



# **NEW YORK STATE EDUCATION DEPARTMENT**

## **Annual Performance Report for 2005-06**

**IDEA PART B STATE PERFORMANCE PLAN  
2005-2010**

**OFFICE OF VOCATIONAL AND EDUCATIONAL  
SERVICES FOR INDIVIDUALS WITH DISABILITIES**

**FEBRUARY 2007**



THE UNIVERSITY OF THE STATE OF NEW YORK

Regents of the University

ROBERT M. BENNETT, <i>Chancellor</i> , B.A., M.S. ....	Tonawanda
ADELAIDE L. SANFORD, <i>Vice Chancellor</i> , B.A., M.A., P.D. ....	Hollis
SAUL B. COHEN, B.A., M.A., Ph.D.....	New Rochelle
JAMES C. DAWSON, A.A., B.A., M.S., Ph.D. ....	Peru
ANTHONY S. BOTTAR, B.A., J.D. ....	North Syracuse
MERRYL H. TISCH, B.A., M.A., Ed.D. ....	New York
GERALDINE D. CHAPEY, B.A., M.A., Ed.D. ....	Belle Harbor
ARNOLD B. GARDNER, B.A., LL.B. ....	Buffalo
HARRY PHILLIPS, 3rd, B.A., M.S.F.S. ....	Hartsdale
JOSEPH E. BOWMAN, JR., B.A., M.L.S., M.A., M.Ed., Ed.D.....	Albany
LORRAINE A. CORTÉS-VÁZQUEZ, B.A., M.P.A. ....	Bronx
JAMES R. TALLON, JR., B.A., M.A. ....	Binghamton
MILTON L. COFIELD, B.S., M.B.A., Ph.D. ....	Rochester
JOHN BRADEMÁS, B.A., Ph.D. ....	New York
ROGER B. TILLES, B.A., J.D. ....	Great Neck
KAREN BROOKS HOPKINS, B.A., M.F.A.....	Brooklyn

**President of The University and Commissioner of Education**

RICHARD P. MILLS

**Deputy Commissioner**

**Office of Vocational and Educational Services for Individuals with Disabilities**

REBECCA H. CORT

**Statewide Coordinator for Special Education**

JAMES P. DELORENZO

---

The State Education Department does not discriminate on the basis of age, color, religion, creed, disability, marital status, veteran status, national origin, race, gender, genetic predisposition or carrier status, or sexual orientation in its educational programs, services and activities. Portions of this publication can be made available in a variety of formats, including Braille, large print or audio tape, upon request. Inquiries concerning this policy of nondiscrimination should be directed to the Department's Office for Diversity, Ethics, and Access, Room 530, Education Building, Albany, NY 12234.

**TABLE OF CONTENTS**

Overview of Development of the Annual Performance Report .....	1
Indicator 1: Graduation Rates .....	5
Indicator 2: Drop-Out Rates .....	14
Indicator 3: Assessment .....	19
Indicator 4: Suspension/Expulsion .....	27
Indicator 5: Least Restrictive Environment – School Age .....	37
Indicator 6: Least Restrictive Environment – Preschool .....	42
Indicator 7: Preschool Outcomes .....	49
Indicator 8: Parental Involvement .....	52
Indicator 9: Disproportionality in Special Education by Race/Ethnicity .....	54
Indicator 10: Disproportionality in Classification/Placement by Race/Ethnicity .....	56
Indicator 11: Child Find .....	68
Indicator 12: Early Childhood Transition .....	60
Indicator 13: Secondary Transition .....	66
Indicator 14: Post-School Outcomes .....	67
Indicator 15: Identification and Correction of Noncompliance .....	68
Indicator 16: Complaint Timelines .....	71
Indicator 17: Due Process Timelines .....	73
Indicator 18: Hearing Requests Resolved by Resolution Session .....	75
Indicator 19: Mediation Agreements .....	76
Indicator 20: State Reported Data .....	78
Attachments	
1: Report on the Participation and Performance of Students with Disabilities .....	83
2. Report of Dispute Resolution .....	84

## 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 first such report, due February 1, 2007. It references the SPP dated November 2005, as amended in January 2007.

A separate report will be issued in April 2007, describing the performance of each local school district located in the State as measured against the targets described in the SPP.

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
  - Percent of districts identified by the State as having a significant discrepancy in the rates of suspensions and expulsions of greater than 10 days in a school year of children with disabilities by race and ethnicity.
5. Percent of children with IEPs ages 6 through 21:
  - Removed from regular class less than 21 percent of the day;
  - Removed from regular class greater than 60 percent of the day; or
  - Served in either public/private separate schools, residential placements or in homebound or hospital placements.

6. Percent of preschool children with IEPs who receive special education and related services in settings with typically developing peers (e.g., early childhood settings, home, and part-time early childhood/part-time early childhood special education settings).
7. Percent of preschool children with IEPs who demonstrate improved:
  - positive social-emotional skills (including social relationships);
  - acquisition and use of knowledge and skills (including early language/communication and early literacy); and
  - use of appropriate behaviors to meet their needs.
8. Percent of parents with a child receiving special education services who report that schools facilitated parent involvement as a means of improving services and results for children with disabilities.

Priority: Disproportionality

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

Priority: Effective General Supervision Part B

*Child Find and Effective Transitions*

11. Percent of children with parental consent to evaluate, who were evaluated within State required timelines.
12. Percent of children referred by Part C (Early Intervention Services) prior to age three (3), who are found eligible for Part B, and who have an IEP developed and implemented by their third 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*

15. General supervision system (including monitoring, complaints, hearings, etc.) identifies and corrects noncompliance as soon as possible but in no case later than one year from identification.
16. Percent of signed written complaints with reports issued that were resolved within 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint.

17. Percent of fully adjudicated due process hearing requests that were fully adjudicated within the 45-day timeline for school age students and 30-day timeline for preschool students or a timeline that is properly extended by the hearing officer at the request of either party.
18. Percent of hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements.
19. Percent of mediations held that resulted in mediation agreements.
20. State reported data (618) and SPP and APR are timely and accurate.

### **Overview of Annual Performance Report Development**

The development of New York State's (NYS) Part B SPP can be found at <http://www.vesid.nysed.gov/specialed/spp/partb1106.html>. The APR for 2005-06 was developed as follows:

NYS' Office of Vocational and Educational Services for Individuals with Disabilities (VESID) formed a workgroup in 2005. This group includes representatives from the Offices of Policy, Quality Assurance, Program Development and Data Collection and Reporting. This group served as the Cabinet to guide the development of the SPP and APR.

Meetings were held with various constituent groups throughout the year to review the State's progress in measuring and developing strategies to improve results in each of the indicator areas. These groups most notably included:

- Special Education and Training Resource Centers
- Early Childhood Direction Centers
- Transition Coordination Sites
- Parent Centers
- District Superintendents

In November 2006, SED issued its educational reform plan "P-16: A Plan for Action", which includes specific actions to improve academic outcomes for children with disabilities by setting performance targets, promoting effective practices and holding schools accountable for dramatic improvements. These actions were developed in consideration of the SPP and APR.

Several information sessions were held in various regions of the State and memorandums were issued to the field to inform school personnel, families and others of the activities of the SPP and the plan to report the State's annual progress toward meeting its targets through the APR and the public reports of each school district.

Stakeholder input from the Commissioner's Advisory Panel (CAP) for Special Education Services was sought on revisions to the SPP in baseline measures, targets and improvement strategies. In January 2007, prior to submission of the APR, staff met with CAP to share the State's baseline and performance data for all indicators and to obtain their input on improvement strategies. CAP has three subcommittees that will be

addressing the State's improvement strategies in the areas of preschool, transition and professional development.

The SPP and the APR are posted on the Department's website:

<http://www.vesid.nysed.gov/specialed/spp/home.html>

An announcement of the availability of these documents will be provided through the list serve and through a memorandum to school districts, parent organizations and others interested in the education of students with disabilities. A press announcement will be released to newspapers regarding their availability.

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

**Overview of the Annual Performance Report Development:**

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

**Monitoring Priority: FAPE in the LRE**

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

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

**Measurement:**

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

**New York State's Measurement:**

Percent of "graduation-rate cohort" of students with disabilities who graduate with a high school diploma (Regents or local diploma) as of August 31 after four years of first entering 9<sup>th</sup> grade or for ungraded students with disabilities, after four years of becoming 17 years of age.

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

**New York State's Calculation:**

The number of students in the "graduation-rate cohort" who earn a high school diploma as of August 31 after four years divided by the total number of students in the graduation rate cohort, expressed as a percent.

**Definition of District Accountability Cohort:** (Cohort is defined in Section 100.2 (p) (16) of the Commissioner's Regulations):

The 2001 "district accountability cohort" consists of all students, regardless of their current grade status, who were enrolled in a district school or placed by the district Committee on Special Education or a district official in an out-of-district placement on October 8, 2003 (BEDS<sup>1</sup> day) and met one of the following conditions:

- first entered 9<sup>th</sup> grade (anywhere) during the 2001–02 school year (July 1, 2001 through June 30, 2002); or
- in the case of ungraded students with disabilities, reached their seventeenth birthday during the 2001–02 school year.

<sup>1</sup> BEDS day is the first Wednesday in October and is the date that enrollment data for all students is collected in New York State.

The Department will exclude the following students when reporting data on the 2001 district accountability cohort:

1. students who transferred to a school in another district or state or transferred to a program leading to a high school equivalency diploma after BEDS day 2003;
  2. students who left the U.S. and its territories after BEDS day 2003; and
  3. students who died after BEDS day 2003.
- Students who transferred into the district after BEDS day 2003 (October 8, 2003) will *not* be included in the 2001 district accountability cohort.
  - Students who move between district schools and out-of-district placements are not excluded from the cohort, as long as the transfers are the decision of the District Committee on Special Education (CSE) or a district official.
  - Students who have dropped out may not be excluded from the 2001 cohort. A dropout is any student (regardless of age) who left your school prior to graduation for any reason except death and was not documented to have entered another school or a program leading to a high school equivalency diploma.
  - Limited English proficient students and students with disabilities eligible to take the New York State Alternate Assessment (NYSAA) are not excluded from the 2001 cohort.

**Definition of 2001 Graduation-Rate Cohort:**

The “graduation-rate cohort” includes all students in the accountability cohort plus all students excluded from that accountability cohort solely because they transferred to a program leading to a high school equivalency diploma (General Education Development (GED) program). The final date used to determine the members of the graduation-rate cohort is August 31 of the fourth year after a student first entered 9<sup>th</sup> grade. For example, graduation-rate cohort membership would be determined on August 31, 2005 for a student who entered 9<sup>th</sup> grade for the first time in the 2001-02 school year.

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

The definition of graduation-rate cohort will be revised as follows, beginning with students who first entered 9<sup>th</sup> grade (anywhere) in 2003-04 school year or for ungraded students with disabilities who reached the age of 17 during the 2003-04 school year:

- The 2003 Graduation-Rate Cohort will consist of students who meet Condition 1 and Condition 2 or 3 below:
  1. enrolled in 9th grade (anywhere) for the first time in a particular year (year 1) or, for ungraded students with disabilities, reached age 17 during that school year, AND
  2. were enrolled in the district/school for at least five continuous months during year 1, 2, 3, or 4 of high school (excluding July and August)  
OR
  3. were enrolled for less than five months and reason for ending enrollment was

“dropped out” or transferred to a GED program and the student’s previous enrollment record in the district (assuming one exists):

- indicates that the student dropped out or transferred to a GED program, and
- that the student was enrolled in the district/school for at least five months.

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

- The graduation rate will be the percentage of these students who earned a regular high school diploma no later than the end of year 4. An exception will be made for high schools where a majority of students participate in a State-approved five-year program that results in the receipt of certification in a career or technology field in addition to a high school diploma. For those schools, the graduation rate will be the percentage of those students defined in Conditions 1 and 2 who earned a regular high school diploma no later than the end of year 5. The public high school graduation rate will be used pursuant to §1111(b)(2)(1) of NCLB.

**Definition of Total Cohort:**

The definition of the “2001 total cohort” and “2002 total cohort” is similar to how the definition of the 2003 graduation-rate cohort is anticipated to be revised as explained above.

FFY	Measurable and Rigorous Target
<p><b>2005</b> (School Year 2005-06 data is based on 2002 Total Cohort)</p>	<p>The percent of youth with IEPs graduating from high school within four years as of June 30 with a regular high school diploma will be 37 percent.</p>

**Actual Target Data for FFY 2005:**

The school year 2005-06 data for graduation rate of all students and students with disabilities were not available by the due date of the APR. These data are expected to become available by April 1, 2007. NYS will update this APR at that time and include the missing information in the tables below.

<b>Graduation-Rate Cohort, As of August 31, Four Years Later</b>				
<b>Cohort Year</b>	<b>All Students</b>		<b>Students with Disabilities</b>	
	<b># in Cohort</b>	<b>Graduation Rate</b>	<b># in Cohort</b>	<b>Graduation Rate</b>
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	pending	pending	pending	pending

<b>Total Cohort, As of June 30, Four Years Later</b>				
<b>Cohort Year</b>	<b>All Students</b>		<b>Students with Disabilities</b>	
	<b># in Cohort</b>	<b>Graduation Rate</b>	<b># in Cohort</b>	<b>Graduation Rate</b>
2000	199,312	67%	21,262	46%
2001 (new baseline data)	214,494	64%	26,702	37%
2002	pending	pending	pending	pending

<b>Total Cohort Analysis of Students with Disabilities' (SWD) Graduation Rates for New York City, Large Four Cities Combined and Rest of School Districts</b>				
<b>Need/Resource Capacity Category</b>	<b>2001 Total Cohort of SWD</b>		<b>2002 Total Cohort of SWD</b>	
	<b># in Cohort</b>	<b>Graduation Rate</b>	<b># in Cohort</b>	<b>Graduation Rate</b>
New York City	7,397	16.8%	pending	pending
Large Four Cities	1,792	20.6%	pending	pending
Urban/Suburban High Need Districts	2,623	28.8%	pending	pending
Rural High Need Districts	2,152	32.6%	pending	pending
Average Need Districts	9,094	46.9%	pending	pending
Low Need Districts	3,627	72.2%	pending	pending
Total Public School Districts (does not include Charter Schools)	26,685	37.3%	pending	pending

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	
	# in Cohort	Graduation Rate	# in Cohort	Graduation Rate
Big Five Cities	9,189	17.5%	pending	pending
Rest of School Districts	17,496	47.7%	pending	pending
Total Public School Districts (does not include Charter Schools)	26,685	37.3%	pending	pending

### Discussion of Improvement Activities Completed

In order to focus the State's technical assistance efforts and improve performance of students with disabilities in school districts that are the lowest performing school districts for students with disabilities, during the 2006-07 school year, the State notified 107 school districts (or 75 school districts if New York City is counted as a single district) based on their 2004-05 school year data that they were designated under IDEA as "in need of assistance" or "in need of intervention." The designations were based on graduation rates or drop-out rates of students with disabilities. Six of the 107 school districts did not have sufficient numbers of students with disabilities in the 2001 total cohort to have a valid graduation or drop-out rate, so they were identified based on the performance of students with disabilities on grades 4 and 8 ELA and math assessments.

On October 5, 2006, the Commissioner of Education held a press conference and issued a press release to publicly announce this list of school districts. See press release at <http://www.oms.nysed.gov/press/specialed100506.htm> and public posting of list of school districts at <http://www.vesid.nysed.gov/specialed/swd-100506/swd-list.html>.

### The criteria used for designations were as follows:

- 2001 total cohort of at least 30 students with disabilities;
- School districts "in need of assistance" had a graduation rate of students with disabilities after four years (as of June) below 35% and/or drop-out rate of 20% or higher.
- School districts "in need of intervention" had a graduation rate of students with disabilities after four years (as of June) of 18.5% or lower and drop-out rate of 33% or higher.

and/or

- School districts with at least 30 continuously enrolled students with disabilities whose Performance Index (PI) in 2004-05 on two State assessments for students with disabilities was below the State's PI and who did not make adequate yearly progress under NCLB for the students with disabilities subgroup. (School districts with graduation rates above 52% for students with disabilities are not identified, regardless of their performance on State assessments.) The State's PIs in 2004-05 were as follows:
  - Grade 4 ELA: 102
  - Grade 4 Math: 141
  - Grade 8 ELA: 85
  - Grade 8 Math: 82

Based on the above criteria, school districts were designated as "in need of assistance." However, school districts were designated as "in need of intervention" if they had PI's below the State's PI in all four areas and did not make AYP in any area for the students with disabilities subgroup.

#### **Small District Criteria:**

- School districts that did not have at least 30 students with disabilities in the 2001 total cohort or 30 continuously enrolled students with disabilities in the tested grades in 2004-05 school year but had at least 30 continuously enrolled students tested in Grade 4 ELA and Grade 8 ELA combined, and whose performance on at least two of the State assessments listed below (averaged over three years) was significantly below the State average in 2004-05 were identified "in need of assistance". Significantly below the State average was defined as:
  - Grade 4 ELA: 53.7% or lower at level 2 or above
  - Grade 4 math: 63.3% or lower at level 2 or above
  - Grade 8 ELA: 53.1% or lower at level 2 or above
  - Grade 8 math: 43.3% or lower at level 2 or above

VESID plans to make the identification of lowest performing school districts for students with disabilities an annual process and will use criteria that are consistent with SPP goals and with the NCLB measures.

#### **Explanation of Progress or Slippage that occurred for FFY 2005:**

This section will be completed when the data is available in April 2007.

#### **Revisions, with Justification, to Proposed Targets/ Improvement Activities/ Timelines/ Resources for 2006-07 School Year:**

This section will be completed when the data is available in April 2007.

**Revision to Proposed Targets for FFY 2005:**

NYS has revised its baseline data and targets for this indicator for the following reasons:

- We initially proposed targets for graduation rate based on data on the performance of the 2000 “graduation rate cohort.” The definition of the graduation rate cohort will be revised beginning with the 2003 graduation rate cohort as explained in the measurement section of this indicator. The definition of the 2003 graduation rate cohort is similar to the current definition of the “total cohort”. The total cohort includes more students and provides a better basis for measuring the graduation rate. NYS has revised its baseline and targets so they are based on data for the “total cohort”.
- NYS will continue to report data on both the “graduation rate cohort” and the “total cohort” until both of these cohorts have the same number of students, at which time we will drop reporting on the “total cohort”. The graduation rate cohort is NYS’ official cohort for school accountability under NCLB.

The revised targets for this indicator, based on the adjusted baseline data, are as follows:

<b>FFY</b>	<b>Measurable and Rigorous Target</b>
<b>2005</b> (2005-06 School Year) (2002 total cohort)	The percent of youth with IEPs graduating from high school within four years, as of June, with a regular high school diploma will be 37 percent.
<b>2006</b> (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.
<b>2007</b> (2007-08 School Year) (2004 cohort)	The percent of youth with IEPs graduating from high school with a regular high school diploma within four years, as of June, will be 38 percent.
<b>2008</b> (2008-09 School Year) (2005 cohort)	The percent of youth with IEPs graduating from high school with a regular high school diploma within four years, as of June, will be 44 percent.
<b>2009</b> (2009-10 School Year) (2006 cohort)	The percent of youth with IEPs graduating from high school with a regular high school diploma within four years, as of June, will be 49 percent.
<b>2010</b> (2010-11 School Year) (2007 cohort)	The percent of youth with IEPs graduating from high school with a regular high school diploma within four years, as of June, will be 52 percent.

**Revision to Improvement Activities:**

Targeted improvement activities were added to directly impact on the graduation rate for students with disabilities:

**1. Identification of school districts with graduation rates below the State's target**

Beginning in 2006-07, school districts with graduation rates of higher than 18.5 percent, but less than or equal to 35 percent were identified as districts "in need of assistance" and school districts with graduation rates of 18.5 percent or less were identified as "districts in need of intervention."

Each school district, as a result of this designation, are required to engage in one or more of the following activities to improve its graduation rates:

- Conduct a focused review
- Work with one of the State's funded technical assistance networks
- Use a portion of its IDEA Part B funds to address the area of concern
- Redirect its fiscal or human resources
- Conduct a self-review of its policies, procedures and practices
- Development improvement plans

In addition to the above designations, the accountability requirements under NCLB for the students with disabilities subgroup are for every school district to achieve a graduation rate set by the Commissioner of Education or make a 1 percentage point improvement over the previous year's rate in order to be able to use the safe-harbor criteria to demonstrate improvement in English and math. Currently the graduation rate criterion is set at a minimum of 55 percent of the graduation-rate cohort. These requirements will continue and all the required consequences for schools and school districts that do not meet these requirements will be applied.

**2. Development and implementation of a revised focused monitoring protocol**

Beginning in 2006-07, conduct "IDEA Effective Instructional Practices" focused reviews of school districts identified as in need of intervention (see above). The review protocol targets requirements most directly related to improved instructional practices, with emphasis on:

- Individual evaluations and eligibility determinations
- IEP development and implementation
- Appropriate instruction from qualified staff
- Access to, participation and progress in the general education curriculum
- Specially designed instruction
- Instruction in literacy
- Behavioral supports
- Parental involvement

### **3. Directed technical assistance to improve instructional practices**

Beginning in 2006-07, VESID redirected its funded networks to provide focused technical assistance to school districts to improve instruction in the areas of literacy, behavior and quality special education services. VESID Special Education Quality Assurance (SEQA) Regional Offices developed regional work plans to direct and deploy regional office and Special Education Training and Resource Center (SETRC) professional development staff to support school improvement activities in the designated low performing districts.

VESID identified the immediate assistance and interventions that would be provided to these school districts, including:

- On-site review of the districts' special education instructional programs to ensure compliance and improve program quality; and
- Directed technical assistance, through SETRC, to assess and improve districts' literacy instruction, behavioral supports and special education supports and services for students with disabilities in the district.

To ensure that interventions with districts are research-based, consistent and effective, VESID is:

- Developing tools and reviewing protocols to evaluate the districts' programs in the core special education instructional areas through work groups representing SETRC, VESID policy and regional staff, institutions of higher education, staff experts from EMSC and other consultants.
- Providing ongoing comprehensive professional development to all SETRC staff in the areas of literacy, behavioral supports and effective special education supports and services.
- Evaluating the progress and results of VESID's technical assistance work with districts to ensure that the strategies are effective.

**Overview of the Annual Performance Report Development:**

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

<b>Monitoring Priority: FAPE in the LRE</b>
---

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

**New York State's Calculation:**

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

**Definition of dropout:**

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

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

This definition of "dropout" may be found on page 167-168 of the STEP Reporting Manual at: <http://www.emsc.nysed.gov/irts/STEP/2006/STEPManual-2006.pdf>

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

Schools with grade seven or higher who do not grant diplomas are responsible for ensuring that students completing their programs enroll in a diploma-granting school to

complete their secondary education. They must report students who complete their program and who do not enroll in and attend a diploma-granting secondary school as dropouts. These students are reported in the school year in which they fail to enroll and to attend the diploma-granting program.

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

Also see "Change in definition of 2003 Graduation-Rate Cohort" described in Indicator #1.

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

### Target:

FFY	Measurable and Rigorous Target
<b>2005</b> (School Year 2005-06 data is based on 2002 Total cohort)	The drop-out rate for students with disabilities will be 19 percent.

### Actual Target Data for FFY 2005:

The 2005-06 data for drop-out rate of all students and students with disabilities were not available by the due date of the APR. These data are expected to become available by April 1, 2007. NYS will update this APR at that time and include the missing information in the tables below.

Total Cohort, As of June 30, Four Years Later				
Cohort Year	All Students		Students with Disabilities	
	# in Cohort	Drop-Out Rate	# in Cohort	Drop-Out Rate
2000	199,312	11.9%	21,262	13.0%
2001 (New Baseline Data)	214,494	10.9%	26,702	18.9%
2002	pending	pending	pending	pending

<b>Total Cohort Analysis of Students with Disabilities (SWD) Drop-Out Rate by Need/Resource Capacity Category of School District</b>				
<b>Need/Resource Capacity Category</b>	<b>2001 Total Cohort of SWD</b>		<b>2002 Total Cohort of SWD</b>	
	<b># in Cohort</b>	<b>Drop-Out Rate</b>	<b># in Cohort</b>	<b>Drop-Out Rate</b>
<b>New York City</b>	7,397	28.9%	pending	pending
<b>Large Four Cities</b>	1,792	31.4%	pending	pending
<b>Urban/Suburban High Need Districts</b>	2,623	19.3%	pending	pending
<b>Rural High Need Districts</b>	2,152	20.8%	pending	pending
<b>Average Need Districts</b>	9,094	13.4%	pending	pending
<b>Low Need Districts</b>	3,627	4.5%	pending	pending

<b>Total Cohort Analysis of Students with Disabilities (SWD) Drop-Out Rate for Big Five Cities combined and Rest of School Districts</b>				
<b>Group of School Districts</b>	<b>2001 Total Cohort of SWD</b>		<b>2002 Total Cohort of SWD</b>	
	<b># in Cohort</b>	<b>Drop-Out Rate</b>	<b># in Cohort</b>	<b>Drop-Out Rate</b>
<b>Big Five Cities</b>	9,189	29.4%	pending	pending
<b>Rest of School Districts</b>	17,496	13.3%	pending	pending

#### **Discussion of Improvement Activities Completed:**

In order to focus the State's technical assistance efforts and improve performance of students with disabilities in school districts that are the lowest performing school districts for students with disabilities, during the 2006-07 school year, the State notified 107 school districts (or 75 school districts if New York City is counted as a single district) based on their 2004-05 school year data that they were designated as "in need of

assistance” or “in need of intervention”. The designations were based on graduation rates or drop-out rates of students with disabilities. Six of the 107 school districts did not have sufficient numbers of students with disabilities in the 2001 total cohort to have a valid graduation or drop-out rate, so they were identified based on the performance of students with disabilities on grades 4 and 8 ELA and math assessments.

On October 5, 2006, the Commissioner of Education held a press conference and issued a press release to publicly announce this list of school districts. See press release at <http://www.oms.nysed.gov/press/specialed100506.htm> and public posting of list of school districts at <http://www.vesid.nysed.gov/specialed/swd-100506/swd-list.html>. See Indicator #1 discussion of improvement activities completed.

### **Explanation of Progress or Slippage that occurred for 2005-2006 School Year:**

This section will be completed in April 2007.

### **Revisions, with Justification, to Proposed Targets FFY 2005:**

NYS has revised its baseline and targets for this indicator so they are based on data for the 2000 “total cohort”. We initially proposed targets for the drop-out rate based on data on the performance of the 2000 “accountability cohort”. The definitions of the accountability cohort and the graduation-rate cohort will be revised such that the definition of the graduation-rate cohort will become similar to the current definition of the 2000 total cohort. The total cohort includes more students and provides a better basis for measuring the drop-out rate. This is the same cohort that will be used to measure the graduation rate as described under Indicator #1.

<b>FFY</b>	<b>Measurable and Rigorous Target</b>
<b>2005</b> (2005-06) (2002 total cohort)	No more than 19 percent of students with disabilities will drop out of school.
<b>2006</b> (2006-07) (2003 total cohort)	No more than 19 percent of students with disabilities will drop out of school.
<b>2007</b> (2007-08) (2004 total cohort)	No more than 19 percent of students with disabilities will drop out of school.
<b>2008</b> (2008-09) (2005 total cohort)	No more than 18 percent of students with disabilities will drop out of school.
<b>2009</b> (2009-10) (2006 total cohort)	No more than 16 percent of students with disabilities will drop out of school.
<b>2010</b> (2010-11) (2007 total cohort)	No more than 15 percent of students with disabilities will drop out of school.

Revisions, with Justification, to Improvement Activities/ Timelines/ Resources for FFY 2005:

1. Designation of school districts for targeted intervention

The same improvement activities as reported in Indicator #1 were added to directly address the drop-out rate for students with disabilities. The following performance criteria was set for designation of school districts as "in need of assistance" or "in need of intervention" based on performance on drop-out rates.

- School districts were identified as "in need of assistance" if they had a drop-out rate of 20% or higher.
- School districts were identified as "in need of intervention" if they had a drop-out rate of 33% or higher.

See Indicator #1.

2. Model Transition Programs

Beginning in 2006-07, VESID issued a Request for Proposals for the development and implementation of Model Transition Programs by school districts throughout the State. These projects will be awarded through competitive contracts with 60 school districts in collaboration with VESID Vocational Rehabilitation District Offices

**Overview of the Annual Performance Report Development:**

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

<p><b>Monitoring Priority: FAPE in the LRE</b></p>
--

**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 the 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))

<p><b>Measurement:</b></p> <ul style="list-style-type: none"> <li>A. Percent = <math>[(\# \text{ of districts meeting the State's AYP objectives for progress for the disability subgroup (children with IEPs)}) \text{ divided by the (total \# of districts that have a disability subgroup that meets the State's minimum "n" size in the State)}] \text{ times } 100.</math></li> <li>B. Participation rate =             <ul style="list-style-type: none"> <li>a. # of children with IEPs in assessed grades;</li> <li>b. # of children with IEPs in regular assessment with no accommodations (percent = <math>[(b) \text{ divided by } (a)] \text{ times } 100</math>);</li> <li>c. # of children with IEPs in regular assessment with accommodations (percent = <math>[(c) \text{ divided by } (a)] \text{ times } 100</math>);</li> <li>d. # of children with IEPs in alternate assessment against grade level achievement standards (percent = <math>[(d) \text{ divided by } (a)] \text{ times } 100</math>); and</li> <li>e. # of children with IEPs in alternate assessment against alternate achievement standards (percent = <math>[(e) \text{ divided by } (a)] \text{ times } 100</math>).</li> </ul> </li> </ul> <p>Account for any children included in a but not included in b, c, d, or e above.</p> <p>Overall Percent = <math>[(b + c + d + e) \text{ divided by } (a)].</math></p>
---

## 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:**

- New York State is not using data reported under section 618 in OSEP Table 6 for this indicator because Table 6 data are not consistent with how New York State 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 ELA, grade 4 math, grade 8 ELA, grade 8 math, high school ELA, and high school math). Beginning with the 2005-06 school year, New York State has four indices (grades 3-8 ELA, grades 3-8 math, high school ELA and high school math).
- NYS is not able to provide data disaggregated for students with disabilities who

received testing accommodations and those who did not. We expect to be able to report this disaggregation once our Student Information Repository System (SIRS) is fully implemented.

- 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.

**Target:**

FFY	Measurable and Rigorous Target
<p><b>2005</b> (2005-06)</p>	<p><b>AYP:</b> There will be an increase annually in the number and percent of school districts that make AYP for the students with disabilities subgroup in grades 3-8 ELA, grades 3-8 math, high school ELA and high school math.</p> <p><b>Participation:</b> 95 percent in each grade and subject</p> <p><b>Performance:</b> NYS will improve its score by five points annually on each ELA and math Performance Index for the students with disabilities subgroup compared to the previous year.</p>

**Actual Target Data for FFY 2005:**

The school year 2005-06 data for participation, performance and AYP of students with disabilities were not available by the due date of the Annual Performance Report. These data are expected to become available by April 1, 2007. NYS will update this APR at that time and include the missing information in the tables below. Also, by April 1, 2007, NYS will also provide Table 6 with the requested State assessment data for the 2005-06 school year as an attachment to this report.

<b>AYP for Students with Disabilities Subgroup</b>		
<b>FFY</b>	<b>Number of School Districts Required to Make AYP (had minimum of 40 students for participation and 30 students for performance)</b>	<b>Percent of School Districts that made AYP in all the Subjects they were Required to.</b>
<b>2004</b> (2004-05)	290	48.3%
<b>2005</b> (2005-06)	pending	pending

<b>AYP for Students with Disabilities Subgroup by Need/Resource Capacity Category of School Districts in 2005-06</b>		
<b>Need/Resource Capacity Category of School Districts</b>	<b>Number of School Districts Required to Make AYP (had minimum of 40 students for participation and 30 students for performance)</b>	<b>Percent of School Districts that made AYP in all the Subjects they were Required to</b>
<b>New York City</b>	pending	pending
<b>Large Four Cities</b>	pending	pending
<b>Urban-Suburban High Need Districts</b>	pending	pending
<b>Rural High Need Districts</b>	pending	pending
<b>Average Need Districts</b>	pending	pending
<b>Low Need Districts</b>	pending	pending

Participation Rate for Students with Disabilities Subgroup				
Assessment	Enrollment in 2004-05 (Seniors in High School)	Participation Rate in 2004-05 School Year	Enrollment in 2005-06 (Seniors in High School)	Participation Rate in 2005-06 School Year
Grade 4 ELA	30,922	96%		
Grade 4 Math	30,567	97%		
Grade 8 ELA	35,651	95%		
Grade 8 Math	35,266	95%		
Grade 3-8 ELA			pending	pending
Grade 3-8 Math			pending	pending
High School ELA	16,686	89.0%	pending	pending
High School Math	16,686	90%	pending	pending

Performance Index for the Students with Disabilities Subgroup							
Assessment	2005-06 Performance		2005-06 Standard			Students with Disabilities Made AYP in 2005-06	2006-07 Safe-Harbor Target
	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		
Grades 3-8 ELA	pending	pending	pending	pending	pending	pending	pending
Grades 3-8 Math	pending	pending	pending	pending	pending	pending	pending
HS Eng. 2002 accountability cohort	pending	pending	pending	pending	pending	pending	pending
HS Math 2002 accountability cohort	pending	pending	pending	pending	pending	pending	pending

**Discussion of Improvement Activities Completed FFY 2005**

In order to focus the State's technical assistance efforts and improve performance of students with disabilities in school districts that are the lowest performing school districts for students with disabilities, during the 2006-07 school year, the State notified 107 school districts (or 75 school districts if New York City is counted as a single district) based on their 2004-05 school year data that they were designated as in "need of assistance" or "in need of intervention". The designations were based on graduation rates or drop-out rates of students with disabilities. Six of the 107 school districts did not have sufficient numbers of students with disabilities in the 2001 total cohort to have a valid graduation or drop-out rate, so they were identified based on the performance of students with disabilities on grades 4 and 8 ELA and math assessments.

On October 5, 2006, the Commissioner of Education held a press conference and issued a press release to publicly announce this list of school districts. See press release at <http://www.oms.nysed.gov/press/specialed100506.htm> and public posting of list of school districts at <http://www.vesid.nysed.gov/specialed/swd-100506/swd-list.html>.

See explanation under Indicator #1.

The criteria used for designations specifically related to this indicator were as follows:

- 2001 total cohort of at least 30 students with disabilities;
- School districts with at least 30 continuously enrolled students with disabilities whose PI in 2004-05 on two State assessments for students with disabilities was below the State's PI and who did not make adequate yearly progress under NCLB for the students with disabilities subgroup. (School districts with graduation rates above 52% for students with disabilities are not identified, regardless of their performance on State assessments.) The State's PIs in 2004-05 were as follows:
  - Grade 4 ELA: 102
  - Grade 4 Math: 141
  - Grade 8 ELA: 85
  - Grade 8 Math: 82.
- Based on the above criteria, school districts were designated as "in need of assistance", however, school districts were designated as "in need of intervention" if they had PI's below the State's PI in all four areas and did not make AYP in any area for the students with disabilities subgroup.

**Small District Criteria:**

- School districts that did not have at least 30 students with disabilities in the 2001 total cohort or 30 continuously enrolled students with disabilities in the tested grades in 2004-05 school year but had at least 30 continuously enrolled students tested in grade 4 ELA and grade 8 ELA combined, and whose performance on at least two of the State assessments listed below (averaged over three years) was significantly

below the State average in 2004-05 were identified “in need of assistance”. Significantly below the State average was defined as:

- Grade 4 ELA: 53.7% or lower at level 2 or above
- Grade 4 math: 63.3% or lower at level 2 or above
- Grade 8 ELA: 53.1% or lower at level 2 or above
- Grade 8 math: 43.3% or lower at level 2 or above

VESID plans to make the identification of lowest performing school districts for students with disabilities an annual process and will use the best criteria that are consistent with SPP goals and with the NCLB measures.

#### **Explanation of Progress or Slippage that occurred for FFY 2005:**

This section will be completed in April 2007.

#### **Revisions, with Justification, to Proposed Targets/ Improvement Activities/ Timelines/ Resources for FFY 2005**

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

<b>FFY</b>	<b>Measurable and Rigorous Target</b>
<p><b>2005</b> (2005-06)</p>	<p><b>AYP:</b> There will be an increase annually in the number and percent of school districts that make AYP for the students with disabilities subgroup in grades 3-8 ELA, grades 3-8 math, high school ELA and high school math.</p> <p><b>Participation:</b> 95 percent in each grade and subject</p> <p><b>Performance:</b> NYS will improve its score by five points annually on each ELA and math PI for the students with disabilities subgroup compared to the previous year.</p>
<p><b>2006</b> (2006-07)</p>	<p><b>AYP:</b> There will be an increase annually in the number and percent of school districts that make AYP in grades 3-8 ELA, grades 3-8 math, high school ELA and high school math.</p> <p><b>Participation:</b> 95 percent in each grade and subject</p> <p><b>Performance:</b> NYS will improve its score by five points annually on each ELA and math PI for the students with disabilities subgroup compared to the previous year.</p>
<p><b>2007</b> (2007-08)</p>	<p><b>AYP:</b> There will be an increase annually in the number and percent of school districts that make AYP for the students with disabilities subgroup in grades 3-8 ELA, grades 3-8 math, high school ELA and high school math.</p>

FFY	Measurable and Rigorous Target
	<p><b>Participation:</b> 95 percent in each grade and subject</p> <p><b>Performance:</b> NYS will improve its score by five points annually on each ELA and math PI for the students with disabilities subgroup compared to the previous year.</p>
<p><b>2008</b> (2008-09)</p>	<p><b>AYP:</b> There will be an increase annually in the number and percent of school districts that make AYP in grades 3-8 ELA, grades 3-8 math, high school ELA and high school math.</p> <p><b>Participation:</b> 95 percent in each grade and subject</p> <p><b>Performance:</b> NYS will improve its score by five points annually on each ELA and math PI for the students with disabilities subgroup compared to the previous year.</p>
<p><b>2009</b> (2009-10)</p>	<p><b>AYP:</b> There will be an increase annually in the number and percent of school districts that make AYP for the students with disabilities subgroup in grades 3-8 ELA, grades 3-8 math, high school ELA and high school math.</p> <p><b>Participation:</b> 95 percent in each grade and subject</p> <p><b>Performance:</b> NYS will improve its score by five points annually on each ELA and math PI for the students with disabilities subgroup compared to the previous year.</p>
<p><b>2010</b> (2010-11)</p>	<p><b>AYP:</b> There will be an increase annually in the number and percent of school districts that make AYP for the students with disabilities subgroup in grades 3-8 ELA, grades 3-8 math, high school ELA and high school math.</p> <p><b>Participation:</b> 95 percent in each grade and subject</p> <p><b>Performance:</b> NYS will improve its score by five points annually on each ELA and math PI for the students with disabilities subgroup compared to the previous year.</p>

**Revisions to Improvement Activities/Timelines/Resources for FFY 2005:**

See Indicator #1.

**Overview of the Annual Performance Report Development:**

*See Overview of the Development of the Annual Performance Report on 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.

Include State's definition of "significant discrepancy."

**New York State Notes:**

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

Section 618 data was used to analyze 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 2007-08 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 2008-09 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 more than 2.7 percent or higher).

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.

**New York State's Definition of Significant Discrepancy in Suspensions Based on Race/Ethnicity:**

NYS will compare the number of students suspended of each race/ethnicity category with the number of students suspended of all other race/ethnicity categories combined and compute relative risk ratios and weighted relative risk ratios to determine if there is discrepancy in rates of suspension. For notifications of school districts during the 2006-07 school years based on 2005-06 school year data, the State will use the following definition of "significant discrepancy" and in subsequent years may revise the definition by lowering the relative risk ratio, weighted relative risk ratio as well as the minimum numbers of suspensions:

- At least 75 students with disabilities enrolled on 12/1/05;
- At least 10 students with disabilities of the particular race/ethnicity were suspended;
- At least 20 students with disabilities of all other race/ethnicities were enrolled; and
- Either:
  - Both the relative risk ratio and weighted relative risk ratio for any minority group was 2.0 or higher; or
  - All students with disabilities suspended were from only one minority group regardless of the size of the relative risk ratio and weighted relative risk ratio.

Data from the 2005-06 school year will be used to identify those districts with discrepancy in their rates of suspension by race/ethnicity. VESID will require a review of selected policies, procedures and practices of each of these identified school districts.

The school districts that were identified as having significant discrepancy in their rates of suspension of minority students with disabilities during the 2005-06 school year, based on 2004-05 school year data are required to correct any reported noncompliance with their policies, practices and procedures within one year from notification of noncompliance.

FFY	Measurable and Rigorous Target for Indicator 4A
FFY 2005 (2005-06)	<p>4A. No more than 2 percent of school districts in the State will suspend students with disabilities for more than 10 days at a rate of 4.0% or higher. (This rate is three times the baseline average Of 1.3%).</p> <p>4B. This is a new indicator. Reporting is not due until February 2008.</p>

**Actual Target Data for FFY 2005 (Item 4A):**

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.

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%

Number of School Districts with their Suspension Rates and Percent of all Suspensions in the 2005-06 School Year				
# of districts in 2005-06 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
95	13.9%	Not applicable	These districts each had less than 75 students with disabilities enrolled on December 1, 2005	0.7%
430	62.9%	0% to < 1.3%	Below the baseline Statewide average	36.0%
101	14.8%	≥ 1.3% < 2.7%	Between baseline and 2 times the baseline statewide average	11.4%
41	6.0%	≥ 2.7% < 4.0%	Between 2 and 3 times the baseline statewide average	16.9%
17	2.5%	≥ 4.0%	Three time or more than the baseline statewide average	35.0%

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that Occurred for FFY 2005:**

The average suspension rate of students with disabilities in the 2004-05 school year was 1.34 percent and in 2005-06 it was 1.30 percent. Also, preliminary data analysis of 2005-06 suspension data indicates that the State will identify 17 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 2005-06 school year target of having no more than 2.0 percent of school districts identified 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 2.5 percent of school districts that will be identified based on 2005-06 data.

During the 2005-06 school year, based on 2004-05 school year data, 18 school districts were notified that they had a suspension rate that was significantly greater than the suspension rate in other school districts. These school districts completed a 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. The chart below provides the statewide results for the percent of identified school districts reporting compliance with each regulatory requirement. All 18 school districts reported some noncompliance and will need to revise their policies, practices and procedures and become compliant within one year from notification.

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

Regulatory Citation 8 NYCRR		Number out of 18 School Districts Reporting Compliance	Percent of 18 School Districts Reporting Compliance
§200.4(b)(1)(v)	Initial evaluations of students with disabilities include a functional behavioral assessment (FBA) for students whose behaviors impede their learning or that of others.	7	38.9%
§200.4(b)(4)	The reevaluation is sufficient to determine the student's individual needs.	14	77.8%
§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.	13	72.2%
§201.3(a)	FBAs are conducted when students are suspended for behaviors determined to be related to their disabilities.	7	38.9%
§200.4(d)(3)	For students whose behaviors impede their learning or that of others, the IEPs include positive	8	44.4%

Regulatory Citation 8 NYCRR		Number out of 18 School Districts Reporting Compliance	Percent of 18 School Districts Reporting Compliance
	behavioral interventions and supports and other strategies to address the behaviors.		
§200.3(d)(1)	The general education teacher participated in the CSE meeting to identify appropriate positive behavioral interventions and strategies for the student.	10	55.6%
§201.4(e)	The IEP was revised as a result of any deficiencies noted during a manifestation determination review.	10	55.6%
§201.2(a)	Behavioral intervention plans are based on the results of the FBA and, at a minimum, include a description of the problem behavior, global and specific hypotheses as to why the problem behavior occurs and intervention strategies to address the behavior.	11	61.1%
§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.	8	44.4%
§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.	8	44.4%
§200.4(e)	Behavioral intervention plans are implemented, monitored and progress documented.	3	16.7%

Regulatory Citation 8 NYCRR		Number out of 18 School Districts Reporting Compliance	Percent of 18 School Districts Reporting Compliance
§201.4(a)	The manifestation review is conducted immediately, but not later than 10 days after the decision to remove or suspend the student.	7	38.9%
§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.	13	72.2%
§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.	15	83.3%
§201.4(d)(2)	The manifestation determination is made based on whether the conduct was caused by or had a direct and substantial relationship to the student's disability or was a direct result of the school district's failure to implement the IEP.	14	77.8%
§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).	16	88.9%
§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.	13	72.2%

Regulatory Citation 8 NYCRR		Number out of 18 School Districts Reporting Compliance	Percent of 18 School Districts Reporting Compliance
§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.	16	88.9%
§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	55.6%
§201.7(d)	Short-term suspensions are reviewed to determine if they constitute a pattern of removals.	8	44.4%
§201.7(f)	School personnel consider unique circumstances on a case-by-case basis when determining whether to suspend a student with a disability.	14	77.8%
§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).	11	61.1%
§201.10(c) and (d)	During suspensions of more than 10 days in a school year, regardless of the manifestation determination, students with disabilities receive services to enable them to participate in the general curriculum and to continue to progress toward IEP goals.	10	55.6%
§201.10(e)	IAES and the services to be provided to a student are determined by the CSE.	12	66.7%

As shown in the table above, at least one-half of the 18 identified school districts reported being out of compliance with the following eight citations:

- 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.
- 8 NYCRR §201.3(a) - FBAs are conducted when students are suspended for behaviors determined to be related to their disabilities.
- 8 NYCRR §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.
- 8 NYCRR §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.
- 8 NYCRR §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.
- 8 NYCRR §200.4(e) - Behavioral intervention plans are implemented, monitored and progress documented.
- 8 NYCRR §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 NYCRR §201.7(d) - Short-term suspensions are reviewed to determine if they constitute a pattern of removals.

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 on noncompliance for each district identified in 2004-05.

**Revisions, with Justification, to Proposed Targets/ Improvement Activities/ Timelines/ Resources for 2006-07 and Subsequent Years:**

1. Revisions to State Policy

In 2006, NYS revised its State regulations to establish standards for the development of functional behavioral assessments (FBA) and behavioral interventions.

As a result, improvement activities have been added to include developing field guidance on behavioral interventions, including standards for functional behavioral assessments, behavioral intervention plans and emergency interventions.

2. Focusing technical assistance to improve school wide systems of behavioral support

To ensure that interventions with districts are research-based, consistent and effective, VESID is:

- Developing tools and reviewing protocols to evaluate the districts' programs in the area of behavioral supports and services. Work groups representing SETRC, VESID policy and regional staff, institutions of higher education (IHEs), staff experts from

Elementary, Middle, Secondary and Continuing Education (EMSC) and other consultants have been working to develop guides and resources to assist a school district to assess and address its practices to address the behaviors of students with disabilities.

- Providing ongoing comprehensive professional development to all SETRC staff in the areas of behavioral supports. In January 2007, SETRC provided a full day professional development workshop on school wide positive behavioral supports and quality indicators for the SETRC network.
- Evaluating the progress and results of VESID's technical assistance work with districts to ensure that the strategies are effective.

**Overview of the Annual Performance Report Development:**

*See Overview of the Development of the Annual Performance Report on 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;<sup>2</sup>
- 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.

---

<sup>2</sup> At the time of the release of this package, revised forms for collection of 618 State reported data had not yet been approved. Indicators will be revised as needed to align with language in the 2005-2006 State reported data collections.

FFY	Measurable and Rigorous Target
<p><b>2005</b> (2005-06)</p>	<p>The statewide percent of students with disabilities, ages 6-21, removed from regular class less than 21 percent of the day will be greater than 54 percent.</p> <p>The statewide percent of students with disabilities, ages 6-21, removed from regular class greater than 60 percent of the day will be less than 27.3 percent.</p> <p>The statewide percent of students with disabilities, ages 6-21, served in public or private separate schools, residential placements, or homebound or hospital placements will be less than 7.0 percent.</p>

**Actual Target Data for FFY 2005:**

Statewide Trend Data: LRE for School Age Students					
School Year	Number of Students with Disabilities, Ages 6-21, on December 1 of the School year	Percent of Day Students with Disabilities are Removed from Regular Classes			Percent of Students with Disabilities in Separate 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%

<b>Big Five Cities' Combined Trend Data: LRE for School Age Students</b>					
<b>School Year</b>	<b>Number of Students with Disabilities, Ages 6-21, on December 1 of the School year</b>	<b>Percent of Day Students with Disabilities are Removed from Regular Classes</b>			<b>Percent of Students with Disabilities in Separate Settings</b>
		<b>Less than 21%</b>	<b>21% to 60%</b>	<b>Greater than 60%</b>	
<b>2002-03</b>	160,410	47.9%	5.4%	38.1%	8.6%
<b>2003-04</b>	161,347	49.5%	2.5%	39.0%	9.0%
<b>2004-05</b>	165,795	49.9%	2.1%	39.3%	8.8%
<b>2005-06</b>	164,462	51.3%	4.8%	35.2%	8.7%

<b>2005-06 LRE Data by Need Resource Capacity Category of School Districts</b>					
<b>Need Resource Capacity</b>	<b>Number of Students with Disabilities, Ages 6-21, on December 1 of the School year</b>	<b>Percent of Day Students with Disabilities are Removed from Regular Classes</b>			<b>Percent of Students with Disabilities in Separate Settings</b>
		<b>Less than 21%</b>	<b>21% to 60%</b>	<b>Greater than 60%</b>	
New York City	141,627	50.7%	4.1%	36.2%	9.0%
Large 4 Cities	22,835	55.2%	9.2%	29.4%	6.3%
Urban-Suburban High Need School Districts	35,055	48.6%	15.5%	29.3%	6.6%
Rural High Need School Districts	25,544	53.6%	22.9%	21.7%	1.9%
Average Need School Districts	110,738	57.4%	20.8%	17.5%	4.4%
Low Need School Districts	48,515	66.8%	16.9%	11.0%	5.4%

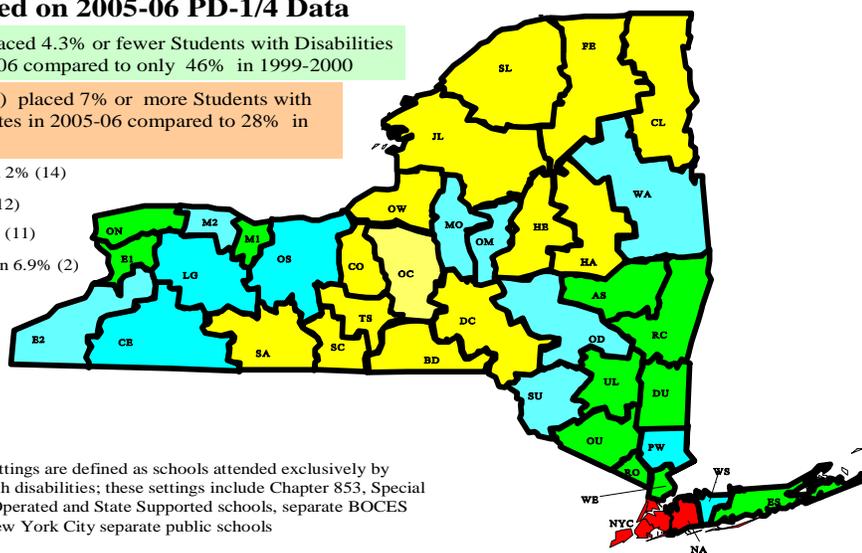
## 2005-06 LRE Data by Board of Cooperative Educational Services (BOCES) Regions for Separate Settings:

### Students with Disabilities (Ages 4-21) in Separate Settings By BOCES Region and New York City Based on 2005-06 PD-1/4 Data

26 of 39 regions (67%) placed 4.3% or fewer Students with Disabilities in Separate Sites in 2005-06 compared to only 46% in 1999-2000

Only 2 of 39 regions (15%) placed 7% or more Students with Disabilities in Separate Sites in 2005-06 compared to 28% in 1999-2000

- Less than 2% (14)
- 2-4.3% (12)
- 4.4-6.9% (11)
- More than 6.9% (2)



1/25/07 - ACTIVE DATA

### Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that Occurred for FFY 2005:

- The State met its targets in all three settings:
  - The percentage of students with disabilities who are removed from regular classes for less than 21 percent of the day increased from 53.6 percent in 2004-05 school year to 54.5 percent in 2005-06 school year.
  - The percent of students with disabilities who are removed from regular classes for more than 60 percent of the day decreased from 27.3 percent in 2004-05 to 25.5 percent in 2005-06.
  - The percent of students with disabilities who are educated in separate settings decreased from 7.0 percent in 2004-05 to 6.9 percent in 2005-06.
- As shown in the map above, only 2 of the 39 Board of Cooperative Educational Services (BOCES) regions (15%) placed 7% or more students with disabilities in separate settings in 2005-06 compared to 28% in 1999-2000.
- The large five cities' (New York City, Buffalo, Rochester, Syracuse and Yonkers) data combined contributed to the State meeting its goals in every LRE setting category.

- NYC uses the separate settings placements category to a much greater extent than other categories of school districts.
- The high need school districts tend to use the “removed from regular classrooms for more than 60 percent of the day” setting for significantly greater percentages of students with disabilities compared to the average or low-need school districts.

**Revisions, with Justification, to Proposed Targets/ Improvement Activities/ Timeline / Resources for FFY 2005**

None.

**Overview of the Annual Performance Report Development:**

See *Overview of the Development of the Annual Performance Report* on 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
<b>2005</b> (2005-06 School Year)	64 percent of preschool students with disabilities will be served in either natural settings or settings that include nondisabled children.

**Actual Target Data for FFY 2005 (As of December 1, 2005):**

Statewide Trend Data: LRE for Preschool		
School Year	Number of Preschool Children with Disabilities as of December 1	Percent of Children in Integrated for Natural Settings for Preschool Children
1997-98	32,530	45.1%
1998-99	33,051	52.2%
1999-00	32,753	55.4%
2000-01	34,492	57.7%
2001-02	36,144	57.8%

<b>Statewide Trend Data: LRE for Preschool</b>		
<b>School Year</b>	<b>Number of Preschool Children with Disabilities as of December 1</b>	<b>Percent of Children in Integrated for Natural Settings for Preschool Children</b>
<b>2002-03</b>	37,009	58.7%
<b>2003-04</b>	37,936	60.0%
<b>2004-05 (Baseline Year for APR)</b>	42,495	63.5%
<b>2005-06</b>	40,422	63.0%

<b>County Level Trend Data: LRE for Preschool</b> (sorted based on 2005-06 data from county with greatest percentage of preschool children with disabilities provided services in integrated or natural environments to lowest)				
<b>County</b>	<b>Total Number of Preschool Students as of December 1, 2005</b>	<b>Percent in Integrated or Natural Setting</b>		
		<b>12-01-03</b>	<b>12-01-04</b>	<b>12-01-05</b>
1. Hamilton	2	100.00%	100.00%	100.00%
2. Cayuga	129	60.48%	80.56%	96.12%
3. Otsego	76	96.39%	94.81%	96.05%
4. Jefferson	158	97.69%	88.05%	95.57%
5. Schoharie	75	83.93%	91.23%	94.67%
6. Schuyler	18	86.67%	80.95%	94.44%
7. Wyoming	59	72.06%	83.82%	93.22%

<b>County Level Trend Data: LRE for Preschool</b> (sorted based on 2005-06 data from county with greatest percentage of preschool children with disabilities provided services in integrated or natural environments to lowest)				
<b>County</b>	<b>Total Number of Preschool Students as of December 1, 2005</b>	<b>Percent in Integrated or Natural Setting</b>		
		<b>12-01-03</b>	<b>12-01-04</b>	<b>12-01-05</b>
8. Lewis	68	95.08%	88.89%	92.65%
9. Seneca	58	96.00%	94.20%	89.66%
10. Delaware	55	90.20%	76.92%	89.09%
11. Essex	64	87.50%	85.71%	89.06%
12. Broome	422	92.75%	91.60%	88.86%
13. Onondaga	1336	88.15%	88.95%	88.40%
14. Chautauqua	207	87.19%	90.78%	87.44%
15. Albany	562	86.05%	94.38%	87.37%
16. Cortland	112	95.65%	96.30%	86.61%
17. Clinton	239	88.07%	93.48%	85.77%
18. Fulton	91	84.06%	89.87%	84.62%
19. Schenectady	344	85.37%	83.08%	84.30%
20. Wayne	314	76.29%	74.11%	83.44%
21. Montgomery	95	81.01%	87.88%	83.16%

<b>County Level Trend Data: LRE for Preschool</b> (sorted based on 2005-06 data from county with greatest percentage of preschool children with disabilities provided services in integrated or natural environments to lowest)				
<b>County</b>	<b>Total Number of Preschool Students as of December 1, 2005</b>	<b>Percent in Integrated or Natural Setting</b>		
		<b>12-01-03</b>	<b>12-01-04</b>	<b>12-01-05</b>
22. Monroe	1465	87.61%	85.19%	82.59%
23. Orleans	120	71.07%	74.63%	82.50%
24. Tompkins	197	98.48%	89.62%	82.23%
25. Niagara	527	78.47%	80.46%	81.97%
26. Allegany	78	75.25%	78.26%	80.77%
27. Chenango	78	81.94%	76.00%	78.21%
28. Herkimer	73	75.71%	75.0%	78.08%
29. Chemung	146	78.91%	72.73%	76.03%
30. Columbia	131	80.0%	79.85%	75.57%
31. Livingston	164	75.63%	78.77%	74.39%
32. Oneida	378	67.56%	74.25%	74.07%
33. Tioga	100	77.78%	75.26%	74.0%
34. Sullivan	129	60.58%	79.34%	73.64%
35. Erie	2395	70.79%	74.47%	73.40%

<b>County Level Trend Data: LRE for Preschool</b> (sorted based on 2005-06 data from county with greatest percentage of preschool children with disabilities provided services in integrated or natural environments to lowest)				
<b>County</b>	<b>Total Number of Preschool Students as of December 1, 2005</b>	<b>Percent in Integrated or Natural Setting</b>		
		<b>12-01-03</b>	<b>12-01-04</b>	<b>12-01-05</b>
36. Washington	115	74.44%	63.27%	71.30%
37. Ontario	260	56.03%	69.65%	71.15%
38. Rockland	1054	68.10%	67.78%	69.45%
39. Westchester	2477	69.59%	71.85%	69.44%
40. St Lawrence	114	77.23%	82.52%	69.30%
41. Madison	119	92.31%	75.61%	68.07%
42. Dutchess	743	68.05%	69.70%	67.43%
43. Rensselaer	413	74.80%	69.25%	67.31%
44. Putnam	243	57.94%	66.03%	66.67%
45. Steuben	198	66.83%	63.84%	64.65%
46. Genesee	164	48.33%	57.99%	62.80%
47. Oswego	301	64.65%	64.22%	62.79%
48. Franklin	93	69.70%	78.18%	62.37%
49. Ulster	346	64.86%	69.21%	60.98%

<b>County Level Trend Data: LRE for Preschool</b> (sorted based on 2005-06 data from county with greatest percentage of preschool children with disabilities provided services in integrated or natural environments to lowest)				
<b>County</b>	<b>Total Number of Preschool Students as of December 1, 2005</b>	<b>Percent in Integrated or Natural Setting</b>		
		<b>12-01-03</b>	<b>12-01-04</b>	<b>12-01-05</b>
50. Cattaraugus	225	61.71%	61.43%	60.44%
51. Saratoga	491	59.68%	60.97%	58.25%
52. Suffolk	4116	61.06%	57.96%	58.24%
53. Nassau	3579	51.60%	54.74%	55.77%
54. Greene	91	72.63%	79.12%	53.85%
55. Orange	901	54.51%	54.02%	52.50%
56. NYC Public	13730	41.50%	52.37%	50.56%
57. Warren	138	49.66%	50.68%	48.55%
58. Yates	46	55.32%	57.14%	47.83%

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2005:**

NYS has trend data for this indicator for many years and as indicated above, the data showed that the percentage of preschool children provided special education services in integrated or natural settings was increasing annually and reached 63.5 percent in 2004-05. In 2005-06, there was a slight decline in the percentage to 63.0 percent. The State did not meet its 2005-06 target of increasing the percentage to 64 percent. An analysis of data at the county level indicates the declines occurred in the following 32 out of a total of 58 counties in NYS (NYC is counted as a single county, even though it is made up of five boroughs):

Seneca, Broome, Onondaga, Chautauqua, Albany, Cortland, Clinton, Fulton, Montgomery, Monroe, Tompkins, Columbia, Livingston, Oneida, Tioga, Sullivan, Erie, Westchester, St. Lawrence, Madison, Dutchess, Rensselaer, Oswego, Franklin, Ulster, Cattaraugus, Saratoga, Greene, Orange, New York City, Warren, and Yates.

We believe based on national trends and reports from school districts and parents, that the downward trend may be a byproduct of the increasing number of children diagnosed with autism who are being recommended for intensive programming in separate settings in the early years.

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2005:**Analysis of Data

The State will use the above data provided above by county to review the need for more integrated program options in these counties.

**Overview of the Annual Performance Report Development:**

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

<b>Monitoring Priority: FAPE in the LRE</b>
---

**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))

<b>Measurement:</b>
---------------------

<b>A. Positive social-emotional skills (including social relationships):</b>
--

- |   |
|---|
| <ul style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>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.</li> <li>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.</li> <li>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.</li> </ul> |
|---|

<p>If a + b + c + d + e does not sum to 100%, explain the difference.</p>
---

<b>B. Acquisition and use of knowledge and skills (including early language/communication and early literacy):</b>
--

- |   |
|---|
| <ul style="list-style-type: none"> <li>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.</li> </ul> |
|---|

- 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
2005 (2005-06)	This is a new indicator. Report is not due until February 2008.

**This is a new indicator. The following will be reported in the 2008 APR:**

**Actual Target Data for FFY:**

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that Occurred for FFY:**

**Revisions, with Justification, to Proposed Targets/ Improvement Activities/ Timelines/ Resources for FFY**

**Overview of the Annual Performance Report Development:**

*See Overview of the Development of the Annual Performance Report on 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  $18/30 \times 53$  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  $148/172 \times 87$  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
2005 (2005-06)	This is a new indicator. Reporting is not due until February 2008.

This is a new indicator. The following are not due to be reported until the February 2008 Annual Performance Report.

**Actual Target Data for FFY:**

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

**Revisions, with Justification, to Proposed Targets/ Improvement Activities/ Timelines/ Resources for FFY:**

**Overview of the Annual Performance Report Development:**

See *Overview of the Development of the Annual Performance Report* on 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 # of districts in the State times 100.

Include State's definition of "disproportionate representation."

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

**NYS Measurement:**

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

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

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

FFY	Measurable and Rigorous Target
<p><b>2005</b> (2005-06)</p>	<p>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.</p>

The following are not due to be reported until the February 2008 Annual Performance Report.

**Actual Target Data for FFY:**

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

**Revisions, with Justification, to Proposed Targets/ Improvement Activities/ Timelines/ Resources for FFY:**

**Overview of the Annual Performance Report Development:**

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

**Monitoring Priority: Disproportionality**

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

**Indicator #10B:** Percent of districts with disproportionate representation of racial and ethnic groups in particular settings 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 # of districts in the State times 100.

Include State's definition of "disproportionate representation."

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

**NYS Measurement:**

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

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

- Both the relative risk ratio and weighted relative risk ratio for any minority group is 4.0 or higher (2.5 or higher for placement in particular setting); or
  - All students with disabilities in a specific disability category (or placement in a particular setting) are of only one minority group regardless of the size of the relative risk ratio and weighted relative risk ratio.
- The State will evaluate disproportionality in the identification of students by the following particular disabilities: learning disability; emotional disturbance; mental retardation, speech and language impairment; autism; and other health impairment.
- The State will also evaluate disproportionality in the following special education placement categories: removed from regular classes for less than 20 percent of the school day; removed from regular classes for more than 60 percent of the day; and all separate settings combined.

<b>FFY</b>	<b>Measurable and Rigorous Target</b>
<b>2005</b> (2005-06)	The percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories or placements that is the result of inappropriate policies, procedures and/or practices will be 0.

The following are not due to be reported until the February 2008 Annual Performance Report.

**Actual Target Data for FFY:**

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

**Revisions, with Justification, to Proposed Targets/ Improvement Activities/ Timelines/ Resources for FFY:**

**Overview of the Annual Performance Report Development:**

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

<b>Monitoring Priority: Effective General Supervision Part B / Child Find</b>
---

**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))

<b>Measurement:</b>
---------------------

- |  |
|--|
| <ul style="list-style-type: none"> <li>a. # of children for whom parental consent to evaluate was received.</li> <li>b. # determined not eligible whose evaluations were completed within 60 days (or State established timeline*).</li> <li>c. # determined eligible whose evaluations were completed within 60 days (or State established timeline*).</li> </ul> |
|--|

<p>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.</p>
--

<p>Percent = [(b + c) divided by (a)] times 100.</p>
--

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

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

**Target:**

FFY	Measurable and Rigorous Target
2005 (2005-06)	100 Percent of children with parental consent to evaluate will be evaluated within State required timelines.

This is a new indicator. The following are not due to be reported until the February 2008 Annual Performance Report.

**Actual Target Data for FFY:**

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

**Revisions, with Justification, to Proposed Targets/ Improvement Activities/ Timelines/ Resources for FFY:**

**Overview of the Annual Performance Report Development:**

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

<b>Monitoring Priority: Effective General Supervision Part B / Effective Transition</b>
---

**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))

<b>Measurement:</b>
---------------------

- |   |
|---|
| <ul style="list-style-type: none"> <li>a. # of children who have been served in Part C and referred to Part B for eligibility determination.</li> <li>b. # of those referred determined to be NOT eligible and whose eligibilities were determined prior to their third birthdays.</li> <li>c. # of those found eligible who have an IEP developed and implemented by their third birthdays.</li> <li>d. # of children for whom parent refusal to provide consent caused delays in evaluation or initial services.</li> </ul> |
|---|

<p>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.</p>
---

<p>Percent = [(c) divided by (a – b – d)] times 100.</p>
--

<p>NYS will compute its baseline data by including the following elements:</p>
--

- |   |
|---|
| <ul style="list-style-type: none"> <li>a. # of children referred by Part C prior to age 3, who are found eligible for Part B.</li> <li>b. # of children whose IEPs were implemented by their third birthdays</li> <li>c. # of children whose IEPs were not implemented by their third birthdays but for reasons that are “in compliance” with State regulations.</li> </ul> |
|---|

<p>Baseline Data = [(b+c) divided by (a)] times 100</p>
---

FFY	Measurable and Rigorous Target
2005 (2005-06)	100% of children referred by Part C prior to age 3, who are found eligible for Part B, will have an IEP developed and implemented by their third birthday or in compliance with State requirements.

#### Actual Baseline Data for FFY 2005:

NYS' baseline data for this indicator is that in the 2005-06 school year, 86.5 percent of children who were referred from Part C to Part B for eligibility determination and services had their eligibility determination made and IEP implemented by their third birthdays. This percentage includes children whose delays in eligibility determination or IEP implementation were for reasons that are in compliance with State requirements.

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

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

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

Region	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 eligibility determination or initial services	E # 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	F Baseline Data Calculation* $[(C) / (A-B-D)] * 100$
Central	296	20	48	19	176	59.3%
Eastern	158	4	55	3	94	96.5%
Hudson Valley	214	11	109	5	79	91.6%
Long Island	321	11	121	4	177	93.8%
New York City	1,825	47	165	659	921	83.3%
Western	282	20	116	13	123	92.1%
<b>Total State</b>	<b>3,096</b>	<b>113</b>	<b>614</b>	<b>703</b>	<b>1,570</b>	<b>86.5%</b>

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

- Parents chose to continue their children in EI and transition to preschool after the child became three years of age. (1172 children)
- Parents chose not to enroll child in recommended program. (This is the same as parents did not provide consent for services.) (84 children)
- Child moved from district prior to determination of eligibility or prior to IEP implementation by age 3. (16 children)
- Parents refused or repeatedly did not make the child available for the evaluation. (158 children)
- Parents canceled the scheduled evaluation and/or selected another site or approved evaluator. (21 children)
- Children were referred to CPSE less than 30 days before their third birthday. (113 children).
- Child transferred to a new district after the evaluation period began and parents and new district agreed to an extended time period. (2 children)
- Eligibility determined within timelines but services to start opening of school which is past child's third birthday. (4 children)

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

- Evaluator was not available or evaluator caused delays

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

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

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

**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	18.1%	7.3%	7.9%	66.7%
Eastern	11.4%	11.4%	8.0%	69.3%
Hudson Valley	17.6%	9.4%	4.7%	68.2%
Long Island	9.7%	6.3%	6.9%	77.1%
New York City	5.1%	5.0%	5.3%	84.6%
Western	4.7%	7.8%	8.6%	78.9%
<b>Total State</b>	<b>8.4%</b>	<b>6.4%</b>	<b>6.2%</b>	<b>79.0%</b>

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2005-06:**

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

- NYS will modify its data collection instrument for the 2006-07 school year such that we will be able to compute a compliance rate based on all students referred from EI to preschool more precisely.
- NYS is working towards being able to collect these data at the student level in such a way as to determine the student specific reasons for delays in eligibility determinations and IEP implementation.
- School districts reported large numbers of children whose parents opted to continue receiving services in EI until after the child turned three years of age.
- Based on NYS' baseline calculation, the Central SEQA region had the lowest percentage of children who had timely determinations of eligibility and IEPs implemented by children's third birthdays (59.3%). The Eastern region had the largest such percentage (96.5%).
- NYC reported the greatest percentage of children who experienced the longest delays (more than 30 days) in receiving services (84.6%) compared to other regions.
- School districts reported that most of the delays in implementing IEPs were for reasons that are in compliance with State requirements.

**Revisions, with Justification, to Proposed Targets/ Improvement Activities/ Timelines/ Resources for FFY**

The proposed target was revised to clarify that 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 State requirements*. This is necessary to account for reasons why a child's IEP is not implemented by their third birthday that are legitimate reasons in compliance with State and federal requirements. In particular, NYS allows a parent to retain their child in EI for a limited time after the child's third birthday, but requires that the child's eligibility for Part B services be first established.

The following improvement activities were completed:

- A joint Department of Health and State Education Department 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 Services* was developed and is available at:  
<http://www.vesid.nysed.gov/specialed/publications/preschool/transitionguide/cover.html>

- A video/training program on transition from EI to preschool special education was developed and disseminated to Early Childhood Direction Centers and EI and preschool providers.
- The procedures to allow a temporary increase in approved special class sizes in those extenuating circumstances when adding a student to a special class is necessary to ensure that the student receives a free appropriate public education were revised in December 2005 to streamline the process. See *Child-Specific Allowance to Temporarily Exceed an Approved Special Class Size for Preschool Students with Disabilities were revised in December 2005*  
<http://www.vesid.nysed.gov/specialed/publications/preschool/childspecific1205.htm>

The following improvement activity was added:

- To address the timely provision of preschool services to children transitioning from EI to preschool services, NYS will propose a regulatory amendment to address the role of the school district in evaluating a preschool child with a disability and providing services in a timely manner.

**Overview of the Annual Performance Report Development:**

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

<b>Monitoring Priority: Effective General Supervision Part B / Effective Transition</b>
---

**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))

<b>Measurement:</b>
---------------------

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 15 and above)] times 100.
---

FFY	Measurable and Rigorous Target
2005 (2005-06)	This is a new indicator. Report is not due until February 2008.

This is a new indicator. The following are not due to be reported until the February 2008 Annual Performance Report.

**Actual Target Data for FFY:**

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

**Revisions, with Justification, to Proposed Targets/ Improvement Activities/ Timelines/ Resources for FFY:**

**Overview of the Annual Performance Report Development:**

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

<b>Monitoring Priority: Effective General Supervision Part B / Effective Transition</b>
---

**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))

<b>Measurement:</b>
---------------------

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.
--

<b>FFY</b>	<b>Measurable and Rigorous Target</b>
<b>2005</b> (2005-06)	This is a new indicator. Report is due in February 2008.

This is a new indicator. The following are not due to be reported until the February 2008 Annual Performance Report.

**Actual Target Data for FFY:**

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

**Revisions, with Justification, to Proposed Targets/ Improvement Activities/ Timelines / Resources for FFY:**

**Overview of the Annual Performance Report Development:**

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

<b>Monitoring Priority: Effective General Supervision Part B / General Supervision</b>
--

**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:

- # of findings of noncompliance.
- # 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.

<b>FFY</b>	<b>Measurable and Rigorous Target</b>
<b>2005</b> (2005-06)	100% of noncompliance issues identified through the State's general supervision system (including monitoring, complaints, hearings, etc.) will be corrected within one year from identification.

**Actual Target Data for FFY 2005:**

The State's percent of issues of noncompliance identified that were corrected within one year of the report being issued, based on the revised measurement standard, is **83.71% percent**.

	a. # of findings of noncompliance	b. # of corrections completed within one year from identification
<b>SEQA Reviews</b>	604	483
<b>60 day complaints</b>	532	468
<b>Total</b>	1136	951
Percent = [951(b) divided by 1136 (a)] = .8371 times 100 = 83.71 %		

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2005:**

The 2005-06 data reflected progress from the 2004-05 data.

The percent of issues of noncompliance brought into compliance within 12 months of identification increased from 81.20 percent in 2005 to 83.71 percent in 2006. Factors contributing to this improvement include the increased attention to timeliness, regular reports highlighting the timeliness issue, timely processing of State complaints resulting in prompt attention to the identified non compliant issues.

For any district/agency represented in the SPP baseline data as not having achieved full compliance within 12 months, and as of September 1, 2006 still remaining in noncompliance, the assigned SEQA staff member has provided intensive intervention and a hierarchy of enforcement procedures have been implemented on a case-by-case basis, as outlined in the SPP. Those steps included written communication with district/agency administrators, Boards of Education and BOCES District Superintendents. In some cases, IDEA funds have been redirected to address areas of noncompliance. In addition, technical assistance network resources have been directed to assist those districts in correcting remaining instances of noncompliance where appropriate.

The following activities were completed:

- Regional and statewide reports regarding timeliness were generated regularly.
- The Nondistrict Unit was operationalized. More than 80 percent of all residential in-State and out-of-State programs (over 80 programs) have had a formal on-site review with a final report since July 2005.
- The monitoring processes and protocols have been realigned to support meeting the SPP targets, utilizing the new IDEA Effective Instructional Practices Focused Review protocol as well as directed technical assistance.
- SED identified 75 school districts as either in need of intervention or in need of technical assistance for 2006-07 (see indicators 1-3).
- Criteria were developed for SPP determinations as well as procedures for initiating actions consistent with IDEA and federal regulations.

**Revisions, with Justification, to Proposed Targets**

No changes

**Revisions, with Justification, Improvement Activities / Timelines / Resources for FFY 2005**

The following activities were changed or amended:

- The Comprehensive Special Education Information System (CSEIS) was scheduled to be implemented in 2005. It was delayed until January of 2007. The anticipated

benefits of the system including timely reminders of the upcoming due dates, letter generation and immediately retrievable reports have not yet been fully realized.

- The training for SEQA staff relative to CSEIS and the strategies to improve timely resolution of instances of noncompliance was initiated in January 2007.

**Overview of the Annual Performance Report Development:**

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

<b>Monitoring Priority: Effective General Supervision Part B / General Supervision</b>
--

**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))

<b>Measurement:</b>
---------------------

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

FFY	Measurable and Rigorous Target
<b>2005</b> (2005-06)	100 percent of signed written complaints will be resolved within the 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint.

**Actual Target Data for FFY 2005:**

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 **95.34 percent**.

(1) Signed, written complaints total	326
(1.1) Complaints with reports issued	236
(a) Reports with findings	234
(b) Reports within timeline	218
(c) Reports within extended timelines	7
(1.2) Complaints withdrawn or dismissed	89
(1.3) Complaints pending	1
(a) Complaint pending a due process hearing	0

Percent = 218 [1.1(b)] + 7[1.1(c)] = 225 divided by 236 [1.1] times 100 = 95.34%.

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for 2005:**

The 2005-06 data reflected improvement from the 2004-05 baseline data.

The following activities were completed:

- Regional and statewide reports regarding timeliness were generated regularly.
- The Non District Unit was operationalized; this reassignment of duties provided relief to staff who handle a majority of the complaint contributing to more timely completion.

The percent of written signed complaints fully processed with the 60 day timeline or approved extension increased from 94.8 percent in 2005 to 95.34 percent in 2006. Factors contributing to this improvement include the increased attention to timeliness and regular reports highlighting the timeliness issue.

**Revisions, with Justification, to Proposed Targets**

No Changes

**Revisions, with Justification, Improvement Activities/ Timelines/ Resources for FFY 2005**

The following activities were changed or amended:

- CSEIS was scheduled to be implemented in 2005. It was delayed until January of 2007. The anticipated benefits of the system including timely reminders of the upcoming due dates, letter generation and immediately retrievable reports have not yet been fully realized.
- The training for SEQA staff for relative to CSEIS and the strategies to improve timely complaint investigations was initiated in January 2007.

**Overview of the Annual Performance Report Development:**

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

<b>Monitoring Priority: Effective General Supervision Part B / General Supervision</b>
--

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

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

<b>Measurement:</b>
---------------------

Percent = [(3.2(a) + 3.2(b)) divided by 3.2] times 100.
---

FFY	Measurable and Rigorous Target
<b>2005</b> (2005-06 School Year)	100 percent of impartial hearing decisions will be rendered within regulatory timelines.

**Actual Target Data for FFY 2005:**

The percent of due process hearing requests that were fully adjudicated within the 45-day timeline or a timeline that was properly extended by the hearing officer at the request of either party was 83.4 percent.

(3) Hearing requests total	5415
(3.1) Resolution meetings	959
(a) Settlement agreements	170
(3.2) Hearings (fully adjudicated)	1054
(a) Decisions within timeline	233
(b) Decisions within extended timeline	646
(3.3) Resolved without a hearing	4177

Percent = 233 [3.2(a)] + 646 [3.2(b)] divided by 1054 [3.2] = 83.39 times 100 = 83.4%.

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that Occurred for FFY 2005:**

The percentage of timely hearings decreased 0.1 percentage point from 83.5 percent in 2004 to 83.4 percent in 2005. The minor slippage is attributed to NYS increased monitoring of the time lines for hearings. In April of 2006 NYS implemented the revision to the Impartial Hearing Reporting System (IHRS) to collect resolution session information and to begin monitoring the July 2004 NYS regulatory change which limited the length of extensions to a maximum of 30 days. This change in monitoring protocols is expected to have a significant effect on the timeliness of hearings. During this year the impartial hearing officer's (IHO) practice of granting extensions from hearing date to hearing date is regularly questioned and is increasing the awareness of the compliance date for the hearing.

The following activities were completed:

- In March of 2005, IHOs received performance summaries. The performance summaries were structured to provide information regarding the number of extensions granted for greater than 30 days to prepare the IHOs for the increased monitoring in April. The IHOs will receive performance summaries annually and the summaries will highlight the individual's progress or slippage in terms of timeliness.
- NYS completed the development of an electronic file transfer process between the New York City Department of Education Impartial Hearing System and the State's IHRS. This process makes it possible to have New York City impartial hearing data within twelve hours of data entry instead of the 1-14 day lag that existed prior to the transfer process.

**Revisions, with Justification, to Proposed Targets**

No changes.

**Revisions, with Justification to Improvement Activities/ Timelines /Resources for FFY 2005**

No changes.

**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 / 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
<b>2005</b> (2005-06)	This is a new indicator. Targets for 2006 -10 are established in the SPP.

**Actual Data for 2005:** This is a new indicator.

The following will be reported in the 2008 APR:

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that Occurred:**

**Revisions, with Justification, to Proposed Targets**

**Revisions, with Justification to Improvement Activities/ Timelines /Resources**

**Overview of the Annual Performance Report Development:**

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

<b>Monitoring Priority: Effective General Supervision Part B / General Supervision</b>
--

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

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

<b>Measurement:</b>
---------------------

Percent = [(2.1(a)(i) + 2.1(b)(i)) divided by 2.1] times 100.
---

FFY	Measurable and Rigorous Target
<b>2005</b> (2005-06)	95 percent of mediations held will result in mediation agreements.

**Actual Target Data for 2005:**

The percent of mediation sessions held in 2004-05 that resulted in mediation agreements to resolve the dispute was **94.98 percent**.

(2) Mediation requests total	446
(2.1) Mediations [held]	339
(a) Mediations [held] related to due process	27
(i) Mediation agreements	21
(b) Mediations [held] not related to due process	312
(i) Mediation agreements	301
(2.2) Mediations not held (including pending)	107

Percent =  $21[(2.1(a)(i)] + 301[2.1(b)(i)] = 322$  divided by  $339 [2.1] = .9498$  times 100 = 94.98%.

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for 2005:**

The percent of mediations held that resulted in mediation agreements decreased from 95.50 percent in 2005 to 94.98 percent in 2006. The .52 percentage point decrease was significantly less than the 2.8 percentage point decrease between 2004 and 2005 and the .86 percent decrease between 2003 and 2004. This minor slippage could also have been the result of the percentage of agreements reached through resolution sessions that might have otherwise been resolved through mediation.

The following activities were completed:

- The revised training manual was drafted.

**Revisions, with Justification, to Proposed Targets**

The targets were revised significantly to reflect the changes in the baseline data. The original targets were based on a calculation using the number of mediations requested not the number of mediations held as the denominator. This resulted in a significant increase in the percent of mediations resulting in agreement. For example the 2004-05 percent increased from 71 percent to 95.5 percent.

FFY	Measurable and Rigorous Target
2005 (2005-06)	95 percent of mediations held will result in mediation agreements.

**Revisions, with Justification, Improvement Activities/ Timelines/ Resources for FFY 2005**

The following activities were changed or amended in the revised SPP submitted in February 2007:

- Pending final approval of the mediators' training manual it is projected that NYSDRA will schedule statewide update training during 2007.

**Overview of the Annual Performance Report Development:**

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

<b>Monitoring Priority: Effective General Supervision Part B / General Supervision</b>
--

**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))

<b>Measurement:</b>
---------------------

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).

<b>FFY</b>	<b>Measurable and Rigorous Target</b>
<b>2005</b> (2005-06)	100 percent of State reported data, including 618 data and annual performance reports, are submitted on or before due dates and are accurate.

**Actual Target Data for FFY 2005:**

<b>Type of Data</b>	<b>Due Date</b>	<b>Submitted</b>
Child Count, including race and ethnicity, and LRE as of December 1, 2005	February 1, 2006	February 1, 2006  Revision submitted in April 2006  Final submitted in July 2006

Type of Data	Due Date	Submitted
State Assessment Data for the 2004-05 School Year Data	February 1, 2006	February 1, 2006
Exiting data for the 2005-06 school year	November 1, 2006	November 1, 2006
Discipline data for the 2005-06 school year	November 1, 2006	November 1, 2006
Personnel data on or about December 1, 2005	November 1, 2006	November 1, 2006
SPP with 2004-05 school year data (including due process data)	December 1, 2005	<p>December 1, 2005</p> <p>Revisions to Indicator #16 data submitted in March 2006 and February 2007</p> <p>Revisions to Indicator #19 data submitted in December 2006 and in February 2007.</p>

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for 2005-06 School Year:**

- The increased demands and complexity of federal IDEA and NCLB data collection and reporting required in 2005-06 has had a significant effect on the ability of staff to meet timelines and data demands. As a result some of the planned activities to conduct reasonability checks, complete verification procedures and to provide technical assistance were not completed. Plans were developed during the year to secure additional staffing and to continue to train existing staff.

As reported in the summary table above:

- All required federal reports were submitted by their due dates.
- One report required revision in April 2006 due to a data compiling error.
- Several changes were made to data for Indicators #16 and #19.
- NYS relies on a final report submission date of July for its December 1 child count and LRE data and previous school year's data on exiting, discipline and personnel. NYS collects data through a web-based aggregate data reporting system that includes all edit checks for internal data consistency, however additional time is required to complete all reasonability checks and verification procedures. Beginning in the 2007-08 school year, SED anticipates collecting special education data through an individual student record system called Student Information Repository

System (SIRS). It is anticipated that this system will have data validation rules and verification reports to ensure data accuracy and final data should become available for the State's use earlier than with the aggregate data reporting system. See the current SIRS system manual for description of the reporting system and examples of verification reports at <http://www.emsc.nysed.gov/irts/SIRS/documentation/UserManual.doc>

Some activities completed or enhancements made to the systems that collect section 618 data during the 2005-06 school year were as follows:

- All the required data to complete the 2005-06 APR were collected, edited and analyzed in a timely manner. Data collection requirements escalated during the 2005-06 school year. A new web-based data system was developed to collect self-review monitoring protocol data for Indicators 4B, 9, 10A, 10B, and 13. NYS contracted with two different vendors to manage the data collection and reporting for Indicators 8 and 14 and two new PD forms were developed to collect data for Indicators 7, 11 and 12 through the web-based PD data submission system.
- NYS enhanced its PD data collection process by implementing regularly scheduled advance notices of the web-based PD data submission system's availability for PD forms and provided advance notices of the due dates for most of the PD reports to all schools, agencies and school districts that submit data to the Department.
- NYS enhanced its dunning and error correction processes by providing regularly scheduled and more frequent notices of missing information and reminders for data error corrections to all schools, agencies and school districts that submit data to SED.
- NYS implemented the revision to the IHRS to collect resolution session information and to begin monitoring the July 2004 NYS regulatory change which limited the length of extensions to a maximum of 30 days.
- In March of 2005, IHOs received individualized performance summaries. The performance summaries were developed and structured to provide information regarding the number of extensions granted for greater than 30 days to prepare the IHOs for the increased monitoring requirement that was implemented in April.
- NYS made substantial progress towards the development of CSEIS. This system began implementation during the 2006-07 school year and will ensure data for Indicators 15 and 16 are timely and accurate. Once fully implemented, this system will also enable the Department to track compliance of school districts on other indicators that require compliance within one year from identification.

In addition to the data required under IDEA, section 618, SED made a major enhancement in its capacity to assist schools to use data to enhance instruction:

- The Office of Elementary, Middle, Secondary and Continuing (EMSC) Education in consultation with other offices including VESID developed and implemented through a contract with Grownet a set of accountability and verification reports and other

reports for school district personnel and for parents to review student level, school building and school district level data on State assessments (including disaggregations for students with disabilities subgroup). This new web-based system of reports called NyStart is intended to encourage the use of State assessment data in making instructional decisions to improve student achievement at all levels within the school district and to encourage parents to assist their children. This secure system has become available during the 2006-07 school year. See description of NyStart at: <http://www.emsc.nysed.gov/irts/nystart/>

**Revisions, with Justification, to Proposed Targets/ Improvement Activities/ Timelines/ Resources for 2006-07 School Year:**

Improvement activities were added to the revised SPP and submitted in February 2007. Additional resources will be sought for VESID to ensure timely, accurate data collection, analysis, and reporting activities are completed. Data reside in many systems and sufficient personnel are needed to:

- Collect and correct data from all schools, agencies and school districts that provide data to SED
- Gather data from various systems
- Verify data accuracy (complete reasonability checks)
- Provide technical assistance
- Complete comprehensive data analysis
- Complete the federal reports
- Identify school districts that have disproportionality based on race/ethnicity
- Identify school districts for self-review monitoring for Indicators 4, 9, 10A, 10B , 11, 12, and 13.
- Identify school districts that are “in need of assistance”, “in need of intervention” and “in need of substantial intervention”
- Prepare data for public reporting of section 618 data and APR data on Indicators 1-20.
- Complete data requests for internal Department and technical assistance network staff to enable them to assist school districts to improve results
- Calculate federal IDEA allocations
- Prepare data reports and assist with the review of applications to exceed the 1% cap under NCLB.
- Provide data support to other Department offices to meet increasing needs.

NYS was not able to submit data for Indicators 1, 2, and 3 and Table 6 in this APR for the 2005-06 year due to delays in developing the State’s reporting database. NYS

launched a new reporting system in September 2007 that made State assessment results available to all parents, teachers and administrators to enable them to use data to improve instruction. See the press release announcing this new reporting system at <http://www.emsc.nysed.gov/irts/press-release/20060907/GROW-Reports-Release.doc> .

SED anticipates it will have the 2005-06 State assessment data in a reporting database so that all required reports may be created by April 1, 2007.

**TABLE 6**  
**REPORT OF THE PARTICIPATION AND PERFORMANCE OF STUDENTS WITH**  
**DISABILITIES ON STATE ASSESSMENTS BY CONTENT AREA, GRADE, AND**  
**TYPE OF ASSESSMENT**

2005-06

**SECTION A: ENROLLMENT DATA FOR THE MATH ASSESSMENT<sup>1</sup>**

GRADE LEVEL	STUDENTS WITH IEPs (1)	ALL STUDENTS (2)
3		
4		
5		
6		
7		
8		
HIGH SCHOOL (SPECIFY GRADE: _____)		

<sup>1</sup>At a date as close as possible to the testing date.

**Note from New York State:** The data requested in Table 6 were not available by the time the APR was due to the USED. These data will be submitted to the USED and posted on NYS' website as an attachment to NYS' 2005-06 APR by April 1, 2007.

Part B –APR Table 7 (Attachment #1)  
**Report of Dispute Resolution under Part B of the Individuals with Disabilities Education Act Complaints, Mediations, Resolution Sessions, and Due Process Hearings**

SECTION A: Signed, written complaints	
(1) Signed, written complaints total	326
(1.1) Complaints with reports issued	236
(a) Reports with findings	234
(b) Reports within timeline	218
(c) Reports within extended timelines	7
(1.2) Complaints withdrawn or dismissed	89
(1.3) Complaints pending	1
(a) Complaints pending a due process hearing	0

SECTION B: Mediation requests	
(2) Mediation requests total	446
(2.1) Mediations	
(a) Mediations related to due process	27
(i) Mediation agreements	21
(b) Mediations not related to due process	312
(i) Mediation agreements	301
(2.2) Mediations not held (including pending)	107

SECTION C: Hearing requests	
(3) Hearing requests total	5415
(3.1) Resolution sessions (April 1, 2006 –June 30, 2006)	959
(a) Settlement agreements	170
(3.2) Hearings (fully adjudicated)	1054
(a) Decisions within timeline	233
(b) Decisions within extended timeline	646
(3.3) Resolved without a hearing	4177

SECTION D: Expedited hearing requests (related to disciplinary decision)	
(4) Expedited hearing requests total	25
(4.1) Resolution sessions	0
(a) Settlement agreements	0
(4.2) Expedited hearings (fully adjudicated)	4
(a) Change in placement ordered	0