Part B Discretionary funds (see indicator #1)
Provide Quality Assurance Improvement grants to school districts to implement improvement activities identified through the focused review monitoring process.	2005-11	IDEA Part B Discretionary funds (see indicator #1)
Use a data-driven strategic planning model to develop annual improvement plans and professional development programs for the Big Four Cities (Buffalo, Syracuse, Rochester and Yonkers).	2005-11	Urban Initiative (see indicator #1)
Implement regional space planning requirements to ensure regional planning that result in students with disabilities educated in age appropriate settings and to the maximum extent appropriate with students who are not disabled.	2005-11	District superintendents, VESID staff, Office of Management Services
Revise State policy relating to the continuum of special education programs and services to provide more instructional delivery designs in general education classes.	2007	State regulations Regents State Aid Proposal
Share information with school districts/agencies about innovative instructional delivery designs in general education settings; early intervening services and strategies to ensure student access to the general curriculum.	2006-11	National technical assistance centers: • National Institute for Urban School Improvement • LRE Part B Community of Practice • The Access Center • National Center for Special Education Accountability Monitoring

Activity	Timeline	Resources
Require school districts identified with significant disproportionality to reserve 15 percent of its IDEA funds to provide coordinated early intervening services to address the disproportionality issue.	2006-11	LEA Application
Revise State regulations to establish standards on behavioral interventions, including standards for functional behavioral assessments, behavioral intervention plans, use of time out rooms and emergency interventions. Issue a guidance document on positive behavioral supports and services.	2006-07	SED Policy Staff
Develop regional short-term intensive behavioral assessment and intervention residential and day units to assist school districts to assess and address the needs of students with severe self-injurious and/or aggressive behaviors to prevent more restrictive placements.	2007-09	Consultants SED staff IDEA Part B funds for start up costs
NYS requires documentation of regional need prior to any expansion and/or approval of new private school programs to serve students with disabilities in separate settings.	2005-11	SEQA staff
Develop quality indicators and a tool kit of resources to provide technical assistance to school districts to support the delivery of specially designed instruction in general education environments.	2006-08	SETRC Workgroup with collaboration from SEQA, Policy, EMSC, and other technical assistance networks, including the Higher Education Support Center (HESC)
Provide technical assistance and monitoring to school districts placing students in approved private schools, in-State and out-of-State	2007-11	Nondistrict Unit
Reduce the number of NYS students with disabilities placed in out-of-State programs through interagency collaboration and program development	2007-11	Nondistrict Unit Interagency Out-of-State Placement Committee

Activity	Timeline	Resources
School Support Projects The Department has funded, in collaboration with OMH, DOH and FTNYS, Inc., the Mental Health School Support Projects to provide services in approximately 40 targeted schools to address the needs of children with significant behavioral issues who are at risk of suspension, expulsion or placement in special education programs out of the district. The three components of the project are: integration of mental health services, development or enhancement of family support and training for families and education personnel.	2005-11	IDEA Part B Discretionary Funds
Coordinated Children's Service Initiative (CCSI) NYS law established CCSI to maintain children who have complex emotional and behavioral disorders in their homes, schools and communities. A three tier interagency structure assures that services are comprehensive and coordinated; requires parent participation at all levels of the system and provides for the blending of funds across systems and the flexible use of funds to meet the unique needs of each family.	2005-11	IDEA Part B Funds support, in part, the CCSI.

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

Overview of the State Performance Plan Development

See *Overview of the State Performance Plan Development* preceding Indicator #1.

Monitoring Priority: FAPE in the LRE

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

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

Measurement:

Percent = # of preschool children with IEPs who received all special education services in settings with typically developing peers divided by the total # of preschool children with IEPs times 100.

Overview of Issue/Description of System or Process

Section 4410 of the Education Law and section 200.16 of the Commissioner's Regulations establish the process for preschool students with disabilities to receive special education services.

The Committee on Preschool Special Education (CPSE) makes recommendations for placement of preschool students with disabilities. The CPSE is required by law and regulation to first consider the appropriateness of providing related services only; or special education itinerant teacher services (SEIT) only; or related services in combination with SEIT services; or a half-day preschool program or a full-day preschool program. The CPSE is also required to first consider providing special education services in a setting where age-appropriate peers without disabilities are typically found, prior to recommending the provision of special education services in a setting, which includes only preschool children with disabilities.

The CPSE is required to include in its written report of its recommendation a statement of the reasons why less restrictive placements were not recommended when the recommendation is for the provision of special education services in a setting with no regular contact where age-appropriate peers without disabilities.

Baseline Data for FFY 2004 (2004-2005)

In 2004-05, 63.5 percent of preschool children with IEPs received special education and related services in settings with typically developing peers (e.g., early childhood settings, home, and part-time early childhood/part-time early childhood special education settings).

Discussion of Baseline Data

- In 2004-05, 465 out of 664 school districts with preschool special education students (70 percent) had rates of integration in preschool placements that exceeded the State average, while 199 school districts were below the statewide average. One hundred forty-eight (148) school districts were at 100 percent integration, including a large city/high need school district.

- Analysis by geographic regions indicates wide differences. New York City and Long Island are below the statewide rate by 11 and 7 percentage points respectively, while Central and Eastern New York State exceed the statewide baseline by 20 and 15 percentage points respectively. Between 2003-04 and 2004-05, New York City increased its integration of special education placements from 41.5 percent to 52.4 percent.

- Data from the longitudinal study of 5,000 preschool students with disabilities indicate a statistical relationship between integration in preschool special education and age appropriate development of learning and behavioral skills in kindergarten. As the students progress through grade four, data will continue to be collected to ascertain long-term effects of preschool integration.

- NYS has made steady growth in the integration of preschool special education over time. In 1995-96, the integration rate was 32.3%. The 2004-05 rate has nearly doubled since that time. In 2003-04, the NYS rate exceeded the national average by 6.7 percentage points. Among the improvement strategies implemented over this time period that led to these improvement results are:
  - A moratorium on the approval of any new or expanded preschool programs in settings that include only preschool children with disabilities.
  - The addition of SEIT services to the continuum of preschool special education services in 1997.
  - A grant initiative to promote the development of new or expanded preschool programs in integrated settings.
  - Initiation in 2001 of the NYS Universal Pre- Kindergarten Program.

Measurable and Rigorous Targets

FFY	Measurable and Rigorous Target
2005 (2005-06)	64 percent of preschool students with disabilities served in either natural settings or settings that include nondisabled children.
2006 (2006-07)	64.5 percent of preschool students with disabilities served in either natural settings or settings that include nondisabled children.
2007 (2007-08)	65.5 percent of preschool students with disabilities served in either natural settings or settings that include nondisabled children.
2008 (2008-09)	67 percent of preschool students with disabilities served in either natural settings or settings that include nondisabled children.
2009 (2009-10)	68 percent of preschool students with disabilities served in either natural settings or settings that include nondisabled children.
2010 (2010-11)	70 percent of preschool students with disabilities served in either natural settings or settings that include nondisabled children.

Improvement Activities/Timelines/Resources

Activity	Timeline	Resources
Review the results of the preschool longitudinal study, including the effects of placements of preschool students in integrated versus nonintegrated settings.	2005-07	IDEA Discretionary Funds Longitudinal Study of Preschool Students
Approval of any new or expanded programs in settings which include only preschool children with disabilities requires documentation of regional need to meet the demand for services for preschool children in the least restrictive environment.	2005-11	SEQA staff
Increase opportunities for students with disabilities to have earlier access to inclusive educational settings. • Regents policy paper on early childhood education – expansion of universal pre-kindergarten	2006-11	EMSC/VESID staff

Activity	Timeline	Resources
statewide		
Share national effective practices and strategies regarding: instructional delivery designs in general education settings; and classroom culture and conditions that positively impact student engagement in general education preschool settings.	2006-11	National Technical Assistance Centers: Preschool LRE Community of Practice www.taccommunities.org National Early Childhood Technical Assistance Center www.nectac.org
Share information about the knowledge and skills of early childhood educators to facilitate student participation in general education settings.	2006-11	IRIS Center for Faculty Enhancement http://iris.peabody.vanderbilt.edu
Provide information and technical assistance to schools and preschool providers to promote placement of preschool students in settings with nondisabled peers.	2005-11	Early Childhood Direction Centers
Propose State regulations to clarify school district responsibility to provide special education services to preschool students.	2007	SED staff

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

Overview of the State Performance Plan Development

See *Overview of the State Performance Plan Development* preceding Indicator #1. NYS also reviewed technical assistance information and resources from the Early Childhood Outcomes Center (ECO) to assist us in making decisions regarding this indicator and during October and November 2005, conducted a survey through the Early Childhood Direction Centers (ECDC) of the assessment tools currently being used by special education preschool programs in the State.

Monitoring Priority: FAPE in the LRE

Indicator #7: Percent of preschool children with IEPs who demonstrate improved:
A. Positive social-emotional skills (including social relationships);
B. Acquisition and use of knowledge and skills (including early language/ communication and early literacy); and
C. Use of appropriate behaviors to meet their needs.

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

Measurement:

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

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

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

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

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

C. Use of appropriate behaviors to meet their needs:

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

level comparable to same-aged peers) divided by the (# of preschool children with IEPs assessed)] times 100.

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

Overview of Issue/Description of System or Process

SED has core curricula based on the learning standards for pre-K to grade 12. http://www.emsc.nysed.gov/ciai/cores.htm#ela.

SED *Preschool Special Education Learning Outcomes and Indicators for Kindergarten Participation* was published in August 2003. http://www.vesid.nysed.gov/specialed/publications/preschool/learnoutcomes.htm.

VESID is working collaboratively with EMSC to develop standards, performance indicators, curricula and an assessment process for all preschool children. The Board of Regents is discussing a policy paper on early childhood education, which focuses on the learning standards for all children and the need for performance indicators for each content area for pre-Kindergarten-grade 12, the need to better align this work with early childhood curriculum and assessment and calls for the State standards to be reexamined in the early childhood grade levels to ensure consistency with current scientifically based research. The early childhood community has articulated the need for a separate guidance document on pre-Kindergarten standards, performance indicators and assessments. The policy paper calls for the development of an assessment protocol to inform instruction at the classroom level and to report to parents on their child's progress. This revised assessment protocol would also include a more comprehensive screening for new entrants to school age programs. It has been agreed that the assessment protocol to be developed must be aligned with standards and curriculum so that improved and more integrated instruction can be provided to students with limited English proficiency and students with disabilities. It will take approximately four years to accomplish this collaborative work and by the school year 2010-11, it is expected that NYS will have a statewide assessment system for all preschoolers.

Plan to Collect Baseline Assessment Entry Data for FFY 2005 (2005-2006)

Baseline assessment at entry data for preschool students receiving special education programs and services for the first time between the months of February and August 2006 will be reported in the APR due to USED on February 1, 2007. Targets and improvement activities will be identified once the baseline entry and exit data are available in the APR due in February 2008.

Beginning in February 2006, all school districts in the State are required to collect assessment at entry data on all preschool children who receive an initial evaluation and receive special education services between February and August 2006. "Entry" is defined as the child's initial evaluation for preschool special education programs and services.

In January 2006, the State provided assessment procedures to be used by preschool evaluators as part of the initial evaluation of all preschool students. The assessment to be used to measure the three outcome areas will be selected by the approved preschool evaluator. Approved evaluators must continually administer entry assessments as a component of all initial evaluations conducted beginning March 1, 2006 and continuing throughout the SPP six year period.

The approved evaluators must report the child's assessment results in the three outcome areas to the CPSE on the preschool child's Summary Evaluation Report. The CPSE is required to review the assessment results as part of the initial determination of eligibility and use the ECO Center's tool for collecting child outcome data to summarize the child's current functioning in positive social relationships, acquiring and using knowledge and skills and use of appropriate behaviors to meet their needs. This information must be retained in the child's education record at the school district and be provided as part of the student's record if the student transfers school districts.

NYS will collect aggregate "entry" assessment on preschool children from a representative sample of one-sixth of the school districts in the State during the 2005-06 school year. In the first year, by October 15, 2006, school districts will report entry assessment data for those preschool children who were evaluated and determined eligible for preschool special education programs and services between March 1, 2006 and August 31, 2006. The data will be collected on a new PD-10 form developed by the State, which requests the numbers of preschool children by their functional level at entry into preschool special education on the ECO scale from 1 to 7 that describes performance of typically developing children in each of the three preschool outcome areas.

Plan to collect baseline exit data

In 2006-07, a representative sample of school districts will report data on the amount of progress preschool children made between entry into preschool special education and "exit" from the program after receiving preschool special education services for at least six months. These data will only be reported on children for whom entry assessment data are available. Progress data will be collected by the five federal categories described under the measurement section of this indicator for each of the three preschool outcome areas. "Exit" is defined as either declassification or at point in time within the last six months of the child's eligibility for preschool programs and services and the preschool child's annual review or, as appropriate, or upon the preschool student's transition from preschool special education to referral for determination of eligibility for special education for school age students.

The baseline data reported in 2006-07 will include fewer preschool children than will be reported in subsequent years. In subsequent years, since entry-level assessment data will have been collected on all preschool children who are evaluated and receive preschool special education programs/or services annually by all school districts,

progress data from sampled districts will provide results from a larger pool of students and over a longer period of time.

As noted below, all school districts will have a choice of reporting data on all eligible students or they may submit data on a randomly selected sample of a minimum number of students using the sampling guidelines provided below. The vast majority of school districts will need to submit data on behalf of all eligible students.

Conducting Exit Assessments: Exit assessments will be conducted as follows:

Preschool Children with Disabilities Referred for School-Age Eligibility Determination: In order to collect exit assessment data on the progress preschool children with disabilities have made as a result of receiving preschool special education programs and/or services, the CSE must arrange for exit assessment(s) in the three early childhood outcome areas to be conducted as part of the reevaluation process to determine the child's eligibility for school age special education. The results of these assessments are provided to the CSE. The CSE will review the exit assessment results and determine the child's progress rating in the three identified areas.

Preschool Children with Disabilities Recommended for Declassification: Some preschool children with disabilities may be referred to the CPSE for possible declassification prior to aging out of preschool special education programs and/or services. When considering declassification of a preschool child with a disability, the CPSE must arrange for a reevaluation by an approved evaluator selected by the parent. The CPSE reviews existing evaluation data and identifies what additional data, if any, are needed to determine the student's individual needs, educational progress and achievement, the child's ability to participate in appropriate activities and the child's continuing eligibility. The reevaluation process must include conducting exit assessments that measure the child's progress in the three early childhood outcome areas. The results of the reevaluation and exit assessments must be provided to the CPSE, including the child's parents and the person designated by the municipality in which the child resides. The CPSE must review the reevaluation and assessment results and determine the child's progress rating in each of the three identified areas.

The determination will be summarized using the ECO Center's tool for collecting child outcome data.

Identification of assessment measures

At the request of VESID, a survey was conducted by the ECDCs of the assessment tools currently being used by special education preschool programs in NYS that measure the required indicator areas. The most frequently administered assessments used in the State for 3- and 4-year old preschool children to assess preschool children with disabilities in the three outcome areas are provided below. Approved evaluators, or as appropriate, school districts, use this list to select evaluations at a child's entry and exit. Whenever possible, the exit assessment instruments should be the same

assessment instruments used by the initial approved preschool evaluator for the entry assessment process.

Assessment Measure **Name, Edition and Publication Date of Assessment Measure**	**Outcome 1** **Positive Social Relationships**	**Outcome 2** **Acquire and Use Skills and Knowledge**	**Outcome 3** **Takes Actions to Meet Needs**
Adaptive Behavior Assessment System (Ages 0-5)			X
Arizona Articulation Proficiency Scale – 3rd Revision, Western Psychological Service, 2000		X	
Battelle Developmental Inventory (BDI 2) – 2nd Edition, 2005	X	X	X
Bayley Scales of Infant Development (BSID 2), 1993		X	
Behavior Assessment System for Children (BASC) - 2nd Edition, 2004	X		X
Brigance Diagnostic Inventory of Development, 1st Edition, Copyright (1978, revised 1991)	X		X
Carolina Curriculum for Preschoolers with Special Needs, 2nd Edition, Copyright 2004	X	X	X
Child Behavior Checklist (CBCL) – 2nd Edition, 2000	X		
Clinical Evaluation of Language Fundamentals-Preschool II (CELF), 1992 & 2004		X	
Connors' Parent & Teacher Rating Scale (CRS-R), 1997	X		
Developmental Assessment of Young Children (DAYC), 1998	X	X	X
Differential Ability Scales – Psychological Corporation, 1990		X	
Goldman-Fristoe Test of Articulation 2, American Guidance Service, Inc., 2000 Edition		X	
Hawaii Early Learning Profile (HELP), 2004		X	X

Assessment Measure Name, Edition and Publication Date of Assessment Measure	Outcome 1 Positive Social Relationships	Outcome 2 Acquire and Use Skills and Knowledge	Outcome 3 Takes Actions to Meet Needs
Learning Accomplishment Profile–D (LAP-D)	X	X	
Mullen Scales of Early Learning, 1995		X	
Peabody Developmental Motor Scales-2, 2002 (1983)			X
Peabody Picture Vocab. Test (PPVT) – IIIA		X	
Preschool – Kindergarten Behavior Scales – 2nd Edition, 2002	X		
Preschool Evaluation Scale	X	X	X
Preschool Language Scale – (PLS-4), 2002		X	
Rossetti Infant-Toddler Language Scales, 1990	X	X	
Sensory Profile Checklist (Dunn) Psychological Corporation, 1999			X
Stanford-Binet Intelligence Scale, 2003		X	
Stuttering Severity Instrument for Children & Adults, Third Edition, 1994		X	
Vineland Social Emotional Early Childhood Scales (SEEC)	X	X	X
Wechsler Preschool and Primary Scale of Intelligence-III (WPPSI), 2002		X	
Westby Play Scale, 2000		X	

Sampling methodology

Sampling will be used to establish the 2005-06 baseline for this indicator. One-sixth of the school districts in NYS will be randomly selected. This represents approximately 120 school districts each year. The NYC School District will be included in the sample each year. It is the only school district in the State with a total enrollment of 50,000 or more students.

NYS has distributed all school districts among six statewide representative samples. These six groups of school districts were tested with Analysis of Variance (ANOVA) and

there was no statistical difference among the six groups of school districts on the population variables described in Attachment 2. These population variables were from the 2000 decennial census.

All school districts will have a choice of reporting data on all eligible preschool students or they may submit data on a randomly selected sample of a minimum number of preschool students using the sampling guidelines provided below. The vast majority of school districts will need to submit data on behalf of all eligible preschool students. For some large school districts, if it will be less burdensome to report on a sample of preschool students, the methodology described below (totally random sampling) is likely to produce a sample that is representative of the population in terms of all variables, since every eligible student has the same chance as another student to be selected for the sample.

Federal Indicator Number	Eligible Population of Students From Which a Random Sample Must be Selected	Minimum Number of Students in the Sample	Method for Selecting Students	Required Documentation
7	Entry level- all children who are referred for preschool special education programs and/or services. Exit level- all children who received preschool special education programs/or services for at least six months and who are declassified or are within their last six months of eligibility for preschool special education services and the preschool child's annual review meeting for whom entry evaluation data are available.	Use a sampling calculator. Require 95% confidence interval and plus or minus 5% margin of error.	Random selection using a random number table.	Documentation period is seven years. Maintain list of all eligible students, copy of Random Number Table used, beginning random number for selecting students and list of all students who were selected and their number.

The State will require that school districts maintain documentation as described above if they choose to report data on a sample of students. The totally random sampling methodology and required documentation should eliminate selection bias. The Department will attempt to prevent missing data by first describing precisely what the State needs to collect, providing technical assistance and then following up with school districts to request missing data. The completeness of data collection will improve after the first year and will continue to improve as long as requirements remain unchanged. All issues of confidentiality will be handled in accordance with the rules and procedures in the Family Educational Rights and Privacy Act (FERPA). The Department will also

guard against divulging personally identifiable information by not reporting results when there are less than five students for whom data are available or when those results can be easily calculated based on other data provided.

Assessment at Entry Baseline Data for 2005-06 School Year:

Preschool Outcome Area	Level of Functioning (Relative to Typically Developing Children) as Defined on the Early Childhood Outcomes Summary Form (on a scale from 1 to 7)						
	Completely		Somewhat		Emerging		Not Yet
	7	6	5	4	3	2	1
Positive Social Emotional Skills	191	321	384	287	498	222	102
Acquisition and Use of Knowledge and Skills	192	291	362	308	541	230	81
Use of Appropriate Behaviors to Meet Their Needs	329	331	368	282	418	203	74

Discussion of Baseline Data

Data were collected for the entry level of functioning of preschool children who were initially evaluated for preschool special education services between March 1, 2005 and August 31, 2006 and determined to be eligible for special education. These data were collected from 113 school districts. All together in these school districts, 6,339 students met the eligibility criteria to be included in these data collection. 112 school districts reported data on all eligible children and 1 (New York City) school district reported data on a sample of eligible children. As displayed in the data table above, school districts reported data on 2,005 eligible children in each of the three early childhood outcome areas. The school districts reporting these data are a representative sample of school districts in the State.

The data in the above table indicates:

- 74.5% of first time entrants into preschool special education were functioning below typically developing children (at levels 5 or below) in positive social emotional skills;

- 75.9% of first time entrants into preschool special education were functioning below typically developing children (at levels 5 or below) in acquisition and use of knowledge and skills; and

- 67.1% of first time entrants into preschool special education were functioning below typically developing children (at levels 5 or below) in use of appropriate behaviors to meet their needs.

Improvement Activities/Timelines/Resources

Activity	Timeline	Resources
Facilitate regional forums to identify improvement activities.	2007-11	ECDCs
Disseminate regional preschool outcome data results to approved preschool providers.	2008-11	ECDCs
Provide technical assistance to preschool providers on instructional programs to improve results in positive social-emotional skills; early language/communication and literacy; and use of appropriate behaviors.	2007-11	ECDCs Guide for Determining Eligibility and Special Education Programs and/or Services for Preschool Students with Disabilities Preschool Special Education Learning Outcomes and Indicators for Kindergarten Participation Preschool Special Education Program Self-Assessment and Quality Improvement Guide
Disseminate the results of the preschool longitudinal study, including the positive effects on social-emotional skills, early language/communication and use of appropriate behaviors of placements of preschool students in integrated versus nonintegrated settings.	2007-08	IDEA Discretionary Funds Longitudinal Study of Preschool Students
Implement Regents Policy on Early	2007-11	University of the State of New

Activity	Timeline	Resources
Education to increase the capacity of the State's many child care and education services to support families and address social emotional needs of preschool children.		York (USNY) Cabinet on Early Childhood Education
Develop standards, performance indicators, curricula and an assessment process for all preschool children.	2008-09	EMSC, VESID
Develop an assessment protocol to inform instruction at the classroom level and to report to parents on their child's progress. This revised assessment protocol would also include a more comprehensive screening for new entrants to school age programs and would be aligned with standards and curriculum so that improved and more integrated instruction can be provided to students with limited English proficiency and students with disabilities.	2010-11	EMSC, VESID

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

Overview of the State Performance Plan Development

See *Overview of the State Performance Plan Development* preceding Indicator #1. This indicator was discussed in depth with parent groups and with NYCDOE parent coordinators. The Department reviewed the parent survey provided by the National Center for Special Education Accountability Measures (NCSEAM) and consulted with NCSEAM staff in developing the SPP for this indicator.

Monitoring Priority: FAPE in the LRE

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

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

Measurement:

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

New York State's calculation:

NYS' parent survey contains 25 questions. All surveys returned with at least 15 of the 25 questions answered are the denominator for the calculation. The numerator is the number of surveys with an overall positive parental involvement rating. These are surveys in which parents indicated that they "agree", "strongly agree" or "very strongly agree" with at least 51% of the questions.

NYS' statewide calculation will use a weighted average to control for the required minimum sample size response from every school district. This is necessary because many school districts received a response that was well above the minimum sample size required and, in other school districts, the minimum response required was not achieved. In order to give each school district's positive response rate a proportional weight relative to their sample size in the State's average, the percent of positive responses was weighted by the sample size of each school district. For example in one school district with a minimum sample size of 53, 30 surveys were returned with at least 15 questions answered with 18 of the 30 questions answered positively. This district's weighting in the State's average is 18/30*53 or 31.8 surveys with positive parental response. As another example, in another school district with minimum sample size was 87, 172 surveys were returned with at least 15 questions answered with 148 of the 172 questions answered positively. This district's weighting in the State's average is 148/172*87 or 74.8 surveys with positive parental response. The weighting helps to

achieve an equal contribution from every school district of their positive parental response rate.

When NYS reports school district data on this indicator as part of the public reporting requirement, weightings will not be used; school districts actual data will be displayed.

Overview of Issue/Description of System or Process

State law and regulations require each school district, upon initial referral of a student to special education, to provide the parents with a copy of the State's publication *A Parents Guide to Special Education* or a locally developed guide. The State's publication, *A Parents Guide to Special Education*, is available on the Department's web site. NYS has a mandated Procedural Safeguards Notice to ensure all parents receive the same information regarding their rights under IDEA. In addition to the parent of the student being discussed, NYS requires an additional parent of a student with a disability to participate in meetings of the CSE and CPSE to assist the parent in understanding the process.

As a component of focused monitoring reviews, SEQA seeks input from parents of students with disabilities on various aspects of their experiences with their school district and special education programs. Statements from parents on both the positive aspects of special education within a school district and/or the areas in need of some improvement are considered in the school improvement panning process.

Plan to collect baseline information

Administration

School districts will be responsible to provide the parent survey to a sample of parents of students for whom their school district has IEP responsibility (i.e., parents of students who are provided special education services in district-operated programs or under contract with other service providers).

School districts will be directed to employ a variety of methods to encourage parents to complete the survey, including but not limited to using paper surveys, telephone surveys, interview surveys and web-based surveys. Parents will also be able to complete the survey through an Internet website made available by the Department. School districts will be responsible to ensure a statistically sound return rate.

Survey Instrument

NYS will use a modified version of the survey developed by the National Center for Special Education Accountability Measures (NCSEAM). Twenty-five (25) items from NCSEAM's Parent Survey – Part B have been selected based on the rules established for item selection to ensure reliability and validity of the use of the survey. The

directions, format and wording of some questions were revised slightly. A copy of the survey to be used by NYS is attached at the end of this Indicator section.

Timelines for Data Collection and Reporting

For the 2005-06 school year, surveys will be disseminated to school districts no later than February 2006. Surveys returned by August 31, 2006 will be included to establish the baseline data. Annually thereafter, school districts to be sampled in any year will receive the parent survey at the beginning of the school year and will have the entire year to survey parents.

Report Criteria

The criteria to be used to determine if a parent has rated his or her school district positively for parental involvement will be as follows: The survey must be completed with a minimum of 15 responses and at least 51% of the responses must receive a positive rating of either agree, strongly agree, or very strongly agree. For district reporting, districts that do not have the minimum number of parent surveys returned as indicated in the sampling methodology will be reported as not having positive parent involvement with the reason noted.

Sampling Methodology

Sampling will be used to establish the 2005-06 baseline for this indicator. One-sixth of the school districts in NYS will be randomly selected. This represents approximately 120 school districts each year. The NYC School District will be included in the sample each year. It is the only school district in the State with a total enrollment of 50,000 or more students.

NYS has distributed all school districts among six statewide representative samples. These six groups of school districts were tested with Analysis of Variance (ANOVA) and there was no statistical difference among the six groups of school districts on the population variables described in Attachment 2. These population variables were from the 2000 decennial census.

School districts will be expected to select a representative sample of its parents to be surveyed, using the directions provided by SED. Schools would be encouraged to over sample to ensure statistically sound response rates. All school districts will have a choice of reporting data on all eligible students for this indicator or they may submit data on a randomly selected sample of minimum number of students using the sampling guidelines provided by the Department. The vast majority of school districts will need to submit data on this indicator on behalf of all eligible students. For some large school districts, if it will be less burdensome to report on a sample of students, the methodology described below (totally random sampling) is likely to produce a sample that is representative of the school district in terms of all variables, since every eligible student has the same chance as another student to be selected for the sample.

Federal Indicator Number	Eligible Population of Students From Which A Random Sample Must be Selected	Minimum Number of Students in the Sample	Method for Selecting Students	Required Documentation
8	Every preschool and school-age student with a disability who is provided special education services in district-operated program or under contract with other service providers.	Use a sampling calculator. Require 95% confidence interval and plus or minus 10% margin of error. Expect 10% response rate, so require over-sampling by 90% of minimum number identified by the calculator.	Random selection using a random number table.	Documentation period is seven years. Maintain list of all eligible students, copy of Random Number Table used, beginning random number for selecting students and list of all students who were selected and their number.

SED will require that school districts maintain documentation as described below if they choose to report data on a sample of students. The totally random sampling methodology and required documentation should eliminate selection bias. School districts will be encouraged to provide surveys in a variety of ways to improve the response rate. The Department will attempt to prevent missing data by first describing precisely what the State needs to collect, providing technical assistance and then following up with school districts to request missing data. The completeness of data collection will improve after the first year and will continue to improve as long as requirements remain unchanged. All issues of confidentiality will be handled by in accordance with the rules and procedures in FERPA. The Department will also guard against divulging personally identifiable information by not reporting results when there are less than five students for whom data are available or when those results can be easily calculated based on other data provided.

Steps to Ensure Valid and Reliable Estimates

VESID will annually provide information to parent centers, advocacy agencies and the New York State Parent Teacher Association (PTA) as well as other networks and agencies (e.g., ECDCs) to request their assistance in encouraging parents of students with disabilities to complete and return the parent survey when requested by their school districts.

In addition to English, the surveys will be made available in the six predominant languages in this State (Spanish, Russian, Simplified Chinese, Haitian Creole, Bengali, and Urdu). Translators would need to be provided to ensure parents who do not read or understand one of these languages have an opportunity to participate in the survey.

Surveys will be returned directly to an independent research firm working with SED to print, disseminate, collect analyze and report on the parent survey information. A parent's individual responses will be confidential.

2005-06 Baseline Data

In 2005-06, 86.9% of parents surveyed indicated that schools facilitated parent involvement as a means of improving services and results for children with disabilities.

Discussion of Baseline Data

The baseline data was calculated based on the following:

- Number of surveys with at least 15 completed responses: 9, 261
- Number of surveys with at least 51% positive responses: 8,040
- Positive parental response rate: 86.8%
- Weighted (on the basis of sample size) positive parental response rate was 86.9%

During the 2005-06 school year, 113 school districts in the State surveyed parents by using the modified version of the National Center for Special Education Accountability Measures (NCSEAM) survey that NYS adopted to collect data for this indicator. The survey may be found at the end of this indicator. The 113 school districts are representative of the State. Over the six-year period of this SPP, all school districts will have administered this survey. The following are the statewide results:

Response Rate:

- The Statewide response rate was 128 percent based on data from 113 school districts. The sum of all the minimum sample sizes was 7,469 and 9,575 surveys were returned. The response rate was over 100 percent of the minimum required because the State recommended over-sampling parents to get sufficient response rate. The State asked school districts to either send the survey to all parents of students with disabilities in the school district or to 10 times the number of parents from whom responses were needed in order to have the minimum sample of responses.

- Data indicate that 58 school districts out of 113 had a sufficient response rate. The response rate in 55 of the 58 school districts was more than a 100 percent of the sample size (16 of the 55 school districts had a response rate of 200% or higher).
    - 17 school districts had a response rate that was 75 percent to 99 percent of the minimum sample size.
    - 13 school districts had a response rate that was 50 percent to 74 percent of the minimum sample size.
    - 25 school districts had a response rate that was less than 50 percent of the minimum sample size.

The response rates by Need Resource Capacity category of school districts were as follows:

Need Resource Capacity Category	Number of School Districts in the State Sample	Minimum Sample Needed	Number of Surveys Returned	Response Rate
New York City	1	96	145	150%
Large Four Cities	1	95	148	155.8%
Urban-Suburban High Need Districts	8	656	645	95.6%
Rural High Need Districts	28	1,700	1,293	76.1%
Average Need Districts	52	3,440	4,520	131.4%
Low Need Districts	23	1,578	2,824	179.0%

Survey Responses:

- Number of surveys with at least 15 completed responses: 9,261 out of 9,575 or 96.7%.
- Number of surveys with at least 51 percent positive responses: 8,040
- Positive parental response rate: 86.8 percent [(8,040/9,261) *100)]
- Weighted (on the basis of sample size) positive parental response rate: 86.9 percent.
- In 2005-06, 58 school districts had sufficient sample size of surveys returned. Of these school districts 29 had positive parental response rates of 89.6% or higher and 29 had rates that were lower. The range of positive parental response among these school districts was 76.9% to 100.0%.

Analysis of Survey Items: The top three questions with which parents most often agreed were:

- 95.7 percent of respondents agreed with the statement, “At the IEP meeting, we discussed accommodations and modifications that my child would need.”
- 95.7 percent of respondents agreed with the statement, “Teachers and administrators respect my cultural heritage.”
- 94.1 percent of respondents agreed with the statement, “Over the past year, special education services have helped me and /or my family know where to go for support to meet my child’s need.”

Two of the questions with which parents most often disagreed were as follows:

- 15.3 percent of respondents disagreed with the statements, “The school explains what options I have if I disagree with a decision of the school.”

- 14.1 percent of respondents disagreed with the statement, "Over the past year, special education services have helped me and/or my family feel more confident in my skills as a parent."

All reports from parent surveys were disaggregated by need/resource capacity category of school districts as well as by quality assurance regional offices to facilitate provision of technical assistance to school districts.

Measurable and Rigorous Targets

FFY	Measurable and Rigorous Target
2005 (2005-06)	Baseline Data: 86.9 percent of parents with a child receiving special education services reported that schools facilitated parent involvement as a means of improving services and results for children with disabilities.
2006 (2006-07)	87 percent of parents with a child receiving special education services will report that schools facilitated parent involvement as a means of improving services and results for children with disabilities.
2007 (2007-08)	87.5 percent of parents with a child receiving special education services will report that schools facilitated parent involvement as a means of improving services and results for children with disabilities.
2008 (2008-09)	88 percent of parents with a child receiving special education services will report that schools facilitated parent involvement as a means of improving services and results for children with disabilities.
2009 (2009-10)	89 percent of parents with a child receiving special education services will report that schools facilitated parent involvement as a means of improving services and results for children with disabilities.
2010 (2010-11)	90 percent of parents with a child receiving special education services will report that schools facilitated parent involvement as a means of improving services and results for children with disabilities.

Improvement Activities/Timelines/Resources

Activity	Timeline	Resources
Continue support to 5 parent centers in New York City (3), Long Island (1) and Western New York (1). The Long Island Parent Center and the New York City based centers were designed specifically to provide outreach and direct services to unserved and underserved families. Increase the number of parent centers statewide to assure that every location has coverage, beginning with an additional parent center in upstate.	2005-11 2008-11	IDEA Part B Discretionary Funds
Schools with poor results on the parent survey will be directed to the Department's technical assistance documents on the VESID web site on the "Additional Resources" page: http://www.vesid.nysed.gov/specialed/resources.htm. The document provides a summary of research supporting the effectiveness of family involvement, descriptions of model programs and practical information to assist parents and families, educators, administrators and other individuals who are interested in building effective school-family-community involvement programs.	2005-11	*Educating our Children Together: A Sourcebook for Effective Family-School-Community Partnerships*
Arrange for additional data analysis of survey responses according to technical assistance provided by OSEP at a recent teleconference call with NCSEAM at which the RASCH analysis was discussed. Use results of data analyses to guide technical assistance to schools to improve their parent involvement activities	2006-11 2007-11	Vendor Contract for Data Analysis SED Technical Assistance Centers
Provide guidance to school districts on what steps they may take to boost their survey return rates. Schedule school districts that did not get sufficient response rates to administer the parent	2005-11 2006-11	VESID ECDCs

Activity	Timeline	Resources
survey again in a subsequent school year.		
Positive Behavior Interventions and Supports (PBIS) -Continue with training inclusive of both school personnel and parents as part of technical assistance activities • Continue NYS PBIS model of including family representatives on school planning teams for each level of implementation. • The proposed NYS PBIS Statewide TAC scope of work will include support for family perspective in all levels of NYS-PBIS implementation within schools and regionally, and deliver School-Family-Community Partnership training to stakeholders	2005-11 2007-12	IDEA Part B Discretionary Funds NYS Regional PBIS TACs NYS PBIS Statewide TAC
The Department funds 15 ECDCs to provide information and referral services to professionals and families of young children with disabilities, birth through five years of age. ECDCs provide training on early intervention to preschool transition, due process rights, how parents can access services and resources, LRE and other parent-specific concerns.	2005-11	ECDCs
Continue to require that a parent with a child with a disability (in addition to the student's parent) participate in Committee on Special Education and Committee on Preschool Special Education meetings. Provide training to the additional parent members on the CSE/CPSE process. Train parents on due process, federal and State Law and regulations, transition planning and other priority issues.	2005-11	State Law and Regulation SETRC Regional Trainers ECDCs
Require that parents be provided a copy of the State's guidebook, *Special Education in New York State for Children Ages 3–21: A Parent's Guide* or a locally developed guidebook be provided to a parent upon referral of a child for special education services.	2008	State Law *Special Education in New York State for Children Ages 3–21: A*

Activity	Timeline	Resources
		Parent's Guide
Update and reissue policy for mandatory provision of Procedural Safeguards notification	2005	VESID
Propose in State regulations that school districts use a mandated form when requesting parent consent and providing prior written notice to parents to ensure parents are fully informed.	2008	State regulation; State-developed forms and notices and guidance documents
Routinely incorporate in the scope of work for all projects and Technical Assistance Centers activities that include information and support for family participation. Additional networks listed elsewhere in the SPP not mentioned above include: CCSI and School Support Projects identified for Indicator 5 (LRE) Transition Coordination Site activities identified for Indicators 13 and 14 (Transition)	2005-11	VESID VESID funded networks State and municipal interagency collaborative partners
Conduct parent roundtable discussions and establish formal communication systems with representatives of parent organizations to actively seek advice from families on statewide policies, programs, and plans; and feedback on services	2007-11	VESID, Parent Centers
SEQA Unit has incorporated parent surveys and parent forums into school review processes.	2005-11	SEQA
VESID's special education website provides online access to all policy guidance documents and resources. One section of the website provides especially parent-friendly guidance materials with tools and links to resources. The parent section address is http://www.vesid.nysed.gov/specialed/quality/qapparents.htm	2005-11	VESID

NEW YORK STATE PARENT SURVEY

NEW YORK STATE EDUCATION DEPARTMENT

PARENT QUESTIONNAIRE – SPECIAL EDUCATION*

Your answers to the following questions will assist your school, your school district and the State to improve how school districts help parents of students with disabilities to be involved in their children's special education programs. Parents in school districts throughout the State are completing this survey. The results for your school district will be reported by the State.

- Your responses are important and will remain confidential.
- Some questions will apply to the school district; others to the school your child attends.
- Mail the form using the return envelope.

Use a pencil only. Fill in circle completely: ●

Select one response for each statement.
Skip statements that do not apply to you or your child.

		Very Strongly Agree	Strongly Agree	Agree	Disagree	Strongly Disagree	Very Strongly Disagree
	Schools' Efforts to Partner with Parents						
1.	At the IEP meeting, we discussed accommodations and modifications that my child would need.	○	○	○	○	○	○
2.	I have been asked for (or given a chance to share) my opinion about how well special education services are meeting my child's needs.	○	○	○	○	○	○
3.	Written information I receive is written in an understandable way.	○	○	○	○	○	○
4.	Teachers and school staff treat me as a team member.	○	○	○	○	○	○
	Teachers and Administrators:						
5.	- seek out my input.	○	○	○	○	○	○
6.	- show sensitivity to the needs of my child.	○	○	○	○	○	○
7.	- encourage me to participate in the decision-making process.	○	○	○	○	○	○
8.	- respect my cultural heritage.	○	○	○	○	○	○
9.	- help me to understand the Procedural Safeguards [the rules in federal law that protect the rights of parents].	○	○	○	○	○	○
10	- show a willingness to learn more about my child's needs.	○	○	○	○	○	○

Turn over for page 2 ➲

		Very Strongly Agree	Strongly Agree	Agree	Disagree	Strongly Disagree	Very Strongly Disagree
The School:							
11.	- provides me with reports on my child's progress on IEP goals.	○	○	○	○	○	○
12.	- gives me choices with regard to services that address my child's needs.	○	○	○	○	○	○
13.	- offers me a variety of ways to communicate with teachers.	○	○	○	○	○	○
14.	- gives me the help I may need to play an active role in my child's education.	○	○	○	○	○	○
15.	- explains what options I have if I disagree with a decision of the school.	○	○	○	○	○	○
16.	- encourages me to attend and participate in the IEP meetings.	○	○	○	○	○	○
Impact of Special Education Services on Your Family **Over the past year, special education services have helped me and/or my family:**							
17.	- know where to go for support to meet my child's need.	○	○	○	○	○	○
18.	- feel more confident in my skills as a parent.	○	○	○	○	○	○
19.	- understand how the special education system works.	○	○	○	○	○	○
20.	- be able to evaluate how much progress my child is making.	○	○	○	○	○	○
21.	- understand the roles of the people who work with my child and family.	○	○	○	○	○	○
22.	- do things with and for my child that are good for my child's development.	○	○	○	○	○	○
Select one response for each statement. **Skip statements that do not apply to you or your child.**		**Always**	**Almost Always**	**Frequently**	**Sometimes**	**Rarely**	**Never**
Parent Participation							
23.	I value the school's efforts to meet my child's needs.	○	○	○	○	○	○
24.	I meet with my child's teacher(s) and/or other school staff to plan my child's program and services.	○	○	○	○	○	○
25.	I suggest changes in school programs or services that I think would benefit my child and other students with disabilities.	○	○	○	○	○	○

*This form was adapted from the "Parent Survey – Special Education" – version 2.0 developed by the National Center for Special Education Accountability Monitoring.

PLEASE COMPLETE THE FOLLOWING INFORMATION ABOUT YOUR CHILD

Child's Age When First Referred to Early Intervention or Special Education

Under 1 Year-of-Age _____

Age in Years ☐☐

Child's Current Age ☐☐

Child's Race/Ethnicity

- ○ American Indian or Alaskan Native
- ○ Asian or Pacific Islander
- ○ Black or African American (not Hispanic)
- ○ Hispanic or Latino
- ○ White (not Hispanic)

Child's Disability (select only one)

- ○ Autism
- ○ Deaf-Blindness
- ○ Deafness
- ○ Emotional Disturbance
- ○ Hearing Impairment
- ○ Mental Retardation
- ○ Multiple Disabilities
- ○ Orthopedic Impairment
- ○ Other Health Impairment
- ○ Specific Learning Disability
- ○ Speech or Language Impairment
- ○ Traumatic Brain Injury
- ○ Visual Impairment including Blindness
- ○ Preschool Student with a Disability

Child's School (select only one)

- ○ Child attends public school
- ○ Child attends a Charter School
- ○ Child attends a BOCES program
- ○ Child attends an approved private school for students with disabilities
- ○ Child attends a preschool program
- ○ Other _____

YOUR RESPONSES ARE IMPORTANT AND WILL REMAIN CONFIDENTIAL.

School District Code: _____

School Building Code: _____

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

Overview of the State Performance Plan Development

See *Overview of the State Performance Plan Development* preceding Indicator #1.

Monitoring Priority: Disproportionality

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

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

Measurement:

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

Include State's definition of "disproportionate representation."

Describe how the State determined that disproportionate representation of racial and ethnic groups in special education and related services was the result of inappropriate identification, e.g., monitoring data, review of policies, practices and procedures under 618(d), etc.

NYS Measurement:

NYS will compare the percent of total enrollment of each race/ethnic group in special education with the percent of total enrollment of all other race/ethnic groups in special education combined. For notifications of school districts during the 2005-06 school year based on 2004-05 school year data, the State will use the following definition of "disproportionate representation" and in subsequent years may revise the definition by lowering the relative risk ratio, weighted relative risk ratio as well as the minimum numbers of students:

- At least 75 students with disabilities enrolled on 12/1/04;
- A minimum of 30 students (disabled and nondisabled) of particular race/ethnicity enrolled on first Wednesday in October 2004;
- At least 75 students (disabled and nondisabled) of all other race/ethnicities enrolled on first Wednesday in October 2004;
- At least 10 students with disabilities of particular race/ethnicity enrolled in district on 12/1/04; and
- Either:
  - Both the relative risk ratio and weighted relative risk ratio for any minority group is 2.5 or higher; or

- All students with disabilities in special education are of only one minority group regardless of the size of the relative risk ratio and weighted relative risk ratio.

Overview of Issue/Description of System or Process

IDEA section 618(d) requires States to collect and examine data to determine if significant disproportionality based on race and ethnicity is occurring in the State and the LEAs of the State with respect to:

- the identification of children as children with disabilities, including the identification of children by particular disabilities;
- the placement in particular educational settings of such children; and
- the incidence, duration, and type of disciplinary actions, including suspensions and expulsions.

In the case of a determination of significant disproportionality with respect to the identification of children as children with disabilities, or the placement in particular educational settings of such children, the State shall:

- provide for the review and if appropriate revision of the policies, procedures, and practices used in such identification or placement to ensure that such policies, procedures, and practices comply with the requirements of IDEA;
- require any LEA identified to reserve fifteen percent of funds under section 613(f) to provide comprehensive coordinated early intervening services to serve children in the local education agency, particularly children in those groups that were significantly over identified; and
- require the LEA to publicly report on the revision of policies, practices, and procedures related to disproportionality.

Furthermore, IDEA section 616(a)(3) requires the Secretary to monitor states and the State to monitor LEAs using quantifiable and qualitative indicators to measure disproportionate representation of racial and ethnic groups in special education and related services, to the extent the representation is the result of inappropriate identification.

As a result of the passage of NYS legislation in 1999 (Chapter 405 of the Laws of 1999), the State has been identifying school districts for disproportionality based on race and ethnicity issues among other special education issues since the 2000-01 school year. It has conducted three such notifications, in 2000-01, 2002-03 and 2004-05 school years. Identified school districts were assigned to one of three levels of technical assistance: “self-review,” “regional review” and “targeted.”

- School districts assigned to “targeted” form of technical assistance received extensive technical assistance through the Department’s staff and funded networks. They were required to receive approval of their Comprehensive System of Personnel Development (CSPD) plans, which contained improvement strategies. The CSPD development and review/approval process included a review of the identified school

district policies, procedures and practices used in the identification and placement of students.

- School districts assigned to “regional-review” form of assistance were required to address resolution of their problems in their CSPD plan and participate in regional training programs sponsored by the Department or through local sources.
- “Self-review” school districts addressed the resolution of their issues in their CSPD plans with local and regional resources and documented their annual updates to the CSPD plan with support of the SETRC representative.

In the first two notifications (2000-01 and 2002-03), NYS used the chi-square formula with the addition of some minimum numbers of students in the total enrollment and in each expected value cell of the chi-square formula. In the third notification, after review of our methodology, we revised how the chi-square statistic was calculated and added the relative risk ratio calculation to our methodology to identify school districts that had significant disproportion. Only school districts with significant chi-square results, relative risk ratios of 1.2 or higher (or 0.5 or lower for the "removed from regular classes for less than 20 percent of the day placement category") and minimum numbers of enrollment were identified for significant disproportion.

Because of the requirement to establish a baseline that identifies disproportionality that is the result of inappropriate policies, practices and procedures, NYS will revise its methodology for addressing disproportionality as described below.

Plan to collect baseline data

By February 2006, NYS analyzed data and send notifications to school districts whose data indicate "significant disproportion," providing them with a State developed "Disproportionality Self-Review” monitoring protocol. The notifications will also trigger a re-direct of 15 percent of the school district's IDEA funds to support early intervening services.

By May 2006, these school districts were required to submit their completed self-review monitoring protocols of relevant school district policies, practices and procedures to the Department. The district must include community representatives from diverse racial and ethnic backgrounds in the review of the policies, procedures and practices.

Based on this self-review, if a school district determines that one or more of its policies, procedures and/or practices requires revision, it must revise them and publicly post such revisions and report the corrective action to the Department.

If the State determines that the school district's policies, procedures and practices are in compliance with federal and State requirements, the school district will not be required to complete another review of its policies, procedures or practices during the remaining period of the SPP. However, IDEA funds will continue to be redirected if data indicates discrepancy, based on the State’s definition. Furthermore, if school district’s data do not improve, the State may conduct another review of school district’s policies, practices and procedures.

School districts that are found to have inappropriate policies, procedures and/or practices through the self-reviews or Department verification reviews will be reported in the baseline data for the 2005-06 school year.

Baseline Data for FFY 2005 (2005-06)

Six out of ten school districts (or **0.9 percent of all school districts in the State**) reported having significant disproportionate representation of minorities in special education that is the result of inappropriate policies, practices and procedures. This baseline data may be modified upon completion of verification reviews in four school districts.

Discussion of Baseline Data

- Ten (10) school district's data for the 2004-05 school year indicated significant disproportionate representation of students based on race/ethnicity in special education using measurements described in the measurement section of this indicator.

- All 10 school districts completed a comprehensive self-review monitoring protocol during the 2005-06 school year and six of the 10 school districts reported that their policies, practices and procedures related to the identification of students for special education were less than 100 percent compliant and four school districts reported they were 100 percent in compliance with applicable laws and regulations.

- During the 2006-07 school year, the State will verify the results of the four school districts that reported 100 percent compliance.

- The six school districts that reported having some inappropriate policies, practices and procedures will be required to self-correct, publicly report the correction, and provide documentation of correction to the State within one year from notification of noncompliance.

- NYS' baseline data (before completion of the verification procedures in four school districts that reported 100 percent compliance) is that six out of 684 school districts (0.9%) have significant disproportionate representation that is the result of inappropriate policies, practices and procedures.

Measurable and Rigorous Targets

FFY	Measurable and Rigorous Target
2005 (2005-06)	The percent of districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification will be 0.
2006 (2006-07)	The percent of districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification will be 0.
2007 (2007-08)	The percent of districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification will be 0.
2008 (2008-09)	The percent of districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification will be 0.
2009 (2009-10)	The percent of districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification will be 0.
2010 (2010-11)	The percent of districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification will be 0.

Improvement Activities/Timelines/Resources

Activity	Timelines	Resources
Develop self-review monitoring protocols for review of policies, procedures and practices that may lead to disproportionate rates of identification for special education by race/ethnicity.	2006	SED staff; consultation with NYU Metro Center
Require districts identified by SED as having significant	2006-11	SED staff; SETRC professional development specialists

Activity	Timelines	Resources
disproportionality based on race/ethnicity in the identification of students with disabilities to conduct a self review of its policies, procedures and practices. Staff from SED funded technical assistance networks available to facilitate the self-review and provide on-site technical assistance to districts to address identified inappropriate policies, procedures and practices.		
Conduct regional meetings to which districts identified by SED as having significant disproportionality based on race/ethnicity in the identification of students with disabilities must attend to review the monitoring protocol and learn about resources for technical assistance.	2007-11	SED staff; SETRC professional development specialists; Bilingual SETRC network NYU Metro Center
Provide technical assistance to school districts identified with disproportionate classification rates by race/ethnicity to improve	2005-11	Bilingual SETRC network NYU Metro Center
The Metropolitan Center for Urban Education at NYU has a contract with VESID to develop, implement, and assess the provision of comprehensive technical assistance and professional development to New York State School districts that are addressing issues of disproportionality. The project's work includes building the capacity of regions and districts in understanding the root cause and systemically addressing the disproportionate assignment of various subgroups in special education. This entails providing professional development trainings, coaching, training follow-ups,	2005-11	Idea Part B discretionary funds NYU Metro Center http://steinhardt.nyu.edu/metrocenter/Chapter405/who.html

Activity	Timelines	Resources
materials and resources. The resources include a Web-Based Clearinghouse and a Disproportionality Data Repository.		
Develop and disseminate information on effective practices relating to culturally responsive curriculum and instruction, student engagement, home school connections, assessment and leadership as they relate to disproportionate representation in special education by race/ethnicity.	2007-11	NYU Metro Center http://steinhardt.nyu.edu/metrocenter/Chapter405/trainingmodules.html
Support preservice and in-service staff development programs to enhance the availability of bilingual related service providers	2005-11	IDEA Part B Discretionary Funds to support the following projects: Bilingual Special Education Bilingual Paraprofessional Certification/Interagency Council of NYC Bilingual Personnel Development Center Bilingual School Psychology Center Intensive Teacher Institute - Bilingual

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

Overview of the State Performance Plan Development

See *Overview of the State Performance Plan Development* preceding Indicator #1.

Monitoring Priority: Disproportionality

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

Indicator #10B. Percent of districts with disproportionate representation of racial and ethnic groups in special education placements that is the result of inappropriate policies, procedures and practices.

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

Measurement:

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

Include State's definition of "disproportionate representation."

Describe how the State determined that disproportionate representation of racial and ethnic groups in specific disability categories was the result of inappropriate identification, e.g., monitoring data, review of policies, practices and procedures under 618(d), etc.

NYS Measurement:

NYS will compare the percent of total enrollment of each race/ethnic group that is identified by particular disabilities or percent of each race/ethnic group of students with disabilities that is in particular special education placement categories compared to other race/ethnic groups combined. For notifications of school districts during the 2005-06 school year based on 2004-05 school year data, the State will use the following definition of "disproportionate representation" and in subsequent years may revise the definition by lowering the relative risk ratio, weighted relative risk ratio as well as the minimum numbers of students:

- At least 75 students with disabilities enrolled on 12/1/04;
- A minimum of 30 students (disabled and nondisabled) of particular race/ethnicity enrolled on first Wednesday in October 2004;
- At least 75 students (disabled and nondisabled) of all other race/ethnicities enrolled on first Wednesday in October 2004;
- At least 10 students with disabilities of particular race/ethnicity and disability (or placement in particular setting) enrolled in district on 12/1/04; and

- Either:
  - Both the relative risk ratio and weighted relative risk ratio for any minority group is 4.0 or higher (2.5 or higher for placement in particular setting); or
  - All students with disabilities in a specific disability category (or placement in a particular setting) are of only one minority group regardless of the size of the relative risk ratio and weighted relative risk ratio.

The State will evaluate disproportionality in the identification of students by the following particular disabilities: learning disability; emotional disturbance; mental retardation, speech and language impairment; autism; and other health impairment.

The State will also evaluate disproportionality in the following special education placement categories: removed from regular classes for less than 20 percent of the school day; removed from regular classes for more than 60 percent of the day; and all separate settings combined.

Overview of Issue/Description of System or Process

IDEA section 618(d) requires States to collect and examine data to determine if significant disproportionality based on race and ethnicity is occurring in the State and the local educational agencies of the State with respect to:

- the identification of children as children with disabilities, including the identification of children by particular disabilities;
- the placement in particular educational settings of such children; and
- the incidence, duration, and type of disciplinary actions, including suspensions and expulsions.

In the case of a determination of significant disproportionality with respect to the identification of children as children with disabilities, or the placement in particular educational settings of such children the State shall:

- provide for the review and if appropriate revision of the policies, procedures, and practices used in such identification or placement to ensure that such policies, procedures, and practices comply with the requirements of IDEA;
- require any LEA identified to reserve fifteen percent of funds under section 613(f) to provide comprehensive coordinated early intervening services to serve children in the local education agency, particularly children in those groups that were significantly over identified; and
- require the LEA to publicly report on the revision of policies, practices, and procedures related to disproportionality.

Furthermore, IDEA section 616(a)(3) requires the Secretary to monitor states and the States to monitor LEAs using quantifiable and qualitative indicators to measure disproportionate representation of racial and ethnic groups in special education and related services, to the extent the representation is the result of inappropriate identification.

As a result of the passage of NYS legislation in 1999 (Chapter 405 of the Laws of 1999), the State has been identifying school districts for disproportionality based on race and ethnicity issues among other special education issues since the 2000-01 school year. It has conducted three such notifications, in 2000-01, 2002-03 and 2004-05 school years. Identified school districts were assigned to one of three levels of technical assistance: “self-review”; “regional review”; and “targeted”:

- School districts assigned to “targeted” form of technical assistance received extensive technical assistance through the Department’s staff and funded networks. They were required to receive approval of their CSPD plans, which contained improvement strategies.
- School districts assigned to “regional-review” form of assistance were required to address resolution of their problems in their CSPD plan and participate in regional training programs sponsored by the Department or through local sources.
- “Self-review” school districts addressed the resolution of their issues in their CSPD plans with local and regional resources and documented their annual updates to the CSPD plan with support of the SETRC representative. The CSPD development and review/approval process included a review of the identified school district policies, procedures and practices used in the identification and placement of students.

In the first two notifications (2000-01 and 2002-03), NYS used the chi-square formula with the addition of some minimum numbers of students in the total enrollment and in each expected value cell of the chi-square formula. In the third notification, after review of our methodology, we revised how the chi-square statistic was calculated and added the relative risk ratio calculation to our methodology to identify school districts that had significant disproportion. Only school districts with significant chi-square results, relative risk ratios of 1.2 or higher (or 0.5 or lower for the "removed from regular classes for less than 20 percent of the day placement category") and minimum numbers of enrollment were identified for significant disproportion.

Because of the requirement to establish a baseline if the disproportionality is a result of inappropriate policies, practices and procedures, NYS will revise its methodology for addressing disproportionality to the following beginning in 2005-06 school year (using 2004-05 school year data).

Plan to collect baseline data

By February 2006, NYS analyzed data and sent notifications to school districts whose data indicate "significant disproportion" based on the above definition, providing them with a State developed "Disproportionality Self-Review” monitoring protocol. The notifications also required a school district to reserve 15 percent of the school district's IDEA funds to support early intervening services.

By May 2006, these school districts were required to submit their completed self-review monitoring protocols of relevant school district policies, practices and procedures to the Department. The district was required to include community representatives from diverse racial and ethnic backgrounds in the review of the policies, procedures and practices.

Based on this self-review, if a school district determines that one or more of its policies, procedures and/or practices require revision, it must revise them and publicly post such revisions and report the corrective action to the Department. If a school district determines its policies, procedures and/or practices are appropriate and do not require revision, the Department will arrange for verification of this determination. If the State determines that the school district's policies, procedures and practices are in compliance with federal and State requirements, the school district will not be required to complete another review of its policies, procedures or practices during the remaining period of the SPP. However, IDEA funds will continue to be redirected if data indicates discrepancy, based on the State's definition. Furthermore, if school district's data do not improve, the State may conduct another review of school district's policies, practices and procedures.

School districts that are found to have inappropriate policies, procedures and/or practices through the self-reviews or Department verification reviews will be reported in the baseline data for the 2005-06 school year.

Baseline Data for FFY 2005 (2005-06)

NYS' baseline data (before completion of the verification procedures in 10 school districts that reported 100 percent compliance) is that six out of 684 school districts **(0.9%)** have significant disproportionate representation in specific disability categories that is the result of inappropriate policies, practices and procedures and four out of 684 **(0.6%)** school districts have significant disproportionate representation in particular settings that is the result of inappropriate policies, practices and procedures.

Explanation of Baseline Data

- 13 school districts' data for the 2004-05 school year indicated significant disproportionate representation of students in specific disability categories based on race/ethnicity.

- Seven school districts' data for the 2004-05 school year indicated significant disproportionate representation of students in particular settings based on race/ethnicity.

- All 20 school districts completed a comprehensive self-review monitoring protocol during the 2005-06 school year. Six of the 13 school districts identified for significant disproportionate representation in specific disability categories reported that their policies, practices and procedures related to the identification of students by specific disability categories were less than 100 percent compliant and seven school districts reported they were 100 percent in compliance with applicable laws and regulations. Four of the 7 school districts identified for significant disproportionate representation in particular placements reported that their policies, practices and procedures related to the placement of students in particular settings were less than 100% compliant

and 3 school districts reported they were 100% in compliance with applicable laws and regulations.

- During the 2006-07 school year, the State will verify the results in the 10 school districts that reported 100% compliance.

- The 10 school districts that reported less than 100 percent compliance will be required to self-correct, publicly report the correction, and provide documentation of correction to the State within one year from notification of noncompliance.

Measurable and Rigorous Targets

FFY	Measurable and Rigorous Target
2005 (2005-06)	The percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories or placements that is the result of inappropriate policies, procedures and/or practices will be 0.
2006 (2006-07)	The percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories or placements that is the result of inappropriate policies, procedures and/or practices will be 0.
2007 (2007-08)	The percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories or placements that is the result of inappropriate policies, procedures and/or practices will be 0.
2008 (2008-09)	The percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories or placements that is the result of inappropriate policies, procedures and/or practices will be 0.
2009 (2009-10)	The percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories or placements that is the result of inappropriate policies, procedures and/or practices will be 0.
2010 (2010-11)	The percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories or placements that is the result of inappropriate policies, procedures and/or practices will be 0.

Improvement Activities/Timelines/Resources:

Activity	Timelines	Resources
See Activities for Indicator 9		

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

Overview of the State Performance Plan Development

See *Overview of the State Performance Plan Development* preceding Indicator #1.

Monitoring Priority: Effective General Supervision Part B / Child Find

Indicator #11: Percent of children with parental consent to evaluate, who were evaluated and eligibility determined within State established timeline.

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

Measurement:

a. # of children for whom parental consent to evaluate was received.

b. # determined not eligible whose evaluations and eligibility determinations were completed within 60 days (or State established timeline*).

c. # determined eligible whose evaluations and eligibility determinations were completed within 60 days (or State established timeline*).

Account for children included in a but not included in b or c. Indicate the range of days beyond the timeline when eligibility was determined and any reasons for the delays.

Percent = b + c divided by a times 100.

* NYS' established timeline to complete the initial evaluation and eligibility determinations is 30 school days for preschool students and 60 calendar days for school age students.

New York State will compute its baseline data by adding "d. # of students whose evaluations were completed outside the required time line but for reasons that are "in compliance" with State requirements. These students will be added to the numerator, so the formula will be [(b+c+d) divided by (a)] times 100.

Overview of Issue/Description of System or Process

NYS law and regulations require the evaluation and eligibility determination of a preschool student be made within 30 school days of receipt of the parent's consent to evaluation. The CPSE provides the parent with a list of approved programs that have a multidisciplinary evaluation component. The parent selects the approved evaluation program to conduct the individual evaluation of his or her child and the board of education arranges for the evaluation by the service provider selected by the parent. In

addition, with the consent of the parents, approved evaluators and CPSEs must be provided with the most recent evaluation report for a child in transition from programs and services provided pursuant to title two-a of article 25 of the Public Health Law.

For school age students, the initial evaluation to determine if a student is a student with a disability must be completed within 60 calendar days of receiving parental consent for the evaluation, with exceptions for students who transfer to another school district after the evaluation period has begun and when the parent of a student repeatedly fails or refuses to produce the student for the evaluation.

Baseline Data for FFY 2005 (2005-06)

NYS did not collect this information prior to 2005-06. A new PD-9 form has been developed to begin collecting data on the timely determinations of eligibility for preschool and school-age students from the receipt of parental consent to evaluate to the determination of eligibility and the reasons for delays. Baseline data will be collected in 2005-06 and reported in the February 2007 revised SPP.

Plan to Collect Baseline Data

NYS will collect data on an annual basis from a statewide representative sample of school districts in the State using a new PD 9 form. The PD form must be submitted by October 15th annually.

Baseline data will be collected on children that meet the following criteria:

- All preschool students (or the minimum number required in a sample) for whom parents provided consent to evaluate for special education programs and/or services anytime during the 2005-06 school year (July 1, 2005 to June 30, 2006), regardless of the source of referral; and
- All school-age students (or the minimum number required in a sample) for whom parents provided consent to evaluate for special education programs and/or services anytime during the 2005-06 school year (July 1, 2005 to June 30, 2006), regardless of the source of referral, age, and the school students attended or currently attend.

To collect baseline data on the timeliness of eligibility determinations for children referred for preschool special education programs and/or services, the PD form will direct school districts to report the following information:

- The number of preschool children whose parents provided consent to evaluate for special education programs and/or services during the 2005-06 school year (July 1, 2005 – June 30, 2006) and the number of school days within which eligibility determinations were made for preschool children (within 30 days or less; within 31-40 days; within 41-50 days; and more than 50 days) both for students determined eligible and not eligible for preschool special education services.
- The reasons when the number of children with consent for evaluation exceeds the number of children for whom an eligibility determination was made (e.g., evaluations

pending; parents withdrew consent; child moved to another school district; other reason).

- The reasons for delays in the initial eligibility determination of preschool children (e.g., evaluator not available; parent did not make the child available for the evaluation; parent canceled the scheduled evaluation and selected another approved evaluator; child transferred into the district after the initial evaluation was initiated in another school district; other reason).

To collect baseline data on the timeliness of eligibility determinations for school-age students for special education programs and services, the PD form will direct the school districts to report the following information:

- The number of school-age students whose parents provided consent for an initial evaluation for special education programs and/or services during the 2005-06 school year (July 1, 2005-June 30, 2006).
- The reasons for a greater number of students with consent for evaluation than the number of students with initial eligibility determinations (e.g., numbers awaiting evaluations; numbers whose parents withdrew consent to evaluate; numbers who moved to another school district before the evaluation was completed; other reason).
- The reasons for the delays in the initial eligibility determinations (e.g., shortage of personnel to conduct the evaluation; parent repeatedly did not make the student available for the evaluation; student transferred into the district after the evaluation period began in the prior school district and the parent and new district agreed to an extended time period; other reason).
- The number of calendar days within which eligibility determinations were made for school-age students (within 60 days or less; within 61-70 days; within 71-80 days; within 81-100 days and more than 100 days) both for students determined eligible and not eligible for school-age special education services.

SED will conduct random data verification reviews to ensure accurate reporting. SED will also establish procedures to require corrective action in school district that report noncompliance.

Sampling methodology

Sampling will be used to establish the 2005-06 baseline for this indicator. One-sixth of the school districts in NYS will report data for this indicator annually until all school districts have reported data within six years. This represents approximately 120 school districts each year. The NYC School District will be included in the sample each year. It is the only school district in the State with a total enrollment of 50,000 or more students.

NYS has distributed all school districts among six statewide representative samples. These six groups of school districts were tested with Analysis of Variance (ANOVA) and there was no statistical difference among the six groups of school districts on the population variables described in Attachment 2.

All school districts will have a choice of reporting data on all eligible students or they may submit data on a randomly selected sample of minimum number of students using the sampling guidelines provided below.

Federal Indicator Number	Eligible Population of Students From Which A Random Sample Must be Selected	Minimum Number of Students in the Sample	Method for Selecting Students	Required Documentation
11	For all preschool and school-age students: All students for whom parental consent to evaluate was received during the school year (July 1 – June 30).	Use a sampling calculator. Require 95% confidence interval and plus or minus 2% margin of error.	Random selection using a random number table.	Documentation period is seven years. Maintain list of all eligible students, copy of Random Number Table used, beginning random number for selecting students and list of all students who were selected and their number.

SED will require that school districts maintain documentation as described above if they choose to report data on a sample of students. The totally random sampling methodology and required documentation should eliminate selection bias. The State will attempt to prevent missing data by first describing precisely what SED needs to collect, providing technical assistance and then following up with school districts to request missing data. The completeness of data collection will improve after the first year and will continue to improve as long as requirements remain unchanged. All issues of confidentiality will be handled in accordance with the rules and procedures in FERPA. SED will also guard against divulging personally identifiable information by not reporting results when there are less than five students for whom data are available or when those results can be easily calculated based on other data provided.

Baseline Data for FFY 2005 (2005-06)

For the 2005-06 school year, 116 school districts that are representative of the State provided data to the State on the number of preschool and school-age students that were referred to the CPSE or CSE for an initial determination of eligibility for special education programs and/or services and the numbers of these children that were determined eligible and the number that were determined not eligible within 30 school days for preschool children and within 60 calendar days for school-age students. School districts also provided reasons for delays in the determinations of eligibility. Of the 116 school districts reporting data for this indicator, 114 provided information on all eligible children and 2 provided information on a sample of students.

The following are baseline data for the 2005-06 school year. The baseline data will be re-established in the 2006-07 school year because this indicator's timeline was revised by the USED from a measure of the number of days between parental consent to evaluate to determination of eligibility for special education to a measure of time between parental consent to evaluate to the date when evaluation was completed.

Statewide Results:

	A	B	C	D	E
Category of Students	Number of Preschool and School-Age Students for Whom Parental Consent to Evaluate Was Received	Number of Students Determined Not Eligible Within Timeline	Number of Students Determined Eligible Within Timeline	Federal Rate Described Under the Measurement Section: (B+C)/A	Baseline Data: (Eligibility Decision Made in Accordance with State Requirements)
Preschool Children	5,538	266	1,244	27.3%	53.4% (includes 1,450 additional students)
School-Age Students	7,330	1,419	3,855	72.0%	78.3% (includes 462 additional students)
Total for All Students	12,868	1,685	5,099	52.7%	67.6% (includes 1,912 additional reasons)

Results in Central Special Education Quality Assurance Region:

	A	B	C	D	E
Category of Students	Number of Preschool and School-Age Students for Whom Parental Consent to Evaluate Was Received	Number of Students Determined Not Eligible Within Timeline	Number of Students Determined Eligible Within Timeline	Federal Rate Described Under the Measurement Section: (B+C)/A	Baseline Data: (Eligibility Decision Made in Accordance with State Requirements)
Preschool Children	253	9	43	20.6%	34.0% (includes 34 additional students)
School-Age Students	503	81	225	60.8%	71.8% (includes 55 additional students)
Total for All Students	756	90	268	47.4%	59.1% (includes 89 additional reasons)

Results in Eastern Special Education Quality Assurance Region:

	A	B	C	D	E
Category of Students	Number of Preschool and School-Age Students for Whom Parental Consent to Evaluate Was Received	Number of Students Determined Not Eligible Within Timeline	Number of Students Determined Eligible Within Timeline	Federal Rate Described Under the Measurement Section: (B+C)/A	Baseline Data: (Eligibility Decision Made in Accordance with State Requirements)
Preschool Children	525	50	134	35.0%	57.3% (includes 117 additional students)
School-Age Students	667	208	318	78.9%	83.4% (includes 30 additional students)
Total for All Students	1,192	258	452	59.6%	71.9% (includes 147 additional reasons)

Results in Hudson Valley Special Education Quality Assurance Region:

	A	B	C	D	E
Category of Students	Number of Preschool and School-Age Students for Whom Parental Consent to Evaluate Was Received	Number of Students Determined Not Eligible Within Timeline	Number of Students Determined Eligible Within Timeline	Federal Rate Described Under the Measurement Section: (B+C)/A	Baseline Data: (Eligibility Decision Made in Accordance with State Requirements)
Preschool Children	822	23	136	19.3%	47.9% (includes 235 additional students)
School-Age Students	1,322	260	467	55.0%	63.0% (includes 106 additional students)
Total for All Students	2,144	283	603	41.3%	57.2% (includes 341 additional reasons)

Results in Long Island Special Education Quality Assurance Region:

	A	B	C	D	E
Category of Students	Number of Preschool and School-Age Students for Whom Parental Consent to Evaluate Was Received	Number of Students Determined Not Eligible Within Timeline	Number of Students Determined Eligible Within Timeline	Federal Rate Described Under the Measurement Section: (B+C)/A	Baseline Data: (Eligibility Decision Made in Accordance with State Requirements)
Preschool Children	1,098	75	313	35.3%	47.3% (includes 131 additional students)
School-Age Students	1,644	511	731	75.5%	82.2% (includes 110 additional students)
Total for All Students	2,742	586	1,044	59.4%	68.2% (includes 241 additional reasons)

Results in New York City Special Education Quality Assurance Region:

	A	B	C	D	E
Category of Students	Number of Preschool and School-Age Students for Whom Parental Consent to Evaluate Was Received	Number of Students Determined Not Eligible Within Timeline	Number of Students Determined Eligible Within Timeline	Federal Rate Described Under the Measurement Section: (B+C)/A	Baseline Data: (Eligibility Decision Made in Accordance with State Requirements)
Preschool Children	2,100	39	357	18.9%	55.6% (includes 772 additional students)
School-Age Students	2,236	220	1,471	75.6%	81.8% (includes 138 additional students)
Total for All Students	4,336	259	1,828	48.1%	69.1% (includes 910 additional reasons)

Results in Western Special Education Quality Assurance Region:

	A	B	C	D	E
Category of Students	Number of Preschool and School-Age Students for Whom Parental Consent to Evaluate Was Received	Number of Students Determined Not Eligible Within Timeline	Number of Students Determined Eligible Within Timeline	Federal Rate Described Under the Measurement Section: (B+C)/A	Baseline Data: (Eligibility Decision Made in Accordance with State Requirements)
Preschool Children	740	70	261	44.7%	66.5% (includes 161 additional students)
School-Age Students	958	139	643	81.6%	66.5% (includes 23 additional students)
Total for All Students	1,698	209	904	65.5%	76.4% (includes 184 additional reasons)

Reasons

Following is an analysis of the reasons reported that the school districts were not able to meet the State required timeline. Reasons have been separated into two categories: those that are determined to be "in compliance" with State regulations and those that are determined to be "out of compliance" with State regulations.

Some of the “in compliance” reasons for exceeding the required timeline for 1450 preschool children and 462 school-age students were as follows:

- Parents withdrew consent to evaluate
- Student/parent moved out of school district before the determination of eligibility
- Parents refused or repeatedly did not make the child available for the evaluation
- Parents cancelled the evaluation/selected another evaluator
- Child transferred to a new district after the evaluation period began and parents and new district agreed to an extended time period.

Some of the “out of compliance” reasons provided by school districts exceeding the required timeline for 2,578 preschool and 1,594 school age students were as follows:

- Shortages of personnel to conduct evaluations
- Additional evaluations were needed than originally scheduled
- Scheduling difficulties that cause untimely CPSE or CSE meetings
- Still awaiting eligibility determination as of reporting date

Extent of Delays

Following is an analysis of the number of days past the timeline that eligibility determinations were made for preschool children. Some of these delays are for reasons determined to be "in compliance" while others have been determined to be "out of compliance". However, NYS did not collect data in such a way as to be able to differentiate between the two types of delays:

Special Education Quality Assurance Region	31-40 Days	41-50 Days	51-60 Days	More than 60 Days
Central	39	36	47	57
Eastern	123	84	45	54
Hudson Valley	224	156	93	132
Long Island	344	181	68	67
New York City	465	335	216	316
Western	160	93	59	59
Total State	**1,355**	**885**	**528**	**685**

Number of Days past the timeline that eligibility determinations were made for school-age students:

Some of these delays are for reasons that are "in compliance" with State regulations and some for reasons that are "not in compliance". NYS did not collect data in such a way as to be able to differentiate between the two types of delays:

Special Education Quality Assurance Region	61-70 Days	71-80 Days	81-100 Days	More than 100 Days
Central	45	38	47	27
Eastern	49	27	25	15
Hudson Valley	80	102	189	99
Long Island	136	66	76	59
New York City	108	84	105	98
Western	50	39	41	28
Total State	**468**	**356**	**483**	**326**

Discussion of Baseline Data

- NYS collected aggregate numbers of students in each school district according to the number of days past the timeline when eligibility determinations were made, so we do not have data to be able to differentiate the delays between reasons that are "in compliance" and "not in compliance" with State regulations.

- The baseline data provided above indicates that significantly larger percentages of school-age students' eligibility determinations are made within the required timeline compared to preschool children's eligibility determinations. This is indicative of NYS' shorter time line for determining eligibility for preschool children.

- An analysis of the baseline data by SEQA region indicates that the overall rate for determination of eligibility within required timelines for preschool and school-age students combined is as follows from highest to lowest:
  Western: 76.4 percent; Eastern: 71.9 percent; New York City: 69.1 percent; Long Island: 68.2 percent; Central: 59.1 percent and Hudson Valley: 57.2 percent

- Of all the delays in determination of eligibility for preschool children, 39.2% were for 31-40 days, 25.6 for 41-50 days, 15.3% for 51-60 days and 19.8% for more than 60 days.

- Of all the delays in determination of eligibility for school-age students, 28.7% were for 61-70 days, 21.8% for 71-80 days, 29.6% for 81-100 days and 20.0% for more than 100 days. .

Measurable and rigorous targets

FFY	Measurable and Rigorous Target
2005 (2005-06)	100 Percent of children with parental consent to evaluate will be evaluated and eligibility determined within State required timelines.
2006 (2006-07)	100 Percent of children with parental consent to evaluate will be evaluated and eligibility determined within State required timelines.
2007 (2007-08)	100 Percent of children with parental consent to evaluate will be evaluated and eligibility determined within State required timelines
2008 (2008-09)	100 Percent of children with parental consent to evaluate will be evaluated and eligibility determined within State required timelines.
2009 (2009-10)	100 Percent of children with parental consent to evaluate will be evaluated and eligibility determined within State required timelines
2010 (2010-11)	100 Percent of children with parental consent to evaluate will be evaluated and eligibility determined within State required timelines.

Improvement Activities/Timelines/Resources:

Activity	Timelines	Resources
Provide incentives and professional support activities to ensure the availability of appropriately qualified assessment personnel	2005-11	Bilingual Personnel Development Center Bilingual Special Education Personnel Preparation United Federation of Teachers Special Education Support Program Bilingual School Psychology and Speech and Language
Analyze reasons for delays in evaluations and provide technical assistance to school districts to address those factors that are district/regional issues.	2007-11	SEQA and Policy staff

Activity	Timelines	Resources
Consider changes to State required timelines to align school age and preschool timelines with federal regulations.	2007-08	SED Policy staff
Clarify State policy to require school districts to conduct evaluations of preschool students when an approved evaluator is not available to meet the required timelines. Issue guidance to the field.	2007-08	SED Policy staff
Update and widely disseminate the guidance document: *Individual Evaluations and Eligibility Determinations for Students with Disabilities* and *Guide for Determining Eligibility and Special Education Programs and/or Services for Preschool Students with Disabilities*	2007-08	SED Policy staff
Ensure more appropriate referrals for evaluations by promoting a response-to-intervention process to ensure appropriate instruction prior to referral for special education. • Amend State policy to define the response to intervention process • Develop and disseminate statewide guidance on response to intervention processes • Provide grants to support response to intervention processes to school districts with high classification rates • Provide professional development to SEQA monitoring staff and SETRC on research-based literacy programs and response to intervention programs.	2007-11	State law/regulation amendments VESID Policy/Program Development Staff SETRC

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

Overview of the State Performance Plan Development

See *Overview of the State Performance Plan Development* preceding Indicator #1. In addition, NYS consulted with the NYCDOE to identify NYC specific issues and needed improvement activities.

Monitoring Priority: Effective General Supervision Part B / Effective Transition

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

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

Measurement:

a. # of children who have been served in Part C and referred to Part B for eligibility determination.
b. # of those referred determined to be NOT eligible and whose eligibilities were determined prior to their third birthday.
c. # of those found eligible who have an IEP developed and implemented by their third birthday.
d. # of children for whom parent refusal to provide consent caused delays in evaluation or initial services.

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

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

New York State will compute its baseline data by including the following elements:

a. # of children referred by Part C prior to age 3, who are found eligible for Part B.
b. # of children whose IEPs were implemented by their third birthday.
c. # of children whose IEPs were not implemented by their third birthday but for reasons that are “in compliance” with State regulations.

Baseline Data = [(b+c) divided by (a)] times 100

Overview of Issue/Description of System or Process

The Department of Health (DOH) under the Early Intervention Program (Part C) provides services to children with disabilities, birth to two. SED has responsibility for providing services to preschool children with disabilities, ages three to five (Part B).

The Memorandum of Understanding (MOU) between SED and DOH focuses on activities that will result in a smooth transition from Part C to Part B services for children beginning at age three. Early Intervention Officials (EIO) have responsibility under Public Health Law for notifying school districts (with parental consent) of an Early Intervention (EI) child's potential eligibility for services under preschool special education and for arranging a transition conference at least 120 days before the child is first eligible for preschool programs and services. A parent may also refer the child directly to the CPSE. The transition conference is scheduled at least 90 days before the child is first eligible for preschool programs and services, and is attended by the EIO, the service coordinator, the parent(s) and the chairperson of the CPSE. The purpose of the transition conference is to decide whether the child should be referred to preschool special education for determination of eligibility, to review program options available to the child and family, and to develop a transition plan. This process ensures continuity of services for the child. The timely referral and evaluation of children to preschool special education and the provision of a free appropriate public education (FAPE) in the LRE by school districts are reviewed under the SEQA preschool focused monitoring review process.

The evaluation and eligibility determination of a preschool student must be made within 30 school days of receipt of the parent's consent to evaluation. The CPSE provides the parent with a list of approved programs that have a multidisciplinary evaluation component. The parent selects the approved evaluation program to conduct the individual evaluation of his or her child and the board of education arranges for the evaluation by the service provider selected by the parent. In addition, with the consent of the parents, approved evaluators and CPSEs must be provided with the most recent evaluation report for a child in transition from programs and services provided pursuant to title two-a of article 25 of the Public Health Law.

New York State Public Health Law, section 2541(8)(a) provides that a child's eligibility for EI services ends as of his or her third birthday, unless the child has been referred to the CPSE and found eligible for preschool special education services before his or her third birthday. Under these provisions, parents may elect to either transition the child to preschool special education or continue their child in early intervention programming beyond the third birthday until either September or January, according to the following rules:

- If the child turns three years of age on or before the thirty-first day of August, the child shall, if requested by the parent, be eligible to receive early intervention services contained in an Individualized Family Service Plan (IFSP) until the first day of September of that calendar year; or,

- If the child turns three years of age on or after the first day of September, the child shall, if requested by the parent and if already receiving EI services, be eligible to continue receiving such services until the second day of January of the following calendar year.

When the parent elects to continue in EI under these provisions, the CPSE would write the IEP and indicate the starting date for special education services as of September or January, respectively. In no cases may the child receive EI and preschool special education services simultaneously.

Upon receipt of the recommendation of the CPSE, the board of education must arrange for the preschool student with a disability to receive such programs and services commencing with the July, September or January starting date for the approved program, unless such services are recommended by the CPSE less than 30 school days prior to, or after, the appropriate starting date selected for such preschool student, in which case, the IEP must be implemented no later than 30 school days from the recommendation of the CPSE.

Baseline Data for FFY 2005 (2005-06)

SED did not collect data using the same specific measurement required by OSEP for the SPP in order to report baseline data for 2004.

Plan to collect the data

SED developed a new form (PD-9) to collect data from a representative sample of school districts during the 2005-06 school year (July 1, 2005 to June 30, 2006) on the percent of children referred by Early Intervention (IDEA, Part C) prior to age three, who are found eligible for preschool programs and/or services under IDEA, Part B, and who have an IEP developed and implemented by their third birthday. NYS will use these data to identify noncompliance and establish corrective actions for those school districts in which the data indicates less than 100% of children referred by Part C prior to age 3, who are found eligible for Part B, have an IEP developed and implemented by their third birthday for noncompliant reasons.

To collect baseline data on the transition of children from early intervention (Part C of IDEA) to preschool special education programs and/or services (Part B of IDEA), the PD form will direct the school districts to report the following information:

- The numbers of children referred from Part C (Early Intervention) to Part B for preschool special education programs and/or services prior to the age of 3 who were found eligible and not eligible on or before age three and after the age of 3. Of this number, how many had their IEPs developed and implemented on or before the age of 3 and after the age of 3.
- The reasons for more referrals for evaluation than initial eligibility determinations (e.g., parents withdrew consent; student moved out of the district before the evaluation was completed; student awaiting an evaluation; other reasons).

- The reasons for delays in initial eligibility determinations (e.g., an approved evaluator was not available to provide the evaluation in a timely manner; the parents refused or repeatedly failed to make the child available for the evaluation; the parents canceled the scheduled evaluation and/or selected another approved evaluator; the child transferred to the district after the evaluation period began in a previous school district and the parents and district agreed to an extended time period to complete the evaluation; other reasons).
- The reasons for delays in developing and implementing children's IEPs prior to the children's third birthday (e.g., parents chose to continue their child in the Early Intervention program after the child became age three; parents chose not to enroll their child in the recommended program; programs and/or services were not available; child moved out of the district prior to the child's third birthday; other reason).
- The number of days of delay in developing and implementing IEPs by a preschool child's third birthday (1-10 days; 11-20 days; 21-30 days; more than 30 days).

Sampling Methodology

Sampling will be used to establish the 2005-06 baseline for this indicator. One-sixth of the school districts in NYS that are representative of the State will report data for this indicator annually until all school districts have reported these data over a six year period. This represents approximately 120 school districts each year. The NYC School District will be included in the sample each year. It is the only school district in the State with a total enrollment of 50,000 or more students.

NYS has distributed all school districts among six statewide representative samples. These six groups of school districts were tested with Analysis of Variance (ANOVA) and there was no statistical difference among the six groups of school districts on the population variables described in Attachment 2. All school districts will have a choice of reporting data on all eligible students for this indicator or they may submit data on a randomly selected sample of minimum number of students using the sampling guidelines provided below.

Federal Indicator Number	Eligible Population of Students From Which a Random Sample Must be Selected	Minimum Number of Students in the Sample	Method for Selecting Students	Required Documentation
12	All children who are referred for special education services under Part C to Part B prior to age 3 during the school year (July 1-June 30).	Use a sampling calculator. Require 95% confidence interval and plus or minus 2% margin of	Random selection using a random number table.	Documentation period is seven years. Maintain list of all eligible students, copy of Random Number Table used, beginning random number

Federal Indicator Number	Eligible Population of Students From Which a Random Sample Must be Selected	Minimum Number of Students in the Sample	Method for Selecting Students	Required Documentation
		error.		for selecting students and list of all students who were selected and their number.

Baseline Data for 2005 (2005-06)

86.5 percent of children who were referred from Part C to Part B for eligibility determination and services had their eligibility determination made and IEP implemented by their third birthday. This percentage includes children whose delays in eligibility determination or IEP implementation were for reasons that are in compliance with State requirements.

In the 2005-06 school year, 117 school districts that are representative of the State provided data to the State on the numbers of children who were receiving EI services for whom parents provided consent to evaluate for determination of eligibility for preschool special education programs or services under Part B of IDEA. Data were collected on the numbers of children found eligible and numbers of children found not eligible prior to their third birthday and on the numbers of IEPs developed and implemented prior to children's third birthday. Data were also collected on the number of days past the children's third birthday when the IEP was implemented and the reasons for the delays. Of the 117 school districts reporting data for this indicator, 116 provided information on all eligible children and 1 provided information on a sample of students.

The table below provides NYS' baseline data calculation for the 2005-06 school year.

*The federal calculation described in the measurement section of this indicator for NYS is as follows: [(C) /(A-B-D)]*100 = 26.9%

	A	B	C	D	E	F
Region	**# of children who have been served in Part C and referred to Part B for eligibility determination**	**# of those referred determined to be NOT eligible and whose eligibilities were determined prior to their third birthday.**	**# of those found eligible who have an IEP developed and implemented by their third birthday.**	**# of children for whom parent refusal to provide consent caused delays in eligibility determination or initial services**	**# of children for whom delays in determination of eligibility or delays in implementing the IEP were caused by reasons that are "in compliance" with State requirements**	**Baseline Data Calculation*: [(C) /(A-B-D-E)]*100**
Central	296	20	48	19	176	59.3%
Eastern	158	4	55	3	94	96.5%
Hudson Valley	214	11	109	5	79	91.6%
Long Island	321	11	121	4	177	93.8%
New York City	1,825	47	165	659	921	83.3%
Western	282	20	116	13	123	92.1%
Total State	**3,096**	**113**	**614**	**703**	**1,570**	**86.5%**

Column D in the table above includes the following other reasons determined to be "in compliance" with State requirements for implementing the IEP past the child's third birthday for children included in Column A above:

- Parents chose to continue their children in EI and transition to preschool after the child became three years of age. (1172 children)
- Parents chose not to enroll child in recommended program. (This is the same as parents did not provide consent for services.) (84 children)
- Child moved from district prior to determination of eligibility or prior to IEP implementation by age 3. (16 children)
- Parents refused or repeatedly did not make the child available for the evaluation. (158 children)
- Parents canceled the scheduled evaluation and/or selected another site or approved evaluator. (21 children)
- Children were referred to CPSE less than 30 days before their third birthday. (113 children)
- Child transferred to a new district after the evaluation period began and parents and new district agreed to an extended time period. (2 children)

- Eligibility determined within timelines but services to start opening of school which is past child's third birthday. (4 children)

Some of the reasons provided by school districts for implementing the child's IEP past the third birthday determined to be "out of compliance" with State requirements were as follows:

- Evaluator was not available or evaluator caused delays
- CPSE did not meet to determine eligibility in a timely manner
- Additional evaluations were needed than originally scheduled
- Scheduling difficulties
- Recommended Part B programs and/or services were not available when the child turned three years of age.
- Still awaiting evaluations as of reporting date

Number of Days past the Third Birthday When IEPs were Implemented: Some of these children had delays for reasons that are "in compliance" with State requirements and some are for reasons that are considered to be "out of compliance" with State requirements. Data were not collected in such a way as to be able to distinguish between the two types of delays:

Region	1 to 10 Days	11 to 20 Days	21-30 Days	More than 30 Days
Central	32	13	14	118
Eastern	10	10	7	61
Hudson Valley	15	8	4	58
Long Island	17	11	12	135
New York City	39	38	40	642
Western	6	10	11	101
Total State	**119**	**90**	**88**	**1,115**

Of all the Children in Each SEQA Region Whose IEPs are Delayed (displayed in the table above), What Percentage are Delayed by the Number of Days:

Region	1 to 10 Days	11 to 20 Days	21-30 Days	More than 30 Days
Central	18.1%	7.3%	7.9%	66.7%
Eastern	11.4%	11.4%	8.0%	69.3%
Hudson Valley	17.6%	9.4%	4.7%	68.2%
Long Island	9.7%	6.3%	6.9%	77.1%
New York City	5.1%	5.0%	5.3%	84.6%
Western	4.7%	7.8%	8.6%	78.9%
Total State	**8.4%**	**6.4%**	**6.2%**	**79.0%**

Discussion of Baseline Data

- All school districts that reported having less than 100% of children whose eligibility was not determined or whose IEPs were not implemented by their third birthday according by NYS' formula for baseline calculation for this indicator will be required to take actions to improve their compliance rates and report improvement to the State.

- NYS will modify its data collection instrument for the 2006-07 school year such that we will be able to compute a compliance rate based on all students referred from EI to preschool more precisely.

- NYS is working towards being able to collect these data at the student level in such a way as to determine the student specific reasons for delays in eligibility determinations and IEP implementation.

- School districts reported large numbers of children whose parents opted to continue receiving services in EI until after the child turned three years of age.

- Based on NYS' baseline calculation, the Central SEQA region had the lowest percentage of children who had timely determinations of eligibility and IEPs implemented by children's third birthday (59.3%). The Eastern region had the largest such percentage (96.5%).

- NYC reported the greatest percentage of children who experienced the longest delays (more than 30 days) in receiving services (84.6%) compared to other regions.

- School districts reported that most of the delays in implementing IEPs were for reasons that are "in compliance" with State requirements.

Measurable and Rigorous Targets

FFY	Measurable and Rigorous Target
2005 (2005-06)	100% of children referred by Part C prior to age 3, who are found eligible for Part B, will have an IEP developed and implemented by their third birthday or in compliance with timelines established in State law.
2006 (2006-07)	100% of children referred by Part C prior to age 3, who are found eligible for Part B, will have an IEP developed and implemented by their third birthday or in compliance with timelines established in State law.
2007 (2007-08)	100% of children referred by Part C prior to age 3, who are found eligible for Part B, will have an IEP developed and implemented by their third birthday or in compliance with timelines established in State law.
2008 (2008-09)	100% of children referred by Part C prior to age 3, who are found eligible for Part B, will have an IEP developed and implemented by their third birthday or in compliance with timelines established in State law.
2009 (2009-10)	100% of children referred by Part C prior to age 3, who are found eligible for Part B, will have an IEP developed and implemented by their third birthday or in compliance with timelines established in State law.
2010 (2010-11)	100% of children referred by Part C prior to age 3, who are found eligible for Part B, will have an IEP developed and implemented by their third birthday or in compliance with timelines established in State law.

Improvement Activities/Timelines/Resources

Activity	Timeline	Resources
Annually review and update the MOU between DOH and SED that focuses on activities that will result in a smooth transition from Part C to Part B services for children beginning at age three, including monitoring programs that are approved by DOH and SED to serve both EI and preschool children with disabilities.	2005-11	SED staff
Develop a joint DOH and SED guidance document: *Transition of Children at Age Three from the New York State Department of Health Early Intervention Program to the State Education Department Preschool*	2005	DOH and SED

Activity	Timeline	Resources
Special Education Program or Other Early Childhood Services Develop and disseminate a video/training program on transition from EI to preschool special education. Provide training to ECDCs, EI and preschool staff and administrators. ECDCs will conduct turnkey training regionally. Conduct joint training, technical assistance and monitoring on requirements for the timely transition of children with disabilities from EI to preschool special education.	2005-06 2005-06 2005-07	DOH and SED ECDCs DOH and SED
Approve new program applications and requests for program expansions in regions where data indicates preschool students are not receiving services by their third birthdays where there is documented need for additional programs.	2005-11	VESID staff
Continue to authorize variances to class size maximums where appropriate to allow additional students to be temporarily admitted to a preschool program after the start of the school year.	2005-11	VESID staff
Address shortages of qualified personnel to provide evaluations and services to preschool students. Provide technical assistance to NYCDOE on the provision of interim alternate bilingual program and services for English language learners/limited English proficient preschool students with disabilities.	2005-08	See indicator #1
Require corrective action in those school districts in which data indicate noncompliance.	2005-11	VESID
Propose a regulatory amendment to address the role of the school district in evaluating a preschool child with a	2007	VESID

Activity	Timeline	Resources
disability and providing services in a timely manner.		

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

Overview of the State Performance Plan Development

See *Overview of the State Performance Plan Development* preceding Indicator #1. In addition to the plan development activities described previously, the Department sought the input on data collection for this indicator with the transition subcommittee of the Commissioner's Advisory Panel for Special Education, representatives of the Transition Coordination Sites (TCS) and representatives of the Employment and Disability Institute of Cornell University working on *TransQUAL Online*, a tool to support school district teams to improve their practices in career development and transition.

Monitoring Priority: Effective General Supervision Part B / Effective Transition

Indicator #13: Percent of youth aged 15[2] and above with an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals.

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

Measurement:

Percent = # of youth with disabilities aged 15 and above with an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals divided by # of youth with an IEP age 15 and above times 100.

Overview of Issue/Description of System or Process

State law and regulations define transition services to mean a coordinated set of activities for a student with a disability, designed within a results-oriented process that is focused on improving the academic and functional achievement of the student with a disability to facilitate the student's movement from school to post-school activities, including, but not limited to, post-secondary education, vocational education, integrated competitive employment (including supported employment), continuing and adult education, adult services, independent living, or community participation. The coordinated set of activities must be based on the individual student's needs, taking into account the student's strengths, preferences and interests, and must include needed activities in instruction; related services; community experiences; the development of

[2] The federal indicator is age 16. NYS has elected to measure this beginning at age 15, since State regulations require that transition services be indicated on a student's IEP to be in effect when the student turns age 15.

employment and other post-school adult living objectives; and when appropriate, acquisition of daily living skills and functional vocational evaluation.

When the purpose of an IEP meeting is to consider transition services, the meeting notice must indicate this purpose, indicate that the school district/agency will invite the student to participate in the meeting; and identify any other agency that will be invited to send a representative.

In NYS, transition services must be on a student's IEP beginning not later than the first IEP to be in effect when the student is age 15 (and at a younger age, if determined appropriate), and updated annually. The IEP must, under the applicable components of the student's IEP, include:

- under the student's present levels of performance, a statement of the student's needs, taking into account the student's strengths, preferences and interests, as they relate to transition from school to post-school activities;
- appropriate measurable postsecondary goals based upon age appropriate transition assessments relating to training, education, employment and, where appropriate, independent living skills;
- statement of the transition service needs of the student that focuses on the student's courses of study, such as participation in advanced-placement courses or a vocational education program;
- needed activities to facilitate the student's movement from school to post-school activities, including instruction, related services, community experiences, the development of employment and other post-school adult living objectives and, when appropriate, acquisition of daily living skills and functional vocational evaluation; and
- a statement of the responsibilities of the school district and, when applicable, participating agencies for the provision of such services and activities that promote movement from school to post-school opportunities, or both, before the student leaves the school setting.

VESID's Strategic Plan Goals, Key Performance Indicators and Targets (June 2004, revised October 2004) included the Key Performance Indicator, "Individualized Education Program (IEP) with transition goals, objectives and services for students with disabilities."

Plan to collect baseline data

NYS will collect data from a statewide representative sample of school districts on this indicator and use a monitoring protocol to select and review the IEPs in the representative sample of school districts. Over a six-year period beginning with the 2005-06 school year, all school districts will provide data on this indicator.

<u>Sampling methodology</u>

NYS has distributed all school districts among six statewide representative samples. These six groups of school districts were tested with Analysis of Variance (ANOVA) and there was no statistical difference among the six groups of school districts on the

population variables described in Attachment 2. These population variables were from the 2000 decennial census. New York City is the only school district in the State with a total enrollment of 50,000 or more students, so it will be represented in each of the six samples.

By January 2006, SED will notify the selected sample districts that they must conduct a self-review of a randomly selected sample of IEPs of all students with disabilities ages 15-21.

Federal Indicator Number	Eligible Population of Students From Which A Random Sample Must be Selected	Minimum Number of Students in the Sample	Method for Selecting Students	Required Documentation
13	All students with disabilities ages 15-21 who are provided special education services in district-operated programs or under contract with other service providers.	All students up to 30 eligible students. NYC samples 100 students.	Random selection using a random number table	Documentation period is seven years. Maintain list of all eligible students, copy of Random Number Table used, beginning random number for selecting students and list of all students who were selected and their number

A school district may choose to review additional IEPs above the minimum number in order to improve the confidence with which results can be generalized to the entire population especially when there is wide variation in the results. In some cases, the State may require the review of additional IEPs.

SED will require that school districts maintain documentation as described above if they choose to report data on a sample of students. The totally random sampling methodology and required documentation should eliminate selection bias. The State will attempt to prevent missing data by first describing precisely what SED needs to collect, providing technical assistance and then following up with school districts to request missing data. The completeness of data collection will improve after the first year and will continue to improve as long as requirements remain unchanged. All issues of confidentiality will be handled in accordance with the rules and procedures in FERPA. SED will also guard against divulging personally identifiable information by not reporting results when there are less than five students for whom data are available or when those results can be easily calculated based on other data provided.

IEP Review Process

By February 2006, SED will provide an "IEP/Transition Self-Review" monitoring protocol to all school districts. The school districts selected for the representative sample will be directed to complete the "Transition IEP" self-review monitoring protocol on a representative sample of IEPs and document results on a form prescribed by SED. The form will require documentation of the percent of students whose IEPs met each of the compliance requirements on the monitoring protocol. The State is exploring the development of an on-line reporting system (e.g., an adaptation of the *TransQUAL, Online* system) through which school districts would be required to submit the aggregate results of the self-review. SED will arrange for professional development on the self-review protocol and *TransQUAL, Online* system through TCS and SETRC. Training will be ongoing in subsequent years, as needed.

Districts will be directed to complete and enter data on their IEP reviews by August 31. SED will arrange for random verification reviews of reported data in school districts in each SEQA region. All school districts identified through the self-review or verification process as not having IEPs that include appropriate documentation of post-secondary goals and transition services on a student's IEP will be directed to correct the noncompliance as soon as possible, but no later than one year from the date of identification.

The review of IEPs required a determination as to whether the IEPs in the sample selected included specific transition content information and whether the content of the IEP would reasonably enable the student to meet measurable post-secondary goals. A qualitative review of the IEPs around the following eight components was conducted:

- Students actively participate in planning their educational programs leading toward achievement of post-secondary goals.
- IEPs are individualized and are based on the assessment information about the student's, including individual needs, preferences, interests and strengths of the students.
- Transition needs identified in the students' assessment information are included in the students' present levels of performance.
- Annual goals address students' transition needs identified in the present levels of performance and are calculated to help each student progress incrementally toward the attainment of the post-secondary goals.
- The recommended special education programs and services will assist the students to meet their annual goals relating to transition.
- The statements of needed transition services are developed in consideration of the students' needs, preferences and interests, are directly related to the students' goals beyond secondary education and will assist the students to reach their post-secondary goals.
- Courses of student are linked to attainment of the students' post-secondary goals
- The school district and appropriate participating agencies coordinate their activities in support of the students' attainment of post-secondary goals.

Baseline Data for FFY 2005 (2005-06)

33.3 percent of youth, ages 15 and above, had IEPs that included coordinated, measurable annual IEP goals and transition services to reasonably enable them to meet their post-secondary goals.

Discussion of Baseline Data

The 2005 baseline data is based on the monitoring review of IEPs from a representative sample of 108 school districts, including New York City. The total number of students with IEPs, ages 15-21 in NYS during the 2005-06 school year was 54,780. The total number of IEPs reviewed from these representative school districts was 3,541. Of the 3,541 IEPs, 1,176 were found to have been in compliance with all IEP transition requirements.

Of the 108 school districts:

- 43 school districts reported that 0 percent of their student's IEPs that were reviewed met compliance with the IEP transition requirements.
- 34 school districts reported between 1 and 49 percent of their students' IEPs that were reviewed met the transition requirements.
- 12 school districts reported between 50 and 79 percent of their IEPs that were reviewed met the transition requirements
- 19 percent reported between 80 and 100 percent of IEPs that were reviewed met the transition requirements.

Regional variations are noted in the following chart. NYC, from which nearly one third of the students with disabilities are educated, reported that none of their IEPs met all of the compliance indicators.

2005-06 Indicator 13 - Transition IEP Baseline Data					
Transition Coordination Site (TCS) Region	Total # of School Districts Reviewed	Number of Reviewed School Districts with IEPs found in Compliance			
		0% of IEPs in compliance	1-49% of IEPs in compliance	50-79% of IEPs in compliance	80-100% of IEPs in compliance
Eastern	18	6	3	3	6
Hudson Valley	22	16	4	2	0
Long Island	23	2	6	4	11
Mid-State	14	5	7	1	1
Mid-West	17	8	8	0	1
NYC	1	1	0	0	0
Western	13	5	6	2	0
Totals	**108**	**43**	**34**	**12**	**19**

Technical assistance personnel from VESID's funded TCSs and/or SETRC facilitated the reviews of most of the school districts compliance with this indicator. This served as part of the verification process and afforded districts technical assistance during the compliance review. In most cases it was indicated that districts are often providing appropriate transition programs and services but not accurately documenting this information on the students' IEPs.

Data for each of the eight compliance indicators is reported in the chart below. Major findings include:

- 23 percent of districts reported compliance with the requirement for measurable post-secondary goals. This is a new requirement for school districts (IDEA 2004).
- 24 percent reported compliance with documenting a student's transition needs under the IEP section "present levels of performance." However, TCS and SETRC staff participating in these reviews reported that district staff were generally able to orally describe the student's needs, but often failed to accurately capture those needs in writing in the IEPs.
- More than 70 percent of school districts were in compliance with the requirement to document recommended special education programs and services.
- More than 57 percent of the school districts invited and/or otherwise provided for the student's participation in the transition planning process.

Compliance Rate for Individual Regulatory Citations - Transition IEPs		
Requirement	**Number of Districts in Compliance**	**Percent of Districts in Compliance**
When the CSE met to consider transition service needs, the school district invited the student. If the student did not attend, the district ensured that the student's preferences and interests were considered	62	57.41%
Under the student's present levels of performance, the IEP includes a statement of the student's needs, taking into account the student's strengths, preferences and interests, as they relate to transition from school to post-school activities.	26	24.07%
The IEP includes appropriate measurable post-secondary goals based upon age appropriate transition assessments relating to training, education, employment and, where appropriate, independent living skills.	25	23.15%
The IEP includes measurable annual goals consistent with the student's needs and abilities, including (if applicable) benchmarks or short-term objectives.	58	53.70%
The IEP includes a statement of the transition service needs of the student that focuses on the student's courses of study.	45	41.67%
The IEP indicates the recommended special education program and services to advance appropriately toward	76	70.37%

Compliance Rate for Individual Regulatory Citations - Transition IEPs		
Requirement	**Number of Districts in Compliance**	**Percent of Districts in Compliance**
meeting the annual goals relating to transition needs.		
The IEP includes needed activities to facilitate the student's movement from school to post-school activities, including: instruction, related services, community experiences, the development of employment and other post-school adult living objectives, and when appropriate, acquisition of daily living skills and functional vocational evaluation.	35	32.41%
The IEP includes a statement of the responsibilities of the school district and, when applicable, participating agencies, for the provision of such services and activities that promote movement from school to post-school opportunities, or both.	40	37.04%

Measurable and Rigorous targets

FFY	Measurable and Rigorous Target
2005 (2005-06)	100 percent of youth* aged 15 and above will have IEPs that include coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals.
2006 (2006-07)	100 percent of youth* aged 15 and above will have IEPs that include coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals.
2007 (2007-08)	100 percent of youth* aged 15 and above will have IEPs that include coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals.
2008 (2008-09)	100 percent of youth* aged 15 and above will have IEPs that include coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals.
2009 (2009-10)	100 percent of youth* aged 15 and above will have IEPs that include coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals.
2010 (2010-11)	100 percent of youth* aged 15 and above will have IEPs that include coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals.

* percent of youth with IEPs reviewed

Improvement Activities/Timelines/Resources

Activity	Timeline	Resources
Provide targeted training and technical assistance to school districts to improve transition planning process; assist districts and adult service agencies to develop and strengthen transition programs and services.	2005-11	7 regional Transition Coordination Sites funded through IDEA Part B discretionary funds
Develop a self-review monitoring protocol for IEP transition planning requirements.	2006	SED staff
Develop and disseminate statewide a transition planning policy guidance document	2007-08	SED Policy Staff
Require 1/6 of NYS school districts and NYC to annually conduct a review of their policies, procedures and practices for transition planning. Encourage transition coordination site and SETRC personnel to facilitate the transition self-reviews, providing on-site improvement strategies during the review process.	2006-11	SED staff; SETRC, and TCS staff
Require school districts with poor results in the transition planning to work with TCSs to improve their transition planning process.	2007-11	TCS staff
Develop a statewide training program on IEP transition planning development.	2007	TCS staff
Assist school districts to assess school improvement transition planning needs, prioritize desirable changes, develop strategic plans to implement those changes and record their results. School improvement through TRANSQUAL ONLINE focuses on: • district program structure • interagency and interdisciplinary collaboration • family involvement • student involvement • student development	2006-11	TRANSQAUAL ONLINE - funded by SED through Cornell University using IDEA Part B discretionary funds

Activity	Timeline	Resources
TransQUAL, Online provides a standardized set of quality indicators for transition procedures based on Dr. Paula Kohler's Taxonomy of Transition Programming, which allows a school to self-identify its needs for improvement and to use a strategic plan template to make improvements. Hyperlinks are made to on-line technical assistance information and effective practices. School data is password and username protected and history files are created from year to year so a school can revisit and revise its plans and self-assessments. Approximately half the school districts in the State have used the on-line tool. Aggregated data from the tool is available to the TCS to identify common needs and guide local training and development activities.		
Technical assistance to IEP software developers to support development of programs that support appropriate transition planning components in IEPs	2007-08	TCSs
New York City: TCS will provide training on the development of the IEP to NYC school based transition coordinators. Cornell University's Employment and Disability Institute will work with NYC to advance the use of the TRANSQUAL Online toolkit with secondary programs.	2007-11	New York City TCS NYC SETRC Cornell University
Implement Model Transition Programs in 60 school districts throughout the State	2007-11	Competitive contracts with 60 school districts in collaboration with VESID Vocational Rehabilitation District Offices
Discuss findings with IEP software companies to promote development of programs to assist districts with compliance.	2007-08	Information dissemination to and/or meetings with the major NYS IEP software companies.

Activity	Timeline	Resources
Analyze and disseminate the results of NYS' Longitudinal Post School Indicators Study of outcomes for former special and general education students who left school in 2000 and 2001 with a Regents, Local or IEP diploma. Comparative analysis of high school experiences of the class of 2001 in relation to their post-school outcomes indicate that the combined presence during the student's K-12 educational program of helpful transition planning, early planning, provision of career and postsecondary information, participation by students and families, integration, academic achievement and a safe educational environment are significantly related to positive post school transitions.	2005-07	Post School Indicator Study - SUNY Potsdam contract with IDEA Part B funds.

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

Overview of the State Performance Plan Development

See Overview *of the State Performance Plan Development* preceding Indicator #1. In addition to the plan development activities described previously, the Department sought the input on data collection for this indicator with the transition subcommittee of the Commissioner's Advisory Panel for Special Education, representatives of the TCS and representatives of the State University of New York (SUNY) at Potsdam working on the NYS Longitudinal Post School Indicators Study (NYS LPSI).

Monitoring Priority: Effective General Supervision Part B / Effective Transition

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

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

Measurement:

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

Overview of Issue/Description of System or Process

Through contract with SUNY at Potsdam, NYS has been conducting a longitudinal post school study in which 13,000 special education and general education students have been followed since they were seniors in 2000 and 2001. The NYS LPSI study follows two randomly selected representative samples of special and general education seniors who left high school in 2000 (beta sample) and in 2001 (main sample) with regular high school diplomas (Regents or Local) or IEP diplomas from the point of senior exit, then at one, three and five years beyond high school. Given the extensive body of research on the negative post-school consequences of dropping out and the high cost of tracking down these students beyond school, students who dropped out were excluded from the NYS LPSI. The NYS LPSI questions are designed to determine how in-school transition preparation relates to community living, postsecondary education and career participation on a post school basis. This study will be concluded in September 2007.

The NYS LPSI found that 83 percent of the Class of 2001 completers at one year out of high school successfully transitioned to employment, postsecondary education or day program alternatives. Day program alternatives are adult service programs designed for persons with the most severe disabilities who cannot successfully compete in the

competitive labor market or postsecondary education even with extensive support. This rate was 75 percent for the class of 1995. Thus in six years, for completers, the rate of successful post school transitions increased eight percentage points.

Former general education students included in the NYS LPSI left the same schools in the same years as the special education students sampled. Ninety-six (96) percent of general education students who left high school with regular high school diplomas transitioned to postsecondary education or employment within one year of high school completion. Thus, compared to their general education peers at one year beyond high school, students with disabilities experience a gap in post school outcomes of approximately 13 percentage points.

Baseline Data for FFY 2004 (2004-05)

The baseline data for students exiting school in 2005-06 will be reported in the 2008 APR.

Plan to collect baseline data

2006:

NYS will redirect the activities of the SUNY Potsdam LPSI to collect baseline data on a representative sample of one-sixth of the school districts in the State. See sampling plan below.

Exiters are defined to include those students with disabilities completing the program with any diploma or certificate of completion (Regents or local diploma, IEP diploma, HSE), completing by reaching maximum age to attend special education or those dropping out in the school year 2005-06.

Employment is defined as competitive employment for at least minimum wage, either full time or part time, for any length of time.

Post secondary school enrollment is defined as participation in a two- or four-year college program, vocational or technical education beyond high school and adult basic education, either full or part time.

- By January 2006, school districts selected for sampling for this indicator will be notified that they must obtain contact information and consent to be contacted from all students who leave secondary school between the months of January to June 2006. School districts will provide demographic and contact data to the LPSI contractor for these students. Demographic data will include name of the school district and student identification, date of birth, year of exit, primary disability, gender, race/ethnicity information, type of school exit (e.g., graduation, drop out, aging out) and special education placement during the student's last year of school participation.

- By September 2006, school districts will submit the contact and demographic information to the LPSI contractor, who will verify completeness of information with school districts and initiate planning for interviewing, via a calling center, regional interviewers, mail and on-line survey alternatives.

<u>2007 activities related to 2005-06 exiters:</u>

- By February 2007, SED will notify 2005-06 students of the upcoming survey and encourage their participation when contacted by the LPSI contractor.

- From May through the end of July 2007, interviews will be conducted by the LPSI contractor with approximately 4,500 students exiting school during 2005-06, using a modified form of the National Post-School Outcomes Center Post-School Data Collection Protocol, involving twelve basic questions plus one qualitative question. Questions pertaining to employment and postsecondary education include the following:

Employment

1. The level of employment, from working in a competitive employment setting for pay to supported employment
2. If employed at all during the previous year
3. If currently employed
4. Hours worked per week
5. Typical hourly wage received
6. If the job provides health insurance benefits (an indicator of the stability of the level of engagement in the world of work).
7. If not employed, why?

Postsecondary education

8. The level of postsecondary education (from 4-year college program to Adult Basic Education)
9. If ever participated in postsecondary education
10. If currently involved in postsecondary education
11. Whether enrolled full or part time
12. If not engaged in postsecondary education, why?

The interviewer will record whether the student or the student's designee answered for the student.

- By the end of September 2007, the LPSI contractor will provide a compiled report back to each school district and to SED for reporting purposes. The compilation will indicate the response rate.

- One year out interviews will be conducted from May through July beginning in 2007 and each subsequent year.

- Final reports to LEAs and SED will be provided by the end of September beginning in 2007 and each subsequent year.

Sampling Plan

Sampling will be used to establish the 2005-06 baseline for this indicator. One-sixth of the school districts will report data on this indicator in 2005-06 and a different sample group of school districts will report in subsequent school years until all school districts report data on this indicator over six years. This represents approximately 120 school districts each year. The NYC School District will be included in the sample group each year. It is the only school district in the State with a total enrollment of 50,000 or more students.

NYS has distributed all school districts among six statewide representative samples. These six groups of school districts were tested with Analysis of Variance (ANOVA) and there was no statistical difference among the six groups of school districts on the population variables described in Attachment 2. These population variables were from the 2000 decennial census.

All school districts will have a choice of reporting data on all eligible students or submitting data on a randomly selected sample of students. The minimum number of students required for this indicator can be obtained by using the sampling calculator provided by the State and the guidelines provided below. The vast majority of school districts will need to submit data on all eligible students for this indicator. For some large school districts, if it will be less burdensome to report on a sample of students, the methodology described below (totally random sampling) is likely to produce a sample that is representative of the school district in terms of all variables, since every eligible student has the same chance as another student to be selected for the sample.

SED will require that school districts maintain documentation as described below if they choose to report data on a sample of students. The totally random sampling methodology and required documentation should eliminate selection bias. The Department will attempt to prevent missing data by first describing precisely what the State needs to collect, providing technical assistance and then following up with school districts to request missing data. The completeness of data collection will improve after the first year and will continue to improve as long as requirements remain unchanged. All issues of confidentiality will be handled by following in accordance with FERPA. The Department will also guard against divulging personally identifiable information by not reporting results when there are less than five students for whom data are available or when those results can be easily calculated based on other data provided.

Federal Indicator Number	Eligible Population of Students From Which A Random Sample Must be Selected	Minimum Number of Students in the Sample	Method for Selecting Students	Required Documentation
14	All students with disabilities who are no	School districts with less than	Same as above for larger districts	Same as above

Federal Indicator Number	Eligible Population of Students From Which A Random Sample Must be Selected	Minimum Number of Students in the Sample	Method for Selecting Students	Required Documentation
	longer in secondary school but received some special education service during the school year (July 1-June 30) in district-operated programs or under contract with other service provider. (Include all students who left with a credential, reached maximum age for educational services or dropped out.)	100 students with disabilities exiting, survey all students. School districts with 100 or more students use the sampling calculator. Require 95% confidence interval and plus or minus 5% margin of error.		

Improvement Activities/Timelines/Resources

Improvement activities will be reported in the APR due to USED in February 2008.

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

Overview of the State Performance Plan Development

See *Overview of the State Performance Plan Development* preceding Indicator #1.

Monitoring Priority: Effective General Supervision Part B / General Supervision

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

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

Measurement:

A. Percent of noncompliance related to monitoring priority areas and indicators corrected within one year of identification:
   a. # of findings of noncompliance made related to monitoring priority areas and indicators.
   b. # of corrections completed as soon as possible but in no case later than one year from identification.

Percent = b divided by a times 100.

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

B. Percent of noncompliance related to areas not included in the above monitoring priority areas and indicators corrected within one year of identification:
   a. # of findings of noncompliance made related to such areas.
   b. # of corrections completed as soon as possible but in no case later than one year from identification.

Percent = b divided by a times 100.

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

C. Percent of noncompliance identified through other mechanisms (complaints, due process hearings, mediations, etc.) corrected within one year of identification:
   a. # of agencies in which noncompliance was identified through other mechanisms.
   b. # of findings of noncompliance made.

c. # of corrections completed as soon as possible but in no case later than one year from identification.

Percent = c divided by b times 100.

<u>In 2006, USED revised the baseline measurement for this indicator as follows:</u>

Percent of noncompliance corrected within one year of identification:

a. # of findings of noncompliance.
b. # of corrections completed as soon as possible but in no case later than one year from identification.

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

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

<u>Overview of Issue/Description of System or Process</u>

SED has developed an array of formal monitoring protocols for the review of public school districts, BOCES, approved private day and residential schools, child care institutions, charter schools, approved preschools, State supported schools, incarcerated youth, etc. These protocols comprise the SEQA on-site monitoring process. Some versions of these protocols reflect a comprehensive array of regulatory requirements (while other versions reflect "focused monitoring" which include only those regulatory requirements that are considered most closely aligned with the focus of the review. In any given school year, a sample number of school districts and non-district programs around the State are identified for a formal monitoring review.

School districts and community school districts (in NYC) are selected for monitoring based on State Performance Plan data. Beginning with 2006-07, VESID aligned the selection criteria with specific Indicators related to graduation rates, drop out rates and performance on elementary and middle level English language arts and mathematics State assessments in order to identify the districts with the poorest performance. Secondary factors include date of last review, other SED interventions, number of founded complaints during the last three years and regional SEQA staffing resources. Input from regional network partners is considered prior to a final determination being made jointly by the SEQA Regional Supervisor and the BOCES District Superintendent.

In addition to the on-site monitoring activities described above, SED now collects data specific to SPP Indicators 4, 9, 10, and 13, through a district self-review process (see specific indicators for details) and data specific to Indicators 11 and 12, through the PD system (see specific indicators for details). Districts reporting noncompliance in these areas are required to correct all instances of noncompliance within one year of identification. Baseline data in these areas will be reported in the February 2007 SPP and issues of noncompliance identified through these processes will be reported in subsequent years.

In addition to the monitoring of public school programs, SEQA (both in NYC and upstate) monitors a selection of private sector programs each year. SEQA regional offices have a designated caseload of approved private preschool, day and residential schools, and/or State-operated schools, charter schools, agency programs (OMRDD, OMH) as well as programs offered through the Office of Children and Family Services (OCFS). Additionally, SEQA reviews child-specific approvals of private residential school age programs that serve NYS students with disabilities receiving Emergency Interim Placement. Due to the number of schools in these categories, the selection of these programs for monitoring is determined through a review of data, incidence of formal complaints, and stakeholder input (contracting school districts, parents, other State agency and/or education department review). Monitoring priorities are also established by SEQA in consideration of major policy/regulatory implementation.

NYS uses a data based computer system, Quality Assurance Information System (QAIS), to track all monitoring reviews conducted in each Regional Office across the State. Each review is individually logged as soon as selections are made and data is entered at all critical stages (date of initiation, final report issued, compliance issues identified, compliance assurance plans and due dates, status of each issue, date of corrective action(s), date of resolution, etc). Regional Office supervisors use a variety of means to monitor timelines (internal logs, QAIS, status reports).

NYS also uses QAIS to track all written signed complaints received by VESID by each SEQA office. All correspondence meeting this criterion are logged into this system. SEQA staff also use an additional internal log to ensure accurate data collection. Formal complaints are individually logged and the data is entered at all critical stages (60th day, findings issued, specific issues involved, status of each issue, due date for corrective action(s), date of resolution, etc.) SEQA supervisors use a variety of means to monitor timelines such as internal logs, QAIS and complaint summaries.

Baseline Data for FFY 2004 (2004-05) - Reported in the SPP submitted in 2006

The State's baseline on the percent of issues of noncompliance identified that were corrected within one year of the report being issued, based on the revised measurement standard, is **81.20 percent.**

	a. # of findings of noncompliance	**b. # of corrections completed within one year from identification**
SEQA Reviews	1367	1150
60 day complaints	405	289
Total	1772	1439

Percent = [1439(b) divided by 1772 (a)] =.8120 times 100 = **81.20 %**

A & B: Of the 1,367 issues of noncompliance identified in monitoring reports issued during the period 7/1/03-6/30/04, 84.1 percent were corrected within one year of the report being issued with an additional 8 percent corrected as of November 9, 2005. The data represents a total of 98 agencies monitored.

C: Of the 405 issues of noncompliance identified through the State complaint process during the period 7/1/03-6/30/04, 71.4 percent were corrected within one year of the report being issued, with an additional 5.19 percent corrected as of November 9, 2005. The data represent a total of 100 agencies in which noncompliance was identified through the State complaint process.

Table 1: Compliance Issues Identified through Monitoring

Review Reports 2003-2004	# Reports Issued	(a) # Of Findings	(b) # Corrected Within 1 Year	% Corrected Within 1 Year
Achievement	9	59	41	69.5%
LRE	11	63	45	71.4%
Transition/Exiting	2	19	16	84.2%
Performance	37	861	711	82.6%
Charter School	4	4	4	100.0%
Focused Charter School	7	21	20	95.2%
Focused OCFS	1	3	3	100.0%
Non-District	4	165	146	88.5%
Preschool	3	22	21	95.5%
Focus Preschool	20	150	143	95.3%
Totals	**98**	**1367**	**1150**	**84.1%**

The following table identifies the percentage of noncompliance issues identified and corrected through State complaints categorized according to the five domain areas (desk audit, evaluation, due process IEP, FAPE/LRE) used in our comprehensive Performance Review protocol and in QAIS.

Table 2: Compliance Issues Identified through State Complaints

Areas of Noncompliance	(b) # of Findings	(c) # Corrected Within 1 Year	% Corrected Within 1 Year
Written policies	35	24	68.6%
Evaluation	49	32	65.3%
Due Process	79	61	77.2%

Areas of Noncompliance	(b) # of Findings	(c) # Corrected Within 1 Year	% Corrected Within 1 Year
IEP	53	39	73.6%
FAPE/LRE	189	133	70.4%
Totals	**405**	**289**	**71.4%**

Discussion of Baseline Data

All findings of noncompliance identified through monitoring activities and through the State complaint process are reflected in the table above. Most of the reviews included in the baseline data were focused in nature, targeting primarily the priority areas and indicators, and those that were not focused were heavily weighted in the priority areas.

For all school districts outside of NYC, the focused review process has been redesigned to ensure formal follow-up by SEQA staff during the second and third years following initiation of the review. The role of SETRC in providing technical assistance to school districts in resolution of noncompliance has been strengthened. Additionally, SEQA managers, along with BOCES District Superintendents, now have responsibility for determining the allocation of SETRC resources on a regional basis to meet the specific training and technical assistance needs of districts.

In NYC, the process is different due to the organizational structure of NYC DOE. The NYC SEQA regional office is responsible for this one school district and conducts focused reviews in each instructional region every year. As a result, follow-up activities occur simultaneous to the implementation of a new focused review. For this reason, the NYC SEQA regional office designs focused monitoring protocols each year that are representative of the current issues affecting students with disabilities.

For any noncompliance not corrected within the timeline prescribed on the corrective action plan, NYS has implemented a hierarchy of enforcement procedures on a case-by-case basis. Those steps have included written communication with district/agency administrators, Boards of Education and BOCES District Superintendents. In some cases IDEA funds have been frozen or withheld until such time that the district/agency makes adequate progress toward correcting noncompliance. In some cases, IDEA funds have been redirected to address areas of noncompliance.

Measurable and Rigorous Targets

FFY	Measurable and Rigorous Target
2005 (2005-06)	100% of noncompliance issues identified through the State's general supervision system (including monitoring, complaints, hearings, etc.) will be corrected within one year from identification.
2006 (2006-07)	100% of noncompliance issues identified through the State's general supervision system (including monitoring, complaints, hearings, etc.) will be corrected within one year from identification.
2007 (2007-08)	100% of noncompliance issues identified through the State's general supervision system (including monitoring, complaints, hearings, etc.) will be corrected within one year from identification.
2008 (2008-09)	100% of noncompliance issues identified through the State's general supervision system (including monitoring, complaints, hearings, etc.) will be corrected within one year from identification.
2009 (2009-10)	100% of noncompliance issues identified through the State's general supervision system (including monitoring, complaints, hearings, etc.) will be corrected within one year from identification.
2010 (2010-11)	100% of noncompliance issues identified through the State's general supervision system (including monitoring, complaints, hearings, etc.) will be corrected within one year from identification.

Improvement Activities/Timelines/Resources

Activity	Timeline	Resources
Implement a new computer data system, Comprehensive Special Education Information System (CSEIS) to: • provide easily retrievable data regarding monitoring results and resolution of compliance issues; • provide managers and all regional staff with timely notice of upcoming due dates; • generate letters to school districts notifying them of pending corrective actions; and • notify managers and regional staff when dunning letters are due.	Spring 2006	CSEIS SEDCAR and SEQA staff
Generate regional monthly reports related to compliance timelines.	2006-11	CSEIS
Provide training to SEQA staff on implementation of CSEIS and strategies to improve timely resolution of instances of noncompliance identified through monitoring and complaints.	2005-06	SEQA, SEDCAR and SETRC staff
Implement new revised "Procedures for Ensuring the Identification and Resolution of Compliance Issues" to address overdue compliance assurance documentation. The procedures will include progressively shorter deadlines with increased involvement of higher-level district and regional administrators.	January 2006	SEQA staff National Center for Special Education Accountability Monitoring (NCSEAM)
Provide *Procedures for Ensuring the Identification and Resolution of Compliance Issues* with all program review final reports and complaint finding letters to ensure districts/agencies understand the State's procedures to correct noncompliance.	2006-11	SEQA staff

Activity	Timeline	Resources
Establish a new Nondistrict Unit to provide general oversight of all in state and out of state private day and residential programs for students with disabilities.	2005-11	Nondistrict SEQA Unit
Realign the current monitoring processes and protocols, as well as QAIS/CSEIS, to support meeting the SPP targets.	2005-07	Quality Assurance Workgroup, Policy, SEQA and SEDCAR staff
Provide guidance documents, sample forms and notices, and other technical assistance materials to assist districts/agencies in complying with regulatory requirements.	2006-11	Guidance documents, including but not limited to: Sample IEP and Guidance Document *Individual Evaluations and Eligibility Determinations* Discipline Procedures for Students with Disabilities Sample Forms and Notices
Develop criteria to determine if a district/agency is in need of assistance, needs intervention, or needs substantial intervention, consistent with the provisions of section 616 of IDEA, and establish procedures for initiating actions consistent with IDEA and federal regulations.	2006	Quality Assurance Workgroup, Policy, SEQA and SEDCAR staff
Develop new data entry systems to report identification and correction of noncompliance relating to suspension, disproportionality, timeliness of evaluations and services and transition services (indicators 4, 9, 10, 11, 12 and 13)	2005-08	Pupils with Disabilities (PD) data collection forms, CSEIS, ISRS
Identify other strategies to efficiently and effectively address issues related to noncompliance.	2006-11	National technical assistance centers: • National Center for Special Education Accountability Monitoring • Regional Resource Centers • Technical Assistance Alliance for Parent Centers

Activity	Timeline	Resources
Establish training priorities for SETRC regional trainers based on data generated from CSEIS indicating consistent areas of noncompliance.	2006-11	SETRC

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

Overview of the State Performance Plan Development

See *Overview of the State Performance Plan Development* preceding Indicator #1.

Monitoring Priority: Effective General Supervision

Indicator #16: Percent of signed written complaints resolved within 60-day timeline, including a timeline extended for exceptional circumstances with respect to a particular complaint.

Measurement:

Percent = (1.1(b) + 1.1(c)) divided by (1.1) times 100. (See Attachment 1)

Overview of Issue/Description of System or Process

Section 200.5 of the Commissioner's Regulations establishes the State's complaint procedures. An organization or individual may file a signed written complaint to SED. The complaint must include a statement that the school district or SED has violated a federal or State law or regulation relating to the education of students with disabilities, and the facts upon which the statement is based.

The complaint must be received within one year of the date of the alleged violation. The original signed complaint must be filed with VESID at SED.

Upon receipt of a complaint, SED provides the complainant with a written notice of receipt of the complaint and the complainant's right to submit additional information, either orally or in writing, regarding the allegations in the complaint. SED may require a school district to submit a written reply to the complaint.

All relevant information is reviewed and SED staff may conduct an on-site investigation where the Department determines such investigation is necessary. SED issues a written final decision that addresses each allegation in the complaint; contains findings of fact and conclusions; and sets forth the reasons for the final decision. The report sets aside any part of the complaint that is currently being addressed in an impartial hearing held pursuant to Education Law section 4404. Upon a finding of a violation of a federal or State law or regulation relating to the education of students with disabilities, the decision includes, if necessary for implementation of the decision, technical assistance activities, negotiations, and corrective actions to achieve compliance. Upon a finding of failure to provide appropriate services to an individual student with a disability, the decision includes remediation of the denial of services, including, as appropriate, the awarding of monetary reimbursement or other corrective action appropriate to the needs of the student and appropriate future provision of services for all students with disabilities.

The decision must be issued within 60 calendar days of receipt of the complaint except where exceptional circumstances exist with respect to a particular complaint. Where an issue raised in a complaint has been previously decided in an impartial hearing held pursuant to Education Law section 4404 involving the same parties, SED notifies the complainant that the impartial hearing decision is binding.

NYS uses a database computer system to track all written signed complaints received in each Regional Office across the State. All written signed complaints are logged into this system. Regional offices also use an additional internal log to ensure accurate data collection. Formal complaints are individually logged and data is entered at all critical stages (60th day, findings issued, specific issues involved, status of each issue, date of corrective action(s), date of resolution, etc). Regional Office supervisors use a variety of means to monitor timelines (e.g., logs, QAIS, complaint summaries).

Baseline Data for FFY 2004 (2004-05)

The percentage of signed written complaints resolved within the 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint was **94.8 percent**. This baseline data reflects revised data submitted to OSEP on March 22, 2006, with a minor correction (from 94.7 to 94.8 percent) made.

Discussion of Baseline Data

The table below shows that there were 246 complaints that required resolution. Of this number, 233 were resolved within the 60-day timeline and an additional five were resolved with documented extensions. There were eight complaints not resolved within the required time period. (Also see Attachment 1.) The few complaints that were not resolved within the required time period resulted from unexpected personnel absences and/or the complex nature of the complaint.

2004-05 Attachment 1 SECTION A: Signed, written complaints	
(1) Signed, written complaints total	362
(1.1) Complaints with reports issued	252
(a) Reports with findings	239
(b) Reports within timeline	234
(c) Reports within extended timelines	5
(1.2) Complaints withdrawn or dismissed	99
(1.3) Complaints pending	11

(a) Complaint pending a due process hearing	9
Measurement Formula: 1.1b (234) + 1.1c (5)= 239 / 1.1 (252) = **94.8 percent**	

Measurable and Rigorous Targets

FFY	Measurable and Rigorous Target
2005 (2005-06)	100 percent of signed written complaints will be resolved within the 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint.
2006 (2006-07)	100 percent of signed written complaints will be resolved within the 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint.
2007 (2007-08)	100 percent of signed written complaints will be resolved within the 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint.
2008 (2008-09)	100 percent of signed written complaints will be resolved within the 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint.
2009 (2009-10)	100 percent of signed written complaints will be resolved within the 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint.
2010 (2010-11)	100 percent of signed written complaints will be resolved within the 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint.

Improvement Activities/Timelines/Resources

Activity	Timeline	Resources
Implement CSEIS to: • provide easily retrievable data regarding the status of complaints: • provide managers and all regional staff with readily accessible status reports and timely notice of upcoming due dates; and • generate regional monthly status reports.	Spring 2006-11	CSEIS

Activity	Timeline	Resources
Train SEQA managers and all other staff on implementation of CSEIS and strategies to improve timely completion of complaint investigations.	2006-07	VESID staff
Operationalize the Nondistrict Unit to provide general oversight of all in State and out of State private day and residential programs for students with disabilities.	2005-11	Non-district SEQA Unit

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

Overview of the State Performance Plan Development

See *Overview of State Performance Plan Development* preceding Indicator #1.

Monitoring Priority: Effective General Supervision Part B / General Supervision

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

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

Measurement:

Percent = (3.2(a) + 3.2(b)) divided by (3.2) times 100. (See Attachment 1)

Overview of Issue/Description of System or Process

Section 4404 of NYS Education Law and section 200.5 of the Commissioner's Regulations establish the procedures for impartial hearings. The board of education (BOE) must begin the process to select and appoint an impartial hearing officer (IHO) no later than two business days after receipt of the request. The IHO is expected to initiate the hearing within 14 days of receipt of the notification of the end of the resolution session. The IHO has to render a decision no later than 45 calendar days after the completion or written waiver of the resolution session for a school age child, 30 calendar days after the completion or written waiver of the resolution session for a preschool child and 15 days after a request for a an expedited impartial hearing involving discipline.

At the request of either party the IHO may extend the time for a specific period. NYS regulation limits any extension to 30 days. NYS regulations also indicate "absent a compelling reason or a specific showing of substantial hardship, a request for an extension shall not be granted because of school vacations, a lack of availability resulting from the parties' and/or representatives' scheduling conflicts, settlement discussions between the parties or other similar reasons. Agreement of the parties is not a sufficient basis for granting an extension."

For school age and preschool cases where extensions of time have been granted beyond the applicable required timelines, the decision must be rendered and mailed no later than 14 days from the date the IHO closes the record. For expedited impartial hearings for disciplinary cases, the decision must be rendered no later than five business days after the last hearing date, but no later than 45 calendar days after receipt of the hearing request.

School districts are required to report data regarding the impartial hearing process, including IHO appointments, timelines, extensions, and closures through Impartial Hearing Reporting System (IHRS). IHRS is a web-based system and provides real time information. Each school district and IHO has access to information on any case in which they are involved.

IHRS is used to monitor the timeliness of BOE appointments of IHOs and whether a decision is rendered within the timelines specified above. On a daily basis, IHRS sends an initial notification to any school district that fails to make a timely IHO appointment and to both the school district and IHO if a decision is not received within five days of the appropriate time lines. A second notification is sent to the school district and the IHO if a decision continues to be late for four days beyond the initial notification date. E-mail responses to the initial and second notifications are monitored. If either the school district or IHO fail to respond to the notifications, personal contact is made to determine if the lateness is a school district data entry issue or if the IHO has failed to render the decision within the timeline or extended timeline.

Baseline Data for FFY 2004 (2004-05)

The percent of due process hearing requests that were fully adjudicated within the 45-day timeline or a timeline that was properly extended by the hearing officer at the request of either party was 83.5 percent.

2004-05 Attachment 1 SECTION C: Hearing requests	
(3) Hearing requests total	5422
(3.1) Resolution sessions	Not Available**
(a) Settlement agreements	Not Available**
(3.2) Hearings (fully adjudicated)	1294
(a) Decisions within timeline	481
(b) Decisions within extended timeline	599
(3.3) Resolved without a hearing	3900
Measurement Formula: 481 (3.2a) + 599 (3.2b) = 1080 divided by 1294 (3.2) = .8346 X 100 = **83.5%**	

** 2004-05 data was not collected in the manner requested in SPP/APR attachment 1.

Discussion of Baseline Data

- IHRS has been in operation since July 1, 2002. The total number of impartial hearing requests has increased in the last three years, from 4542 in 2002-03 to 5422 in the baseline year of 2004-05.

- The following trends have been observed between 2002-03 and the baseline year 2004-05:
  - The percentage of fully adjudicated hearing requests has decreased from 28.6 percent of the total number of requests in 2002-03 to 23.8 percent in 2004-05.
  - The percentage of fully adjudicated hearing requests that are timely within the original (15 days expedited, 30 days CPSE, 45 days CSE) time line has decreased from 45.78 percent in 2002-03 to 37.17 percent in 2004-05.
  - The percentage of fully adjudicated hearings that are timely within extended time lines has increased from 37.94 percent in 2002-03 to 46.39 percent in 2004-05.

- The percentage of hearing requests that are not fully adjudicated and are either settled or withdrawn has remained fairly constant, with 71.3 percent in 2002-03 to 71.9 percent in 2004-05.

Measurable and Rigorous Targets

FFY	Measurable and Rigorous Target
2005 (2005-06)	100 percent of impartial hearing decisions will be rendered within regulatory timelines.
2006 (2006-07)	100 percent of impartial hearing decisions will be rendered within regulatory timelines.
2007 (2007-08)	100 percent of impartial hearing decisions will be rendered within regulatory timelines.
2008 (2008-09)	100 percent of impartial hearing decisions will be rendered within regulatory timelines.
2009 (2009-10)	100 percent of impartial hearing decisions will be rendered within regulatory timelines.
2010 (2010-11)	100 percent of impartial hearing decisions will be rendered within regulatory timelines.

Improvement Activities/Timelines/Resources

Activity	Timeline	Resources
Improve the capacity of IHRS to monitor the timeliness of impartial hearing requests through the development of an electronic file transfer process between IHRS and the NYC Impartial Hearing System and revise IHRS to include additional monitoring points and proactive notifications.	2005-06	VESID Staff, IHRS - IDEA Part B funds in 2005-06 for data collection system revisions
Continue to use IHRS to monitor timeliness and investigate both school districts and IHOs that may be responsible for the appearance of lateness of a decision. Develop reports that provide feedback to IHOs relative to their use of extensions and timeliness in conducting hearings.	2005-11	VESID staff and IHRS
Take action, as authorized in NYS regulations, to suspend, revoke or take other appropriate action with respect to the certification of an impartial hearing officer upon a finding that the impartial hearing officer failed to issue a decision in a timely manner where such delay was not due to extensions granted at the request of either party as documented in the record.	2005-11	IHRS VESID staff
Provide bi-annual update training to IHOs. Establish a website for IHOs for sharing of information	2005-11	SED staff and contractor - SUNY Buffalo Consortium for Appropriate Dispute Resolutions in Special Education (CADRE) www.directionservice.org/cadre
Revise and reissue written guidance on impartial hearings.	2007-08	Guidance document: *Impartial Hearing Process for Students with Disabilities*

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

Overview of the State Performance Plan Development

See *Overview of the State Performance Plan Development* preceding Indicator #1.

Monitoring Priority: Effective General Supervision Part B / General Supervision

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

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

Measurement:

Percent = 3.1(a) divided by (3.1) times 100. (See Attachment 1)

Overview of Issue/Description of System or Process:

Education law section 4404 and section 200.5(j) of the Commissioner's Regulations establish the requirements for a resolution session prior to the opportunity for an impartial due process hearing. Consistent with the requirements in federal law, the purpose of the resolution session is to discuss the due process complaint notice and the facts that form the basis of the complaint request. The resolution session provides the school district with the opportunity to resolve the complaint prior to the initiation of an impartial hearing. The parents and the school district may agree in writing to waive the resolution session or agree to use the mediation process to resolve the dispute. If the parent and school district reach an agreement to resolve the complaint at a resolution session, the parties must execute a legally binding agreement.

Plan to Collect Baseline Data

IHRS will be revised to begin collecting the resolution session information in February of 2006. IHRS is a real time reporting system to monitor the timeliness of impartial hearings. School districts will be required to enter data on the number of resolution sessions held, the length of the sessions and the results of the sessions.

By January 2006, VESID will notify school districts on the school district's responsibility to input data into the IHRS, beginning in the 2005-06 school year, on the percent of resolution sessions that result in resolution agreements.

VESID will collect data beginning in February 2006 on the percent of resolution sessions that result in resolution agreements. On an ongoing basis, VESID will provide technical assistance to school districts on how to report data on resolution sessions.

VESID will analyze the data after five months of resolution session data (June 2006) to ensure that data elements collected are appropriate to assist in trend analysis. Revisions, as appropriate, will be made to IHRS and the data collection process if needed.

Baseline Data for FFY 2005 (2005-06)

The Impartial Hearing Reporting System (IHRS) was revised to collect the resolution session information beginning on April 1, 2006. IHRS is a real time reporting system to monitor the timeliness of impartial hearings. School districts are required to enter data on the number of resolution sessions held, the length of the sessions and the results of the sessions. VESID will analyze the data to ensure that data elements collected are appropriate to assist in trend analysis. Revisions, as appropriate, will be made to IHRS and the data collection process if needed.

Baseline Data for FFY 2005 (2005- 06)

17.2 percent of hearing requests that went to resolution sessions were resolved through resolution session settlement agreements.

7/1/2005 - 6/30/2006 Attachment 1 SECTION C: Hearing Requests	
(3) Hearing requests total	987
(3.1) Resolution sessions	959
(a) Settlement agreements	170
Percent = 170 [3.1(a)] divided by 959 (3.1) times 100 = **17.73%.**	

Discussion of Baseline Data

Although the data was collected for a quarter of the school year it does not represent a quarter of the annual activity, the fourth quarter is generally the quarter with the least number of requests. The data will be used to set initial targets that will be reviewed upon collection of a full year of data.

Measurable and Rigorous Targets

FFY	Measurable and Rigorous Target
2005 (2005-06)	The percent of hearing requests that go to resolution sessions and are resolved through resolution session settlement agreements will increase by 1%.

FFY	Measurable and Rigorous Target
2006 (2006-07)	The percent of hearing requests that go to resolution sessions and are resolved through resolution session settlement agreements will increase by 1%.
2007 (2007-08)	The percent of hearing requests that go to resolution sessions and are resolved through resolution session settlement agreements will increase by 1%.
2008 (2008-09)	The percent of hearing requests that go to resolution sessions and are resolved through resolution session settlement agreements will increase by 2%.
2009 (2009-10)	The percent of hearing requests that go to resolution sessions and are resolved through resolution session settlement agreements will increase by 2%.
2010 (2010-11)	The percent of hearing requests that go to resolution sessions and are resolved through resolution session settlement agreements will increase by 2%.

Improvement Activities/Timelines/Resources

Activity	Timeline	Resources
Revise State regulations relating to resolution sessions to federal requirements	2007	Special Education Policy Staff
Develop and issue guidance to the field regarding resolution sessions	2007	Special Education Policy Staff
After one full year of data, analyze results on a regional basis to determine need for regional technical assistance and other improvement activities.	2008-09	Special Education Policy/Program Development Staff
Develop parent/district brochures on benefits to use of resolution sessions	2009-10	Special Education Policy/Program Development Staff

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

Overview of the State Performance Plan Development

See *Overview of the State Performance Plan Development* preceding Indicator #1.

Monitoring Priority: Effective General Supervision Part B / General Supervision

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

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

Measurement:

Percent = (2.1)(a)(i) + 2.1(b)(i)) divided by (2.1) times 100. (See Attachment 1)

Overview of Issue/Description of System or Process

Section 4404-a of NYS Education Law and section 200.5 of the Commissioner's Regulations establish the procedures for mediation as a means for parents and school districts to resolve disagreements regarding the education of a student with a disability.

SED contracts with the New York State Dispute Resolution Association (NYSDRA) to oversee the special education mediation process. In NYS, independent mediators furnished by a Community Dispute Resolution Center through the Office of Court Administration conduct mediation sessions. SED and NYSDRA jointly develop training programs, which NYSDRA provides to the mediators.

Baseline Data for FFY 2004 (2004-05)

The percent of mediation sessions held in 2004-05 that resulted in mediation agreements to resolve the dispute was 95.50 percent.

Discussion of Baseline Data

The baseline data for 2004-05 that was submitted in the 2006 SPP has been revised. The original data submitted contained a double count of mediation cases which affected each of the categories. This double count adversely affected the percent of mediations resulting in agreement. In addition the calculation of percent of mediation agreements was calculated using the number of mediations requested not the number of mediations held. The data does not distinguish between the number of agreements resulting from mediations initiated separate from due process requests and those mediations that result from due process requests. NYS will begin to collect data that identifies whether the mediation request preceded a request for an impartial hearing in 2005-06.

Attachment 1 SECTION B: Mediation requests			
	9/1/02-8/31/03	9/1/03-8/31/04	9/1/04-8/31/05
(2) Mediation requests total	468	400	511
(2.1) Mediations	356	292	379
(a) Mediations related to due process	**Not available		
(i) Mediation agreements	**Not Available		
(b) Mediations not related to due process	356	292	379
(i) Mediation agreements	353	287	362
(2.2) Mediations not held (including pending)	112	108	132

** 2004-05 data was not collected in the manner requested in SPP/APR attachment 1

As the table above indicates, there has been an increase in the number of mediation sessions requested in the last three years from 486 mediation sessions during the period 9/1/02–8/31/03 to 511 requested during 9/1/04–8/31/05 and the percent of mediation sessions resulting in agreement has decreased from 99.16 percent in 2002-03 to the current 95.50 percent in 2004-05. Other than an increase in the number of hearings not held or pending it is not clear what has contributed to the decease in the percent of mediations resulting in agreement.

Measurable and Rigorous Targets

FFY	Measurable and Rigorous Target
2005 (2005-06)	95 percent of mediations held will result in mediation agreements.
2006 (2006-07)	95 percent of mediations held will result in mediation agreements.
2007 (2007-08)	95.5 percent of mediations held will result in mediation agreements.
2008 (2008-09)	96 percent of mediations held will result in mediation agreements.
2009 (2009-10)	96.5 percent of mediations held will result in mediation agreements.

FFY	Measurable and Rigorous Target
2010 (2010-11)	97 percent of mediations held will result in mediation agreements.

The targets noted above were revised from the 2006 SPP submission to reflect corresponding increases based on the revised baseline data.

Improvement Activities/Timelines/Resources

Activity	Timeline	Resources
Provide oversight of the State mediation system.	2005-11	NYSDRA
Provide update sessions to mediators regarding IDEA and State law and regulations relating to special education and train new mediators.	2006-08	NYSDRA VESID staff
Review recommendations developed by stakeholders and other States to improve and increase the use of mediations in NYS.	2005-06	VESID staff Consortium for Appropriate Dispute Resolution in Special Education (CADRE) Regional Resource Centers
Develop a brochure for parents on mediation.	2006	NYSDRA and VESID Staff

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

Overview of the State Performance Plan Development

See *Overview of the State Performance Plan Development* preceding Indicator #1.

Monitoring Priority: Effective General Supervision Part B / General Supervision

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

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

Measurement:

State reported data, including 618 data and annual performance reports, are:

a. Submitted on or before due dates (February 1 for child count, including race and ethnicity, placement; November 1 for exiting, discipline, personnel; and February 1 for Annual Performance Reports); and

b. Accurate (describe mechanisms for ensuring accuracy).

Overview of Issue/Description of System or Process

SED maintains various systems to collect, edit, verify and report valid, reliable and accurate data to meet all State and federal data collection requirements for accountability and program improvement. The federal reporting requirements include the SPP, APR, and USED data collection requirements in section 618 of IDEA which include data on Child Count, LRE, Exiting, Discipline, Personnel, State Assessments and Due Process.

Beginning in the 2005-06 school year, the SPP has significantly added to the need for data collection by requiring data from the State on 20 federal "indicators." The areas requiring collection and analysis of new types of data include:

- Disproportionality in long-term (more than 10 days) out-of-school suspensions based on race and ethnicity.
- Outcomes for children who receive preschool special education programs and/or services.
- Parents who report that schools facilitated parent involvement as a means of improving services and results for children with disabilities.

- School districts with inappropriate policies, practices and procedures related to identification of children for special education or their identification by particular disabilities.
- Timely evaluation of preschool and school-age children for special education services.
- Timely evaluation and services for preschool children who transition from eligibility under Part C of IDEA to Part B of IDEA.
- Reviews of IEPs of youth, aged 15 and above, related to IEP goals and transition services.
- Post high school outcomes for students with disabilities one year after leaving high school.
- Due process hearings that went to resolution sessions and were resolved through resolution session settlement agreements.
- Mediations that are related to due process proceedings.

NYS maintains the following systems for collecting data required under section 618 of IDEA and for the SPP:

- The PD System collects data on child count, LRE, exiting, discipline and personnel for students with disabilities. This system is a web-based system that allows school districts to submit, review and revise data according to established timelines. Data undergo many edit checks that are integrated into the PD data submission system to ensure their internal consistency and accuracy. Reasonability checks are also conducted annually before data are finalized to further enhance data accuracy. Data reliability is ensured by maintaining consistent definitions and formats for data collection and providing consistent technical assistance and training. Data validity is ensured by designing the aggregate data collection forms consistent with federal requirements and guidelines and maintaining knowledge of changes at the national level. NYS is developing a Student Information Repository System (SIRS), which is an individual student record system that will collect all data required by State and federal laws and regulations at the individual student level with a unique State student identifier. This will make it possible to track a student's performance over the years and across schools and districts within NYS. Most of the data currently collected via the PD system will be collected through this new system. It is anticipated that special education data will be added to the repository beginning in 2007-08 school year. Any remaining student type data that is not added to the repository in 2007-08 will be added in the subsequent year. .

- The Local Education Agency Program (LEAP) and System for Tracking Education Performance (STEP) systems collect data on State assessments for all students. The LEAP system collects assessment, program services and some demographic data for students in elementary and middle schools and the STEP system collects similar data for high school students. During the 2005-06 school year, LEAP will be phased out and replaced by SIRS. It is planned that the STEP system will be replaced by SIRS during the 2006-07 school year. LEAP, STEP and SIRS are supported by the Regional Information Centers (RICs). RICs provide data collection, analysis, reporting, technical assistance and training services to all participating

school districts. The State has developed and published an initial listing of standardized definitions and data formats in a data dictionary for SIRS. Individual student level data from all school districts will be housed in a single statewide data warehouse, and all the required State level reports and analysis will be conducted based on these data.

- See http://www.emsc.nysed.gov/nysstudents/Documentation/DataDictionary.doc for the data dictionary. Also see the LEAP and STEP reporting manuals for the 2004-05 school year at: http://www.emsc.nysed.gov/irts/leap/2005-06/05-leap-manual.doc
- See http://www.emsc.nysed.gov/irts/STEP/2005/downloads/STEPManual.doc. The LEAP and STEP reporting manuals describe all reporting requirements, definitions, schedules and data verification procedures for collecting State assessment data on all students.
- See information about the SIRS system at: http://www.emsc.nysed.gov/irts/SIRS/home.shtml.

- IHRS collects data on due process proceedings. Section 200.5(i)(3)(xiv) of the Regulations of the Commissioner of Education requires each BOE to report information relating to an impartial hearing in a format and interval prescribed by the Commissioner. The IHRS is a web-based data collection system designed to record information about the impartial hearing process at critical points, beginning with the initial written request for a hearing and ending with the implementation of decisions rendered in the hearing. School districts are required to report data regarding the impartial hearing process, including IHO appointments, time lines, extensions, and closures through the IHRS. The IHRS provides real time information that SED uses to monitor timeliness of hearings and NYS' due process system to ensure that impartial hearings are completed within the time periods required by federal and State law and regulation. For more information on due process hearings, please refer to Indicator 17.

- QAIS is an Access system used to maintain information about 60-day complaints and quality assurance monitoring reviews. The system is being replaced by CSEIS, which is a web-based system that will provide the State enhanced capacity to manage many special education business processes. Implementation of CSEIS is expected to occur in the spring of 2006. CSEIS will assist the State to track school districts' compliance with issues identified during reviews, record and resolve complaints within required timelines, and communicate with school districts throughout the review time period until all compliance issues are resolved.

The following SED processes contribute to the timeliness, quality and accuracy of State reported data:

- NYS follows a strict protocol in order to ensure timely PD, LEAP, STEP, and SIRS data. All forms and materials pertaining to these data collection systems and forms are posted on the Department's websites:
  - http://www.vesid.nysed.gov/sedcar/data.htm (PD system)

- http://www.emsc.nysed.gov/irts/leap/home.shtml (LEAP system)
- http://www.emsc.nysed.gov/irts/STEP (STEP system).
- http://www.emsc.nysed.gov/irts/SIRS/home.shtml (SIRS system)

- Due dates are established for forms and dunning procedures are completed for missing data within a short time frame following the due dates. Each year timelines and work plans are developed to ensure that different parts of these projects are completed and reviewed for timely submissions.

- NYS has procedures in place to ensure the accuracy and quality of data. NYS completes error identification and correction procedures. These are followed by reasonability checks and completion of verification procedures. In addition, to the extent staff resources allow, VESID staff:

  - conduct training sessions and provides technical assistance through telephone, e-mail, and websites. Technical assistance is also provided through the NYS SEQA offices, RICs, SETRC and other funded networks.
  - attend national training and information sessions and
  - participate with general education staff to collaboratively develop manuals, memos and provide technical assistance to school districts.

- IHRS uses similar processes to ensure that impartial hearing cases are timely. It contains accurate data on all phases of the hearing from the initial written request to the implementation of decisions rendered by IHOs. The system initially generates an e-mail if there is a late appointment of a hearing officer or a decision is late. After the initial e-mails, a series of phone calls and written contact is made until the decision is rendered. The system also generates an error notice if there is an error made during data entry.

Baseline Data for FFY 2004 (School Year 2004-05)

All required reports were submitted by their due dates. Revisions were made in response to USED request for verification of December 1, 2004 data and final data was provided for the Annual Congressional Report. Several reports required revisions to correct data reporting errors.

Type of Data	Due Date	Submitted
Child Count, including race and ethnicity, and LRE (December 1, 2004 data)	February 1, 2005	February 1, 2005 Revised on April 15, 2005 upon request for verification from USDOE. Revised on July 14, 2005 for publication in the Annual

Type of Data	Due Date	Submitted
		Congressional Report.
Exiting (2003-04 data)	November 1, 2004	November 1, 2004 Revised on July 14, 2005 for publication in the Annual Congressional Report. Revised August 18, 2005 to correct errors identified by WESTAT.
Discipline (2003-04 data)	November 1, 2004	November 1, 2004 Revised on July 14, 2005 for publication in the Annual Congressional Report. Revised August 18, 2005 to correct errors identified by WESTAT.
Personnel (December 1, 2003 data)	November 1, 2005	November 1, 2004 Revised on July 14, 2005 for publication in the Annual Congressional Report. Revised on January 11, 2006 to correct a data compiling error.
APR (including due process & state assessment data for school year 2003-04)	March 31, 2005	March 31, 2005
SPP (including due process data for 2004-05 school year)	December 2, 2005	December 2, 2005 Due Process data revised in December 2006 to correct reporting errors.

Discussion of Baseline Data

All required reports were submitted by their due dates and revised by the deadline date established by WESTAT in order to get the data into the Annual Congressional report. NYS took the opportunity to revise the 12/1/04 child count and LRE data by July 15, 2005 and plans to submit revised exiting, personnel and discipline data for 2004-05 school year by July 1, 2006. The additional time between November 1, 2005 and July 1, 2006 allows NYS time to complete error corrections and reasonability checks before data are finalized for publication in the Annual Congressional Report. The Department anticipates that with the full implementation of SIRS data system, the timeline for finalizing section 618 data will be shortened.

FFY	Measurable and Rigorous Target
2005 (2005-06)	100 percent of State reported data, including 618 data and annual performance reports, are submitted on or before due dates and are accurate.
2006 (2006-07)	100 percent of State reported data, including 618 data and annual performance reports, are submitted on or before due dates and are accurate.
2007 (2007-08)	100 percent of State reported data, including 618 data and annual performance reports, are submitted on or before due dates and are accurate.
2008 (2008-09)	100 percent of State reported data, including 618 data and annual performance reports, are submitted on or before due dates and are accurate.
2009 (2009-10)	100 percent of State reported data, including 618 data and annual performance reports, are submitted on or before due dates and are accurate.
2010 (2010-11)	100 percent of State reported data, including 618 data and annual performance reports, are submitted on or before due dates and are accurate.

Improvement Activities/Timelines/Resources

Activity	Timeline	Resources
All appropriate processes and procedures to ensure timeliness, accuracy and quality of data listed under the *Overview of Issue/Description of System or Process* section will continue throughout the six-year cycle of the SPP.	2005-11	SEDCAR
NYS will begin to phase in SIRS with unique student identifiers beginning in the 2005-06 school year and continuing throughout the six-year cycle of the SPP until all student specific data are collected through the single statewide system.	2005-11	SEDCAR
Continue to train staff on all processes and requirements related to preparing federal reports.	2005-11	SEDCAR
Increase number of staff to do data collection, analysis and reporting activities.	2007-08	SEDCAR
Continue to conduct error identification and correction procedures, followed by reasonability checks and completion of verification procedures.	2005-11	SEDCAR
Continue to conduct training sessions and provide technical assistance through telephone, e-mail, and websites. Technical assistance is also provided through the NYS SEQA offices, RICs, SETRC and other funded networks.	2005-11	SEDCAR
Attend national training and information sessions.	2005-11	SEDCAR
Work with EMSC to collaboratively develop manuals, memos and provide technical assistance to school districts.	2005-11	SEDCAR

Part B – SPP /APR Attachment 1 (Form)

Report of Dispute Resolution Under Part B of the Individuals with Disabilities Education Act Complaints, Mediations, Resolution Sessions, and Due Process Hearings

New York State Data Revised for SPP Submission 1/07

SECTION A: Signed, written complaints	
(1) Signed, written complaints total	362
(1.1) Complaints with reports issued	252
(a) Reports with findings	239
(b) Reports within timeline	234
(c) Reports within extended timelines	5
(1.2) Complaints withdrawn or dismissed	99
(1.3) Complaints pending	11
(a) Complaints pending a due process hearing	9

SECTION B: Mediation requests	
(2) Mediation requests total	511
(2.1) Mediations	379
(a) Mediations related to due process	Not Available**
(i) Mediation agreements	Not Available**
(b) Mediations not related to due process	Not Available**
(i) Mediation agreements	362
(2.2) Mediations not held (including pending)	132

SECTION C: Hearing requests	
(3) Hearing requests total	5422
(3.1) Resolution sessions	Not Available**
(a) Settlement agreements	Not Available**
(3.2) Hearings (fully adjudicated)	1294
(a) Decisions within timeline	481
(b) Decisions within extended timeline	599
(3.3) Resolved without a hearing	3900

SECTION D: Expedited hearing requests (related to disciplinary decision)	
(4) Expedited hearing requests total	29
(4.1) Resolution sessions	Not Available**
(a) Settlement agreements	Not Available**
(4.2) Expedited hearings (fully adjudicated)	10
(a) Change in placement ordered	Not Available**

** 2004-05 data was not collected in the manner requested in SPP/APR attachment 1. 2005-06 data will reflect all the requested categories

Attachment 2

NYS Sampling Methodology for Some Federal Indicators in the 2005-10 State Performance Plan

NYS will collect data from a statewide representative sample of school districts on six federal indicators. No district will report on all indicators every year except New York City. All school districts will provide data on all six indicators distributed over a six-year period beginning with the initial year in which data are collected for each indicator. The six indicators are as follows:

- **Indicator #7:** Percent of preschool children with IEPs who demonstrate improved: A. Positive social-emotional skills (including social relationships); B. Acquisition and use of knowledge and skills (including early language/communication and early literacy); and C. Use of appropriate behaviors to meet their needs.

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

- **Indicator #11:** Percent of children with parental consent to evaluate, who were evaluated within State required timelines. NYS will use the data from 1/6 of the State's school districts annually to monitor the requirements of this indicator. All school districts will be monitored on this indicator within the six-year period. The State will require documentation that all self-reported noncompliance is corrected within one year of notification of noncompliance.

- **Indicator #12:** Percent of children referred by Part C prior to age 3, who are found eligible for Part B, and who have an IEP developed and implemented by their third birthday. NYS will use the data from 1/6 of the State's school districts annually to monitor the requirements of this indicator. All school districts will be monitored on this indicator within the six-year period. The State will require documentation that all self-reported noncompliance is corrected within one year of notification of noncompliance.

- **Indicator #13:** Percent of youth aged 15 and above with an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the postsecondary goals. NYS will use the data from 1/6 of the State's school districts annually to monitor the requirements of this indicator. All school districts will be monitored on this indicator within the six-year period. The State will require documentation that all self-reported noncompliance is corrected within one year of notification of noncompliance.

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

NYS has distributed all school districts among six statewide representative samples. These six groups of school districts were tested with ANOVA and there was no statistical difference among the six groups of school districts on the population variables listed in the table below. These population variables were from the 2000 decennial census.

Census 2000 Population Variables Used to Ensure Each Sample of School Districts is Similar		
population	female poverty head of household	n households in POV
n children in families	n unempl over 16	n house classif in POV
n children w/single parent	n in workforce	n households w/ no plumbing
n children 5~17 in poverty	n unempl 1999	n total Households
n 5~17	persons not in POV	n one room Households
n 5~17 relevant for school	n classif in POV	n occupied Households
n less than 5	n children in 1 parent family	n over 25 not graduate of HS
female head of household	n children in families	n total over 25

New York City is the only LEA in the State with a total enrollment of 50,000 or more students, so it will be represented in each of the six samples.

All school districts will have a choice of reporting data on all eligible students for each federal indicator or submitting data on a randomly selected sample of students. The minimum number of students required for these indicators can be obtained by using the sampling calculator provided by the State and the guidelines provided below. The vast majority of school districts will need to submit data on all eligible students on most indicators. For some large school districts if it will be less burdensome to report on a sample of students, the methodology described below (totally random sampling) is likely to produce a sample that is representative of the school district in terms of all variables, since every eligible student has the same chance as another student to be selected for the sample.

SED will require that LEAs maintain documentation as described below if they choose to report data on a sample of students. The totally random sampling methodology and required documentation should eliminate selection bias. School districts will be required to over-sample as described below for indicator 8 where poor response rate is a known issue. Also, school districts will be encouraged to provide surveys for indicator 8 in a variety of ways to improve the response rate. SED will attempt to prevent missing data by first describing precisely what the State needs to collect, providing technical assistance and then following up with school districts to request missing data. The completeness of data collection will improve after the first year and will continue to

improve as long as requirements remain unchanged. All issues of confidentiality will be handled in accordance with the rules and procedures in FERPA. SED will also guard against divulging personally identifiable information by not reporting results when there are less than five students for whom data are available or when those results can be easily calculated based on other data provided.

Federal Indicator Number	Eligible Population of Students From Which a Random Sample Must be Selected	Minimum Number of Students in the Sample	Method for Selecting Students	Required Documentation
7	Entry - all children who are referred for preschool special education programs and/or services. Exit - all children who received preschool special education programs/or services for at least six months and are declassified or are within their last six months of eligibility for preschool special education services and the annual review meeting for whom entry evaluation data are available.	Use a sampling calculator. Require 95% confidence interval and plus or minus 5% margin of error.	Random selection using a random number table.	Documentation period is seven years. Maintain list of all eligible students, copy of Random Number Table used, beginning random number for selecting students and list of all students who were selected and their number.
8	Every preschool and school-age student with a disability who is provided special education programs and/or services in a district-operated program or under contract with other service providers.	Use a sampling calculator. Require 95% confidence interval and plus or minus 10% margin of error. Expect 10% response rate, so require over-sampling by 90% of minimum number identified by the calculator.	Same as above.	Same as above.
11	For preschool and school-age students: All preschool and school-age students for whom parental consent for an	Use a sampling calculator. Require 95% confidence interval and plus	Same as above	Same as above

Federal Indicator Number	Eligible Population of Students From Which a Random Sample Must be Selected	Minimum Number of Students in the Sample	Method for Selecting Students	Required Documentation
	initial evaluation was received during the school year (July 1-June 30).	or minus 2% margin of error.		
12	All children who are referred for special education programs and/or services from Part C to Part B prior to age 3 during the school year (July 1-June 30).	Use a sampling calculator. Require 95% confidence interval and plus or minus 2% margin of error.	Same as above	Same as above
13	All students with disabilities ages 15-21 who are provided special education services in district-operated programs or under contract with other service providers.	All students up to 30. New York City sample 100 students	Same as above	Same as above
14	All students with disabilities who are no longer in secondary school but received some special education program and/or service during the school year (July 1-June 30) in district-operated programs or under contract with another service provider. (Include all students who left with a credential, reached maximum age for educational services or dropped out.)	School districts with less than 100 students with disabilities exiting, survey all students. School districts with 100 or more students use the sampling calculator. Require 95% confidence interval and plus or minus 5% margin of error.	Same as above	Same as above

The table below demonstrates a schedule for data collection from the six sample groups of school districts on the six federal indicators listed above. Please note:

- **For Indicator #7**, entry assessment data must be collected on all preschool children who are evaluated for preschool special education programs/or services annually by all school districts. Sample group 6 reports only entry data in 2005-06 but will not report exit data (i.e., entry to exit progress) until 2010-11. Exit evaluation data must

be collected and reported to the State by the sample of school districts as described below.

- **For Indicator #14,** related to post school outcomes requires school districts to collect contact information on students who will be leaving high school in "Year 1" and collect data on their post-school outcomes in "Year 2". In order for all school districts to have post-school outcomes data by the 2010-11 school year, all sample groups will need to provide data on two indicators in one of the six years. All school districts will need to do Indicators #7-exit and #14 (Year 2) in the same year.

School Year	Schedule for Reporting Data on Some Federal Indicators					
	Sample 1*	**Sample 2***	**Sample 3***	**Sample 4***	**Sample 5***	**Sample 6***
2005-06	8	11	12	13	14 (Year 1)	7 - entry
2006-07	11	12	13	14 (Year 1)	7-exit 14 (Year 2)	8
2007-08	12	13	14 (Year 1)	7-exit 14 (Year 2)	8	11
2008-09	13	14 (Year 1)	7-exit 14 (Year 2)	8	11	12
2009-10	14 (Year 1)	7-exit 14 (Year 2)	8	11	12	13 14 (Year 1)
2010-11	7-exit 14 (Year 2)	8	11	12	13	7-exit 14 (Year 2)

* New York City is in all sample groups.