NEW YORK STATE EDUCATION DEPARTMENT

Annual Performance Report for 2006-07

IDEA PART B STATE PERFORMANCE PLAN
2005-2010

OFFICE OF VOCATIONAL AND EDUCATIONAL SERVICES FOR INDIVIDUALS WITH DISABILITIES

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OVERVIEW

Public Law 108-446, the Individuals with Disabilities Education Act (IDEA) 2004, required 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), spanning the years 2005-2010. OSEP identified three monitoring priorities and 20 indicators relating to the priority areas that must be tracked and reported. Annually the Annual Performance Report (APR) is required to be submitted as its report to the Secretary of Education and to the public on the State's performance under the SPP, describing overall progress and slippage in meeting the targets found in the SPP. This APR is the second report, due February 1, 2008. It references the SPP dated December 2005, as amended in June 2007. It covers the academic year 2006-07, referenced in the report as "FFY 2006."

As required under section 616 of IDEA, the State is making available a public report of each school district's performance on indicators one through fourteen of the indicators against the State's targets. This report is found at http://eservices.nysed.gov/sepubrep/. Data in the individual school district report will be updated annually, following the submission and acceptance of each year's APR. Plans are underway to add trend data to assist in public understanding of the progress or lack of progress by individual districts.

The three priority areas and their corresponding indicators 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
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.

<u>Priority: Disproportionality</u>

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.

<u>Priority: Effective General Supervision Part B</u>

Child Find and Effective Transitions (district-level indicators)

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 birthdays.
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 (state-level indicators)

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 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 APR are timely and accurate.

Overview of Annual Performance Report Development

The process for developing New York State's (NYS) Part B SPP can be found at http://www.vesid.nysed.gov/specialed/spp/partb1106.html. The APR was developed by a workgroup formed in 2005 from among key managers of the Office of Vocational and Educational Services for Individuals with Disabilities (VESID). This group includes representatives from the Special Education Offices of Policy, Quality Assurance, Program Development and Data Collection and Reporting. This group serves as the Cabinet to guide the development of the SPP and APR. Regular meetings are held of this group to continuously address issues relating to the State's SPP and APR.

Stakeholder input from the Commissioner's Advisory Panel (CAP) was sought regarding creation of the SPP in baseline measures, targets and improvement strategies. CAP is kept continuously apprised regarding progress and issues reflected in the SPP in order to obtain their insights and input in determining implementation strategies and needs for revisions.

The SPP and APR are posted on the Department's website at http://www.vesid.nysed.gov/specialed/spp/home.html, along with additional guidance information that explains the criteria for monitoring indicators. Announcements of the availability of these and related documents are provided through the list serve and through memoranda to school district administrators, school boards, parent organizations and others interested in the education of students with disabilities. Press announcements are released to newspapers regarding the availability of information, as new information is added. Questions regarding the SPP and APR may be directed to the New York State Education Department (NYSED), VESID, Special Education Services at 518-473-2878. For more information on the federal requirements see: www.ed.gov/policy/speced/guid/idea/bapr/index.html.

Overview of the Annual Performance Report Development:

See Overview of the Development of the Annual Performance Report in the Introduction section, page 1.

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 "total cohort" of students with disabilities who graduate with a high school diploma (Regents or local diploma) as of June 30 after four years of first entering 9th grade or for ungraded students with disabilities, after four years of becoming 17 years of age. NYS will begin using the performance of the 2003 total cohort for accountability under the No Child Left Behind (NCLB) Act.

New York State's Calculation:

NYS has set its targets based on the performance of the "total cohort". See below for the definition of the 2003 total district cohort.

The 2003 district total cohort consists of all students, regardless of their current grade level, who met one of the following conditions:

- first entered grade 9 (anywhere) during the 2003-04 school year (July 1, 2003 through June 30, 2004); or
- in the case of ungraded students with disabilities, reached their seventeenth birthday during the 2003–04 school year. Ungraded students are included in the 2003 cohort if their birth date is between July 1, 1986 and June 30, 1987 (inclusive).

Students who have spent at least five months in district schools or out-of-district placements during year 1, 2, 3, or 4 of high school are included in the district total cohort unless they transferred to another diploma-granting program outside the district. For the 2003 Total Cohort, Year 1, 2, 3, and 4 are the 2003-04, 2004-05, 2005-06, and 2006-07 school years, respectively.

A student will be included in the district total cohort if the student's enrollment record in the district shows that the student was enrolled for:

- at least five continuous (not including July and August) months *and* the Reason for Ending Enrollment in the district was not one of the following: transferred to a school in another district, a nonpublic school, or a school outside New York; died;

transferred by court order; or left the US.

- less than five months *and* has an ending reason indicating that the student dropped out or transferred to an Alternative High School Education Preparation Program (AHSEPP) or High School Equivalency Preparation Program (HSEPP) program *and* the student's previous enrollment record in that district (assuming one exists) indicates:
  a) that the student was enrolled in the district for at least five months (not including July and August); and
  b) that the student dropped out or transferred to a AHSEPP or HSEPP program.

FFY	Measurable and Rigorous Target
FFY 2006 (2006-07 school year) (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.

Actual Target Data for FFY 2006:

Graduation-Rate Cohort, As of August 31, Four Years Later				
	All Students		Students with Disabilities	
Cohort Year	# 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 data)	179,092	77%	18,909	53%
2001	181,848	77%	19,504	49%
2002	192,149	75%	23,150	50%
2003	192,162	75%	23,154	50%

Total Cohort, As of June 30, Four Years Later				
	All Students		Students with Disabilities	
Cohort Year	# in Cohort	Graduation Rate	# in Cohort	Graduation Rate
2000	199,312	67%	21,262	46%
2001 (new baseline data)	212,135	66%	26,281	38%
2002	210,910	67%	27,453	37%
2003	220,332	68.6%	28,528	39.3%

Total Cohort Analysis of Students with Disabilities' (SWD) Graduation Rates for New York City, Large Four Cities Combined and Rest of School Districts						
Need/Resource Capacity Category	**2001 Total Cohort of SWD**		**2002 Total Cohort of SWD**		**2003 Total Cohort of SWD**	
	# in Cohort	**Grad. Rate**	**# in Cohort**	**Grad. Rate**	**# in Cohort**	**Grad. Rate**
New York City	7,627	17.6%	7,587	18.6%	8,407	19.8%
Large Four Cities	1,784	21.7%	1,862	20.5%	1,536	22.5%
Urban/Suburban High Need Districts	2,487	30.4%	2,619	28.8%	2,778	31.7%
Rural High Need Districts	2,165	32.5%	2,240	31.2%	2,323	35.9%
Average Need Districts	8,733	48.1%	9,366	45.6%	9,563	49.0%
Low Need Districts	3,459	74.0%	3,740	74.1%	3,873	72.4%
Charter Schools	11	15.4%	39	15.9%	48	6.3%
Total State	26,266	37.9%	27,453	37.5%	28,528	39.3%

Total Cohort Analysis of Students with Disabilities (SWD) Graduation Rate by Need/Resource Capacity Category of School Districts						
Group of School Districts	**2001 Total Cohort of SWD**		**2002 Total Cohort of SWD**		**2003 Total Cohort of SWD**	
	# in Cohort	**Grad. Rate**	**# in Cohort**	**Grad. Rate**	**# in Cohort**	**Grad. Rate**
Big Five Cities	9,411	18.4%	9,449	19.0%	9,943	20.2%
Rest of State	16,855	48.7%	18,004	44.7%	18,585	49.6%
Total State	26,266	37.9%	27,453	37.5%	28,528	39.3%

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2006:

Explanation of Progress or Slippage

The State exceeded its 2006-07 target of 37% graduation rate for the 2003 total cohort of students with disabilities with a graduation rate of 39.3% There were 1,132 more students with disabilities in the 2003 total cohort compared to the previous year. The graduation rate improved in most Need/Resource Capacity categories of school districts. Large Four Cities improved from 20.5% to 22.5%. The Urban-Suburban High Need districts rate went from 28.8% to 31.7% and in the Rural High Need districts the rate improved from 31.2% to 35.9%. The Average Need districts' rate improved from 45.6% to 49.0%.

Improvement Activities Completed during 2006-07

- In September 2006, based on 2004-05 data, 58 school districts were identified as needing assistance and 17 districts were identified as needing intervention.
- In June 2007, based on 2005-06 data, 69 school districts were identified as needing assistance and 31 districts were identified as needing intervention.
- Regional Work Plans were developed for 2006-07 to provide districts identified for low performance under indicators 1, 2 and 3 with appropriate levels of support and assistance which included focused monitoring reviews by the Special Education Quality Assurance (SEQA) Regional Office and/or quality improvement technical assistance provided by Special Education Training and Resource Center (SETRC) professional development specialists or other technical assistance networks funded with IDEA discretionary funds.
- Quality Assurance Review grants were provided to large city school districts to offset the costs that these school districts incurred to participate in the focused monitoring reviews.
- Quality Assurance Improvement grants were provided to school districts to implement improvement activities identified through the focused review monitoring process.
- SED increased resources for SETRC personnel in the locations where more districts were being identified as needing assistance or intervention. Fifteen full-time SETRC Professional Development Specialists (PDSs) were added upstate and an additional six SETRC staff were added in New York City (NYC). Two additional SETRC regional trainers were added to upstate regions.
- Quality Indicator Review and Resource Guides were developed to guide the work of SETRC in identified districts to address literacy, behavioral supports and interventions and the quality delivery of special education services in school districts. Professional development in these key areas was provided to the SETRC network.
- The NYC SEQA Regional Office piloted a new High School Graduation Rate Focused Review (FR) to evaluate the interventions implemented in selected

earn a Regents or local diploma. In 2007-08 this FR will also be used in districts outside of NYC.

- The NYSED *Approved Work-Based Learning Programs: A Guide for School Administrators and Work-Based Learning* Coordinators was revised in 2007 to add information regarding coordinating Career and Technical Education (CTE) programs and special education services.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2006: [If applicable]

The following activity was added:

Activities	Timelines	Resources
Develop and implement revised monitoring protocols that specifically focus on compliance issues most related to improving graduation rates.	2007-2011	SEQA SETRC Other Technical Assistance Networks

Overview of the Annual Performance Report Development:
See Overview of the Development of the Annual Performance Report in the Introduction section, page 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 should be the same measurement as for all youth. Explain calculation.

New York State's Measurement:

Percent of "total cohort" of students with disabilities who drop out as of June 30 after four years of first entering 9th grade or for ungraded students with disabilities, after four years of becoming 17 years of age. NYS will begin using the performance of the 2003 total cohort for accountability under NCLB.

New York State's Calculation:

NYS has set its targets based on the performance of the "total cohort". See below for the definition of the 2003 total district cohort.

The 2003 district total cohort consists of all students, regardless of their current grade level, who met one of the following conditions:

- first entered grade 9 (anywhere) during the 2003-04 school year (July 1, 2003 through June 30, 2004); or
- in the case of ungraded students with disabilities, reached their seventeenth birthday during the 2003–04 school year. Ungraded students are included in the 2003 cohort if their birth date is between July 1, 1986 and June 30, 1987 (inclusive).

Students who have spent at least five months in district schools or out-of-district placements during year 1, 2, 3, or 4 of high school are included in the district total cohort unless they transferred to another diploma-granting program outside the district. For the 2003 Total Cohort, Year 1, 2, 3, and 4 are the 2003-04, 2004-05, 2005-06, and 2006-07 school years, respectively.

A student will be included in the district total cohort if the student's enrollment record in the district shows that the student was enrolled for:

- at least five continuous (not including July and August) months *and* the Reason for Ending Enrollment in the district was not one of the following: transferred to a school in another district, a nonpublic school, or a school outside New York; died; transferred by court order; or left the US.

- less than five months *and* has an ending reason indicating that the student dropped out or transferred to a AHSEPP or HSEPP program *and* the student's previous enrollment record in that district (assuming one exists) indicates:
  a) that the student was enrolled in the district for at least five months (not including July and August); and
  b) that the student dropped out or transferred to a AHSEPP or HSEPP program.

FFY	Measurable and Rigorous Target
FFY 2006 (2006-07 school year) (2003 total cohort)	No more than 19 percent of students with disabilities will drop out of school

Actual Target Data for FFY 2006:

Total Cohort, As of June 30, Four Years Later				
	All Students		Students with Disabilities	
Cohort Year	# in Cohort	Drop-Out Rate	# in Cohort	Drop-Out Rate
2000	199,312	11.9%	21,262	13.0%
2001 (New Baseline Data)	212,135	15.4%	26,281	25.5%
2002	216,910	14.0%	27,453	22.2%
2003	220,332	11.5%	28,528	16.9%

Total Cohort Analysis of Students with Disabilities (SWD) Drop-Out Rate by Need/Resource Capacity Category of School District						
Need/Resource Capacity Category	2001 Total Cohort of SWD		2002 Total Cohort of SWD		2003 Total Cohort of SWD	
	# in Cohort	Drop-Out Rate	# in Cohort	Drop-Out Rate	# in Cohort	Drop-Out Rate
New York City	7,627	37.8%	7,587	30.4%	8,407	22.0%
Large Four Cities	1,784	42.8%	1,862	39.7%	1,536	38.9%
Urban/Suburban High Need Districts	2,487	25.5%	2,619	26.2%	2,778	20.0%
Rural High Need Districts	2,165	25.1%	2,240	26.1%	2,323	19.9%

Total Cohort Analysis of Students with Disabilities (SWD) Drop-Out Rate by Need/Resource Capacity Category of School District						
Need/Resource Capacity Category	**2001 Total Cohort of SWD**		**2002 Total Cohort of SWD**		**2003 Total Cohort of SWD**	
	# in Cohort	**Drop-Out Rate**	**# in Cohort**	**Drop-Out Rate**	**# in Cohort**	**Drop-Out Rate**
Average Need Districts	8,733	18.3%	9,366	16.6%	9,563	12.5%
Low Need Districts	3,459	7.5%	3,740	5.6%	3,873	4.0%
Charter Schools	11	42.3%	39	30.8%	48	31.3%
Total State	26,281	25.5%	27,453	22.2%	28,528	16.9%

Total Cohort Analysis of Students with Disabilities (SWD) Drop-Out Rate for Big Five Cities combined and Rest of State						
Group of School Districts	**2001 Total Cohort of SWD**		**2002 Total Cohort of SWD**		**2003 Total Cohort of SWD**	
	# in Cohort	**Drop-Out Rate**	**# in Cohort**	**Drop-Out Rate**	**# in Cohort**	**Drop-Out Rate**
Big Five Cities	9,411	38.8%	9,449	38.8%	9,943	24.6%
Rest of State	17,496	18.1%	19,866	18.8%	18,585	12.8%
Total State	26,281	25.5%	27,453	22.2%	28,528	16.9%

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2006:

Explanation of Progress or Slippage

The drop-out rate for the 2003 total cohort was 16.9% which is better than the State's target for 2006-07 of 19%. The drop-out rate improved substantially in some Need/Resource Capacity categories of school districts. For example, in New York City the rate dropped from 30.6% to 22.0% and in the Urban/Suburban High Need districts it improved from 26.2% to 20.0%. Rural High Need districts improved their drop-out rate from 26.1% to 19.9% and the Average Need districts improved from 16.6% to 12.5%.

Improvement Activities Completed during 2006-07

- See graduation I*mprovement Activities Completed* reported for Indicator #1.
- NYSED awarded 60 Model Transition Program (MTP) grants to urban, suburban and rural districts that will benefit students with disabilities at approximately 150 high schools. These will create partnerships among high schools, the State vocational rehabilitation services, local vocational rehabilitation providers, independent living centers, colleges and universities, and the business community. Cornell University and The University of Buffalo will join NYSED in this initiative.
- VESID's Transition Coordination Site (TCS) network participated in improving transition practices and outcomes as a dropout prevention strategy, assisting schools with developing community based work experience programs, improving Career and Technical Education (CTE) participation and improving collaborations between schools and vocational rehabilitation. The TCSs assisted school districts to implement the Skills Achievement Profile to document student attainment of job skills that meet industry standards for performance, which is used to support successful post-school job-seeking.
- In December 2007, training based on National Dropout Prevention Center (NDPC) for Students with Disabilities materials was developed on dropout prevention for students with disabilities and shared with the TCS network for regional presentations.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2006 [If applicable]

See indicator 1.

Overview of the Annual Performance Report Development:

See Overview of the Development of the Annual Performance Report in the Introduction section, page 1.

Monitoring Priority: FAPE in the LRE

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

A. Percent of districts that have a disability subgroup that meets the State's minimum "n" size meeting the State's AYP objectives for progress for disability subgroup.

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.

C. 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 that have a disability subgroup that meets the State's minimum "n" size in the State)] times 100.

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)].

New York State Notes:

- 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 APR.
- One of the reasons that NYS is not using section 618 data from Table 6 in this APR 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 a grade, or, for high school, it is computed based on enrollment of "seniors". However, the proficiency rate is based on the enrollment of "continuously enrolled" students in a grade or at the high school, the number of students in the accountability cohort.
- Another reason that NYS does not use 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" and above (which is Level 2 and above) plus the percent of such students "at or above proficiency" (which is Levels 3-4). For the 2004-05 school year, NYS had six performance indices (grade 4 English language Arts (ELA), grade 4 math, grade 8 ELA, grade 8 math, high school ELA, and high school math). Beginning with the 2005-06 school year, NYS 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 at the high school level. We plan to collect testing accommodations for high school students beginning with the cohort of students who will enter ninth grade in 2008-09 school year. Four years later when we report results for the 2011-12 school year, we plan to report results achieved with accommodations and results achieved without accommodations.

NYS does not currently administer an "alternate assessment against grade level standards" as described in measurement d. NYS has an alternate assessment against alternate achievement standards that is aligned to grade level standards.

FFY	Measurable and Rigorous Target
FFY 2006 (2006-07 school year)	**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

Actual Target Data for FFY 2006:

AYP

75.5 percent of school districts (including Charter Schools) that were required to make AYP made AYP in every grade and subject in which they had sufficient number of students with disabilities. The State exceeded its 2006-07 target of 57 percent of school districts making AYP.

Participation Rate

The participation rate of students with disabilities in 2006-07 school year was as follows:

- Grades 3-8 ELA: 96.8 percent
- Grades 3-8 math: 96.9 percent
- High school ELA: 92.7 percent
- High school math: 94.0 percent.

The State met its target of 95 percent participation rate for students with disabilities in grades 3-8 ELA and math, but not in high school ELA and math.

Performance

The State's has four PIs. The PIs represent the percent of students scoring at Levels 3-4 plus the percent of students scoring at Levels 2-4. In the 2006-07 school year, the State average performance for the students with disabilities subgroup on these indices was as follows:

- Grades 3-8 ELA: 103
- Grades 3-8 Math: 115
- High School ELA: 117
- High School Math: 127

The State exceeded its 2006 targets on performance indices for grades 3-8 ELA and math, but fell short on high school ELA and math.

AYP for Students with Disabilities Subgroup		
FFY	**Number of School Districts Required to make AYP (had minimum of 40 students for participation and 30 students for performance**	**Percent of School Districts that made AYP in all the subjects they were required to**
2004 (2004-05)	290	48.3%
2005 (2005-06)	675 (includes 5 Charter Schools)	57.2%
2006 (2006-07)	648 (includes 12 Charter Schools)	75.5%

AYP for Students with Disabilities Subgroup by Need/Resource Capacity Category of School Districts in 2006-07		
Need/Resource Capacity Category of School Districts	**Number of School Districts Required to make AYP (had minimum of 40 students for participation and 30 students for performance**	**Percent of School Districts that made AYP in all the subjects they were required to**
New York City	32	3.1%
Large Four Cities	4	0.0%
Urban-Suburban High Need Districts	44	45.5%
Rural High Need Districts	133	79.7%
Average Need Districts	309	79.6%
Low Need Districts	114	92.1%
Charter Schools	12	91.7%

Participation Rate for Students with Disabilities Subgroup				
	2005-06		2006-07	
Assessment	Enrollment	Participation Rate	Enrollment	Participation Rate
Grade 3-8 ELA	198,410	95%	196,434	96.8%
Grade 3-8 Math	198,074	96%	196,252	96.9%
High School ELA (seniors)	17,321	90%	16,262	92.7%
High School Math (seniors)	17,321	91%	16,262	94.0%

Performance Index for the Students with Disabilities Subgroup							
	2006-07 Performance		2006-07 Standard				
Assessment	Continuously Enrolled Students with Disabilities in Grades 3-8 and in 2002 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 2006-07	2007-08 AMO or Safe-Harbor Target
Grades 3-8 ELA	185,224	103	122	102	Yes	Yes	113
Grades 3-8 Math	183,397	115	86	NA	NA	Yes	102
HS Eng. 2003 accountability cohort	20,351	117	159	123	No	No	125
HS Math 2003 accountability cohort	20,351	127	152	132	No	No	134

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2006:

Explanation of Progress or Slippage

The State far exceeded its 2006 target for the percentage of school districts that would make AYP in all subjects in which they were required to. In the 2005-06 school year, 57.2 percent of the required school districts (including Charter Schools) made AYP and in 2006-07 school year, 75.5% of school districts (including Charter Schools) made AYP. The target for 2006-07 school year was 57 percent.

The State exceeded the participation target of 95 percent in grades 3-8 ELA and math, but did not achieve the same target in high school ELA and math. Compared to 2005, the 2006 participation rate improved in all subjects and grades.

The State exceeded its performance target in 2006 in grades 3-8 ELA and math by improving by more than five points on the PI. In grades 3-8 ELA, the score on the PI improved by 12 points and by 15 points in grades 3-8 math. The State did not meet its target to improve by five points in high school ELA and math. Instead, the scores on the PIs in high school ELA and math each improved by 3 points.

The data provided above indicates a significant difference in the percent of school districts that made AYP for the students with disabilities subgroup in the Big Five Cities and the urban-suburban high need school districts compared with other school districts in the State. For example, only one community school district in NYC made AYP, none of the large four cities made AYP, and only 46 percent of the urban-suburban high need districts made AYP compared to 80 percent of rural high need, 80 percent of average need school districts and 92 percent of low need school districts and 92 percent of Charter schools.

Improvement Activities Completed during 2006-07

- See activities reported as completed under Indicator #1.
- A group of experts was convened in reading and response-to-intervention (RtI) models to assist in developing State criteria. Regulations were passed in September 2007 addressing both the components of a RtI program and procedures for using RtI as part of the process to identify students with learning disabilities.
- IDEA Effective Instructional Practices focused monitoring reviews were used with schools districts with achievement rates that are farthest from State targets.
- The New York State Alternate Assessment (NYSAA) redesign, including technical specifications was completed. The redesigned NYSAA was administered to 18,000 students with severe cognitive disabilities in spring 2007, enabling their participation in the State assessment program. Professional development and technical documentation were provided continuously throughout the year.
- In 2006-07, through VESID's contract with Helen Keller Services for the Blind (HKSB), assistance was provided to school districts to provide instructional resources in accessible format under National Instructional Materials Accessibility Standards (NIMAS) and worked with the National Instructional Materials Accessibility Center (NIMAC) to implement the system in NYS.
- The Office of State Assessment (OSA) took steps to assure that training in universal design for assessment is systematically addressed. Every contract for State test development includes the requirement that test item developers receive training in Universal Design. Key resources were provided to staff with responsibility for subject matter test development and every teacher who writes test items.

- In 2006-07, through VESID's funded Technology Resource Center (TRE), 186 individuals received training on effective practices in providing assistive technology and universal design in six regions of the State.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2006 [If applicable]

None at this time.

Overview of the Annual Performance Report Development:

See Overview of the Development of the Annual Performance Report in the Introduction section, page 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 the (# of districts in the State)] times 100.

B. 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 the (# of districts in the State)] times 100.

Include State's definition of "significant discrepancy."

New York State Notes:

NYS collects data on the number of students with disabilities suspended or expelled out of school for more than 10 days in a school year on the PD-8 report. This report is available at http://www.vesid.nysed.gov/sedcar/0607pdrpts.htm .

Section 618 data was used to analyze the discrepancy in the rates of out-of-school suspensions of students with disabilities for greater than 10 days in a school year among school districts. 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 during the school year by the December 1 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 school districts. (A minimum number of 75 students with disabilities was used, since small numbers of students with disabilities may distort percentages.)

New York State's Definition of Significant Discrepancy in Suspension Rate:

- For the baseline year and through 2006-07 school year, 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 2007-08 through 2010-11 school years, significant discrepancy is defined as a suspension rate of greater than two times the baseline statewide average, (i.e., a rate of 2.7 percent or higher).

FFY	Measurable and Rigorous Target
FFY 2006 (School Year 2006-07)	**4.A.** 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 percent or higher. (This rate is three times the baseline average.) **4.B.** Reporting this indicator by race and ethnicity is not required for the FFY 2006 APR due February 1, 2008.

Actual Target Data for FFY 2006:

State Average Suspension Rates of Students with Disabilities for Greater Than 10 Days in a School Year					
School Year	**Number of Students with Disabilities Suspended for More than 10 Days in the School Year**	**Number of School-Age Students with Disabilities Receiving Special Education Services on December 1**	**Suspension Rate**	**Significant Discrepancy in Suspension Rate**	**Percent of School Districts with Significant Discrepancy in Suspension Rate**
2004-05 (baseline data)	5,502	409,791	1.34%	**Three times the State baseline average**	2.9%
2005-06	5,294	407,000	1.30%	**Three times the State baseline average.**	2.5%
2006-07	5,622	409,149	1.37%	**Three times the State baseline average**	2.3%

Number of School Districts with their Suspension Rates and Percent of all Suspensions in the 2006-07 School Year				
# of districts in 2006-07 School Year	**% 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**
100	14.6%	Not applicable	These districts each had less than 75 students with disabilities enrolled on December 1, 2006.	0.8%
415	60.7%	0% to < 1.3%	Below the baseline Statewide average	43.1%
109	15.9%	≥ 1.3% < 2.7%	Between baseline and 2 times the baseline statewide average	14.6%
44	6.4%	≥ 2.7%< 4.0%	Between 2 and 3 times the baseline statewide average	15.2%
16	2.3%	≥ 4.0%	Three time or more than the baseline statewide average	26.4%

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2006:

Explanation of Progress or Slippage

The average suspension rate of students with disabilities in the 2004-05 school year was 1.34 percent, in 2005-06 it was 1.30 percent, and in 2006-07 it was 1.37 percent. Preliminary data analysis of 2006-07 suspension data indicates that the State will identify 16 school districts that had a suspension rate of 4.0 percent or higher compared to 20 school districts that were initially identified based on 2004-05 school year data (two were subsequently removed from identification). While the State did not meet its 2006-07 school year target of having 0 percent of school districts with a suspension rate of 4.0 percent or higher, there was a decrease from 2.9 percent of school districts identified based on 2004-05 data to 2.3 percent of school districts that will be identified based on 2006-07 data.

All 18 school districts that were required to review their policies, practices and procedures related to discipline based on 2004-05 school year data reported some noncompliance with one or more regulatory citations related to discipline of students with disabilities. They were required to correct noncompliance as soon as possible but no later than one year from identification. The Table below provides information on the number of school districts that reported compliance within one year and those that reported compliance after the one year time frame. The State is providing additional technical assistance and corrective action with the school districts reflected in the last column below that are still pending correction of noncompliance.

Data Year	Notification Year	Number of Districts Identified	Number of Districts Reporting Non-compliance	Number of Districts Correcting Non-compliance Within one Year	Number of Districts Correcting Non-compliance After one Year	Number of Districts that have not Corrected Non-compliance to Date
2004-05	2005-06	18	18	0	13	5*
2005-06	2006-07	17 (4 of these were identified during the previous year)	11 (possibly up to two more after verification review)			
2006-07	2007-08	16 (7 of these identified in a previous year)				
*Of the 5 school districts, three made progress and reported corrections to some issues of noncompliance, even though they are still not in compliance with all regulatory citations.						

During the 2006-07 school year, based on 2005-06 school year data, 17 school districts were notified that they had a suspension rate that was significantly greater than the suspension rate in other school districts. Four of the 17 school districts were also identified during the 2004-05 school year and completed the State-developed self-review monitoring protocol during the 2005-06 school year to evaluate their compliance with selected regulatory requirements, policies, practices and procedures related to discipline procedures for students with disabilities. Thirteen school districts completed the same review during the 2006-07 school year. The chart below provides the statewide results for the percent of identified school districts reporting compliance with each regulatory requirement. Eleven of the 13 school districts reported some noncompliance and will need to revise their policies, practices and procedures and become compliant within one year from notification. Two districts that reported being in full compliance will have a verification of their results completed by the State.

The Statewide results of compliance with regulatory citations provided below were disaggregated by the SEQA Regional Offices and technical assistance network regions to enable staff to provide required technical assistance to school districts based on the regional profile of results on the self-review monitoring protocol.

Results of 2006-07 Suspension Self-Reviews		**Number out of 13 School Districts Reporting Compliance**	**Percent of 13 School Districts Reporting Compliance**
Regulatory Citation 8 NYCRR			
§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.	4	30.8%
§200.4(b)(4)	The reevaluation is sufficient to determine the student's individual needs.	8	61.5%
§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	53.8%
§200.22(a)(3)*	FBAs are based on multiple sources of data, including but not limited to, information obtained from direct observation of the student, information from the student, the student's teacher(s) and/or related service provider(s), a review of available data and information from the student's record and other sources including any relevant information provided by the student's parent. The FBA is not based solely on the student's history of presenting problem behaviors.	7	53.8%
§200.22(a)(3)	The FBA provides a baseline of the student's problem behaviors with regard to frequency, duration, intensity, and/or latency across activities, settings, people and times of the day and includes information in sufficient detail to form the basis for a behavioral intervention plan (BIP) for the student that addresses antecedent behaviors, reinforces consequences of	5	38.5%

Results of 2006-07 Suspension Self-Reviews		Number out of 13 School Districts Reporting Compliance	Percent of 13 School Districts Reporting Compliance
Regulatory Citation 8 NYCRR			
	the behavior, recommendations for teaching alternative skills or behaviors and an assessment of student references for reinforcement.		
§201.3(a)	FBAs are conducted when students are suspended for behaviors determined to be related to their disabilities.	6	46.2%
§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	38.5%
§200.3(d)(1)	The general education teacher participated in the Committee on Special Education (CSE) meeting to identify appropriate positive behavioral interventions and strategies for the student.	7	53.8%
§201.4(e)	The IEP was revised as a result of any deficiencies noted during a manifestation determination review.	8	61.5%
§201.2(a)	BIPs 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.	7	53.8%
§200.22(b)(4)(i)**	BIPs identify the baseline measure of the problem behavior, including the frequency, duration, intensity and/or latency of the targeted behaviors. Such baseline, to the extent practicable include data taken across activities, settings, people and time of the day.	4	30.8%
§200.22(b)(4)(ii)**	BIPs identify the intervention strategies to be used to alter antecedent events to prevent the occurrence of the behavior, teach individual alternative and adaptive behavior to the student, and provide consequences for the targeted inappropriate behavior(s) and alternative acceptable behaviors.	8	61.5%

Results of 2006-07 Suspension Self-Reviews		Number out of 13 School Districts Reporting Compliance	Percent of 13 School Districts Reporting Compliance
Regulatory Citation 8 NYCRR			
§200.22(b)(4)(iii)**	BIPs include a schedule to measure the effectiveness of the interventions, including the frequency, duration and intensity of the targeted behaviors at scheduled intervals.	6	48.2%
§200.22(b)(5)**	The implementation of a student's BIP includes regular progress monitoring of the frequency, duration and intensity of the behavioral interventions at scheduled intervals. The results of the progress monitoring are documented and reported to the student's parents and to the CSE and are considered in any determination to revise the student's BIP or IEP.	5	38.5%
§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.	6	46.2%
§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.	7	53.8%
§200.4(e)	Behavioral intervention plans are implemented, monitored and progress documented.	6	46.2%
§201.4(a)	The manifestation review is conducted immediately, but not later than 10 days after the decision to remove or suspend the student.	8	61.5%
§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.	10	76.9%

Results of 2006-07 Suspension Self-Reviews		Number out of 13 School Districts Reporting Compliance	Percent of 13 School Districts Reporting Compliance
Regulatory Citation 8 NYCRR			
§201.4(c)	All relevant information in the student's file, including the student's IEP, any teacher observations and relevant information provided by the parent is reviewed.	8	61.5%
§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).	9	69.2%
§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.	11	84.6%
§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.	13	100%
§201.7(c)	A manifestation determination has been made prior to the removal of a student with a disability 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.	10	76.9%
§201.7(d)	Short-term suspensions are reviewed to determine if they constitute a pattern of removals.	7	53.8%
§201.7(f)	School personnel consider unique circumstances on a case-by-case basis when determining whether to suspend a student with a disability.	13	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).	13	100%
§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	12	92.3%

Results of 2006-07 Suspension Self-Reviews		Number out of 13 School Districts Reporting Compliance	Percent of 13 School Districts Reporting Compliance
Regulatory Citation 8 NYCRR			
	in the general curriculum and to continue to progress toward IEP goals.		
§201.10(e)	Interim alternative educational setting (IAES) and the services to be provided to a student are determined by the CSE.	10	76.9%
* FBAs conducted after July 1, 2006. **For BIPs developed after July 1, 2006.			

As shown in the table above, less than one half of the school districts were in compliance with nine of the citations listed above. More than one half of the school districts were in compliance with 20 citations.

NYS will use the above information in providing assistance to school districts through the State's quality assurance and technical assistance networks. NYS will require documentation of correction of noncompliance from each district identified in 2006-07, based on 2005-06 school year data.

During the 2007-08 school year, based on 2006-07 school year data, 16 school districts will be notified that they had a suspension rate that was significantly greater than the suspension rate in other school districts. These school districts will be required to complete the State-developed self-review monitoring protocol to evaluate their compliance with selected regulatory requirements, policies, practices and procedures related to discipline procedures for students with disabilities. They will report results of their self-review to the State by August 31, 2008. The web-based reporting system will notify them immediately to correct any noncompliance they identify as soon as possible but no later than one year from the automated notification date. The web-based reporting system also allows school districts to report corrections to each of the citations in which they initially reported noncompliance.

In 2006, the State established new rigorous regulatory standards for behavioral interventions, including standards for conducting functional behavioral assessments and behavioral intervention plans, use of time out rooms and use of emergency interventions. Because these standards were new, and the monitoring protocol measured compliance against these standards, many districts had not fully revised their policies, procedures and practices to align to the new standards.

Improvement Activities Completed in 2006-07

- In 2006-07, in NYC, in addition to schools required to conduct self-reviews based on data analysis, the NYC Regional Office of SEQA also conducted additional monitoring reviews of selected NYC high school sites with high suspension rates. In New York City, the NYC Department of Education (NYCDOE) was subsequently

required by NYSED to implement Positive Behavioral Interventions and Supports (PBIS) in selected districts with high suspension rates.

- NYS regulations were amended, effective June 2006, to establish general standards for behavioral interventions, including standards for functional behavioral assessments, behavioral intervention plans, use of time out rooms and use of emergency interventions.
- In 2006-07, the IDEA-funded Coordinated Children's Services Initiative (CCSI) delivered the Statewide Wraparound Training Project. Wraparound is a team-based planning process that brings people together involved in a family's life working on a common goal. In 2006-07, to support localities in creating systems of care, CCSI established 5 Regional Technical Assistance Teams (RTATS) comprised of field staff from participating CCSI agencies, family organizations/advocates, schools and county-level staff addressing systems barriers, sharing best practices and providing training.
- See Indicators 9 and 10 for additional activities.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2006 [*If applicable]*

The following improvement activity has been added.

Activity	Timelines	Resources
Expand field based PBIS technical assistance resources to work directly with schools identified by the State as having disproportionate rates of suspension of students with disabilities.	2008-11	PBIS state technical assistance network
Through VESID regional planning process, direct SETRC to work with schools identified with disproportionate rates of suspension using its Behavior Quality Indicator Review and Resource Guide.	2008-11	SETRC professional development specialists
Provide regional training on functional behavioral assessments and behavioral intervention plans	2008-11	SETRC regional trainers

Overview of the Annual Performance Report Development:
See Overview of the Development of the Annual Performance Report in the Introduction section, page 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.

FFY	Measurable and Rigorous Target
FFY 2006 (School Year 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.

Actual Target Data for FFY 2006:

Statewide Trend Data: LRE for School Age Students with Disabilities						
School Year	Number of Students Ages 6-21, on December 1 of the School year	Percent of Day Students are Removed from Regular Classes			Percent of Students in Separate Settings	Percent of Students in Other Specific Settings*
		Less than 21%	21% to 60%	Greater than 60%		
1997-98	372,716	43.2%	12.9%	34.8%	9.1%	
1998-99	381,342	44.7%	12.9%	33.5%	8.9%	
1999-00	384,352	47.6%	13.2%	30.7%	8.5%	
2000-01	389,668	49.5%	12.9%	29.8%	7.7%	
2001-02	387,014	51.1%	12.9%	28.6%	7.4%	
2002-03	386,082	51.8%	13.9%	27.0%	7.4%	
2003-04	387,633	53.4%	12.4%	27.0%	7.3%	
2004-05 (Baseline Year for APR)	391,595	53.6%	12.0%	27.3%	7.0%	
2005-06	389,125	54.5%	13.1%	25.5%	6.9%	
2006-07	391,773	53.1%	12.9%	24.6%	6.8%	2.6%

*Other specific settings include students who are home-schooled, parentally placed in nonpublic schools or incarcerated.

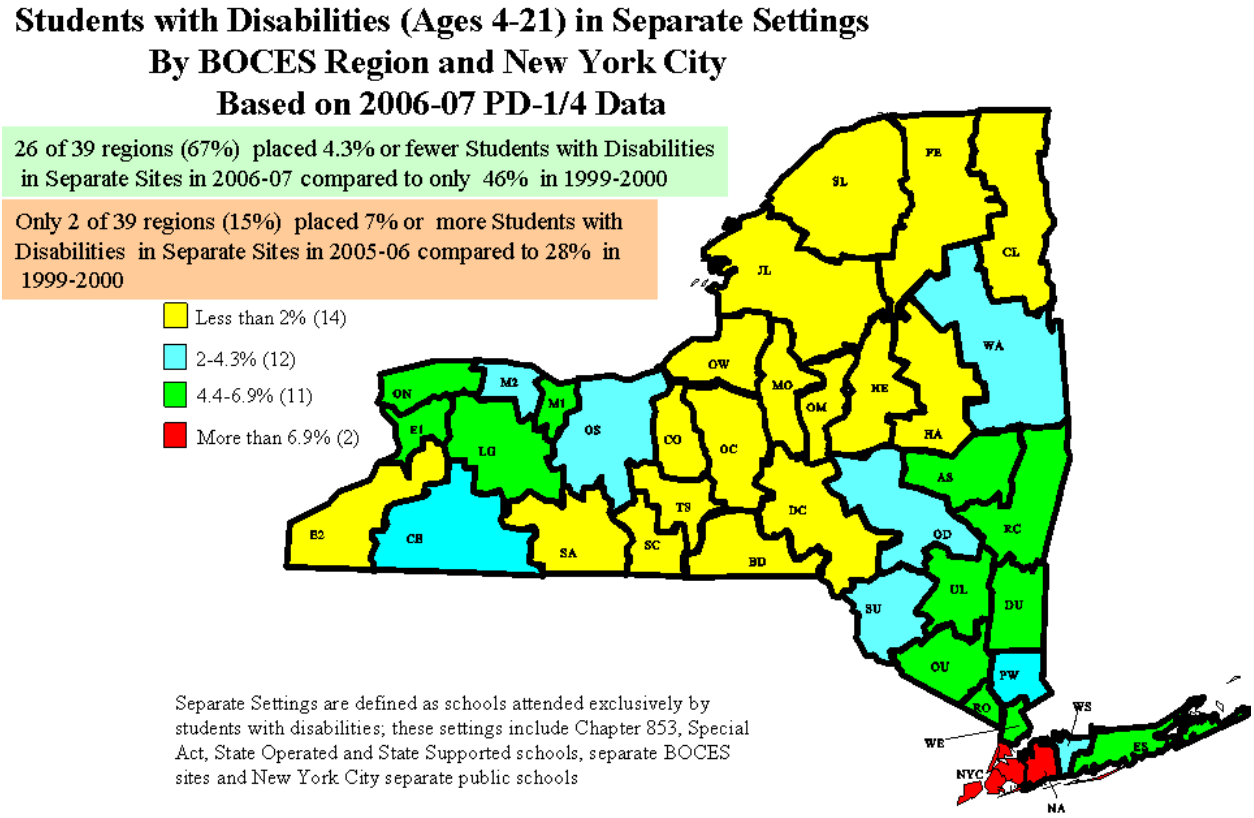
Big Five Cities' Combined Trend Data: LRE for School Age Students with Disabilities						
School Year	Number of Students Ages 6-21, on December 1 of the School year	Percent of Day Students Removed from Regular Classes			Percent of Students in Separate Settings	Percent of Students in Other Specific Settings*
		Less than 21%	21% to 60%	Greater than 60%		
2002-03	160,410	47.9%	5.4%	38.1%	8.6%	
2003-04	161,347	49.5%	2.5%	39.0%	9.0%	
2004-05	165,795	49.9%	2.1%	39.3%	8.8%	
2005-06	164,462	51.3%	4.8%	35.2%	8.7%	
2006-07	169,394	49.7%	4.8%	33.5%	9.0%	3.1%
*Other specific settings include students who are home-schooled, parentally placed in nonpublic schools or incarcerated.						

2006-07 LRE Data for Students with Disabilities by Need Resource Capacity Category of School Districts						
Need Resource Capacity	Number of Students Ages 6-21, on December 1 of the School year	Percent of Day Students are Removed from Regular Classes			Percent of Students in Separate Settings	Percent of Students in Other Specific Settings*
		Less than 21%	21% to 60%	Greater than 60%		
NYC	146,101	48.9%	4.0%	34.5%	9.4%	3.3%
Large 4 Cities	23,293	55.0%	9.8%	27.2%	6.1%	1.9%
Urban-Suburban High Need School Districts	34,481	46.2%	15.8%	28.8%	6.3%	3.0%
Rural High Need School Districts	25,150	53.4%	23.1%	21.2%	1.7%	0.6%

2006-07 LRE Data for Students with Disabilities by Need Resource Capacity Category of School Districts						
Need Resource Capacity	**Number of Students Ages 6-21, on December 1 of the School year**	**Percent of Day Students are Removed from Regular Classes**			**Percent of Students in Separate Settings**	**Percent of Students in Other Specific Settings***
		Less than 21%	**21% to 60%**	**Greater than 60%**		
Average Need School Districts	109,307	56.6%	20.9%	16.5%	4.1%	1.8%
Low Need School Districts	48,712	64.6%	16.6%	11.9%	4.7%	2.3%

*Other specific settings include students who are home-schooled, parentally placed in nonpublic schools or incarcerated.

2006-07 LRE Data by Board of Cooperative Educational Services (BOCES) Regions for Separate Settings:



Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2006:

Explanation of Progress or Slippage

The State met its target in one of three settings and would have met its target in two of three settings if the categories of LRE settings had not been revised by USED:

- The percentage of students with disabilities who are removed from regular classes for less than 21 percent of the day decreased from 54.5 percent in 2005-06 school year to 53.1 percent in 2006-07 school year. The State target was to increase this percentage to 55 percent. If the LRE categories were not revised, an additional 2.6 percent of students with disabilities would have been reported in this setting, making this percentage 55.7 percent.
- The percent of students with disabilities who are removed from regular classes for more than 60 percent of the day decreased from 25.5 percent in 2005-06 to 24.6 percent in 2006-07. The State met its target, which was to be below 26 percent in 2006-07.
- The percent of students with disabilities who are educated in separate settings decreased from 6.9 percent in 2005-06 to 6.8 percent in 2006-07. The State made

progress; however, the State's target was to be below 6.5 percent in 2006-07.

- Beginning in 2006-07 school year, USED required students with disabilities who are home-schooled, parentally placed in nonpublic schools or incarcerated to be reported in their own specific categories. In the past, these students were usually reported in "removed from regular classes for less than 21 percent of the day" category. The State is revising its future targets in all LRE settings in order to reflect the changes in LRE reporting categories.
- All need/resource categories of school districts except the low need districts decreased the percentage of students who are removed from regular classes for more than 60 percent of the day.
  - NYC uses the separate settings placement category to a much greater extent than other need/resource categories for school districts.
  - The high need school districts tend to use the removed from regular classes for more than 60 percent of the day setting for significantly greater percentages of students with disabilities compared to average or low-need school districts.

Improvement Activities Completed in 2006-07

- In the 2006-07 school year focused monitoring using the *Least Restrictive Environment (LRE)* and the *Effective Instructional* focused monitoring protocols was conducted to review policies, procedures and practices in school districts whose data showed LRE data below the State's targets.
- In 2006-07, regional space plans were reviewed to assure availability of space for students with disabilities to be educated in age-appropriate settings and to the maximum extent possible with students who are not disabled. NYS required documentation of regional needs prior to expansion and/or approval of new private school programs to serve students with disabilities in separate settings.
- NYS Regulations were amended, effective October 4, 2007, to add options to the continuum of special education services to promote the delivery of specially designed instruction in a general education classroom by adding integrated co-teaching services and the combination of resource room and consultant teacher services to meet the minimum level of service requirements.
- The Nondistrict Unit (NDU) was created in 2006-07 to provide technical assistance and monitoring to approved private schools.
- In 2006-07, under the five-year interagency development plan to reduce the number of NYS students with disabilities placed in out-of-State programs, there was a 35 percent reduction in out-of-state placements, comparing 2006-07 to 2005-06.
- In 2006-07, the School Support Projects (SSP) provided mental health support to students in 23 project sites in ten counties and four NYC boroughs, including elementary, intermediate, middle and high schools. In 2006, approximately 1,600 students received services through SSP clinics.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2006 *[If applicable]*

Changes in Proposed Targets

Because of the changes made by USED in the reporting categories that went into effect for the 2006-07 school year, NYS is revising its targets for school age LRE categories, as described below.

2007-08 School Year: 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 53.1 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 24.6 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 6.8 percent.
2008-09 School Year: 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 53.2 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 24.5 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 6.7 percent.
2009-10 School Year: 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 53.3 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 24.4 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 6.6 percent.
2010-11 School Year: 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 53.4 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 24.3 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 6.5 percent.

Overview of the Annual Performance Report Development:

See Overview of the Development of the Annual Performance Report in the Introduction section, page 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 (i.e., 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 special education services in settings with typically developing peers) divided by the (total # of preschool children with IEPs)] times 100.

FFY	Measurable and Rigorous Target
FFY 2006 (School Year 2006-07)	NYS will need to set new targets based on changes that are being made in the federal measure for this indicator.

Actual Target Data for FFY 2006:

Not applicable.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2006:

Improvement Activities Completed in 2006-07

- Completed the Longitudinal Study of Preschool Special Education on September 6, 2007. Findings substantiate the correlation between the integration of preschool special education programs and services and the integration of school-age placements as well as greater developmental progress by students as of third grade. http://www.vesid.nysed.gov/specialed/preschool/study/home.html

- Early Childhood Direction Centers (ECDCs) developed and conducted training for families and professionals on the LRE, the continuum of service options for preschoolers with disabilities and the benefits of inclusive education. ECDCs provided information and technical assistance to local Committees on Preschool Special Education (CPSE) and professionals providing care for typically developing preschoolers and preschoolers with disabilities in early childhood settings.

- NYS Regulations were approved effective October 4, 2007, to authorize a waiver to class size requirements when necessary to ensure the timely placement of a preschool student with a disability in the LRE placement for that student.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2006 [If applicable]

Not applicable. Reporting on this indicator is not required for the FFY 2006 APR due February 1, 2008. This is because changes were made recently by USED in the 618 State-reported data collection requirements, affecting the data being gathered for FFY 2006. The new baseline and targets will be reported in the FFY 2007 APR due February 1, 2009.

Overview of the Annual Performance Report Development:

See Overview of the Development of the Annual Performance Report in the Introduction section, page 1.

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.

FFY	Measurable and Rigorous Target
FFY 2006 (School Year 2005-06)	None this year. Only progress data and improvement activities are required this year. States are not required to report baseline and targets until February 2010. See State Performance Plan for discussion of progress data and improvement activities.

Actual Target Data for FFY 2006:

Progress data are provided in the SPP.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2006:

Improvement activities are reported in the SPP.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2006 *[If applicable]*

Not applicable.

Overview of the Annual Performance Report Development:

See Overview of the Development of the Annual Performance Report in the Introduction section, page 1.

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 was 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.

Note: When NYS reports school district data on this indicator as part of the public reporting requirement, weightings will not be used. A school district's actual data will be displayed.

FFY	Measurable and Rigorous Target
FFY 2006 (School year 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.

Actual Target Data for FFY 2006:

During the 2006-07 school year, 113 school districts, including NYC as a single district, conducted a parent survey. The number of surveys returned was 7,956, with 7,658 surveys responding to at least 15 questions out of 25 questions on the survey). Of the surveys that responded to at least 15 questions, 6,723 surveys provided a positive response on at least 51 percent of the questions. This represents an unweighted positive response rate of 87.8 percent and a weighted positive response rate of 86.9 percent. NYS uses 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 sample size 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.

The 113 school districts are representative of NYS. See the SPP for a discussion of how NYS assigned all school districts in the State into six representative samples for the purposes of collecting data on this Indicator. Each group of school districts is required to submit data on one indicator each year such that within six years, all school districts will have submitted data on all six indicators. NYC is the only school district with a total enrollment of over 50,000 students and is required to submit data on every indicator every year.

See http://www.vesid.nysed.gov/specialed/spp/home.html for a schedule of the school years in which school districts must submit data on these indicators. The State has also developed a schedule of the years in which selected school districts are required to re-submit data on some indicators to document improvement in compliance rates or to achieve a sufficient response rate for this Indicator. The schedule of re-submissions is also posted at the same website as the schedule.

The parent survey that was used in 2006-07 school year was the same as was used in the 2005-06 school year and is included in the State's SPP. Each school district was required to over sample and send the survey to all the parents of preschool and school age students with disabilities or to send the survey to ten times the required minimum sample size. See the sampling calculator to determine the minimum sample size at http://eservices.nysed.gov/pdsystem/samplesizecalculator.jsp.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2006:

Explanation of Progress or Slippage

The Statewide result of the survey in 2006-07 school year was the same as in the 2005-06 school year: i.e., 86.9 percent of parents reported that schools facilitated parent involvement as a means of improving services and results for children with disabilities. Even though the State did not achieve its established target of 87.0 percent for the 2006-07 school year, the difference between the result and the target is not statistically significant.

Sixty seven school districts did not achieve the required minimum sample size of survey returns in 2006-07 school year. The State is reviewing the response rate in these school districts to determine which school districts will be required to re-survey parents in the 2008-09 school year.

Improvement Activities Completed in 2006-07

- In 2006-07, the PBIS regional TACs provided family stipend assistance to promote and enable family representatives to attend trainings and annual NYS-PBIS Coaches' Forum events. Families Together in NYS, Inc., through support from IDEA discretionary funds, developed Regional Resource Directories to assist school districts in identifying local support services and for assistance in wraparound behavioral support planning.
- In 2006-07, ECDCs provided information and training to families to facilitate parental involvement in their child's special education program. ECDCs, in collaboration with regional SETRC trainers, provided families with training on due process, federal and State laws and regulation, transition planning, LRE and other issues related to preschool children with disabilities. The ECDC network also provided professional development and technical assistance to providers and district personnel to support smooth transitions for families between preschool and school age programming.
- In 2006-07, the nine Regional SETRC programs developed and conducted regional trainings on the needs identified across their designated regions. *Training for Committee on Special Education/Committee on Preschool Special Education (CSE/CPSE) Process for Chairpersons and Members, Including the Parent Member* was provided by all regional SETRC programs.
- A revised mandatory *New York State Procedural Safeguards Notice* was issued in August 2007.
- NYS Regulations were amended, effective October 4, 2007, to require, effective January 1, 2009 that all IEPs, prior written notices, and meeting notices be on a form prescribed by the Commissioner. This will help to ensure that all parents are more fully informed about special education recommendations for their children.

- The TCS provided information sessions to families regarding post-school transition processes.

- Three Parent Roundtable discussions were held in 2007 with representation by the five NYSED-funded Parent Centers, a guidance counselor from a local high school, staff and parent members from support agencies, e.g. Families Together in NYS, and many parents participated. Between 30 and 35 attended each roundtable.

- Meetings with the State and federally funded parent centers were held to facilitate improved communication and collaboration regarding key policy improvement activities.
- VESID leadership staff participated in the IDEA Learning Community monthly teleconferences to discuss concerns and current issues being faced by parents and advocates. Topics included: updating information on new regulations and laws; discipline in public schools; advocacy for parents and students with special needs.
- In 2006-07, during Focused Reviews, SEQA reviewed school district policies, procedures and practices to ensure that school districts were facilitating the involvement of parents as a means to improve results for students with disabilities. Parent interviews and/or forums were also conducted as part of the Quality Assurance process.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2006 *[If applicable]*

The following activities were added for Indicator 8:

The following will be added:

Activities	Timelines	Resources
Develop a new CPSE/CSE training program to improve delivery of special education services.	2008-2011	Regional SETRC trainers ECDC staff VESID staff
Issue a new RFP to expand the number of State funded parent centers.	2008-09	Discretionary funds

Overview of the Annual Performance Report Development:

See Overview of the Development of the Annual Performance Report in the Introduction section, page 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 the (# 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 2006-07 and 2007-08 school years based on 2005-06 and 2006-07 school year data, respectively, NYS 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. (The State's definition of significant disproportion is the same as the definition of disproportion.):

For Over-representation in special education:

- At least 75 students with disabilities enrolled on 12/1/06;
- A minimum of 30 students (disabled and nondisabled) of particular race/ethnicity enrolled on first Wednesday in October 2006;
- At least 75 students (disabled and nondisabled) of all other race/ethnicities enrolled on first Wednesday in October 2006;
- At least 10 students with disabilities of particular race/ethnicity enrolled in district on 12/1/06; and
- Either:
  - Both the relative risk ratio and weighted relative risk ratio for any race/ethnic group is 2.5 or higher; or

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

For Under-representation in special education:

NYS has begun data analysis, however, will seek technical assistance from the National Center for Culturally Responsive Educational Systems (NCCRESt) to assist us with meaningful data analysis and reporting for under-representation in special education by race/ethnicity.

FFY	Measurable and Rigorous Target
FFY 2006 (School year 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.

Actual Target Data for FFY 2006:

Below are summary data on the number of school districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification and the status of making corrections to policies, practices, procedures.

School Year Data	Notification Year	Number and percent of Districts Reporting Inappropriate Policies, Practices, Procedures	Number of Districts that Corrected their Policies, Practices and Procedures Within One Year of Notification	Number of Districts that Corrected their Policies, Practices and Procedures After One Year	Number of Districts that have not Corrected their Policies, Practices and Procedures to Date
2004-05	2005-06	8 (1.2%)	2	5	1*
2005-06	2006-07	6 (0.9%) Possibly one more after verification review.	0	4	2
2006-07	2007-08				
*This district has made progress and reported corrections to some issues of noncompliance, even though they are still not in compliance with all regulatory citations.					

Based on 2004-05 school year data, NYS identified ten school districts as having significant disproportion in data in the identification of students for special education by race/ethnicity. After completing the State-developed self-review monitoring protocol,

eight of these school districts reported having inappropriate policies, practices and procedures related to evaluation and identification of students for special education. The State was delayed in developing its computer systems to allow school districts to report compliance in those areas in which they initially reported noncompliance. To date, seven of the eight school districts have reported corrections to their policies, practices and procedures in the areas in which they initially reported noncompliance. The one remaining district in the last column of the table above will be provided technical assistance and be required to develop a corrective action plan for issues of continuing noncompliance.

Based on 2005-06 school year data, NYS notified seven school districts they had data indicating disproportionate over-representation of students in special education by race/ethnicity. Five of these districts had been identified in the previous school year. After completing the State developed self review monitoring protocol, six of these school districts reported having inappropriate policies, practices and procedures related to evaluation and identification of students for special education. To date, four of these school districts have reported corrections to their policies, practices and procedures in the areas in which they initially reported noncompliance. NYS will do a verification review of one district's report of 100 percent compliance. There is still time remaining one year from notification of noncompliance for the remaining districts to report compliance.

Based on 2006-07 school year data, NYS has identified five school districts with significant disproportion in their data for over-representation. These school districts will be notified and required to complete the State-developed self-review monitoring protocol to evaluate their compliance with regulatory requirements, policies, practices and procedures related to evaluation of students for special education. Also, as required by USED, NYS will arrange for another review of their policies, practices and procedures even if these school districts completed the self-review monitoring protocol in a previous school year. These school districts will be required to report results of their self-review to the State by August 31, 2008. The web-based reporting system will notify them immediately to correct any noncompliance they identify as soon as possible but no later than one year from the automated notification date. The web-based reporting system also allows school districts to report corrections to each of the citations in which they initially report noncompliance.

NYS has begun analysis of its 2005-06 and 2006-07 school year data to determine under representation of students in special education by race/ethnicity. However, we have not reported under representation data in the APR because the data analysis has not resulted in meaningful information to identify problems and practices that would lead to more appropriate identification of students with disabilities. NYSED intends to seek technical assistance from NCCRESt to assist us with meaningful data analysis and reporting for under-representation in special education by race/ethnicity.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2006:

Explanation of Progress or Slippage

As the data above indicate, NYS did not achieve its target of 0 districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification.

Improvement Activities Completed in 2006-07

- In May 2007, VESID conducted a meeting with all districts that were identified in January 2007 as having disproportionate data for the 2005-06 school year. The meeting was held at the NYU Metro Center (VESID's Technical Assistance Center on Disproportionality - TAC-D). Districts were provided with technical assistance on the self-review process, disproportionality, and options for technical assistance with both the review process and planning for improvement activities. VESID managers, SETRC representatives, and the Bilingual Special Education network coordinator were present to answer questions. Participating schools also were provided with information and a technical assistance contact to help them identify appropriate early intervening services to address issues of disproportionality.
- Additional funding was provided to increase the capacity of the TAC-D at NYU Metro Center (http://steinhardt.nyu.edu/metrocenter/tacd.html) technical assistance project for disproportionality in special education to address the in-depth needs of six more school districts, bringing the total to 13 school districts working intensively with TAC-D.
- SETRC and other funded TAC networks were trained by the NYU Metro Center to provide technical assistance to districts whose data show disproportionate classification rates by race/ethnicity.
- The NYU Metro Center TAC-D developed training modules regarding disproportionality and effective practices that are now available on line at http://steinhardt.nyu.edu/metrocenter/tacd/trainingmodules.html.
- NYU Metro Center's Summer Institute held in July 2007 provided 21 workshops for 300 educators from NYS school districts plus other states in the Northeast region http://steinhardt.nyu.edu/metrocenter/tacd/Summer%20Institute/SummerInstitute2007/overview.html.
- In 2006-07, IDEA-funded initiatives supported preparation of personnel qualified to work with limited English proficient students with disabilities in high need areas. This included providing paraprofessionals with tuition assistance to remain enrolled in programs leading to their eventual certification as bilingual special education teachers; assisting special education teachers, speech teachers and pupil personnel services professionals to complete coursework leading to certification for bilingual education or Teachers of English to Speakers of Other Languages (TESOL); funding the training of speech teachers and speech-language pathologists.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2006 *[If applicable]:*

The following activity has been added

Activity	Timelines	Resources
Seek technical assistance from NCCRESt to assist us with meaningful data analysis and reporting for under-representation in special education by race/ethnicity.	2008	NCCRESt

Overview of the Annual Performance Report Development:

See Overview of the Development of the Annual Performance Report in the Introduction section, page 1.

Monitoring Priority: Disproportionality

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

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

Measurement:

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

Include State's definition of "disproportionate representation."

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 compared to other race/ethnic groups combined. NYS 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. (The State's definition of significant disproportion is the same as the definition of disproportion):

For Over-identification of race/ethnic groups in specific disabilities:

- At least 75 students with disabilities enrolled on 12/1/06;
- A minimum of 30 students (disabled and nondisabled) of particular race/ethnicity enrolled on first Wednesday in October 2006;
- At least 75 students (disabled and nondisabled) of all other race/ethnicities enrolled on first Wednesday in October 2006;
- At least 10 students with disabilities of particular race/ethnicity and disability enrolled in district on 12/1/06; and
- Either:
  - Both the relative risk ratio and weighted relative risk ratio for any minority group is 4.0 or higher; or
  - All students with disabilities in a specific disability category are of only one race/ethnic group regardless of the size of the relative risk ratio and weighted

relative risk ratio.

For Under-identification of race/ethnic groups in specific disabilities:

NYSED has begun data analysis, however will seek technical assistance from NCCRESt to assist us with meaningful data analysis and reporting for under-representation in special education by race/ethnicity.

NYS 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.

FFY	Measurable and Rigorous Target
FFY 2006 (School year 2006-07)	The percent of districts with disproportionate representation of racial and ethnic groups in specific disability groups that is the result of inappropriate policies, procedures and/or practices will be 0.

Actual Target Data for FFY 2006:

Below are summary data on the number of school districts with disproportionate representation of racial and ethnic groups in specific disability that is the result of inappropriate identification and the status of making corrections to policies, practices, procedures.

Data Year	Notification Year	Number and percent of Districts Reporting Inappropriate Policies, Practices, Procedures	Number of Districts that Corrected their Policies, Practices and Procedures Within One Year of Notification	Number of Districts that Corrected their Policies, Practices and Procedures After One Year	Number of Districts that have not Corrected their Policies, Practices and Procedures to Date
2004-05	2005-06	Disability: 12 (1.8%)	0	6	6*
		Setting: 4	0	4	0
2005-06	2006-07	Disability: 7 (1.0%)	0	2	5
		Setting: 5 (0.7%) (Possibly 1 more after verification review)		2	3
2006-07	2007-08	Disability:			

*Of the 6 school districts, one made progress and reported corrections to some issues of noncompliance although they are still not in compliance with all regulatory citations.

Based on 2004-05 school year data, NYS identified 13 school districts as having significant disproportion in data by race/ethnicity in the identification of students by specific disability and 7 schools districts as having significant disproportion in particular settings. After completing the State developed self review monitoring protocols, 12 school districts reported having inappropriate policies, practices and procedures related to identification of students by disability and 4 reported needing to make corrections in policies, practices and procedures related to placement in particular settings. NYS was delayed in developing its computer systems to allow school districts to report compliance in those areas in which they initially reported noncompliance. To date, six of these school districts have reported corrections to their policies, practices and procedures related to identification by specific disability and all have made corrections in policies, practices and procedures involved in making placements of students in particular settings.

Based on 2005-06 school year data, NYS identified seven school districts as having significant disproportion in data in the identification of students by specific disability by race/ethnicity (six of these school districts had been identified in the previous year). Also, NYS identified seven school districts with disproportion in data for placement of students in particular settings (four of these districts had been identified in the previous school year). After completing the State developed self review monitoring protocol, all seven districts identified for disproportion by specific disability reported some inappropriate policy, practice or procedure. Five districts reported some inappropriate policy, practice or procedure related to placement in particular setting. NYS will do a verification review of one school district's report of 100 percent compliance with policies, practices and procedures related to placement. To date, two school districts have reported corrections to policies, practices and procedures related to identification by specific disability and two districts have reported correction related to placement in particular settings. There is still time remaining one year from notification of noncompliance for the remaining districts to report compliance.

Based on 2006-07 school year data, NYS has identified twelve school districts with significant disproportion in their data for over-identification of students by specific disability. These school districts will be notified and required to complete the State-developed self-review monitoring protocol to evaluate their compliance with regulatory requirements, policies, practices and procedures related to identification of students by specific disability. Also, as required by USED, NYS will arrange for another review of their policies, practices and procedures even if these school districts completed the self-review monitoring protocol in a previous school year. These school districts will be required to report results of their self-review to the State by August 31, 2008. The web-based reporting system will notify them immediately to correct any noncompliance they identify as soon as possible but no later than one year from the automated notification date. The web-based reporting system also allows school districts to report corrections to each of the citations in which they initially report noncompliance.

NYS has begun analysis of its 2005-06 and 2006-07 school year data to determine the percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that are the result of inappropriate identification. However,

we have not reported under representation data in the APR because the data analysis has not resulted in meaningful information to identify problems and practices that would lead to more appropriate identification of students with disabilities. NYSED intends to seek technical assistance from NCCRESt to assist us with meaningful data analysis and reporting for under-representation in specific disability categories by race/ethnicity.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2006:

Explanation of Progress or Slippage

As the data above indicates, NYS did not achieve its target of 0 districts with disproportionate representation of racial and ethnic groups in specific disabilities or settings that is the result of inappropriate identification.

Improvement Activities Completed in 2006-07

Activities to address Indicator 10 are the same as discussed in Indicator 9.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2006 *[If applicable]* - see Indicator 9

Revision to Proposed Targets

Beginning with 2006-07 school year data, NYS will eliminate Indicator 10B from its SPP since this indicator is not required by USED. However, NYS will still implement its responsibilities described in IDEA related to disproportionate placement, based on race/ethnicity, of students with disabilities, in particular LRE settings. NYS will also continue to require school districts to reserve up to 15 percent of IDEA funds for early intervening services when data indicate significant disproportionality in placement of students in particular settings.

FFY	Measurable and Rigorous Target
2007 (2007-08)	The percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories 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 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 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 that is the result of inappropriate policies, procedures and/or practices will be 0.

Revision to Improvement Activities

Activity	Timelines	Resources
Seek technical assistance from NCCRESt to assist us with meaningful data analysis and reporting for under-representation in specific disability categories by race/ethnicity.	2008	NCCRESt

Overview of the Annual Performance Report Development:

See Overview of the Development of the Annual Performance Report in the Introduction section, page 1.

Monitoring Priority: Effective General Supervision Part B / Child Find

Indicator 11: Percent of children with parental consent to evaluate, who were evaluated within 60 days (or 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 were completed within 60 days (or State established timeline).
c. # determined eligible whose evaluations 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 the evaluation was completed and any reasons for the delays.

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

New York State's Measurement in 2006-07 School Year:

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

In the 2006-07 school year, NYS collected data for this indicator in the PD-11 report, which is a web-based report that collects aggregate data from school districts. This report is posted at http://www.vesid.nysed.gov/sedcar/0607pdrpts.htm. The data that were collected did not distinguish between students who were found eligible for special education from those who were not. Because the indicator was revised by OSEP to require states to report on the percent of children with consent to evaluate who were evaluated within 60-days (or State established timeline) and to no longer require states to report on timelines for eligibility determinations, NYS did not collect information on eligibility determinations for this measure. Requiring states to report data on the numbers of students determined eligible and not eligible for special education services whose evaluations were completed within State required timelines is inconsistent with the indicator measure. However, in the 2007-08 school year, the State will collect these data at the individual student level through SIRS and will be able to distinguish between students who are found eligible for special education from those who are not.

New York's formula for 2006-07 school year to calculate results for this indicator is as follows:

a. # of children for whom parental consent to evaluate was received. (Does not include students whose evaluations were completed past the State established

timelines for reasons that are in compliance with State requirements.) b. # of children whose evaluations were completed within 30 school days for preschool children and 60 calendar days for school age students. Percent = [b divided by a] times 100.

FFY	Measurable and Rigorous Target
FFY 2006 (School year 2006-07)	100 percent of children with parental consent to evaluate will be evaluated and eligibility determined within State required timelines.

Actual Target Data for FFY 2006:

NYS' new baseline data[1] are that 64.2 percent of all students received evaluations within the State required timeline. School age students were more likely to receive a timely evaluation at 78.4 percent compared to preschool students at 44.2 percent.

During the 2006-07 school year, one sixth of the school districts in the State were required to report data for this indicator. The data provided below represents data from 113 school districts. All school districts except NYC provided data on all eligible children. NYC provided data for a representative sample.

	A	B	C
Category of Students	**Number of Students for Whom Parental Consent to Evaluate Was Received**	**Number of Students Whose Evaluations were Completed Within State Timelines**	**Percent = [b divided by a] times 100**
Preschool Children	4,836	2,139	44.2%
School-Age Students	6,815	5,342	78.4%
Total for All Students	11,651	7,481	64.2%

The following data is presented by the SEQA regions of the State to inform needed regional improvement activities.

[1] This indicator was revised by USED from the previous year from date of eligibility determination to date evaluations were completed. Also, NYS followed the federal calculation more closely this year compared to last year. For these reasons, the 2006-07 school year data are the State's new baseline data; they cannot be compared to last year's data.

	A	B	C
Category of Students	**Number of Students for Whom Parental Consent to Evaluate Was Received**	**Number of Students Whose Evaluations were Completed Within State Timelines**	**Percent = [b divided by a] times 100**
Central Region			
Preschool Children	580	134	23.1%
School-Age Students	877	639	72.9%
Total for All Students	1,457	773	53.1%
Eastern Region			
Preschool Children	409	155	37.9%
School-Age Students	499	385	77.2%
Total for All Students	908	540	59.5%
Hudson Valley Region			
Preschool Children	438	115	26.3%
School-Age Students	592	489	82.6%
Total for All Students	1,030	604	58.6%
Long Island Region			
Preschool Children	806	623	77.3%
School-Age Students	836	621	74.3%
Total for All Students	1,642	1,244	75.8%
New York City			
Preschool Children	1,261	501	39.7%
School-Age Students	2,133	1,738	81.5%
Total for All Students	3,394	2,239	66.0%
Western Region			
Preschool Children	1,342	611	45.5%
School-Age Students	1,878	1,470	78.3%
Total for All Students	3,220	2,081	64.6%

Reasons

Following are reasons why 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 NYS regulations and those that are determined to be "out of compliance" with NYS regulations.

As stated in NYS' measure for this indicator, the percent does not include students whose evaluations were completed past the State established timelines for reasons that are in compliance with State requirements. Some of the "in compliance" reasons for exceeding the required timeline for 1,338 preschool children and 374 school-age students were as follows:

- Parents withdrew consent to evaluate.
- Student/parent moved out of school district before the evaluation was completed.
- Parents refused or repeatedly did not make the child available for the evaluation.
- Parents canceled 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 2,697 preschool and 1,473 school-age students were as follows:

- Shortages of personnel to conduct evaluations.
- Evaluator delays in completing the evaluations.
- Scheduling difficulties that cause untimely CPSE or CSE meetings.

Extent of Delays

Following is an analysis of the number of days past the timeline for completion of evaluations 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. NYS will be able to differentiate in the 2007-08 school year, when these data will be collected at the individual student level.

Number of Days of Delay in Completing Evaluations of Preschool Students				
Special Education Quality Assurance Region	**1-10 Days of Delay**	**11-20 Days of Delay**	**21-30 Days of Delay**	**More than 30 Days of Delay**
Central	131	142	95	149
Eastern	91	85	59	68
Hudson Valley	116	99	70	71
Long Island	175	38	13	15
New York City	382	291	188	213
Western	286	257	144	156
Total State	**1,181**	**912**	**569**	**672**

Below is the number of days past the timeline that evaluations of school-age students were completed. Some of these delays are for reasons that are "in compliance" with NYS 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. NYS will be able to differentiate in the 2007-08 school year, when these data will be collected at the individual student level:

Number of Days of Delay in Completing Evaluations of School Age Students				
Special Education Quality Assurance Region	**1-10 Days of Delay**	**11-20 Days of Delay**	**21-30 Days of Delay**	**More than 30 Days of Delay**
Central	92	49	67	43
Eastern	38	24	38	18
Hudson Valley	63	27	23	9
Long Island	99	52	71	51
New York City	116	62	99	91
Western	147	82	96	49
Total State	**555**	**296**	**394**	**261**

Discussion of Baseline Data

- 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: Long Island: 75.8 percent; New York City: 66.0 percent; Western: 64.6 percent; Eastern: 59.5 percent; Hudson Valley: 58.6 percent; and Central: 53.1 percent.
- Of all the delays in evaluating preschool children, 35.4 percent were delays of 1-10 days; 27.4 percent were delays of 11 to 20 days; 17.1 percent were delays of 21 to 30 days; and 20.2 percent were delays of more than 30 days.
- Of all the delays in evaluating school-age students, 36.9 percent were delays of 1-10 days; 19.7 percent were delays of 11 to 20 days; 26.2 percent were delays of 21-30 days; and 17.3 percent were delays of more than 30 days.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2006:

Explanation of Progress or Slippage

NYS did not meet its target of 100 percent.

During the 2006-07 school year, all school districts reporting data for this indicator received electronic notices of compliance with this indicator based on 2005-06 school year data. During the 2007-08 school year, all school districts reporting data for this indicator received electronic notices of compliance with this indicator based on 2006-07 school year data.

School districts that were not in 100 percent compliance with this indicator were required to analyze the reasons for their delays in determining eligibility and to develop and or revise their processes and procedures related to ensuring timely completion of initial evaluations. Also, school districts were required to provide a Statement of Assurance to the State once they had made the required changes. In addition to this, school districts with less than a 90 percent compliance rate have been re-assigned to report data to the State on this indicator for the 2008-09 school year in order to document full compliance. See the schedule of the school years in which school districts must re-submit data on this indicator, posted at http://www.vesid.nysed.gov/sedcar/resubschedule.html. The Special Education School District Data Profiles will be updated with school districts' revised compliance rates based on re-submission of data. These profiles are posted at http://eservices.nysed.gov/sepubrep/,

NYS will collect data on this indicator in the 2007-08 school year at the individual student level through SIRS. See information contained in the SIRS 2007-08 Policy Manual and in the SIRS 2007-08 Dictionary of Reporting Data Elements posted on line at http://www.emsc.nysed.gov/irts/SIRS/home.shtml. Collecting data through the new system is expected to improve the accuracy of these data.

Improvement Activities Completed in 2006-07

- During 2006-07, in the Central NYS region, two task force groups which included preschool providers, county representatives and school district personnel were convened to identify and implement strategies to improve the timeliness of completion of preschool evaluations.
- NYS Regulations were amended, effective October 4, 2007, to clarify that it is the board of education's responsibility to ensure timely evaluations and placements for preschool children with disabilities.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2006 *[If applicable]*

The following improvement activity has been added:

Activity	Timelines	Resources
All school districts with less than 90 percent compliance on this indicator will be required to re-submit data for this indicator to the State to demonstrate correction of noncompliance.	2008-2011	SIRS

Overview of the Annual Performance Report Development:

See Overview of the Development of the Annual Performance Report in the Introduction section, page 1.

Monitoring Priority: Effective General Supervision Part B / Effective Transition

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

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

Measurement:

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 birthdays.
c. # of those found eligible who have an IEP developed and implemented by their third birthdays.
d. # of children for whom parent refusal to provide consent caused delays in evaluation or initial services.

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.

NYS will use the above formula except it will add "e" to the equation as follows:

e. # of children whose IEPs were not implemented by their third birthdays but for reasons that are "in compliance" with NYS regulations.

NYS Data = [(c) divided by (a-b-d-e)] times 100

In 2006-07 school year, NYS used the PD-12 report to collect these data. This report is posted at http://www.vesid.nysed.gov/sedcar/0607pdrpts.htm.

FFY	Measurable and Rigorous Target
FFY 2006 (School Year 2005-06)	100 percent 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.

Actual Target Data for FFY 2006:

Based on data submitted for the 2006-07 school year by 116 school districts that are representative of the State, 73.8 percent of children, who transitioned from Early Intervention (Part C) and were found to be eligible for preschool special education services under Part B, had their IEP developed and implemented by their third birthday. All children for whom there were delays in eligibility determination or who did not have their IEP implemented for reasons that are in compliance with State requirements were removed from the denominator as illustrated in the data chart below. All school districts that were required to submit data on this indicator reported data on all eligible children, except that New York City provided data on a representative sample of students.

	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	67	3	22	3	39	100%
Eastern	183	12	51	4	110	89.5%
Hudson Valley	413	27	103	9	233	71.5%
Long Island	389	17	143	11	211	95.3%
New York City	1,696	27	161	177	1,181	51.8%
Western	260	14	101	4	139	98.1%
Total State	**3,008**	**100**	**581**	**208**	**1,913**	**73.8%**

Column E in the table above includes the following other reasons determined to be "in compliance" with NYS 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 Early Intervention (EI) and transition to preschool after the child became three years of age. (895 children)
- Child moved from district prior to determination of eligibility or prior to IEP implementation by age 3. (23 children)
- Delays in making contact with parents to schedule the evaluation. (There is documentation of repeated attempts to make the contact). (56 children)
- Parents refused or repeatedly did not make the child available for the evaluation. (795 children)
- Parents canceled the scheduled evaluation and/or selected another site or approved evaluator.(11 children)
- Children were referred to CPSE less than 30 days before their third birthday. (41 children).

- Child transferred to a new school district after the evaluation period began and parents and new district agreed to an extended time period. (1 child)
- Child started receiving services on the recommended program's beginning date, even though it was after the child's third birthday (91 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 NYS requirements were as follows:

- Approved evaluator was not available to provide a timely evaluation.
- Evaluator delays in completing the evaluation.
- CPSE did not meet to determine eligibility in a timely manner.
- Additional evaluations were requested after the CPSE's initial meeting to discuss evaluation results.
- Delays in scheduling CPSE meeting.
- Recommended Part B programs and/or services were not available when the child turned three years of age.

Number of Days Past the Third Birthday When IEPs were Implemented - Some of these children had delays for reasons that are "in compliance" with NYS requirements and some are for reasons that are considered to be "out of compliance" with NYS requirements. Data were not collected in such a way as to be able to distinguish between the two types of delays. Next year, when these data will be collected at the individual student level, we will be able to distinguish between the length of the delays which are "in compliance" with State requirements from those that are not.

Region	1 to 10 Days	11 to 20 Days	21-30 Days	More than 30 Days
Central	1	8	5	25
Eastern	7	2	23	72
Hudson Valley	21	6	12	193
Long Island	32	12	21	152
New York City	6	12	10	577
Western	21	11	14	87
Total State	**88**	**51**	**85**	**1,106**

Days of Delay in Implementing IEPs of Children Eligible for Preschool Special Education who are Transitioning from Part C to Part B by SEQA Region				
Region	**1 to 10 Days**	**11 to 20 Days**	**21-30 Days**	**More than 30 Days**
Central	2.6%	20.5%	12.8%	64.1%
Eastern	6.7%	1.9%	22.1%	69.2%
Hudson Valley	9.1%	2.6%	5.2%	83.2%
Long Island	14.7%	5.5%	9.7%	70.0%
New York City	1.0%	2.0%	1.7%	95.4%

Days of Delay in Implementing IEPs of Children Eligible for Preschool Special Education who are Transitioning from Part C to Part B by SEQA Region				
Region	**1 to 10 Days**	**11 to 20 Days**	**21-30 Days**	**More than 30 Days**
Western	15.8%	8.3%	10.5%	65.4%
Total State	**6.6%**	**3.8%**	**6.4%**	**83.2%**

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2006:

Explanation of Progress or Slippage

NYS did not meet its target of 100 percent compliance for this indicator.

NYS' average performance on this indicator decreased from 86.5 percent in 2005-2006 to 73.8 percent in 2006-07. The State made some improvements to the data collection instrument to collect more precise data regarding reasons for delays. It is possible that last year's compliance rate was somewhat inflated.

All school districts received electronic notices of compliance with this indicator based on 2005-06 school year data during the 2006-07 school year. All school districts received electronic notices of compliance with this indicator based on 2006-07 school year data during the 2007-08 school year.

School districts that were not in 100 percent compliance with this indicator were required to analyze the reasons for their delays in determining eligibility and to develop and or revise their processes and procedures related to ensuring timely determinations of eligibility for special education services and to provide a Statement of Assurance to the State once they had made the required changes. In addition to this, school districts with less than a 90 percent compliance rate have been re-assigned to report data to the State on this indicator for the 2008-09 school year in order to document full compliance. See the schedule of the school years in which school districts must re-submit data on this indicator, posted at http://www.vesid.nysed.gov/sedcar/resubschedule.html. The Special Education School District Data Profiles will be updated with school districts' revised compliance rates based on re-submission of data. These profiles are posted at http://eservices.nysed.gov/sepubrep/,

NYS will collect data on this indicator in the 2007-08 school year at the individual student level through SIRS. See information contained in the SIRS 2007-08 Policy Manual and in the SIRS 2007-08 Dictionary of Reporting Data Elements posted on line at http://www.emsc.nysed.gov/irts/SIRS/home.shtml. Collecting data through the new system is expected to improve the accuracy of these data.

Improvement Activities Completed in 2006-07

- The joint Department of Health (DOH) and NYSED 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 Special Education Program or Other Early Childhood Service was completed and disseminated. A companion video/training program was completed and disseminated through the ECDC network.

- In 2006-07, ECDCs provided regional turn-key training to CPSEs, preschool staff and administrators on the timelines and guidance required for the transition of a young child with a disability from Part C EI programs to Part B (preschool) services.
- SEQA, ECDCs and school district personnel collaboratively conducted joint trainings and technical assistance on requirements for timely transition of children with disabilities from EI to preschool special education, including information about the timelines established under the joint guidance document.
- In 2006-07, SEQA fully implemented the following procedures. (1) Approval for 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. (2) Authorization of 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.
- NYS Regulations were amended, effective October 4, 2007, to authorize preschool programs that are at maximum enrollment to temporarily enroll an additional preschool child when there is no other appropriate program available to serve the child. A field memo was distributed on the process/requirements.
- NYS Regulations were amended, effective October 4, 2007, to clarify the board of education's responsibility to ensure timely evaluations and placements for preschool children with disabilities.
- NYS Education Law was amended, effective June 30, 2007, to require that preschool special education services be provided as soon as possible following development of IEP but no later than 30 days from recommendation of the CPSE.

Revisions, <u>with Justification</u>, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2006 *[If applicable]*

The following improvement activity has been added:

Activity	Timelines	Resources
All school districts with less than 90 percent compliance on this indicator will be required to re-submit data for this indicator to the State to demonstrate correction of noncompliance.	2008-2011	SIRS

Overview of the Annual Performance Report Development:

See Overview of the Development of the Annual Performance Report in the Introduction section, page 1.

Monitoring Priority: Effective General Supervision Part B / Effective Transition

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 post-secondary goals.

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

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

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 the (# of youth with an IEP age 16 and above)] times 100.

FFY	Measurable and Rigorous Target
FFY 2006 (School year 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.

*i.e., percent of youth with IEPs reviewed.

Actual Target Data for FFY 2006:

The 2006 data are based on the monitoring review of IEPs from a representative sample of 109 school districts, including NYC. The total number of students with IEPs, ages 15-21 in NYS during the 2005-06 school year was 56,140. The total number of IEPs reviewed from these representative school districts was 3,376. Of the 3,376 IEPs, 1,546 (45.8 percent) were found to have been in compliance with all IEP transition requirements.

Of the 109 school districts:

- 22 school districts reported that 0 percent of their student's IEPs that were reviewed met compliance with the IEP transition requirements.
- 36 school districts reported between 1 and 49 percent of their students' IEPs that were reviewed met the transition requirements.

- 20 school districts reported between 50 and 79 percent of their IEPs that were reviewed met the transition requirements.
- 31 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 three of their 100 IEPs reviewed met all of the compliance indicators. However, NYC significantly improved in developing IEPs that met compliance with individual citations, with an average increase in compliance across all eight IEP required citations of 45 percentage points.

2006-07 Indicator 13 - Transition IEP 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	24	5	8	3	8
Hudson Valley	20	4	7	2	7
Long Island	17	5	6	5	1
Mid-State	13	2	4	2	5
Mid-West	15	2	4	4	5
NYC	1	0	1	0	0
Western	19	4	6	4	5
Totals	**109**	**22**	**36**	**20**	**31**

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

- A greater percentage of IEPs were in compliance with every regulatory citation in 2006, compared with 2005.
- The requirement reflecting least compliance (43.1 percent of IEPs in 2006) was that 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.
- The requirement with which most IEPs (79.8 percent) were in compliance was that the IEP indicates the recommended special education program and services to advance appropriately toward meeting the annual goals relating to transition needs.

Compliance Rate for Individual Regulatory Citations - Transition IEPs				
	2005 Number and Percent of 108 District in Compliance		2006 Number and Percent of 109 Districts in Compliance	
Requirement	**Number**	**Percent**	**Number**	**Percent**
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%	66	60.6%
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%	47	43.1%
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%	53	48.6%
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%	72	66.1%
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%	62	56.9%
The IEP indicates the recommended special education program and services to advance appropriately toward meeting the annual goals relating to transition needs.	76	70.37%	87	79.8%
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%	58	53.2%
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%	62	56.9%

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2006:

Explanation of Progress or Slippage

While NYS did not meet its target that 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, there was substantial improvement in compliance against all the regulatory requirements related to transition planning. In 2006, 45.8 percent of IEPs were in compliance with all regulatory requirements compared to 33.2 percent in 2005.

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.

Thus far, during the 2005-06 and 2006-07 school years, two representative samples of school districts in NYS have reviewed a sample of IEPs by using the State developed self review monitoring protocol and reported compliance with each of eight regulatory requirements related to transition IEPs. Results of the self-review and correction of noncompliance is reported through a web-based data submission system. The results of the reviews and status of compliance with regulatory requirements is displayed in the table below.

School Year	Number of School Districts				
	Conducted Reviews of IEPs	Reported Some Non Compliance	Corrected Non Compliance Within one Year from Notification	Corrected Non Compliance After one Year from Notification	Not in Compliance to Date
2005-06	108	108	9	69	30**
2006-07	109	78*	This information will be reported in the next APR		
*31 school districts will go through a verification review of their report of 100 percent compliance. **Of the 30 school districts, fifteen made progress and corrected some noncompliance; however, they have not corrected compliance with all eight regulatory citations.					

Improvement Activities Completed in 2006-07

- The Mid-State and Mid-West TCS regions had the largest improvement in SPP 13 compliance (an increase of 41.7 percentage points and 40.6 percentage points respectively). This is due to their reliance on a very targeted, consistent and research-based approach to technical assistance. These two TCS regions incorporated the use of a collaborative review and planning process for school districts (called a Transition Workday) with the use of the TransQUAL Online tool.

Districts developed strategic plans for improvement and then the TCSs followed up with individual technical assistance. Due to the success noted here, the other TCS regions will refocus their efforts using this strategy.

- NYC personnel received professional development on transition planning requirements and participated in a two-day fall TransQUAL forum focused on IEP development. Regular meetings were held with designated school representatives on identifying the components of the coordinated set of activities. Parent groups participated in reviewing potential post-secondary service providers. A transition conference was provided for parents and students.

- TCSs provided targeted technical assistance to school districts on effective transition practices, particularly related to student-focused transition planning in the IEPs. In the Eastern TCS, 98 percent of responding districts noted improvement in transition procedures over two years.
- TCSs facilitated linkages between students, schools, and VESID vocational rehabilitation (VR) services. In the Eastern TCS, 89 percent of responding districts noted a "good" or "better" VR connection; 1193 students were referred in last two years of school, and 84 percent were found eligible for VR services.
- TCSs hosted conferences and workshops targeted to regional needing, including workshops to provide students with disabilities strategies and skills if they planned to seek work at school exit; benefits advisement sessions; job coach training.
- Regional SETRC programs provided training and technical assistance to groups of districts that completed or will be engaging in a self-review monitoring process required by specific indicators of the SPP. Regional SETRC PDSs worked with groups of districts to prepare them for the self-review process; and provided technical assistance to groups of districts with common issues as determined by the self-review process.
- TransQUAL Online was revised to assist school districts to conduct self-reviews and develop strategic workplans to improve development and implementation of transition IEPs. Districts can now measure their work plan progress on a monthly basis via a chart creation tool. TCSs used TransQUAL Online to target their regional technical assistance by using the aggregated data to pinpoint areas of desired change in the Transition process within districts. From September 2006 to September 2007, the number of planning teams using TransQUAL increased from 55 to 165, and the number of resulting workplans developed increased from 63 to 896.
- School districts were required to review of a smaller sample of IEPs to determine if they have achieved compliance after their initial submission of noncompliance. In addition, school districts with less than 90 percent compliance were notified that they are required to do another full review of IEPs in a subsequent school year to demonstrate full compliance with requirements. See the schedule of the school years in which school districts must re-submit data on this indicator, posted at http://www.vesid.nysed.gov/sedcar/resubschedule.html. The Special Education School District Data Profiles will be updated with school districts' revised compliance

rates based on re-submission of data. These profiles are posted at http://eservices.nysed.gov/sepubrep/.

- NYS Regulations were revised to require IEPs, meeting notices and prior written notices to be on forms prescribed by the Commissioner, effective January 1, 2009. These State forms will assist districts to be in compliance with IEP transition planning requirements and to ensure students are invited to IEP meetings when post-secondary goals and transition services will be considered.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2006 *[If applicable]*

Activity	Timelines	Resources
All school districts with less than 90 percent compliance on this indicator will be required to re-submit data for this indicator to the State to demonstrate correction of noncompliance.	2008-2011	Self Review Checklist

Overview of the Annual Performance Report Development:

See Overview of the Development of the Annual Performance Report in the Introduction section, page 1.

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 the (# of youth assessed who had IEPs and are no longer in secondary school)] times 100.

FFY	Measurable and Rigorous Target
FFY 2006 (School Year 2005-06)	None this year. This is the baseline year. See State Performance Plan for discussion of baseline data, establishment of future targets and improvement activities.

Actual Target Data for FFY 2006:

Not applicable.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2006:

Not applicable.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2006 *[If applicable]*

Not applicable.

Overview of the Annual Performance Report Development:

See Overview of the Development of the Annual Performance Report in the Introduction section, page 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:

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 enforcement actions that the State has taken.

FFY	Measurable and Rigorous Target
FFY 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.

Actual Target Data for FFY 2006:

The percent of issues of noncompliance identified that were corrected within one year of the report being issued is **91.41 percent.**

Issues of Noncompliance FY 2005-06 & Corrected Within One Year		
General Supervision System Component	a. # of findings of noncompliance	b. # of corrections completed within one year from identification
Monitoring Reviews	1,338	1,183
60 day complaints	595	584
Total	1,933	1,767
Percent = [1767(b) divided by 1933(a)] = .9141 times 100 = 91.41 %		

Charted below by SPP Indicator are findings of non-compliance under the general supervision components of quality assurance monitoring reviews or 60-day complaints. These findings represent quality assurance monitoring reviews conducted in 142 school district/agency programs and 60-day complaint investigations in 197 school district/agency programs.

Issues of Non Compliance Identified in FY 2005-06 by SPP Indicator			
OSEP Grouping	**SPP Indicator**	**(a) # of Findings of Non-Compliance Identified in FFY 2005 (7/1/05-6/30/06)**	**(b) # of Findings from (a) for Which Correction was Verified No Later than One Year from Identification**
Graduation & Post-School Transitions	1 Graduation Rates	167	136
	2 Drop Out Rates	0	NA[2]
	13 Secondary Transition	47	37
	14 Post School Outcomes	0	NA
Achievement	3 Assessment	33	29
	7 Preschool Outcomes	1	1
Least Restrictive Environment	5 LRE - School Age	1094	994
	6 LRE - Preschool	34	30
Parents	8 Parental Involvement	106	104
Disproportionality	9 Disproportionality in Special Education by Race/Ethnicity	0	NA
	10 Disproportionality in Classification and Placement by Race/Ethnicity	0	NA
Timeliness	11 Child Find	228	221
	12 Early Childhood Transition	0	NA
Suspension	4 Suspension/ Expulsion	119	116
Other	Other*	104	99
Column Totals		**1933**	**1767**

[2] NA means not applicable

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2006:

Explanation of Progress or Slippage

While NYS did not reach the target of 100 percent, the percent of identified noncompliance issues that were corrected within one year from identification increased 7.7 percentage points from 83.71 percent in 2005-06 to 91.41 percent in 2006-07.

Thirty-six school districts or agencies had instances of noncompliance identified in 2005-06 that continued beyond 12 months (35 as a result of program monitoring reviews and one as a result of a complaint investigation). For all 36 school district or agencies, the follow-up monitoring activities that were conducted by SEQA staff included phone calls, off-site review of materials and/or on-site visits. In addition, technical assistance was provided to 21 of the institutions by one or more of VESID's funded networks and/or SEQA staff. For one district, IDEA funds were reviewed and redirected as needed to address areas of noncompliance. Written communication outlining enforcement actions were issued to 11 institutions. State approval for placement of NYS students was terminated for one private school.

As of January 18, 2008, 1,903 (98.44 percent) of the 1,933 noncompliant issues identified during 2005-06 were brought into compliance. The remaining 30 non-compliant issues were found in one public school district and 24 private school programs. Twenty-eight of the 30 issues remaining unresolved are issues related to staff certification in approved private preschool and school age programs.

As of January 18, 2008, 1,767 (99.71 percent) of the 1,772 non compliant issues identified during 2004-05 were brought into compliance. The remaining noncompliant issues were found in two preschool programs and are related to staff certification issues.

Improvement Activities Completed in 2006-07

- A new computer data system, Comprehensive Special Education Improvement (CSEIS) was activated in January 2007. SEQA staff were trained on the application during February, March and April 2007. The on-line system and training dramatically improved the compliance rate by assisting staff to more closely monitor districts' compliance.
- In 2006-07, the NDU monitoring staff expanded to include nine professional staff. The unit has oversight of all out-of-state schools, in-state residential schools, Special Act Schools, State-Operated and State-Supported Schools. With added staff, the unit also assumed responsibility for NYC approved private school day programs. The NDU worked very closely with other State licensing agencies and with the statewide organizations that represent the private and Special Act schools to address compliance improvement activities.
- Focused review monitoring protocols were revised.

- The following NYS special education publications and policy memoranda guidance documents were revised to reflect the IDEA 2004 changes:
  - *Procedural Safeguards Notice* (August 2007)
  - *Sample Due Process Complaint Form* (December 2006)
  - *Sample Individualized Education Programs* (IEPs) for preschool and school-age (December 2005)
  - *Guidance on Parentally Placed Nonpublic Elementary and Secondary School Students with Disabilities Pursuant to the Individuals with Disabilities Education Act (IDEA) 2004 and New York State (NYS) Education Law Section 3602-c*
- NYS Regulations were revised to require IEPs, meeting notices and prior written notices to be on forms prescribed by the Commissioner, effective January 1, 2009. These State forms will assist districts to be in compliance with important IEP and parent notification requirements.
- The NDU provided compliance data to the in-state residential programs and the organizations that represent them identifying the frequency of compliance deficiencies by issue and by region. This allowed the providers to proactively plan for and address the most common deficiencies.
- In 2006-07, NYS established criteria to determine if a district/agency meets requirements, is in need of assistance, needs intervention, or needs substantial intervention, consistent with the provisions of section 616 of IDEA, and provided technical assistance and enforcement actions, consistent with IDEA and federal regulations

Revisions, <u>with Justification</u>, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2006 *[If applicable]*

Changes in Proposed Timelines

Activities	Timelines	Resources
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.	June 2008 (was January 2006)	SEQA staff

Overview of the Annual Performance Report Development:

See Overview of the Development of the Annual Performance Report in the Introduction section, page 1.

Monitoring Priority: Effective General Supervision Part B / General Supervision

Indicator 16: Percent of signed written complaints with reports issued that were resolved within 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint.

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

Measurement:
Percent = [(1.1(b) + 1.1(c)) divided by 1.1] times 100.

FFY	Measurable and Rigorous Target
FFY 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.

Actual Target Data for FFY 2006:

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 **82.82 percent.**

7/1/2006 - 6/30/2007 Table 7: Section A, Written Signed Complaints	
(1) Signed, written complaints total	210
(1.1) Complaints with reports issued	198
(a) Reports with findings	169
(b) Reports within timeline	162
(c) Reports within extended timelines	2
(1.2) Complaints withdrawn or dismissed	10
(1.3) Complaints pending	2
(a) Complaint pending a due process hearing	0
Percent = 162 [1.1(b)] + 2[1.1(c)] = 164 divided by 198 [1.1] times 100 = 82.82%.	

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2006:

Explanation of Slippage

Five of the seven Regional Offices completed the investigation of complaints at a 95 or higher percentage rate.

The percentage of timely issuance of complaint findings dropped in two Regional Offices because of circumstances that were unique to the Regional Offices and not systemic statewide.

- One regional office was late in issuing complaint findings on three State complaints. These cases were the result of human error. To avoid this situation in the future, staff has been trained, the Supervisor will monitor all timelines and staff will be required to use CSEIS to calculate the 60 day timeline. Only two complaints have been received in this office since August 2007 and both are on target with timelines.

- Another regional office reported that it did not issue timely complaint findings for 30 complaints during 2006-07 because of regional work load demands and inefficient procedures to monitor the timeliness of complaint investigations. To avoid such a situation in the future, all staff in this office are now assigned State complaints to resolve on a rotational basis and new procedures to monitor the due dates of various complaint activities and apprise the supervisor of the status on a monthly basis were initiated. Since August 2007, the office had received six (6) new complaints. All 60-day findings letters have been issued on time.

- All State complaints entered into the CSEIS system will be monitored and SEQA supervisors and Coordinators will receive reports two weeks and one week before the State complaint findings are due.

Improvement Activities Completed

- SEQA Mangers and regional associates were trained on implementation of CSEIS and strategies to improve timely completion of complaint investigations.

- The NDU was established to provide general oversight of all in-State and out-of-State private day and residential programs for students with disabilities.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2006 *[If applicable]*

None at this time.

Overview of the Annual Performance Report Development:
See Overview of the Development of the Annual Performance Report in the Introduction section, page 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 30-day timeline for preschool students) 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.

FFY	Measurable and Rigorous Target
FFY 2006	100 percent of impartial hearing decisions will be rendered within regulatory timelines.

Actual Target Data for FFY 2006:

The percent of due process hearing requests that were fully adjudicated within the 45-day timeline (or 30-day timeline for preschool students) or a timeline that was properly extended by the impartial hearing officer (IHO) at the request of either party was 79.62 percent.

7/1/2006 - 6/30/2007 SECTION C: Hearing Requests	
(3) Hearing requests total	5990
(3.2) Hearings (fully adjudicated)	810
(a) Decisions within timeline	175
(b) Decisions within extended timeline	470
(3.3) Resolved without a hearing	4846
Percent = 175 [3.2(a)] + 470 [3.2(b)] divided by 810 [3.2] = 79.62 times 100 = 79.62%.	

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2006:

Explanation of Slippage

The percentage of adjudicated hearing completed in a timely manner decreased from 83.39 percent to 79.63 percent. This decrease is attributed to the following factors:

- NYS regulations limit extensions of impartial hearings to one 30-day extension at a time. The regulation, although in effect since July 2004, has only been consistently monitored since April of 2006. Not all the IHOs have fully adjusted to these limitations and some IHOs continue to grant extensions greater than 30 days.
- Fourteen (14) IHOs had five or more late decisions and were responsible for 56% of the late decisions in adjudicated impartial hearings. Ninety (90) percent of the late decisions were in the NYC Region where the 13 of the 14 IHOs with late decisions conduct their hearings.
- A review of the data has identified a process issue with the increase in the number of the late adjudicated cases in the NYC Region. Most of the IHOs serving NYC use the NYCDOE Impartial Hearing Office service of formatting and mailing their decision. The date on the decision is the date the IHO mails the decision to the parties and to NYSED. During this year, due to staffing resources in the NYC Impartial Hearing Office, the processing of decisions has been delayed by a few days, which has resulted in additional cases of late decisions.

Improvement Activities Completed

- The capacity of the Impartial Hearing Reporting System (IHRS) to monitor timeliness was improved through the establishment of the electronic file transfer process from the NYC's impartial hearing reporting system. The nightly process provides daily access to NYC impartial hearing information and has improved the accuracy of the information.
- Revisions to IHRS to improve monitoring and proactive notifications included development of reminders to IHOs of the 14-day initial hearing requirement if initial meetings are not scheduled by the ninth day after the end of the resolution session or after appointment for district initiated cases. Notices and adjustments to extensions are sent to the IHOs if the extensions they approve are in conflict with the NYS standards including extensions greater than 30 days or if an extension is granted prior to the allowable time frame. In addition, if the end of resolution information is not entered within three days of the end of the 30 day period the district and the IHO is reminded that the timeframe for resolution period has ended and action is required.
- Data collected through IHRS has been used to provide the IHOs with an activity summary of the total number of cases to which they were appointed and whether those cases were addressed in a timely manner. Trend information is also provided.
- IHRS includes an IHO Performance Summary which allows the IHO to see their timeliness performance for the time period selected. Improvements to this report for case specific information are scheduled.

- Based on NYS Regulations, NYSED initiated 31 investigations in impartial hearing cases where the decisions appeared overdue. When a complaint was founded, IHOs were required to participate in additional training.
- NYSED provided all IHOs with two-day training sessions in March and April of 2006. Additional training on special topics (behavioral regulations and time lines) was provided in April of 2007.
- A website for IHOs was established in February of 2007, which includes posting of alerts, access to applicable laws and regulations, State Review Office (SRO) information, Commissioner of Education Decisions, IHRS information, and links to the VESID publications page.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2006 *[If applicable]*

The following improvement activity has been added:

Activity	Timeline	Resources
Provide an extension calculator for IHO use	2008-09	IHRS

Overview of the Annual Performance Report Development:
See Overview of the Development of the Annual Performance Report in the Introduction section, page 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.

FFY	Measurable and Rigorous Target
FFY 2006	The percent of hearing requests that go to resolution sessions and are resolved through resolution session settlement agreements will increase by 1%.

Actual Target Data for FFY 2006:

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

7/1/2006 - 6/30/2007 Table 7 Section C: Hearing Requests	
(3) Hearing requests total	5990
(3.1) Resolution sessions	5664
(a) Settlement agreements	587
Percent = 587 [3.1(a)] divided by 5664 (3.1) times 100 = 10.63**%.**	

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2006:

Explanation of Slippage

The percentage of resolution sessions ending in agreement decreased from 17.73 percent to 10.63 percent. However, since this is the first full year of data collection in this area, this year's data is considered a more accurate result since it reflects an entire annual cycle rather than the one quarter reported last year.

Improvement Activities

- NYS Regulations were amended, effective October 4, 2007, to conform State due process requirements to federal requirements relating to resolution process.

- Information for parents on resolutions sessions was included in the Procedural Safeguards Notice issued August 2007.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2006 *[If applicable]*

The following activities have been added:

Activity	Timelines	Resources
Update the SED publication *Parent's Guide to Special Education* to include information on resolution sessions	2008	Policy staff
Add to the contract requirements for State funded parent centers the goal of promoting the use of mediation and resolution sessions	2008-09	State funded parent centers

Overview of the Annual Performance Report Development:
See Overview of the Development of the Annual Performance Report in the Introduction section, page 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.

FFY	Measurable and Rigorous Target
FFY 2006	95 percent of mediations held will result in mediation agreements.

Actual Target Data for FFY 2006:

The percent of mediation sessions held in 2004-05 that resulted in mediation agreements to resolve the dispute was **90.64 percent**.

7/1/2006 - 6/30/2007 Table 7: Section B, Mediation Requests	
(2) Mediation requests total	436
(2.1) Mediations [held]	278
(a) Mediations [held] related to due process	23
(i) Mediation agreements	15
(b) Mediations [held] not related to due process	255
(i) Mediation agreements	237
(2.2) Mediations not held (including pending)	158
Percent = 15[(2.1(a)(i)] + 237[2.1(b)(i)] = 252 divided by 278 [2.1] = .9064 times 100 = 90.64%.	

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2006:

Explanation of Progress or Slippage

The percent of mediation sessions held in 2006-07 that resulted in agreement was 90.64 percent, down from 94.98 percent from the previous year. There were 436 total mediation requests in 2006-2007.

Improvement Activities Completed

- Forty (40) new special education mediators were trained in December 2007.
- New brochures are in the development stages. NYSDRA has received a grant from a private non-profit foundation to do an intensive outreach pilot in 2008.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2006 *[If applicable]*

The following activities have been added:

Activity	Timelines	Resources
Add to the contract requirements for State funded parent centers the goal of promoting the use of mediation and resolution sessions	2008-08	State funded parent centers
Pilot use of IEP facilitators through the mediation process	2010-11	State funded mediation contractor
Revise and widely disseminate informational materials on the benefits of using mediation	2008-09	State funded mediation contractor
Benchmark with other States and seek technical assistance from the national center on dispute resolution to increase the use of mediation prior to requesting impartial hearings.	2009	VESID policy staff in collaboration with State funded mediation contractor

Overview of the Annual Performance Report Development:
See Overview of the Development of the Annual Performance Report in the Introduction section, page 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 error free, consistent, valid and reliable data and evidence that these standards are met).

FFY	Measurable and Rigorous Target
FFY 2006	100 percent of State reported data, including 618 data and annual performance reports, are submitted on or before due dates and are accurate.

Actual Target Data for FFY 2006:

The following is a rubric developed by USED to evaluate States' performance on this indicator. The scores below represent NYS' self evaluation on each APR indicator and in the 618 data submission requirements. A score of 1 indicates a positive score in the cell and a 0 indicates the State was not able to provide the all the required information by the due date.

As described below, NYS' self review score indicates that 92.2 percent of USED data submission requirements were met by the State.

SPP/APR DATA – Indicator 20				
APR Indicator	**Valid and Reliable**	**Correct Calculations**	**Followed Instructions**	**Total**
1	0		0	0
2	0		0	0
3A	1	1	1	3
3B	1	1	1	3
3C	1	1	0	2
4A	1	1	1	3
5	1	1	1	3
7	1	1	1	3
8	1	1	1	3
9	1	1	0	2
10	1	1	0	2
11	1	1	1	3
12	1	1	1	3
13	1	1	1	3
14	1	1	1	3
15	1	1	1	3
16	1	1	1	3
17	1	1	1	3
18	1	1	1	3
19	1	1	1	3
			Subtotal	51
APR Score Calculation		**Timely Submission Points** – If the FFY2006 APR was submitted on-time, place the number 5 in the cell on the right.		5
		Grand Total – (Sum of subtotal and Timely Submission Points) =		56

618 Data – Indicator 20					
Table	**Timely**	**Complete Data**	**Passed Edit Check**	**Responded to Data Note Requests**	**Total**
Table 1 – Child Count Due Date: 2/1/07	1	1	1	1	4
Table 2 – Personnel Due Date: 11/1/07	1	1	1	1	4

618 Data – Indicator 20					
Table	**Timely**	**Complete Data**	**Passed Edit Check**	**Responded to Data Note Requests**	**Total**
Table 3 – Ed. Environments Due Date: 2/1/07	1	1	1	1	4
Table 4 – Exiting Due Date: 11/1/07	1	1	1	1	4
Table 5- Discipline Due Date: 11/1/07	1	1	1	1	4
Table 6 – State Assessment Due Date: 2/1/07	1	0	1	NA	2
Table 7 – Dispute Resolution Due Date: 11/1/07	1	1	1	N/A	3
				Subtotal	25
618 Score Calculations			**Grand Total (Subtotal X 2) -=**		50

Indicator #20 Calculation	
A. APR Grand Total	56
B. 618 Grand Total	50
C. APR Grand Total (A) + 618 Grand Total (B) =	106
Total N/A in APR	0
Total N/A in 618	4
Base	**115**
D. Subtotal (C divided by Base*) =	0.922
E. Indicator Score (Subtotal D x 100) =	92.2
*Note any cell marked as N/A will decrease the denominator by 1 for APR and 2 for 618	

Discussion of Improvement Activities Completed <u>and</u> Explanation of Progress or Slippage that occurred for FFY 2006:

Explanation of Progress or Slippage

- NYS did not achieve its target of 100 percent complete and accurate data submission to USED during the 2006-07 school year. The State's score based on a self review rubric was 92.2 percent.
- The delays in providing complete data for Indicators 1, 2 and 3 are a result of delays in fully implementing the new SIRS, which represents a major systems change in NYS. There are many issues with transitioning from the old systems to the new one, which have caused substantial delays in the verification processes. There have also been issues with some aspects of the new System's performance that have caused delays in the data verification timelines.
- NYSED has begun data analysis on under-representation, by race/ethnicity, in special education and in particular disabilities, however will seek technical

assistance from NCCRESt to assist us with meaningful data analysis and reporting for under-representation in special education by race/ethnicity.

Improvement Activities Completed in 2006-07

- NYS completed developing the Special Education School District Data Profiles, which are required under section 616 of IDEA. Trend data will be added to each indicator for which NYS maintains data. Also, routine annual updates to these reports are planned. These public reports may be found at http://eservices.nysed.gov/sepubrep/. These reports are continually updated when school districts report on the correction of all noncompliance on Indicators 4A, 9, 10, 11, 12 and 13.
- NYS is in the midst of developing its SIRS, which includes all students (with and without disabilities). In 2006-07 school year, all the high school State assessment and cohort data that were previously collected through the System to Track Educational Performance (STEP) system were phased into SIRS. This transition required school districts to take additional verification steps to ensure data transitioned accurately between the two systems. This transition is the cause of the delay in having data for Indicators 1 and 2 for this APR.
- In the 2006-07 school year, NYS also implemented its reporting and data verification system called nyStart, which is a web-based reporting system that provides an opportunity for authorized users in school districts to drill down to the student level to gain valuable information for analysis and for improving instructional programs. This is also the same system that is used to verify school districts data. There are many performance issues with this system which have caused significant delays in the timeline for having the 2006-07 data completely verified. This is another reason that NYS is not able to provide data for Indicators 1 and 2 in this APR. NYSED has convened a group of stakeholders to make recommendations to improve nyStart.
- During the 2006-07 school year, NYS convened a workgroup to identify the business rules for collecting special education data through SIRS. NYS' database was subsequently modified to accommodate special education data. Based on recommendations of this workgroup, a decision was made to begin collecting most of the required special education data through SIRS in the 2007-08 school year. This work is proceeding, however, this is a major systems change and the State is experiencing delays in its collection of special education child count and environments data. USED has been notified that NYS will be late in submitting Tables 1 and 3 data in the 2007-08 school year. NYS continues to improve its documentation and provide technical assistance to all stakeholders.
- The Quality Assurance Information System (QAIS) has been deactivated and all the data from that system transferred to CSEIS. A significant amount of time was spent to review the data conversion and ensure the accuracy of time line and compliance information for the baseline year and forward. Reports have been established for supervisor use in monitoring timely and accurate data entry. CSEIS has also been revised to collect the information on mediation requests related to due process.

- CSEIS users and managers have been trained in the system revisions and use of reports to monitor data.
- IHRS has been revised to reflect changes in resolution session data including use of mediation after the resolution session and before the start of the impartial hearing.
- IHRS users have received technical assistance memorandum regarding system changes and have access to technical assistance via phone and e-mail on a daily basis.
- CSEIS has been assigned a full time staff person in addition to the manager for the system. The staff person has been trained in the use of the system and is responsible for addressing data changes and implementation of procedures designed to improve accuracy and quality. The new staff assigned to IHRS were trained in the use of the system and are implementing the current accuracy and quality procedures. The procedures have been revised to address the system changes.

Revisions, with Justification, to Proposed Targets/ Improvement Activities / Timelines / Resources for FFY 2006 *[If applicable]*

Activity	Timelines	Resources
NYSED will prepare appropriate data notes in a timelier manner to explain the discrepancies between data from one year to the next as requested by USED.	2008-2011	VESID Staff

Appendix A:
SPP Indicators and Required Attachments
For Part B Annual Performance Report for 2006-07:

State Performance Plan Indicator 7, Revised February 2008

State Performance Plan Indicator 14, Revised February 2008

Attachment 1: Report on Dispute Resolution for 2006-07 (OSEP Table 7)

Attachment 2: State Assessment Data for 2006-07 (OSEP Table 6)

Overview of the State Performance Plan Development:

See Overview of the State Performance Plan Development in the Introduction to the State Performance Plan and in the Introduction to the Annual Performance Report for 2006-07, both originally submitted February 1, 2006 and revised June 2007.

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.

New York State's (NYS) measurement is the same as explained above.

The PD-10 report was used to collect progress data on preschool outcomes during the 2006-07 school year via a web-based data reporting system. The PD-10 report is posted at http://www.vesid.nysed.gov/sedcar/0607pdrpts.htm. Beginning in the 2007-08

school year, these data will be collected at the individual student level through the State's Student Information Repository System (SIRS). See the 2007-08 SIRS Policy Manual and 2007-08 SIRS Dictionary of Reporting Data Elements posted at http://www.emsc.nysed.gov/irts/SIRS/home.shtml.

Overview of Issue/Description of System or Process:

In NYS, preschool children suspected of having a disability are referred to their local school districts through their district's Committee on Preschool Special Education (CPSE). In accordance with State statute, parents maintain the right to select an evaluator from a list of state-approved evaluators. If, based on the evaluation, the CPSE determines that a child is eligible for special education services, an individualized education program (IEP) is developed that identifies the recommended special education services for the child. Preschool students with disabilities may receive related services only (RSO), services of a Special Education Itinerant Teacher (SEIT), or be placed in a special class program for either half or full day, including integrated programs with students without disabilities when appropriate. NYS' system allows for the provision of related services and SEIT within general education preschool and/or day-care environments as well as in the child's home. In NYS, most preschool children with disabilities receive their special education services from approved private preschool providers.

Identification of assessment measures in preschool outcome areas

At the request of VESID, a survey was conducted by the Early Childhood Direction Centers (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.

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

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**
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
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	

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**
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	

Process to collect entry and exit information

Entry assessments:

All preschool children who were initially evaluated on or after March 1, 2006 and found eligible for preschool special education programs and/or services are required to have entry assessment results. All preschool children suspected of having a disability must have entry assessments. These assessments are conducted by approved preschool evaluators. Results are reported to the CPSE, which determines if the child is eligible for preschool special education programs and services and the entry levels of functioning in three early childhood outcome areas. Approved preschool evaluators are required to include specific assessment information on the Preschool Student Evaluation Summary Report and fill out the supporting evidence for questions 1a, 2a and 3a of the Child Outcomes Summary Form. CPSEs are required to meet to determine a preschool child's eligibility for preschool special education programs and/or services and review the summary evaluation results and reports from the approved evaluator. For preschool children found to be eligible, the CPSEs rate the child's functioning across settings in each of the three outcome areas identified in questions 1a, 2a, and 3a of the Child Outcomes Summary Form. A representative sample of school districts was required to collect and submit entry data to NYSED using the PD-10 form. All school districts are required to maintain entry level assessment data on all preschool children who are determined to be eligible for preschool special education programs or services.

Exit assessments:

While all preschool children who were initially evaluated on or after March 1, 2006 and found eligible for preschool special education programs and/or services are required to have entry assessment results, exit assessments only need to be conducted for preschool children with disabilities who stop receiving preschool special education services due to program completion or declassification during the school year in which the school district is required to report exit data on this indicator. The only children in sample school districts who require exit assessments are those who received an entry assessment and participated in preschool special education for at least six months prior to exiting.

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 Committee on Special Education (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. Whenever possible and appropriate, the exit assessment instruments should be the same assessment instruments used by the preschool evaluator for the entry assessment process. The results of these assessments must be provided to the CSE. The CSE will review the exit assessment results and determine the child's progress rating in the three identified areas. 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 reevaluation process must include conducting exit assessments that measure the child's progress in the three early childhood outcome areas. Whenever possible, the exit assessment instruments should be the same assessment instruments used by the initial approved preschool evaluator for the entry assessment process. 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.

Sampling Methodology

During the 2006-07 school year, NYS required a representative sample of one/sixth of the school districts in the State to report progress data on this indicator via a web-based data reporting system. The process for selecting a representative sample of school districts each year to report data on this indicator through the 2010-11 school year is described in NYS' SPP, as revised in June 2007. NYS' sampling plan is such that over the six year SPP cycle, every school district will have submitted progress data on preschool outcomes at least once. New York City (NYC) is the only district with a total enrollment of over 50,000 students and submits data for every special education indicator every year. Every school district except NYC reported progress data on all eligible preschool children. NYC reported progress data on a representative sample of students.

Beginning in the 2007-08 school year, NYS will collect entry and exit scores on the Child Outcomes Summary Form on an individual student basis through the Student Information Repository System (SIRS) and categorize children in the progress categories as described in the measure. Except for NYC, all school districts assigned to report data on this indicator will be required to provide data on all exiting preschool children that meet the criteria (no sampling will be permitted). See the 2007-08 SIRS policy manual and 2007-08 SIRS Dictionary of Reporting Data Elements posted at http://www.emsc.nysed.gov/irts/SIRS/home.shtml. Reporting data through this new system is expected to improve the accuracy of these data. NYS will collect raw data on

the score each child receives on the Child Outcomes Summary Form at entry and again at exit from preschool special education programs or services. Based on the raw data, the State will be able to report children in the correct progress category. Having data at the individual student level and the ability to track children longitudinally until they no longer attend school in NYS will provide the State greater capacity for data analysis.

NYC will be required to maintain documentation regarding selecting students for sampling, since they are the only school district that will be allowed to report these data for a sample of eligible students. The totally random sampling methodology and required documentation should eliminate selection bias. NYSED 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). NYSED 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.

Progress Data

At the end of the 2006-07 school year, 87 school districts reported progress data on 894 preschool students with disabilities in each early childhood outcome area. The other school districts assigned to report data on this indicator did not have preschool children that met the criteria for reporting. The 894 students left preschool special education programs and/or services during the 2006-07 school year after receiving special education for at least six months. The results for these students in the three early childhood outcome areas are reported below.

Early Childhood Outcome Area	**Progress Category** (Refer to Measurement Section for full Description of Progress Categories)	**Number of Preschool Students**	**Percent of 894 students**
Positive social-emotional skills (including social relationships)	a. Did not improve functioning	29	3.2%
	b. Improved-not sufficient to move nearer to same-aged peers	130	14.5%
	c. Improved- nearer to same aged peers	220	24.6%
	d. Improved-reached functioning to same-aged peers	250	28.0%
	e. Maintained functioning as same-aged peers	265	29.6%
	Total	**894**	**100%**
Acquisition and use of knowledge and skills (including early language/communication and early literacy)	a. Did not improve functioning	21	2.3%
	b. Improved-not sufficient to move nearer to same-aged peers	140	15.7%
	c. Improved- nearer to same aged peers	234	26.2%

Early Childhood Outcome Area	**Progress Category** (Refer to Measurement Section for full Description of Progress Categories)	**Number of Preschool Students**	**Percent of 894 students**
	d. Improved-reached functioning to same-aged peers	279	31.2%
	e. Maintained functioning as same-aged peers	220	24.6%
	Total	**894**	**100%**
Use of appropriate behaviors to meet their needs	a. Did not improve functioning	28	3.1%
	b. Improved-not sufficient to move nearer to same-aged peers	121	13.5%
	c. Improved- nearer to same aged peers	177	19.8%
	d. Improved-reached functioning to same-aged peers	246	27.5%
	e. Maintained functioning as same-aged peers	322	36.0%
	Total	**894**	**100%**

Discussion of Baseline Data:

Baseline data will be identified in 2009.

Improvement Activities/Timelines/Resources:

Activity	Timeline	Resources
Disseminate regional preschool outcome data progress results to approved preschool providers.	2008-11	Early Childhood Direction Centers (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	15 ECDCs covering every county and borough in NYS 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	2007-08	IDEA Discretionary Funds

Activity	Timeline	Resources
effects on social-emotional skills, early language/communication and use of appropriate behaviors of placements of preschool students in integrated versus nonintegrated settings.		Longitudinal Study of Preschool Students
Implement Regents Policy on Early Education to increase the capacity of NYS' many child care and education services to support families and address social emotional needs of preschool children.	2007-11	University of the State of New York (USNY) Cabinet on Early Childhood Education
Improve knowledge and skills of CPSE and providers: • develop training curricula for CPSE chairpersons on eligibility determinations, State and federal requirements and decision making. • offer initial training for newly appointed CPSE chairpersons beginning in the summer or fall of 2008 and annually thereafter. • update and disseminate the Parent Handbook. • update the VESID publication, *Guide for Determining Eligibility and Special Education Programs and/or Services for Preschool Students with Disabilities* • review the continuum of services options for preschool students, seek public comment, and propose a recommendation for discussion with the Board of Regents.	2008-09 2008-09 2008 2009 2009-10	Special Education Training and Resource Center (SETRC) Regional Trainers, ECDC regional staff IDEA discretionary funds to support training VESID staff
Improve mechanisms for tracking progress and child outcomes.	2008-2011	VESID staff
Encourage development of UPK for three- and four-year-olds to increase the availability of integrated settings and promote earlier connections between preschoolers with disabilities and the district setting that is most able to meet the needs of children in the least restrictive environment.	2008-11	VESID and P-16 staff NYSED guidance

Overview of the State Performance Plan Development:

See Overview of the State Performance Plan Development in the Introduction to the State Performance Plan, as revised June 2007 and in the Introduction to the Annual Performance Report for 2006-07. In addition to the plan development activities described in those sections, input on data collection for this indicator was sought from the transition subcommittee of the Commissioner's Advisory Panel for Special Education (CAP), representatives of the Transition Coordination Site (TCS) technical assistance network and representatives of the State University of New York (SUNY) at Potsdam working on the NYS Longitudinal Post School Indicator 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 the (# of youth assessed who had IEPs and are no longer in secondary school)] times 100.

Overview of Issue/Description of System or Process:

From 2000 through 2007, NYS independently conducted a seven year study to collect post-school outcome data from special and general education exiters. Stratified random samples of 13,000 special and general education students were followed since they were seniors in 2000 and 2001, with data collected during the senior year and at one-, three- and five-years beyond high school exit. The NYS LPSI found that, at one year beyond high school exit, 83 percent of the Class of 2001 completers had successfully transitioned to employment, postsecondary education and/or day program alternatives[3] as compared to 96 percent of general education students who left the same high schools at the same time. Thus, NYS students with disabilities experienced a gap in post-school outcomes of approximately 13 percentage points as compared with their general education peers. However, 75 percent of an earlier group of students with

[3] Day program alternatives are adult rehabilitation service programs designed for persons with the most severe disabilities who cannot successfully compete in the competitive labor market or matriculate in traditional postsecondary education settings even with extensive support. Services provided in these day program alternatives typically involve provision of developmental therapies to improve daily living, independent living, and social skills and to provide prevocational training. Placement in these settings is not necessarily an end-placement. As individuals acquire more skills and new systems for providing support evolve, participants may transition full- or part-time into other more integrated settings, including supported employment or supported postsecondary education models. Inclusion of this outcome in NYS' definition of postsecondary school was highly recommended by the CAP to assure that students with the most severe disabilities are included in NYS' transition services.

disabilities from the senior class of 1995 at one-year had positive post-school transitions. The LPSI showed that over six years, successful post-school transitions for students with disabilities had climbed 8 percentage points, an improvement resulting from statewide technical assistance, such as provided by the TCS technical assistance centers.

Note that the NYS LPSI used a slightly different criterion for successful post-school transition. While the SPP measure is "engaged at any time" during the post-school year, the LPSI used the criterion of the person being engaged at the point of interview one year out of school. If the federal SPP criterion were applied to the LPSI study data, the rate for all students would have been higher. This difference has implications for understanding the SPP results and improvement planning.

Plan to collect baseline data

Under the SPP requirements, baseline data was collected by interviewing students with disabilities exiting a representative sample of one-sixth of NYS school districts in 2005-06. A short interview protocol was designed to determine post-school transition status in areas of competitive employment and/or enrollment in post-secondary schools.

Definitions

Exiters are defined to include those students with disabilities who had IEPs and who completed the high school program with any diploma or certificate of completion (i.e., Regents or local diploma, IEP diploma, high school equivalency diploma), who completed school by reaching the maximum age to attend special education or those dropping out during the academic year being reviewed.

Employment is defined as competitive employment in the civilian labor market where individuals are earning at least minimum wage or the commensurate wage for specific occupations, either full- or part-time, for any length of time during the year since leaving high school. It does not include military service. Part-time employment is defined as less than 35 hours per week.

Post secondary school enrollment is defined as full-time or part-time participation in a two- or four-year college program, vocational or technical education beyond high school, adult basic education or participation in adult rehabilitation service day programs[4] for severely disabled persons. Part-time is defined differently depending on the standard for the post secondary school program. For colleges, part-time course loads typically are defined as less than 9 credit hours per semester. Each person interviewed responds based on their understanding of what constitutes full- or part-time for the institution or program they are attending. Interviewers are trained to provide guidance if requested or needed.

[4] See footnote 1.

Sampling Plan Used

Sampling was used to establish the 2005-06 baseline for this indicator. One-sixth of the school districts reported data on this indicator in 2005-06. A different sample group of school districts will report in subsequent school years until all school districts report data on this indicator over the six year life of the SPP. 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 NYS with a total enrollment of 50,000 or more students. Because Indicator 14 data collection takes two years (the first year to identify school exiters and the second year to conduct one-year out interviews), two samples will be identified in the fifth year to enable interview data to be collected during the sixth year, analyzed and reported for every district before the SPP expires. (See Attachment 2 to the SPP as revised June 2007.)

NYS 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 to the SPP as revised June 2007. These population variables were from the 2000 decennial census.

For Indicator 14, school districts with over 100 exiters have a choice of reporting data on all exiters or submitting data on a randomly selected representative sample of exiters. The minimum number of students required for sampling under this indicator can be obtained by using the sampling calculator provided by the State (http://www.vesid.nysed.gov/sedcar/randomno.htm) and the guidelines provided below. The vast majority of school districts will need to submit data on all exiters for this indicator. For a few large school districts, if it is 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 exiting student has the same chance as another student to be selected for the sample.

NYSED requires 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. NYSED 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 are addressed by following procedures in accordance with FERPA. NYSED will also guard against divulging personally identifiable information by not publicly 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 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.)	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.	If less than 100 exiters, survey all students. For larger districts, use 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 of all students who were selected their number.

Establishing the Baseline Sample for 2005-06

- By January 2006, school districts selected for this indicator for the 2005-06 reporting year were notified by NYSED that they must obtain contact information and consent to be contacted from all or their sample of students who left secondary school between the months of January to June 2006. The shorter period for the baseline cycle was used because this was the earliest that schools could reasonably be expected to be implement the process created under the first submission of the SPP in December 2005. School districts provided demographic and contact data for these students to the contractor, the Potsdam Institute for Applied Research (PIAR) at SUNY Potsdam. Demographic data included 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 submitted the contact and demographic information to PIAR, who verified completeness of information with school districts and initiated planning for interviewing, via a calling center and creating mail and on-line survey alternatives. Survey protocols were programmed and interviewer training was designed. Recruitment of interviewers anticipated addressing the multi-lingual needs of former students as identified in the student information provided to PIAR.
- In mid-March 2007, PIAR sent letters to the entire survey pool of 2,936 former students to remind them of the purpose of the future call. If contact information failed to reach the former student, PIAR followed up with the school district to seek additional contact information. Most districts except NYC were able to provide

additional contact information. PIAR also used web searches of on-line directories and databases to search for alternative addresses to supplement the outreach process.

- From April through the end of July 2007, interviews were conducted by PIAR using a modified form of the National Post-School Outcomes Center Post-School Data Collection Protocol, involving twelve basic questions plus one qualitative question regarding connections to adult services and supports. Call Center hours included early morning through evening hours, seven days per week, except holidays. English and Spanish-speaking interviewers were available. A maximum of 20 calls per former student was made, varied across time-of-day and day-of-week.
- 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

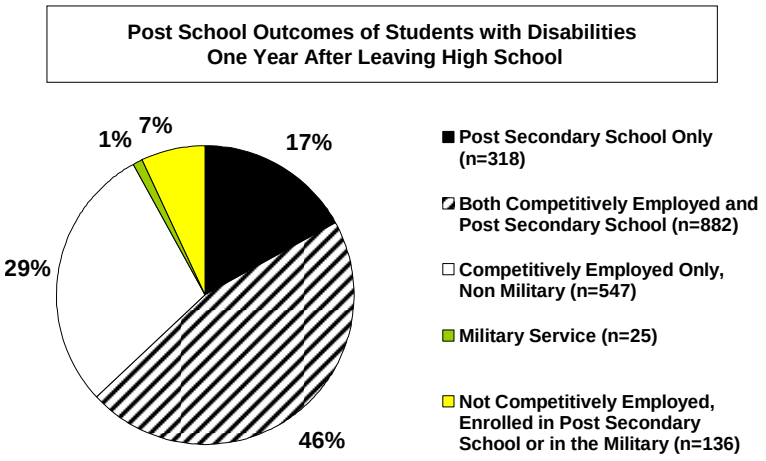
8. The level of postsecondary education (from 4-year college program to Adult Basic Education).
9. If ever participated in postsecondary education.
10. If currently involved in postsecondary education.
11. Whether enrolled full or part time.
12. If not engaged in postsecondary education, why?

Awareness of and engagement with vocational rehabilitation and related adult services.

- Final reports to NYSED were provided by the end of September beginning in 2007 as they will be in each subsequent year, including all responses as well as analyses of response rates and differential outcomes by school, location (Big Five City vs. Rest of State), major demographic characteristics and type of school exit.
- Future cycles of collecting the data will follow a similar schedule and process, with two exceptions. In subsequent annual data collections, beginning 2006-07, exiters from the complete school year September to June will be included. Secondly, to increase response rates from larger districts, beginning with the 2008-09 student exiters, sampling will be discontinued for all districts except NYC.

Baseline Data for FFY 2005 (2005-2006)

- Out of a targeted 2,917 student exiters from 107 school districts (NYC counts as one district), 1,908 students were available for interview, for a response rate of 65 percent. 92 percent of those who were interviewed reported being in post secondary school and/or competitive employment at some point during the year after exiting high school in 2005-06. The post-school status of the 1,009 former students who could not be reached for interview is unknown.



Discussion of Baseline Data:

Representativeness of Survey Pool

Table 1 addresses the representativeness of the survey pool compared with all exiters for 2005-06. The survey pool is the group of students that school districts identified to PIAR to be interviewed. The NPSO recommends using a +/-3 percent difference to judge the representativeness of demographic subgroups reported in Table 1. Using this criterion, the survey pool is representative of disability subgroups and gender. Minority students and students who dropped out of school are under represented at -15.9 percent and -14.8 percent, respectively. Similar analysis of representation by geographic region showed that for the Big Five Cities included in the sample, only students who dropped out are under represented at -8.6 percent. For the Rest-of-State, students who dropped out are under represented at -10.2 percent and minority students are slightly under represented at -4.7 percent.

Table 1: Representativeness of Survey Pool Compared to Total Exiters for All NYS Schools During 2005-06, as reported in PD-5 Data Reports.

Statewide Demographic Representativeness							
Statewide	**Learning Disabilities**	**Emotional Disabilities**	**Mental Retardation**	**All Other Disabilities**	**Female**	**Minority**	**Dropout**
PD-5 Report	61%	13%	5%	21%	35%	44%	30%
Survey Pool Representation	63%	11%	4%	22%	36%	28%	16%
Note: positive difference indicates over-representation; negative difference indicates under-representation on the interview pool.							
Difference	2.2%	-2.6%	-0.6%	1%	0.7%	-15.9%	-14.8%

Two factors are believed to contribute to these differences in representation:

(1) The PD-5 report represents exiters for the entire school year, but the 2005-06 survey pool represents exiters from the second half of the year. Dropping out is believed to more often occur during the first semester.

(2) The consent process influences the composition of the survey pool. The consent process requires school districts to contact exiters and their families to inform them about Indicator 14, to obtain contact information and to expect to be interviewed a year after leaving school. If a district cannot contact exiters or their families or if there is a refusal of consent, the person is removed from the survey pool. Most often, these students have left by dropping out or have less stable living situations.

Representativeness of Response Pool

Table 2 addresses the representativeness of the response pool, compared with the PD-5 report about all exiters. The response pool is comprised of the students from the survey pool who actually were interviewed and who fit the criteria of being exiters after one year. Using the PSO criteria of +/-3 percent to judge representativeness of subgroups, the response pool is representative of gender and all but one disability group. Exiters with emotional disabilities are slightly under represented at -4.5 percent. Minority and students and students who dropped out of school are under represented at -22.7 percent and -20.5 percent respectively. For the Big Five Cities, the response pool is representative of gender, minority and all but one disability subgroup. Exiters with emotional disabilities are slightly under represented at -4.1 percent. Students who dropped out of school are under represented at -18.2 percent. For the Rest-of-State, students who dropped out and minority students are under represented at -13.8 percent and -8.9 percent, respectively. Students with emotional disabilities are slightly under represented at -3.5 percent. The factors contributing to under representation by these groups include their under representation in the survey pool and having lower response rates.

Table 2: Representativeness of Response Pool Compared to Total Exiters for All NYS Schools During 2005-06, as reported in PD-5 Data Reports.

Statewide Demographic Representativeness							
Statewide	**Learning Disabilities**	**Emotional Disabilities**	**Mental Retardation**	**All Other Disabilities**	**Female**	**Minority**	**Dropout**
Census Representation	61%	13%	5%	21%	35%	44%	30%
Response Pool Representation	63%	9%	4%	24%	35%	21%	10%
Note: positive difference indicates over-representation; negative difference indicates under-representation on the interview pool.							
Difference	1.4%	-4.5%	-0.7%	3.8%	0.1%	-22.7%	-20.5%

Response Rates

- Within the survey pool, the response rates for three demographic subgroups were less than 65 percent: students with emotional disabilities at 55 percent; minority students at 50 percent; and students who dropped out of school at 42 percent.
- For the Big Five Cities, the response rate was 52 percent, with two groups falling below this rate: students with emotional disabilities at 45 percent and students who dropped out of school at 39 percent.

- For the Rest-of-State, there was a response rate of 69 percent, with three groups falling below this rate: students with emotional disabilities at 58 percent; minority students at 49 percent; and students who dropped out at 45 percent.

Implications for Interpreting and Applying the Data

In reviewing the data results, readers are cautioned that the percent of former students with positive post-school outcomes is not representative of students who dropped out of school, minority students and students with emotional disabilities since these subgroups were underrepresented in student responses to the survey interviews.

Data Reliability and Validity

Strategies are needed to equalize the response rates between the largest school districts and the rest of the participating schools that provide data for this indicator. Outreach activities need to be enhanced to find students who dropped out and assure their representation in the data. Strategies for improving response rates and representativeness for this indicator are discussed under the Improvement Activities/Timelines/Resources section**:**

Major Findings

- 92 percent of the 1,908 interviewed 2005-06 exiting students with disabilities reported that they participated in competitive employment and/or post secondary school enrollment at some point during the year since they left high school.
- If military service is counted as "competitive employment," the percent of students with positive post-school transitions would be 1.3 percent higher (n=25), or 93 percent.
- Based on past post-school studies, we believe that "employed and/or in post secondary school at the point of interview one-year beyond high school exit" is a better measure and may include some indication of sustaining positive post-school outcomes.
  - o Using this criterion, the percent of former students achieving positive post-school outcomes would be only 84 percent, distributed as follows: 24 percent in post secondary school only; 30 percent both working competitively and in post secondary school, and 30 percent in competitive employment only.
  - o Also using this criterion, there are 15 percent fewer former students sustaining themselves in employment and nine percent fewer former students sustaining their participation in post secondary school programs. (Note: there is some double counting here, because some students were doing both activities and some were only doing one).
  - o Only half of the former students not sustaining their participation in competitive employment or post secondary schools had heard of vocational rehabilitation services and, of these, only one third were using them. This means that sustaining post-school transitions also represents an area for improvement and that stronger alliances between schools and adult service agencies are needed to effect smooth transitions that are sustained beyond immediate school exit.

- Of the 1,200 former students who participated in post secondary school at any point during the year since leaving school, 883 (73.6 percent) participated in two-year college programs (47.1 percent) or four-year college programs (26.5 percent). Seven out of every 8 students participating in college programs participated full-time.
- Of the 1,429 former students who worked competitively at any time within one year of leaving school, 577 were found on interview to be still employed one year later and not attending post secondary school. Of this group, for whom employment is the primary activity, two-thirds work full-time, with the majority working 40 hours per week. The average wage for all 577 former students was $8.90 per hour and the average hours worked was 35.7 hours per week.
- Type of school exit: While 96 percent of students with regular diplomas transitioned to post-secondary school and/or competitive employment at some point during the year after school exit, only 84 percent of students with IEP diplomas and 78 percent of students who dropped out had these positive post-school outcomes. While 77 percent of all students transitioned to employment, only 63 percent of students with IEP diplomas and 69 percent of students who dropped out of school did so.

2005-06 Post-School Outcomes by Type of Exit										
2005-06 Post-School Outcome	**Statewide Responses 2005-06**		**Regular HS Diploma (Regents, Local, HS Equivalency**		**Certificate or Modified Diploma (IEP Diploma)**		**Dropped Out**		**Other Exit Reasons***	
	N	%	N	%	N	%	N	%	N	%
Total in category	1908	100%	1312	100%	377	100%	188	100%	31	100%
All Post-school Outcomes**	1747	92%	1262	96%	316	84%	146	78%	23	74%
Post secondary school only	318	17%	215	16%	77	20%	16	9%	10	32%
Both competitively employed and post secondary school	882	46%	733	56%	91	24%	53	28%	5	16%
Only competitively employed	547	29%	314	24%	148	39%	77	41%	8	26%
Other: military service	25	1%	20	2%	3	1%	1	1%	1	3%
Neither	136	7%	30	2%	58	15%	41	22%	7	23%

* ”Other” may include that the student reached maximum age or that reasons were not reported.
** ”All” represents the sum of post secondary school and/or competitive employment. It excludes military service.

- School characteristics: Students from NYC, which has the highest resource needs, had fewer transitions (82 percent) in comparison to students from Rest-of-State (93 percent). Competitive employment was less often reported by students from NYC (57 percent) than by students from the Rest-of-State (78 percent).

- Demographics of Students: There are no significant differences by gender. Fewer minority students had positive post-school outcomes (85 percent) than did white students (93 percent). Fewer minority students (65 percent) reported competitive employment than did white students (77 percent).

Measurable and Rigorous Targets

FFY	Measurable and Rigorous Target
2005 (2005-06) Baseline	**Baseline = 92 percent** of youth with IEPs*, who exited school in 2005-06 are no longer in secondary school and who have been competitively employed**, enrolled in some type of post secondary school, or both, within one year of leaving school (i.e., during 2006-07).
2006 (2006-07)	**92 percent** of youth with IEPs*, who exited school in 2006-07 are no longer in secondary school and who have been competitively employed**, enrolled in some type of post secondary school, or both, within one year of leaving school (i.e., during 2007-08)
2007 (2007-08)	**92 percent** of youth with IEPs*, who exited school in 2007-08 are no longer in secondary school and who have been competitively employed**, enrolled in some type of post secondary school, or both, within one year of leaving school (i.e., during 2008-09)
2008 (2008-09)	**92 percent** of youth with IEPs*, who exited school in 2008-09 are no longer in secondary school and who have been competitively employed**, enrolled in some type of post secondary school, or both, within one year of leaving school (i.e., during 2009-10)
2009 (2009-10)	**93 percent** of youth with IEPs*, who exited school in 2009-10 are no longer in secondary school and who have been competitively employed**, enrolled in some type of post secondary school, or both, within one year of leaving school (i.e., during 2010-11)
2010 (2010-11)	**94 percent** of youth with IEPs*, who exited school in 2010-11 are no longer in secondary school and who have been competitively employed**, enrolled in some type of post secondary school, or both, within one year of leaving school (i.e., during 2011-12)

*"Percent of youth with IEPs" refers to the percent of students who could be reached for interview.
**In these targets, competitive employment excludes military service.

Improvement Activities/Timelines/Resources:

Improvement activities center around efforts to target technical assistance and transition funding based on gaps identified in the baseline data for students at-risk of dropping out and who exit with IEP diplomas and in improving the reliability and validity of data collected on this measure. Assistance will be provided regarding development of student samples of an adequate size to offset anticipated low response rates.

Activity	Timeline	Resources
See activities for indicators 2 and 13	2008-11	7 regional TCS funded through IDEA Part B discretionary funds
Prioritize training and technical assistance delivered by TCSs to improve transition outcomes based on gaps in post-school outcomes identified for subpopulations: i.e., for students who dropped out and for students who exited with IEP diplomas.	2007-11	7 regional TCS funded through IDEA Part B discretionary funds
Implement Model Transition Programs in 60 consortia of school districts throughout the State to build capacity for in-school career preparation and smooth transitions to vocational rehabilitation (VR) for students needing those services.	2007-11	Competitive contracts with 60 school district consortia in collaboration with VESID VR District Offices
VR policy development will be revised to enhance the availability of VR counseling to transitioning students no later than their junior year and the revision of economic need policies related to funding support during postsecondary education, including provision of career-related internships during postsecondary education study.	2007-09	VESID VR Policy Unit
Increase Independent Living Center (ILC) initiatives to facilitate making and sustaining post-school transitions, including identifying and connecting appropriate adult role models with currently transitioning secondary students (e.g., through mentoring programs, shadowing experiences and other innovations to increase student awareness of successful adult roles).	2008-11	ILC network VR District Offices TCS network

Improving Response Rates and Representativeness of Indicator 14 Data:

- Encourage districts to provide better contact information by requesting three distinct sets of contacts instead several individuals all living at the same location.

- Encourage districts to check with student and families to confirm or update contact information. This could be done when they formally notify youth and families about SPP Indicator 14, at Parent-Teacher conferences, IEP meetings and when the student is given their Student Exit Summary prior to graduation.

- Modify “Sampling Methodology” to drop sampling for any school district except for NYC. The work of larger districts in compiling randomly selected student lists and over sampling to address lower response rates will be dropped. These districts will

be asked instead to provide lists of all exiters that include contact information known at the school building the student attends, which is typically more up-to-date with this information than centralized data bases.

- Based the first round of data collection, NYC will be asked to increase its sample size as well as provide more up-to-date contact information from the buildings attended by the students. Discussions have begun with city administrators on these and other creative solutions to address the lower response rate.

- Contact youth enrolled by the districts by phone at the end of each semester to verify their contact information as soon it is submitted by the school district rather than waiting until the April following school exit. For example calls were made to 2006-07 youth enrolled in the 2006-07 survey pool during November 2007. If these calls prove effective in increasing response rates, they will be repeated in subsequent cycles.

- In addition to discussing their post-school status, provide interviewed students and/or their families with lists of services that may assist the student to obtain more successful outcomes, including returning to school, if the student has dropped out.

Attachment 1: Report of Dispute Resolutions, 2006-07

U.S. DEPARTMENT OF EDUCATION	**TABLE 7**	**PAGE 1 OF 1**
OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES	**REPORT OF DISPUTE RESOLUTION UNDER PART B, OF THE**	**OMB NO.: 1820-0677**
OFFICE OF SPECIAL EDUCATION PROGRAMS	**INDIVIDUALS WITH DISABILITIES EDUCATION ACT 2006-07**	**FORM EXPIRES: 08/31/2009**

STATE:_____NEW YORK_____

SECTION A: Written, signed complaints	
(1) Written, signed complaints total	210
(1.1) Complaints with reports issued	198
(a) Reports with findings	169
(b) Reports within timeline	162
(c) Reports within extended timelines	2
(1.2) Complaints withdrawn or dismissed	10
(1.3) Complaints pending	2
(a) Complaint pending a due process hearing	0
SECTION B: Mediation requests	
(2) Mediation requests total	397
(2.1) Mediations	
(a) Mediations related to due process	23
(i) Mediation agreements	15
(b) Mediations not related to due process	255
(i) Mediation agreements	237
(2.2) Mediations not held (including pending)	110
SECTION C: Hearing Requests	
(3) Hearing requests total	5990
(3.1) Resolution sessions	5664
(a) Settlement agreements	587
(3.2) Hearings (fully adjudicated)	810
(a) Decisions within timeline	175
(b) Decisions within extended timeline	470
(3.3) Resolved without a hearing	4846
SECTION D: Expedited hearing requests (related to disciplinary decision)	
(4) Expedited hearing requests total	29
(4.1) Resolution sessions	0
(a) Settlement agreements	0
(4.2) Expedited hearings (fully adjudicated)	16
(a) Change of placement ordered	6

Attachment 2: State Assessment Data for 2006-007 (OSEP Table 6)

Appendix B
Miscellaneous Revisions/Edits to State Performance Plan or Annual Performance Report

State Performance Plan - Attachment 2 - Sampling Plan - Revised February 2008 to improve reliability and validity of data collection for certain indicators.

State Performance Plan Indicator 10 - Revised February 2008 to align wording of the indicator and measurement to the federal language for this Indicator.

State Performance Plan Indicator 12 - Revised February 2008 to clarify the language describing the NYS measure being used.

Annual Performance Report Indicator 12 - Revised February 2008 to clarify the language describing the NYS measure being used.

Attachment 2

New York State (NYS) Sampling Methodology for Some Federal Indicators in the 2005-10 SPP , Revised February 2008

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 (NYC). 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 individualized education programs (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. NYS 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. NYS 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

NYC is the only local educational agency (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.

For Indicators 8 and 13, all school districts will have a choice of reporting data on all eligible students or submitting data on a randomly selected sample of students. For Indicators 7, 11, 12 and 14 no districts except for NYC will be permitted to sample students who meet the criteria for the indicator. When permitted to sample, the minimum number of students required for the 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.

NYSED 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. NYSED 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. NYSED 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[5] 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.	Beginning in 2007-08, only NYC will sample students for this indicator. All other districts assigned to report data will be required to provide data on all exiting preschool children who meet the criteria and no sampling will be permitted. To sample, NYC will 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.

[5] The Sampling Plan is being revised as of February 2008. For Indicators 7, 11, 12 and 14, random sampling will only be permitted for NYC. For these indicators, all other districts will report on all students meeting the criteria. For Indicators 8 and 13, the sampling plan remains unchanged.

Federal Indicator Number	Eligible Population of Students From Which a Random Sample[5] 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 program 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 multiplying the minimum number identified by the calculator by 10.	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 initial evaluation was received during the school year (July 1-June 30).	Beginning in 2007-08, only NYC will sample students for this indicator. All other districts assigned to report data will be required to provide data on all children who meet the criteria and no sampling will be permitted. To sample, NYC will use a sampling calculator. Require 95% confidence interval and plus or minus 2% margin of error.	Same as above	Same as above

Federal Indicator Number	Eligible Population of Students From Which a Random Sample[5] 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 programs and/or services from Part C to Part B prior age 3 during the school year (July 1-June 30).	Beginning in 2007-08, only NYC will sample students for this indicator. All other districts assigned to report data will be required to provide data on all preschool children who meet the criteria and no sampling will be permitted. To sample, NYC will 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. NYC sample 100 students.	Same as above	Same as above

Federal Indicator Number	Eligible Population of Students From Which a Random Sample[5] Must be Selected	Minimum Number of Students in the Sample	Method for Selecting Students	Required Documentation
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.)	Through 2007-08, school districts with less than 100 students with disabilities exiting, survey all students. Through 2007-08, School districts with 100 or more students use the sampling calculator. Require 95% confidence interval and plus or minus 5% margin of error. Beginning in 2008-09, only NYC will sample students for this indicator. All other districts assigned to report data will be required to provide data on all children who meet the criteria and no sampling will be permitted.	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[6]					
	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)

* NYC is in all sample groups.

[6] Schedule for district cycles of reporting was revised in June 2007 to allow for all data to be collected and reported by 2010-2011, the life of the current State Performance Plan.

Overview of the State Performance Plan Development

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

Monitoring Priority: Disproportionality

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

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

Measurement:

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

Include State's definition of "disproportionate representation."

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 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. (The State's definition of significant disproportion is the same as the definition of disproportion):

For Over-Identification of race/ethnic groups in specific disabilities:

- 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 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; or

- All students with disabilities in a specific disability category are of only one minority group regardless of the size of the relative risk ratio and weighted relative risk ratio.

For Under-identification of race/ethnic groups in specific disabilities:

NYSED has begun data analysis, however, will seek technical assistance from the National Center for Culturally Responsive Educational Systems (NCCRESt) to assist us with meaningful data analysis and reporting for under-representation in special education by race/ethnicity.

NYS 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.

Explanation of Revisions:

1. Beginning with 2006-07 school year data, NYS will eliminate Indicator 10B from its SPP since this indicator is not required by USED. This change results in dropping SPP language related to 10B in the Indicator and in the NYS measure. However, NYS will still implement its responsibilities described in IDEA related to disproportionate placement, based on race/ethnicity, of students with disabilities, in particular Least Restrictive Environment (LRE) settings. NYS will also continue to require school districts to reserve up to 15 percent of IDEA funds for early intervening services when data indicate significant disproportionality in placement of students in particular settings.
2. Language was added to the NYS measure to clarify that “significant disproportion” is defined the same as “disproportion.”
3. Language was added to the NYS measure regarding under representation.

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.

Explanation of Revision:

Minor wording changes were made to clarify the language for describing the NYS measure that is being used.

Overview of the Annual Performance Report Development:

See Overview of the Development of the Annual Performance Report on page 1.

Monitoring Priority: Effective General Supervision Part B / Effective Transition

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

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

Measurement:

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 birthdays.

c. # of those found eligible who have an IEP developed and implemented by their third birthdays.

d. # of children for whom parent refusal to provide consent caused delays in evaluation or initial services.

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.

NYS will use the above formula except it will add "e" to the equation as follows:

e. # of children whose IEPs were not implemented by their third birthdays but for reasons that are "in compliance" with State regulations.

NYS Baseline Data = [(c) divided by (a-b-d-e)] times 100.

Explanation of Revision:

Minor wording changes were made to clarify the language for describing the NYS measure that is being used.