Introduction to the State Performance Plan (SPP)/Annual Performance Report (APR)

General Supervision System:

The systems that are in place to ensure that IDEA Part B requirements are met, e.g., monitoring, dispute resolution, etc.

The New York State Education Department (NYSED) provides general supervisory oversight of special education programs and services through various approaches including data collection and review, fiscal monitoring, self-reviews, on-site reviews, desk audits, State complaints and impartial hearing decisions. Various monitoring protocols are used to conduct both self reviews and on-site reviews of the special education programs provided by public school districts, Boards of Cooperative Educational Services (BOCES), approved private day and residential schools, State supported and State operated schools, other State agency educational programs, correctional facilities, and approved preschool programs. Districts and programs are selected for on-site reviews based on a variety of information, including but not limited to, State Performance Plan (SPP) data related to graduation rates, drop out rates and performance on elementary and middle level English language arts and mathematics State assessments and the number of founded State complaints during the last three years. Information from regional partners (e.g., technical assistance providers, District Superintendents) is also considered in the selection of schools and programs to be reviewed. NYSED's five regional Special Education Quality Assurance Offices coordinate the monitoring review process and also provide technical assistance to parents, school district personnel, and private providers. Selected Regional Associates are also assigned as State complaint investigators.

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

Special Education mediation, by State law, is conducted by regional community dispute resolution centers. Through contract with the New York State Dispute Resolution Association, NYSED ensures data collection, recruitment and training of special education mediators and that mediation is a cost to the State.

The State has a two tier due process system with independent hearing officers at Tier 1 and a State Review Office at Tier 2. For Tier 1, the State has regulatory procedures for the conduct of hearings and appeals and the State certifies, trains and investigates complaints against impartial hearing officers. NYSED monitors timeliness of impartial hearing decisions through the data-based Impartial Hearing Reporting System. The Office of State Review within NYSED is responsible to hear appeals of decisions of the impartial hearing officers.

Technical Assistance System:

The mechanisms that the State has in place to ensure the timely delivery of high quality, evidenced based technical assistance and support to LEAs.

NYSED Office of Special Education Policy, Preschool, Due Process, Program Development and Special Education Quality Assurance staff provide ongoing technical assistance to parents, school personnel and others. The Office ensures State laws and regulations are consistent with federal requirements and that policy guidance documents are developed and disseminated and these documents serve to ensure consistency in guidance.

The State's largest investment of IDEA funds support 10 Regional Special Education Technical Assistance Support Centers (RSE-TASC) . RSE-TASCs are staffed with teams of highly trained special education specialists, which include special education school improvement specialists, behavior specialists, regional special education trainers, nondistrict specialists, bilingual special education specialists and transition specialists, who provide regional training and embedded professional development to school personnel on research-based instructional strategies, particularly in the areas of literacy, behavior, and specially designed instruction and IEP development to support students with disabilities in participating and progressing in the curriculum to meet the Common Core Learning Standards. The State has provided ongoing professional development to the RSE-TASC specialists on research-based instructional practices for students with disabilities. RSE-TASC school improvement specialists participate in the reviews of low performing schools identified based on results for students with disabilities and use research-based tools to guide instructional improvements. Through a regional planning process, which includes participation from RSE-TASC representatives, supervisors from NYSED's Special Education Quality Assurance Offices and District Superintendents, the resources of each RSE-TASC are deployed.

The State provides a comprehensive array of other professional development and technical assistance resources. These

include, but are not limited to:

Accessible Instructional Materials (AIM) - IDEA requires school districts to provide accessible versions of instructional materials to students who are blind or otherwise unable to use printed materials.

Center for Autism and Related Disabilities (CARD) provides evidence-based training and support to families and professionals, and through ongoing research, contributes knowledge to the field of autism spectrum disorders.

Positive Behavioral Interventions and Supports (PBIS) Technical Assistance Center provides high quality training, technical assistance and support to the New York State (NYS) RSE-TASC Behavioral Specialists and other Office of Special Education providers.

Intensive Teacher Institute in Bilingual Special Education (ITI-BSE) was created to assist with the shortage of certified bilingual and English as a second language (ESL) special education teachers, bilingual teachers of the speech and hearing handicapped, and bilingual pupil personnel professionals. This State-funded program provides tuition assistance for fifteen credits of specialized coursework and facilitates the certification process for these professionals who are currently working in NYS public schools or approved preschools.

New York City Preschool Bilingual/ESL Technical Assistance Center - The purpose of the Bilingual/ESL Preschool TAC is to increase the capacity of section 4410 preschools located in New York City to serve preschool students with disabilities with limited English proficiency by providing services in the following two areas training and referrals to ITI-BSE.

Speech-Language and Bilingual Speech-Language personnel Development Technical Assistance Center (SLPD-TAC) - provides online coursework and other supports needed to obtain initial or professional certification in teaching students with speech and language disabilities and licensure in Speech-Language Pathology for individuals who are committed to work in New York City Public Schools.

Technical Assistance Center on Disproportionality (TACD) at New York University - TACD's work includes building the capacity of regions and districts in understanding the root cause and systemically addressing the disproportionate assignment of various subgroups in special education to develop, implement, and assess a process of providing comprehensive technical assistance and professional development trainings to NYS school districts that are addressing issues of disproportionality.

Early Childhood Direction Centers (ECDCs) provide information about programs and services for young children, ages birth through five, who have physical, mental, or emotional disabilities and help families obtain services for their children.

Impartial Hearing Officers - NYSED and Special Education Solutions, L.L.C., have partnered to provide the training and resources needed to serve as a Special Education Impartial Hearing Officer.

Mediation Services for Special Education - The New York State Dispute Resolution Association (NYSDRA), under a contract with the P-12: Office of Special Education, provides special education mediation for parents and school districts throughout NYS.

Fourteen (14) Special Education Parent Centers across NYS. These centers provide parents of children with disabilities with information, resources, and strategies to communicate effectively and work collaboratively with schools and stakeholders to advocate and actively participate in their children's education program.

Response to Intervention (RtI)- Technical Assistance Center supports capacity-building efforts of NYS schools to implement proven and promising practices within a RtI model and provides indirect technical assistance and professional development to NYS schools on RtI-related topics.

Response to Intervention Personnel Development Project includes four regional professional development teams supporting the development of RtI in approximately 500 schools across the State.

Transition Services Professional Development Support Center provides a web-based resource for transition services and planning for all school districts.

Intensive Teacher Institute for Teachers of the Blind and Visually Impaired (ITI-TVI) is designed to provide tuition assistance to students and teachers interested in becoming TVIs, to address the shortage across the State, and who are willing to serve as TVIs in NYS for two years following completion of the program.

To ensure that support to LEAs is timely, of high quality and is based on evidence-based practices, the Office of Special

Education has developed research-based tools to guide our work (for examples see Quality Indicator Review and Resource Guides at http://www.p12.nysed.gov/specialed/techassist/QIcover.htm; Explicit and Specially Designed Instructional Walk Through Tool at http://www.p12.nysed.gov/specialed/spp/Walkthroughtool-LAPSelfReview.pdf and Diagnostic Tool of School District Effectiveness (DTSDE) at http://www.p12.nysed.gov/accountability/diagnostic-tool-institute/home.html.

NYSED ensures its technical assistance providers receive high quality ongoing professional development through three funded technical assistance centers:

- Transition Services Professional Development Support Center http://www.p12.nysed.gov/specialed/techassist/announcePDSC.htm
- New York State PBIS Technical Assistance Center http://nyspbis.org/
- Professional Learning Center (RSE-TASC PLC) http://www.nys-rse-tasc.com/

Other TACs meet periodically throughout the year with NYSED staff to share evidence-based practices and results and review current policy.

The deployment of technical assistance resources is determined annually through a regional planning process to ensure coordination and best uses of our resources. Current year data is considered in selecting LEAs where our resources would be best targeted.

In addition to State IDEA-funded technical assistance centers, the State established a **Network Team structure,** supported by ongoing professional development by the State, to assist districts and schools to implement the Common Core Learning Standards with fidelity in all classrooms across the State. Network Teams generally consist of three persons with expertise in curriculum, data analysis, and instruction that serve approximately 25 schools. The purpose of the Network Teams is to work directly with educators in schools to deliver sustained, intensive professional development, which includes strategies for English Language Learners and students with disabilities; to support implementation of new standards, curriculum and assessments; and provide comprehensive, ongoing support. Network Teams:

- Assist schools in implementing the Common Core Standards and aligning instruction to the new standards and curricula.
- Provide schools with support in adopting or adapting Pre-K – Grade 2 ELA curriculum and Grade 3-12 curriculum modules in ELA and Pre-K - Grade 12 curriculum modules in Mathematics.
- Support schools in implementing the State's comprehensive assessment program and adapting to more rigorous performance-based assessments.
- Support school-based inquiry teams to analyze student performance data (both quantitative and qualitative) and make adjustments to instructional practices.
- Support schools and districts in the implementation of evidence-based observations and the Annual Professional Performance Review.
- Support reviews of persistently lowest-achieving schools.
- Facilitate professional development to support the implementation of the turnaround plan.

Technical Assistance Sources and Actions

The State was identified as being in need of assistance by OSEP for two consutive years based on the State's FFY 2011 and FFY 2012 APRs. In its June 23, 2014 Determination Letter to the State, OSEP required the State to report on the technical assistance sources from which the State received assistance; and the actions the State took as a result of that technical assistance.

Technical Assistance	Outcome/Actions Taken
On-line Meeting on English Learners with Disabilities (ELSWDs) Sponsored by the U.S. Department of Education's Office of English Language Acquisition (OELA), in collaboration with the Department's Office of Special Education	Used to inform guidance to the field on testing accommodations for students with disabilities on initial and annual assessments of English language proficiency (ELP). Will be used to design an alternate assessment of ELP.

Technical Assistance	Outcome/Actions Taken
Programs (OSEP).	
U.S. Departments of Education and Justice Release Joint Guidance to Ensure English Learner Students have Equal Access to High Quality Education; Department of Education Launches EL Took Kit	Used to inform guidance to the field and training materials on individualized education programs and general and special education services for ELLs with disabilities.
USDOE On-line Meeting: Educational Outcomes for English Learners in Different Instructional Programs – Connecting Research, Practice and Policy for English Learners	Discussed findings from longitudinal study comparing the academic trajectories of English Learners enrolled in four different instructional programs. A panel responded from teachers' perspectives to the research findings. Used to inform work of Regional Special Education Technical Assistance Support Center (RSE-TASC) Bilingual Specialists in providing professional development to NYS school districts.
USDOE Questions and Answers Regarding Inclusion of English Learners with Disabilities in English Language Proficiency (ELP) Assessments and Title III Annual Measurable Achievement Objectives (AMAOs)	Used to amend regulations and develop guidance regarding the identification of students with disabilities as ELLs, the language assistance services to which they are entitled as ELLs and the criteria and procedures districts may use to exit students with disabilities from ELL status.
Effective Literacy Instruction for ELLs with Disabilities	Used in developing a training module to be used by the RSE-TASC across the State.
National Secondary Transition Technical Assistance Centers (NSTTAC)	Used to inform training of RSE-TASC Transition Specialists to recognize and build effective practices around transition. "Speak Out, Listen Up! Including Student Voice in School Improvement" - used to inform the work of our Youth Advisory Panel. "Determined to Succeed: Preparing for Postsecondary Education and Employment" - advising the work of the Higher Education Advisory Committee.
National Post School Outcomes Center	Used to inform training of RSE-TASC Transition Specialists to recognize and build effective practices around transition.

Technical Assistance	Outcome/Actions Taken
National Drop Out Prevention Center for Students with Disabilities	Used to inform training of RSE-TASC Transition Specialists to recognize and build effective practices around transition.
Accessible Education Materials Center (AEM)	Utilize resources to conduct trainings around State and develop new information on Accessible Instructional Materials.
USDOE Guidance on Expulsion and Suspension Prevention in Early Childhood Settings and Webinar Series	Prevention of expulsion and suspension practices in early learning settings. Information being used to consider changes to State policy, guidance and program approval standards.
Directors' Webinar Coaching Implementation Drivers and Reporting to SPDG – Program Measures 1 and 3	To inform our State Personnel Development Grant: Response to Intervention (RtI) Personnel Development Project
Directors' Webinar – Training Implementation Drivers and SPDG Program Measure 1 10/3/2013	
Webinar –MTSS: Overview of Utah's MTSS Framework	
PLC Webinar – Discussion on Coaching and Training Drivers	
Directors' Webinar – Implementation Driver Series: Selection 12/5/2013	
PLC Webinar – MTSS MiBLSi's Intermediate Unit Capacity Assessment	
PLC Webinar – How to Effectively and Efficiently Submit Your Annual Grant Performance Reports	
Directors' Webinar – Organizational Driver: Data Decision Support Systems to Improve Implementation	
Directors' Webinar – Measuring Collaboration	
Directors' Webinar – Annual Performance Reporting Guidance Webinar	
Directors' Webinar – Use of Data to Improve Implementation and SPDG Program Lessons Learned	
Webinar – Program Measures Guidance 3/27/2014	
Directors' Webinar – Leadership Drivers 4/3/2014	
Directors' Webinar – Effective Collaboration 5/1/2014	
Directors' Webinar – Leadership Drivers 6/5/2014	Information used to guide NYS SPDG implementation and to inform support for

Technical Assistance	Outcome/Actions Taken
	students with disabilities in multiple project areas.
Quarterly SPDG Conference Calls with OSEP Project Officer (Dr. Grace Zamora Duran)	
OSEP Project Directors Conference	
Interagency Councils and State Advisory Panels	Participated in OSEP sponsored webinars for State Advisory Panels: http://www.stateadvisorypanel.org/index.php Actions taken: information shared with State Advisory Panel, particularly on the development of the State Systemic Improvement Plan (SSIP) and GRADS 360.
OSEP Monthly Calls	Staff regularly participated in monthly technical assistance calls hosted by OSEP. Used the information to ensure appropriate development and submission of the Annual Performance Report and development of the SSIP
National Early Childhood Technical Assistance Center (NECTAC)	Participated in webinars and reviewed web resources to plan improvement activities to improve outcomes for preschool students with disabilities.
Center for Alternative Dispute Resolution in Special Education (CADRE)	Consulted with CADRE on due process systems. Reviewed CADRE resources on other State's due process systems; Participating in Intensive Technical Assistance workgroup to develop IEP Facilitation for NYS.
Special Education Solutions	Through contract, Special Education Solutions provided technical assistance to NYSED and training to its impartial hearing officers, to address timely decisions.
Northeast Regional Resource Center (NERCC)	Participated in periodic calls and meetings on legal and regulatory matters; reviewed resources on Common Core Learning Standards and students with disabilities; participated in working meeting to develop the State Systemic Improvement Plan; requested NERCC participation in meetings with OSEP and review of documents. Meeting with NERCC State contacts to discuss technical assistance needs and assistance with State Systemic Improvement Plan. The State participated in NERRC's SSIP meeting, which included dedicated time for state teams to work on their SSIP planning. The NYS team discussed options and actions to develop the SSIP.

Technical Assistance	Outcome/Actions Taken
National Positive Behavioral Interventions and Supports TA Center	The NYS liaison from the National PBIS TA Center supports the NYS PBIS TAC, upon request, to provide information and technical assistance which informs our support for implementation of PBIS in school districts across the State. The NYS PBIS TAC staff and RSE-TASC Behavior Specialists attend and participate in the Northeast PBIS Network Leadership Forum, sponsored annually by OSEP, to inform the professional development and technical assistance they provide to NYS schools in implementation of positive behavioral supports.
DaSy – The Center for IDEA Early Childhood Data Systems EdFacts	Information used to ensure timely and accurate data collection and reporting.

Professional Development System:

The mechanisms the State has in place to ensure that service providers have the skills to effectively provide services that improve results for students with disabilities.

The State's professional development system overlaps with the information provided above under "Technical Assistance."

The State's technical assistance centers provide ongoing regional professional development to parents and schools to enhance parent participation in the special education process and to enhance the knowledge and skills of educators to improve results for students with disaiblities. Following are examples of the various types of professional development available on an ongoing basis, and offered at the regional level throughout the State. Selected training programs are vetted by NYSED to ensure statewide consistency in the information provided.

Response to Intervention (see http://www.nysrti.org/page/on-site-trainings/), regional training, webinars, past regional training, archived webinars.

2013-14 Positive Behavioral Interventions and Supports (PBIS) Regional Forums (www.nyspbis.org): "Strengthening Classroom Systems within the Context of PBIS - Using the Behavior Pathway as a Guide" are professional development workshops designed to inform schools about the use of the "behavior pathway" as a tool for understanding and managing behavior.

The Special Education Process for Principals is designed to deepen a school principal's understanding of the special education process. Key information regarding special education law and regulations is included to ensure each principal understands his or her role and responsibility in relation to the education of students with disabilities.

Transition Assessments to Inform the Development of the Individualized Education Program (IEP) provides school personnel with information on identification and selection of transition assessments and how information from such assessments relate directly to IEP development.

Accessible Instructional Materials (AIM) is designed to inform schools, students and families about AIM and provides in-depth information about what accessible instructional materials are, who can benefit from them, and how to get them.

Developing a Quality Individualized Education Program (IEP) provides in-depth information about the State's IEP form and IEP development.

Testing Accommodations provides detailed information about the decision-making process and types of testing accommodations.

Training of the Parent Member of the Committee on Preschool Special Education (CPSE) or Committee on Special Education (CSE) provides the background and tools necessary to be an effective parent member of the CPSE/CSE, and assists in building an effective relationship between the parent member and other members of the Committee.

Committee on Preschool Special Education (CPSE) and Committee on Special Education (CSE) Chairperson Training is a multi-day training program for CPSE and CSE chairpersons with a best practices approach to the CPSE/CSE process and their role as a chairperson.

Stakeholder Involvement:

The mechanism for soliciting broad stakeholder input on targets in the SPP, including revisions to targets.

Throughout the year, NYSED reports to its Commissioner's Advisory Panel for Special Education (CAP), which is the IDEA State Advisory Panel, to review Annual Performance Report (APR) data results, obtain input on proposed targets and revisions to the SPP and discuss improvement activities. The Advisory Panel is continuously kept apprised regarding progress and issues reflected in the APR in order to obtain their insights and input in determining improvement strategies and need for revisions.

In May 2014, OSE staff met with CAP to discuss the development of the State Systemic Improvement Plan (SSIP) and SPP/APR indicator targets for FFY 2013-18. A second meeting was held in November 2014, and additional input from members was provided in relation to the focus of the SSIP and finalization of the other FFY 2013-18 indicator targets.

At other meetings throughout the year with technical assistance providers, including but not limited to meetings with RSE-TASC, Special Education Parent Centers and Early Childhood Direction Centers, the State shares APR outcomes on compliance and outcome indicators to discuss improvement strategies.

A statewide meeting of all of NYSED's Special Education Technical Assistance Networks, with approximately 400 participants, was held in October 2014. At this meeting development of the SSIP was discussed. Participants were presented with data to discuss and provided feedback in writing regarding the analysis of data, strengths and weaknesses of the State's current infrastructure, a proposed focus area, possible improvement strategies to address the root causes of low performance, and considerations for the SSIP theory of action. (See Indicator 17)

Reporting to the Public:

How and where the State reported to the public on the FFY 2012 performance of each LEA located in the State on the targets in the SPP/APR as soon as practicable, but no later than 120 days following the State's submission of its FFY 2012 APR, as required by 34 CFR §300.602(b)(1)(i)(A); and a description of where, on its Web site, a complete copy of the State's SPP, including any revision if the State has revised the SPP that it submitted with its FFY 2012 APR in 2014, is available.

Public Reports

As required under section 616 of IDEA, the State publicly reports annually on the performance of each LEA on indicators 1 through 14 against the State's targets. This report is found at http://data.nysed.gov/lists.php?type=district. Click on 2012-13 for last year's posted data. District reports for 2013-14 will posted as soon as possible following final submission of the SPP/APR, but no later than 120 days following the State's submission of its APR, as required by 34 CFR §300.602(b)(1)(i)(A).

The complete copy of the State Performance Plan can be found at http://www.p12.nysed.gov/specialed/spp/.

Technical Assistance Sources and Actions

The State was identified as being in need of assistance by OSEP for two consutive years based on the State's FFY 2011 and FFY 2012 APRs. In its June 23, 2014 Determination Letter to the State, OSEP required the State to report on the technical assistance sources from which the State received assistance; and the actions the State took as a result of that technical assistance.

Indicator 1: Graduation

Monitoring Priority: FAPE in the LRE

Results indicator: Percent of youth with IEPs graduating from high school with a regular diploma. (20 U.S.C. 1416 (a)(3)(A))

Historical Data

Baseline Data: 2011

FFY	2005	2006	2007	2008	2009	2010	2011	2012
Target ≥		37.00%	38.00%	44.00%	49.00%	52.00%	53.00%	55.00%
Data	37.50%	39.30%	41.30%	43.60%	44.40%	46.40%	46.40%	47.70%

Key: Gray – Data Prior to Baseline Yellow – Baseline

FFY 2013 - FFY 2018 Targets

FFY	2013	2014	2015	2016	2017	2018
Target ≥	47.17%	50.48%	53.43%	56.09%	58.48%	60.63%

Targets: Description of Stakeholder Input

OSEP requires the annual graduation rate targets under IDEA to be the same as the annual graduation rates under Title I of the ESEA. In New York, annual graduation rate targets under Title I of ESEA are 80% or a 10% gap reduction over the prior year for the 4-year graduation rate. Targets reflect the 10% gap reduction.

Targets may need to be adjusted annually based on the calculation of the gap reduction, which is based on the current year's data.

Since the targets for this indicator must be the same as the annual graduation rate targets under Title I of the ESEA, meaningful stakeholder input on target setting for this indicator consisted of informing stakeholders of OSEP's requirement. However, CAP did discuss improvement activities that will support the State to meet these targets.

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Prepopulated Data

Source	Date	Description	Data	Overwrite Data
SY 2012-13 Cohorts for Regulatory Adjusted-Cohort Graduation Rate (EDFacts file spec C151; Data group 696)	9/15/2014	Number of youth with IEPs graduating with a regular diploma	15,945	15945
SY 2012-13 Cohorts for Regulatory Adjusted-Cohort Graduation Rate (EDFacts file spec C151; Data group 696)	9/15/2014	Number of youth with IEPs eligible to graduate	33,802	33,802
SY 2012-13 Regulatory Adjusted Cohort Graduation Rate (EDFacts file spec C150; Data group 695)	9/23/2014	2012-13 Regulatory four-year adjusted-cohort graduation rate table	47.17%	Calculate

Explanation of Alternate Data

There is no overwrite data.

FFY 2013 SPP/APR Data

Number of youth with IEPs in the current year's adjusted cohort graduating with a regular diploma	Number of youth with IEPs in the current year's adjusted cohort eligible to graduate	FFY 2012 Data	FFY 2013 Target	FFY 2013 Data
15,945	33,802	47.70%	47.17%	47.17%

Graduation Conditions Field

Provide the four-year graduation cohort rate. The four-year graduation rate follows a cohort, or a group of students, who begin as first-time 9th graders in a particular school year and who graduate with a regular high school diploma in four years or less. An extended-year graduation rate follows the same cohort of students for an additional year or years. The cohort is "adjusted" by adding any students transferring into the cohort and by subtracting any students who transfer out, emigrate to another country, or die during the years covered by the rate.

Under 34 C.F.R. §200.19(b)(1)(iv), a "regular high school diploma" means the standard high school diploma awarded to students in a State that is fully aligned with the State's academic content standards and does not include a GED credential, certificate of attendance, or any alternative award. The term "regular high school diploma" also includes a "higher diploma" that is awarded to students who complete requirements above and beyond what is required for a regular diploma.

Graduation Requirements: Graduation rate data for students with disabilities is calculated the same as for all students. In NYS, students with disabilities must earn a Regents or local diploma to be included in the counts of graduating students. Students with disabilities who earn an individualized education program (IEP) diploma are not considered high school graduates. Detailed information on graduation requirements can be found at http://www.p12.nysed.gov/ciai/gradreq/revisedgradreq3column.pdf.

For graduation requirements for students who first entered 9th grade in 2007, see: http://www.p12.nysed.gov/ciai/gradreq/2007GradReqDetails.html.

Provide additional information about this indicator (optional)

In order to align with EDFacts reporting, beginning with this new State Performance Plan, the State is reporting on the 2009 Total Cohort graduation as of August. The methodology used in prior years identified cohort years one year later than the year they are identified for EDFacts reporting. As a result of the alignment with EDFacts reporting and the shift in identifying cohort years, the State will not have reported publicly on the 2007 Total Cohort graduation rate four years as of August, as reported to EDFacts. The chart below shows the 2007, 2008 and 2009 cohort data, as reported to EDFacts.

Students with Disabilities			
Total Cohort Year	**School Year**	**# in Cohort**	**Graduation Number & Rate**
2009	2012-13	33,802	n = 15,945 47.17%
2008	2011-12	32,690	n = 15,600 47.72%
2007	2010-11	31,895	n = 15,159 47.53%

Actions required in FFY 2012 response table

None

Responses to actions required in FFY 2012 response table

Not applicable as NYS had no actions required in FFY2012 response table.

Indicator 2: Drop Out

Monitoring Priority: FAPE in the LRE

Results indicator: Percent of youth with IEPs dropping out of high school. (20 U.S.C. 1416 (a)(3)(A))

Historical Data

Baseline Data: 2011

FFY	2005	2006	2007	2008	2009	2010	2011	2012
Target ≤		19.00%	19.00%	18.00%	16.00%	15.00%	14.00%	12.00%
Data	22.20%	16.90%	16.00%	16.00%	16.00%	16.70%	16.00%	15.70%

Key: Gray – Data Prior to Baseline Yellow – Baseline

FFY 2013 - FFY 2018 Targets

FFY	2013	2014	2015	2016	2017	2018
Target ≤	15.00%	14.50%	14.00%	14.00%	13.50%	13.00%

Targets: Description of Stakeholder Input

FFY 2013 - FFY 2018 targets were developed in consultation with stakeholders. The State relies on its Commissioner's Advisory Panel (CAP) (see introduction section) as its primary stakeholder group for purposes of target discussions. For this indicator, an internal workgroup analyzed historical targets and actual data and shared draft targets with CAP.

CAP discussed historical trends and the State's new policies that are expected to engage students to remain in school including, but not limited to, the Skills and Achievement Commencement Credential; the Career Development and Occupational Studies Commencement Credential; initiatives to increase student access to Career and Technical Education courses and work-based learning; and alternative pathways to a regular high school diploma. CAP suggested targets for drop out consider regional disparities and disparities by Need / Resource Capacity districts.

FFY 2013 SPP/APR Data

Number of youth with IEPs (ages 14-21) who exited special education due to dropping out	Total number of all youth with IEPs who left high school (ages 14-21)	FFY 2012 Data*	FFY 2013 Target*	FFY 2013 Data
4,294	30,808	15.70%	15.00%	13.94%

☑ **Use a different calculation methodology**

Please explain the methodology used to calculate the numbers entered above.

New York State's (NYS) Measurement:
Percent of "total cohort" of students with disabilities who drop out as of August after four years of first entering 9th grade or, for ungraded students with disabilities, after four years of becoming 17 years of age.

NYS' Calculation for Drop Out Rate for FFY 2013
Reporting for this FFY 2013 APR, the 2009 district total cohort is the **denominator**.

The 2009 district total cohort consists of all students, regardless of their current grade level, who met one of the following conditions:

First entered 9th grade at any time during the 2009-10 school year (July 1, 2009 through June 30, 2010); or, in the case of ungraded students with disabilities, reached their 17th birthday during the 2009-10 school year; or

Ungraded students are included in the 2009 cohort if their birth date is between July 1, 1991 and June 30, 1992 (inclusive).

Students who have spent at least one day in district schools or out-of-district placements during year 1, 2, 3, or 4 of high school are included in the district total cohort unless they transferred to another diploma-granting program outside the district. For the 2009 Total Cohort, years 1, 2, 3, and 4 are the 2009-10, 2010-11, 2011-12 and 2012-13 school years, respectively.

A student will be included in the district total cohort if the student's enrollment record in the district shows that the student was enrolled for at least one day (not including July and August) *and* the reason for ending enrollment in the district was not one of the following: transferred to a school in another district, a nonpublic school, or a school outside New York; died; transferred by court order; or left the US.

The **numerator** for the computation of the rate of dropping out is the number of total cohort students with disabilities who dropped out as of August after four years of first entering 9th grade or, for ungraded students with disabilities, after four years of becoming 17 years of age.

Definition of Dropout:

Information pertaining to the rules for reporting dropout data can be found throughout the SIRS Manual at http://www.p12.nysed.gov/irs/sirs/. The definition of "dropout" may be found on pages in Appendix VI: Terms and Acronyms:

"A dropout is any student, regardless of age, who left school prior to graduation for any reason except death or leaving the country and has not been documented to have entered another program leading to a high school diploma or an approved program leading to a high school equivalency diploma. NYSED reports an annual and cohort dropout rate. A student who leaves during the school year without documentation of a transfer to another program leading to a high school diploma or to an approved high school equivalency program or to a high school equivalency preparation program is counted as a dropout unless the student resumes school attendance before the end of the school year. The student's registration for the next school year does not exempt him or her from dropout status in the current school year. Students who resume and continue enrollment until graduation are not counted as dropouts in the cohort dropout calculation. In computing annual dropout rates, students who are reported as having been counted by the same school as a dropout in a previous school year are not counted as a dropout in the current school year."

Provide additional information about this indicator (optional)

New York has historically reported on Indicator 2 using a cohort methodology. This cohort methodology is explained above. Beginning with this new State Performance Plan, New York's data represents a shift in the treatment of cohort year. The methodology used in prior years reported cohort years as of August in the school year that August fell in, not the school year students were expected to graduate from high school. We are now reporting on the cohort as of August in the school year that students are expected to graduate from high school. This change is being implemented in order to make the data comparable to how data is now reported for Indicator 1.

As a result of this shift in cohort year reporting, the State will not have reported publicly on the 2007 Total Cohort dropout rate four years as of August. The chart below shows the 2007, 2008 and 2009 cohort dropout data.

Students with Disabilities			
Total Cohort Year	**School Year**	**# in Cohort**	**Dropout Number & Rate**

2009	2012-13	30,808	n = 4,294 13.90%
2008	2011-12	33,833	n = 5,268 15.57%
2007	2010-11	32,917	n = 5,124 15.60%

Actions required in FFY 2012 response table

None

Responses to actions required in FFY 2012 response table

Not applicable as NYS had no actions required in FFY2012 response table.

Indicator 3A: Districts Meeting AYP/AMO for Disability Subgroup

Monitoring Priority: FAPE in the LRE

Results indicator: Participation and performance of children with IEPs on Statewide assessments:

A. **Percent of the districts with a disability subgroup that meets the State's minimum "n" size that meet the State's AYP/AMO targets for the disability subgroup.**
B. **Participation rate for children with IEPs.**
C. **Proficiency rate for children with IEPs against grade level, modified and alternate academic achievement standards.**

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

Historical Data

Baseline Data: 2011

FFY	2005	2006	2007	2008	2009	2010	2011	2012
Target ≥		57.00%	58.00%	59.00%	61.00%	31.00%	31.00%	45.00%
Data	57.60%	75.50%	71.30%	82.70%	30.80%	17.20%	44.30%	44.30%

Key: Gray – Data Prior to Baseline Yellow – Baseline

FFY 2013 - FFY 2018 Targets

FFY	2013	2014	2015	2016	2017	2018
Target ≥	45.00%	45.00%	45.00%	46.00%	48.00%	50.00%

Targets: Description of Stakeholder Input

In setting targets for FFY 2013- FFY 2018, the State consulted with its Commissioner's Advisory Panel (CAP) (see introduction section), which is NYS' primary stakeholder group for purposes of State Performance Plan target discussions. For this indicator, an internal workgroup analyzed historical targets and discussed with CAP the impact of results based on the State's stage of implementation with the Common Core Learning Standards, and that the FFY 2013 increase in the percentage of districts making AYP was the result of establishing new AMO baselines to reflect the new Common Core aligned assessments. Projecting forward, the percent of school districts making AYP will be significantly lower in future years because the AMO trajectory has built in very steep annual increases in the AMO, and targets reflect this anticipated result.

FFY 2013 SPP/APR Data

Does your State have an ESEA Flexibility Waiver of determining AYP? Yes No

Are you reporting AYP or AMO? AYP AMO

Number of districts in the State	Number of districts that met the minimum "n" size	Number of districts that meet the minimum "n" size AND met AYP	FFY 2012 Data*	FFY 2013 Target*	FFY 2013 Data
698	698	518	44.30%	45.00%	74.21%

Provide additional information about this indicator (optional)

The number of districts in the State has been changed to 698 to reflect the inclusion of Charter Schools.

Effective with the 2012-13 APR, the actual target for this indicator is lagged one year in order to align APR reporting with revised institutional accountability reporting practices under New York's approved ESEA Flexibility Waiver. Under the ESEA

Waiver, NYS used AYP and performance data from the 2010-11 school year to make accountability determinations for 2012-13 and 2011-12 school year results to make accountability determinations for 2013-14. NYSED has aligned the Accountability Systems under No Child Left Behind (Title I AYP), Title III (Annual Measurement Achievement Objectives [AMAOs]), and the Individuals with Disabilities Education Act when identification of a school and/or district is a result of poor performance of the students with disabilities and/or the ELL subgroups, resulting in greater continuity in the assessment of the needs of these schools/districts and the resulting supports and interventions.

New York is committed to using the most recent data for accountability decisions and is working to put in place the necessary systems and structures so that accountability determinations based on 2014-15 school year data can be made no later than the fall of 2015.

While NYSED does have an ESEA waiver from determining AYP, the State continues to compute it for purposes of determining local assistance plan districts for ESEA accountability.

Actions required in FFY 2012 response table

None

Responses to actions required in FFY 2012 response table

Not applicable as NYS had no actions required in FFY2012 response table.

Indicator 3B: Participation for Students with IEPs

Monitoring Priority: FAPE in the LRE

Results indicator: Participation and performance of children with IEPs on Statewide assessments:

A. **Percent of the districts with a disability subgroup that meets the State's minimum "n" size that meet the State's AYP/AMO targets for the disability subgroup.**
B. **Participation rate for children with IEPs.**
C. **Proficiency rate for children with IEPs against grade level, modified and alternate academic achievement standards.**

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

Historical Data

	Group Name	Baseline Year	FFY	2005	2006	2007	2008	2009	2010	2011	2012
Reading	A Grade 3-8	2005	Target ≥		95.00%	95.00%	95.00%	95.00%	95.00%	95.00%	95.00%
			Data	95.00%	96.80%	96.90%	98.00%	98.00%	98.00%	98.00%	98.00%
	B HS	2005	Target ≥		95.00%	95.00%	95.00%	95.00%	95.00%	95.00%	95.00%
			Data	90.00%	92.70%	94.10%	95.00%	96.00%	97.00%	97.00%	97.00%
Math	A Grade 3-8	2005	Target ≥		95.00%	95.00%	95.00%	95.00%	95.00%	95.00%	95.00%
			Data	96.00%	96.90%	96.90%	98.00%	98.00%	98.00%	98.00%	98.00%
	B HS	2005	Target ≥		95.00%	95.00%	95.00%	95.00%	95.00%	95.00%	95.00%
			Data	91.00%	94.00%	95.00%	96.00%	97.00%	97.00%	97.00%	97.00%

Key: Gray – Data Prior to Baseline Yellow – Baseline

FFY 2013 - FFY 2018 Targets

	FFY	2013	2014	2015	2016	2017	2018
Reading	A ≥ Grade 3-8	95.00%	95.00%	95.00%	95.00%	95.00%	95.00%
	B ≥ HS	95.00%	95.00%	95.00%	95.00%	95.00%	95.00%
Math	A ≥ Grade 3-8	95.00%	95.00%	95.00%	95.00%	95.00%	95.00%
	B ≥ HS	95.00%	95.00%	95.00%	95.00%	95.00%	95.00%

Targets: Description of Stakeholder Input

The targets for this indicator are set by USDOE at 95%. The State shares results for this indicator with the State's Commissioner's Advisory Panel (CAP) - see Introduction on Stakeholder Involvement.

FFY 2013 SPP/APR Data: Reading Assessment

Group Name	Number of Children with IEPs	Number of Children with IEPs Participating	FFY 2012 Data*	FFY 2013 Target*	FFY 2013 Data
A Grade 3-8	220,713	207,346	98.00%	95.00%	93.94%
B HS	26,449	24,105	97.00%	95.00%	91.14%

Explanation of Group A Slippage

The New York State Board of Regents adopted the Common Core Learning Standards in 2010. The first State assessments reflecting these standards were administered in the 2012-13 school year. In this time of transition to the Common Core assessments, participation rates declined.

Explanation of Group B Slippage

The phase out of Regents Competency Tests and transition to an assessment based on Common Core Learning Standards has resulted in a number of students delaying their participation in the HS ELA assessments. Although participation is delayed, these students are still required to participate as part of graduation requirements.

FFY 2013 SPP/APR Data: Math Assessment

Group Name	Number of Children with IEPs	Number of Children with IEPs Participating	FFY 2012 Data*	FFY 2013 Target*	FFY 2013 Data
A Grade 3-8	220,830	203,474	98.00%	95.00%	92.14%
B HS	26,449	25,172	97.00%	95.00%	95.17%

Explanation of Group A Slippage

The New York State Board of Regents adopted the Common Core Learning Standards in 2010. The first State assessments reflecting these standards were administered in the 2013-14 school year. In this time of transition to the Common Core assessments, participation rates declined.

Public Reporting Information

Provide links to the page(s) where you provide public reports of assessment results.

Report of the Participation of Students with Disabilities on Assessments

The Reports of the Participation of Students with Disabilities on Mathematics and Reading/Language Arts Assessment
which provides the number of students with disabilities participating in(a) regular assessments, and the number of those children who were provided accommodations in order to participate in those assessments; (b) alternate assessments aligned with the State's challenging academic content standards and student achievement standards; and (c) alternate assessments aligned with alternate achievement standards can be found at:

http://www.p12.nysed.gov/sedcar/state.htm

Actions required in FFY 2012 response table

None

Responses to actions required in FFY 2012 response table

Not applicable as NYS had no actions required in FFY2012 response table.

Indicator 3C: Proficiency for Students with IEPs

Monitoring Priority: FAPE in the LRE

Results indicator: Participation and performance of children with IEPs on Statewide assessments:

A. **Percent of the districts with a disability subgroup that meets the State's minimum "n" size that meet the State's AYP/AMO targets for the disability subgroup.**
B. **Participation rate for children with IEPs.**
C. **Proficiency rate for children with IEPs against grade level, modified and alternate academic achievement standards.**

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

Historical Data

	Group Name	Baseline Year	FFY	2005	2006	2007	2008	2009	2010	2011	2012
Reading	A Grades 3-8	2012	Target ≥								
			Data					38.10%	20.90%	23.05%	12.39%
	B HS	2012	Target ≥								
			Data					55.70%	64.90%	69.21%	65.62%
Math	A Grade 3-8	2012	Target ≥								
			Data					61.40%	32.90%	35.40%	14.26%
	B HS	2012	Target ≥								
			Data					54.20%	58.70%	61.14%	50.22%

Key: Gray – Data Prior to Baseline Yellow – Baseline

FFY 2013 - FFY 2018 Targets

	FFY	2013	2014	2015	2016	2017	2018
Reading	A ≥ Grades 3-8	11.17%	13.00%	16.00%	20.00%	23.00%	23.00%
	B ≥ HS	62.73%	63.00%	63.00%	63.50%	64.00%	66.00%
Math	A ≥ Grades 3-8	15.32%	15.50%	16.00%	19.00%	19.00%	23.00%
	B ≥ HS	63.29%	64.00%	64.50%	65.00%	65.50%	66.00%

Targets: Description of Stakeholder Input

See Introduction and Indicator 3A for Stakeholder input. Targets for improvement for this Indicator for Grades 3-8 have been established consistent with the Annual Measurable Objectives (AMO) targets for the subgroup of students with disabilities in NYS' approved ESEA Waiver.

FFY 2013 SPP/APR Data: Reading Assessment

Group Name	Children with IEPs who received a valid score and a proficiency was assigned	Number of Children with IEPs Proficient	FFY 2012 Data*	FFY 2013 Target*	FFY 2013 Data

Group Name	Children with IEPs who received a valid score and a proficiency was assigned	Number of Children with IEPs Proficient	FFY 2012 Data*	FFY 2013 Target*	FFY 2013 Data
A Grades 3-8	207,346	23,164	12.39%	11.17%	11.17%
B HS	24,105	15,122	65.62%	62.73%	62.73%

FFY 2013 SPP/APR Data: Math Assessment

Group Name	Children with IEPs who received a valid score and a proficiency was assigned	Number of Children with IEPs Proficient	FFY 2012 Data*	FFY 2013 Target*	FFY 2013 Data
A Grade 3-8	203,474	31,163	14.26%	15.32%	15.32%
B HS	25,172	15,932	50.22%	63.29%	63.29%

Public Reporting Information

Provide links to the page(s) where you provide public reports of assessment results.

The reports on the performance of students with disabilities on regular assessments and on alternate assessments, compared with the achievement of all students, including students with disabilities, on those assessments can be found at:

State reports:
http://data.nysed.gov/state.php (links to all years)
http://data.nysed.gov/reportcard.php?year=2013&instid=800000081568 (2012-13)
http://data.nysed.gov/assessment.php?year=2014&state=yes (2013-14)

School district reports: http://data.nysed.gov/lists.php?type=district

Actions required in FFY 2012 response table

None

Responses to actions required in FFY 2012 response table

Not applicable as NYS had no actions required in FFY2012 response table.

Indicator 4A: Suspension/Expulsion

Monitoring Priority: FAPE in the LRE

Results indicator: Rates of suspension and expulsion:

A. **Percent of districts that have a significant discrepancy in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs; and**
B. **Percent of districts that have: (a) a significant discrepancy, by race or ethnicity, in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs; and (b) policies, procedures or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.**

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

Historical Data

Baseline Data: 2008

FFY	2005	2006	2007	2008	2009	2010	2011	2012
Target ≤		0%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%
Data	2.50%	2.30%	9.40%	5.90%	6.00%	6.00%	4.80%	6.30%

Key: Gray – Data Prior to Baseline Yellow – Baseline

FFY 2013 - FFY 2018 Targets

FFY	2013	2014	2015	2016	2017	2018
Target ≤	4.70%	4.50%	4.50%	4.50%	4.25%	4.00%

Targets: Description of Stakeholder Input

An internal workgroup analyzed historical targets and actual data to create proposed FFY 2013- FFY 2018 targets. The draft targets were shared with the State's Commissioner's Advisory Panel for Special Education, which is the IDEA State Advisory Panel. Results for this Indicator were also shared with the State's technical assistance providers, including TAC-D and behavior specialists from the RSE-TASC (see Introduction section). Discussions in target setting included a review of historical trends and the State's resources dedicated to improve behavior practices in schools, including but not limited to the State funded PBIS technical assistance center, regional behavior specialists who are assigned to schools with high suspension rates, and the Technical Assistance Center on Disproportionality. Also considered were the State's work, through the Office of Student Support Services, relating to "Safe Schools". Stakeholder input stressed that, because the State has targeted technical assistance to address suspension concerns, we should set our targets to be more rigorous than historical trend analysis alone would lead us to.

FFY 2013 SPP/APR Data

Please indicate the type of denominator provided

- (●) Number of districts in the State
- ( ) Number of districts that met the State's minimum n-size

Number of districts that have a significant discrepancy	Number of districts in the State	FFY 2012 Data*	FFY 2013 Target*	FFY 2013 Data
32	681	6.30%	4.70%	4.70%

Choose one of the following comparison methodologies to determine whether significant discrepancies are occurring (34 CFR §300.170(a)):

- (●) Compare the rates of suspensions and expulsions of greater than 10 days in a school year for children with IEPs among LEAs in the State
- ( ) The rates of suspensions and expulsions of greater than 10 days in a school year for children with IEPs in each LEA compared to the rates for nondisabled children in the same

LEA

State's definition of "significant discrepancy" and methodology

In NYS, the rates of suspensions and expulsions of students with disabilities out of school for more than 10 days in a school year are compared among the school districts in the State. For the baseline year 2004-05 through 2006-07, significant discrepancy was defined as a suspension rate of greater than three times the baseline statewide average (i.e., a rate of 4.0 percent or higher). Beginning in 2007-08, significant discrepancy was defined as a suspension rate of greater than two times the baseline statewide average, (i.e., a rate of 2.7 percent or higher). 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.

The State uses a minimum of 75 students with disabilities "n" size requirement in its formula to compute significant discrepancy. However, it does not exclude school districts from the denominator when calculating results for this indicator.

Actions required in FFY 2012 response table

The State must report, in its FFY 2013 APR, on the correction of noncompliance that the State identified in FFY 2012 as a result of the review it conducted pursuant to 34 CFR §300.170(b). When reporting on the correction of this noncompliance, the State must report that it has verified that each LEA with noncompliance identified by the State: (1) is correctly implementing the specific regulatory requirements (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the LEA, consistent with OSEP Memo 09-02. In the FFY 2013 APR, the State must describe the specific actions that were taken to verify the correction.

Responses to actions required in FFY 2012 response table, not including correction of findings

Not applicable as NYS had no actions required in FFY2012 response table.

FFY 2012 Identification of Noncompliance

Review of Policies, Procedures, and Practices (completed in FFY2013 using 2012-2013 data)

Description of review

For each school district identified by its data as having a significant discrepancy in the rate of suspensions and expulsions of greater than 10 days in a school year of students with disabilities, the State ensures that a review is conducted of the district's policies, procedures and practices related to the development and implementation of IEPs, the uses of positive behavioral interventions and supports, and procedural safeguards among students with disabilities subject to discipline. The State provides for the review of policies, procedures and practices each year a school district's data shows a significant discrepancy in its suspension rates for students with disabilities, as follows:

The first year a district's data indicates a significant discrepancy , the State requires the district to complete a State-developed self-review monitoring protocol, which requires the review of specific policies, practices and procedures related to discipline of students with disabilities, including requirements relating to the development and implementation of IEPs, use of positive behavioral interventions and supports, and procedural safeguards. The monitoring protocol for this review is available at http://www.p12.nysed.gov/specialed/spp/indicators/4.htm. A report of the results of this review is submitted by the district to the State. At the time of submission, school districts that identify issues of noncompliance are notified through a written finding of noncompliance that they must correct all instances of noncompliance immediately, but not later than the prescribed due date contained in the district's notification (always within one year). The results from this review are reported to the State for follow-up and corrective actions if compliance issues are identified within one year or sooner. Sixteen (16) of the 32 school districts identified based on 2012-13 data had their review of policies, procedures and practices conducted in this manner.

For subsequent years in which a school district's data indicates significant discrepancies, the State conducts the monitoring review of the district's policies, procedures and practices as identified above. Sixteen (16) of the 32 school districts identified based on 2012-13 data had a review of their policies, procedures and practices conducted in this manner.

- The State DID NOT identify noncompliance with Part B requirements as a result of the review required by 34 CFR §300.170(b)
- The State DID identify noncompliance with Part B requirements as a result of the review required by 34 CFR §300.170(b). If YES, select one of the following:
  - The State DID ensure that such policies, procedures, and practices were revised to comply with applicable requirements consistent with OSEP Memorandum 09-02, dated October 17, 2008.

    Describe how the State ensured that such policies, procedures, and practices were revised to comply with applicable requirements consistent with OSEP Memorandum 09-02, dated October 17, 2008.

    Of reviews conducted in FFY 2013, 26 of the 32 school districts were identified as having one or more inappropriate policies, procedures and/or practices relating to the development and implementation of IEPs, the use of positive behavioral supports and interventions, and/or procedural safeguards. These school districts were notified through written findings of noncompliance that they must correct their policies, practices and procedures immediately, but not later than the prescribed due date in their notification (within one year of being notified of noncompliance).

    The State has verified that each noncompliant district is correctly implementing the specific regulatory requirements (i.e., achieved 100 percent compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and had corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the LEA, consistent with OSEP Memorandum 09-02, dated October 17, 2008 (OSEP Memo 09-02). Verification included, but was not limited to, the review of revised policies and procedures and IEPs, behavioral intervention plans and other documents as related to the findings of noncompliance showing the correction of noncompliance for individual students and all students.
  - The State did NOT ensure that such policies, procedures, and practices were revised to comply with applicable requirements consistent with OSEP Memorandum 09-02, dated October 17, 2008.

Correction of Findings of Noncompliance Identified in FFY 2012

Findings of Noncompliance Identified	Findings of Noncompliance Verified as Corrected Within One Year	Findings of Noncompliance Subsequently Corrected	Findings Not Yet Verified as Corrected
140	140	0	0

FFY 2012 Findings of Noncompliance Verified as Corrected

Describe how the State verified that each LEA with noncompliance is correctly implementing the regulatory requirements

When the State identifies school district policies, procedures and practices that are not consistent with State and federal requirements, the State requires the school district (1) to document the steps the district will take (i.e., corrective actions required and improvement activities recommended) to correct findings of noncompliance; (2) to correct all instances of noncompliance immediately but not later than the prescribed due date contained in the State's notification to the district (within one year); and (3) to provide the State with an assurance and documentation that the school district has corrected all issues of noncompliance.

The State verified that the districts with one or more findings of noncompliance had revised their policies, procedures and practices to ensure that the district is correctly implementing the requirements. Verification of the correction of noncompliance included, but was not limited to, review of subsequent year data, review of revised policies and procedures and a sample of revised IEPs, behavioral intervention plans and other documents showing the correction of noncompliance.

Describe how the State verified that each LEA corrected each individual case of noncompliance

If the school district identified individual student cases of noncompliance, the State notified the district that it must correct the noncompliance for the individual case(s) immediately, but not later than the prescribed due date contained in the State's notification to the district (within one year). The district was required to provide an assurance and documentation to the State that the school district has corrected all issues of noncompliance.

The State verified that the districts with one or more findings of noncompliance had made corrections to noncompliance for all individual cases. Verification of the correction of noncompliance included, but was not limited to, the review of revised IEPs, behavioral intervention plans, manifestation reviews and other documents showing the correction of noncompliance for individual students.

Indicator 4B: Suspension/Expulsion

Monitoring Priority: FAPE in the LRE

Compliance indicator: Rates of suspension and expulsion:

A. **Percent of districts that have a significant discrepancy in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs; and**
B. **Percent of districts that have: (a) a significant discrepancy, by race or ethnicity, in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs; and (b) policies, procedures or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.**

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

Historical Data

Baseline Data: 2009

FFY	2005	2006	2007	2008	2009	2010	2011	2012
Target		0%	0%	0%	0%	0%	0%	0%
Data					2.20%	1.30%	2.20%	1.60%

Key: Gray – Data Prior to Baseline Yellow – Baseline

FFY 2013 - FFY 2018 Targets

FFY	2013	2014	2015	2016	2017	2018
Target	0%	0%	0%	0%	0%	0%

FFY 2013 SPP/APR Data

Please indicate the type of denominator provided

Number of districts in the State

Number of districts that met the State's minimum n-size

Number of districts that have a significant discrepancy, by race or ethnicity	Number of those districts that have policies, procedures, or practices that contribute to the significant discrepancy and do not comply with requirements	Number of districts in the State	FFY 2012 Data*	FFY 2013 Target*	FFY 2013 Data
16	10	681	1.60%	0%	1.47%

All races and ethnicities were included in the review

State's definition of "significant discrepancy" and methodology

NYS compares the number of students suspended in each race/ethnicity category with the statewide number of all students with disabilities suspended and computes a standard deviation to determine if there is significant discrepancy in suspensions. The State uses the following definition of "significant discrepancy":

- At least 75 students with disabilities enrolled on the first Wednesday in October;
- At least 10 students with disabilities in the particular race/ethnicity category were suspended;
- The suspension rate of the particular race/ethnicity was greater than two standard deviations above the mean of all suspensions of students with disabilities in the State.

For the school district calculations, the minimum numbers of students with disabilities is used because of the potential for

small numbers of students with disabilities to distort percentages. NYS includes the total number of school districts in the State in the denominator. The statewide calculation does not exclude school districts from the denominator calculation as a result of this minimum "n" size.

Reports include significant discrepancies of children in the "two or more races" category for Indicator 4B.

For each school district identified by its data as having a significant discrepancy in the rate of suspensions and expulsions of greater than 10 days in a school year of students with disabilities, the State ensures that a review is conducted of the district's policies, procedures and practices relating to the development and implementation of IEPs, the use of positive behavioral supports, and procedural safeguards among students with disabilities subject to discipline. The State provides for the review of policies, procedures and practices each year a school district's data shows a significant discrepancy in its suspension rates for students with disabilities as follows:

The first year a district's data indicates a significant discrepancy , the State requires the district to complete a State-developed self-review monitoring protocol, which requires the review of specific policies, practices and procedures related to discipline of students with disabilities, including requirements relating to the development and implementation of IEPs, use of positive behavioral supports and procedural safeguards. The monitoring protocol for this review is available at http://www.p12.nysed.gov/specialed/spp/indicators/4.htm. A report of the results of this review is submitted by the district to the State. At the time of submission, school districts that identify issues of noncompliance are immediately notified through a written finding of noncompliance that they must correct all issues of noncompliance immediately, but not later than the prescribed due date in the district's notification (always within 12 months). The results from this review are reported to the State for follow-up and corrective actions if compliance issues are identified. Districts that are identified with inappropriate policies, procedures and/or practices are identified for purposes of reporting in the APR for indicator 4B.

For subsequent years in which a school district's data indicates significant discrepancies, the State conducts the monitoring review of the district's policies, procedures and practices in the areas as identified above.

Data Source:
For 4B, NYS uses data collected for Table 5 of Information Collection 1820-0621 (Report of Children with Disabilities Unilaterally Removed or Suspended/Expelled for More than 10 Days) and reported in the annual 618 report to USDOE. For 4B, NYS also includes data from reviews of policies, practices and procedures as defined in the above Measurement for this indicator.

Actions required in FFY 2012 response table

Because the State reported less than 100% compliance (greater than 0% actual target data for this indicator) for FFY 2012, the State must report on the status of correction of noncompliance identified in FFY 2012 for this indicator. The State must demonstrate, in the FFY 2013 APR, that the districts identified with noncompliance in FFY 2012 have corrected the noncompliance, including that the State verified that each district with noncompliance: (1) is correctly implementing the specific regulatory requirement(s) (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the district, consistent with OSEP Memo 09-02. In the FFY 2013 APR, the State must describe the specific actions that were taken to verify the correction. The State reported that noncompliance identified in FFY 2011 and FFY 2009 as a result of the review it conducted pursuant to 34 CFR §300.170(b) was partially corrected. When reporting on the correction of noncompliance, the State must demonstrate, in the FFY 2013 APR, that it has verified that each district with remaining noncompliance identified in FFY 2011 and FFY 2009: (1) is correctly implementing the specific regulatory requirement(s) (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the district, consistent with OSEP Memo 09-02. In the FFY 2013 APR, the State must describe the specific actions that were taken to verify the correction.

Responses to actions required in FFY 2012 response table, not including correction of findings

Not applicable as the only actions required of NY in the FFY 2012 response table included correction of findings.

FFY 2012 Identification of Noncompliance

Review of Policies, Procedures, and Practices (completed in FFY2013 using 2012-2013 data)

Description of review

During FFY 2013, 16 school districts were identified by the State as having data showing significant discrepancy based on race/ethnicity in the percent of students with disabilities suspended out of school for more than 10 days based on their

2012-13 school year data.

For each school district identified by its data as having a significant discrepancy in the rate of suspensions and expulsions of greater than 10 days in a school year of students with disabilities, the State ensures that a review is conducted of the district's policies, procedures and practices relating to the development and implementation of IEPs, the use of positive behavioral supports, and procedural safeguards among students with disabilities subject to discipline. The State provides for the review of policies, procedures and practices each year a school district's data shows a significant discrepancy in its suspension rates for students with disabilities as follows:

- The first year a district's data indicates a significant discrepancy, the State requires the district to complete a State-developed self-review monitoring protocol, which requires the review of specific policies, practices and procedures related to discipline of students with disabilities, including requirements relating to the development and implementation of IEPs, use of positive behavioral supports and procedural safeguards. The monitoring protocol for this review is available at http://www.p12.nysed.gov/specialed/spp/indicators/4.htm. A report of the results of this review is submitted by the district to the State. Three (3) of the 16 school districts were sent notifications with directions to use a State-developed self-review monitoring protocol to review their policies, practices and procedures.

  At the time of submission, school districts that identify issues of noncompliance are immediately notified through a written finding of noncompliance that they must correct all issues of noncompliance immediately, but not later than the prescribed due date in the district's notification (always within 12 months). The results from this review are reported to the State for follow-up and corrective actions if compliance issues are identified. Districts that are identified with inappropriate policies, procedures and/or practices are identified for purposes of reporting in the APR for indicator 4B.

- For subsequent years in which a school district's data indicates significant discrepancies, the State conducts the monitoring review of the district's policies, procedures and practices in the areas as identified above. Thirteen (13) school districts received focused or comprehensive reviews by the State's special education monitoring office to review the district's policies, procedures and practices because these school districts had two or more consecutive years of data with significant discrepancies.

○ The State DID NOT identify noncompliance with Part B requirements as a result of the review required by 34 CFR §300.170(b)

◉ The State DID identify noncompliance with Part B requirements as a result of the review required by 34 CFR §300.170(b).

Describe how the State ensured that such policies, procedures, and practices were revised to comply with applicable requirements consistent with OSEP Memorandum 09-02, dated October 17, 2008.

Ten (10) of the 16 school districts (1.47 percent of all school districts in the State) had one or more inappropriate policies, procedures and/or practices that contributed to the significant discrepancy and did not comply with requirements relating to the development and implementation of IEPs, the use of PBIS, and/or procedural safeguards. These school districts have been notified through written findings of noncompliance that they must correct their policies, practices and procedures immediately, but not later than the prescribed due date in the district's notification (always within one year from being notified of noncompliance).

Correction of Findings of Noncompliance Identified in FFY 2012

Findings of Noncompliance Identified	Findings of Noncompliance Verified as Corrected Within One Year	Findings of Noncompliance Subsequently Corrected	Findings Not Yet Verified as Corrected
22	22	0	0

FFY 2012 Findings of Noncompliance Verified as Corrected

Describe how the State verified that each LEA with noncompliance is correctly implementing the regulatory requirements

The State verified that each noncompliant district (1) was correctly implementing the specific regulatory requirements (i.e., achieved 100 percent compliance) based on a review of updated data such as data subsequently collected through on-site

monitoring or a State data system; and (2) had corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the LEA, consistent with OSEP Memorandum 09-02, dated October 17, 2008 (OSEP Memo 09-02).

The State verified, by review of revised policies and procedures and a review of documentation from a sample of student records, that the district is correctly implementing the specific regulatory requirements.

Describe how the State verified that each LEA corrected each individual case of noncompliance

The State verified that each noncompliant district (1) was correctly implementing the specific regulatory requirements (i.e., achieved 100 percent compliance) based on a review of updated data, such as data subsequently collected through on-site monitoring or a State data system; and (2) had corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the LEA, consistent with OSEP Memorandum 09-02, dated October 17, 2008 (OSEP Memo 09-02).

The State verified that the findings of noncompliance for each individual case were corrected by review of documentation related to the findings, including but not limited to corrected individualized education programs (IEPs), behavioral intervention plans, manifestation reviews and documentation that procedural safeguards notices were sent to parents. For noncompliance identified based on self-reviews, when the school district reported correction of noncompliance to the State, the State required an assurance and documentation from the school superintendent that each instance of noncompliance was corrected and that the information reported is accurate.

Explanation of Alternate Data

The State verified that the districts corrected 19 out of 29 findings of noncompliance identified in FFY 2011. Ten findings have not yet been verified as corrected.

The State verifed that the districts corrected 3 of the 6 findings of noncompliance identified in FFY 2009. Three findings have not yet been verified as corrected.

FFY 2011 Findings of Noncompliance Verified as Corrected

Describe how the State verified that each LEA with noncompliance is correctly implementing the regulatory requirements

The 29 findings on noncompliance identified in FFY 2011 were all from one school district. Nineteen (19) of these 29 findings have been verified as corrected based on a review of subsequent data and a review of revised policies and procedures. For 19 of the findings, the State verified that the district (1) was correctly implementing the specific regulatory requirements (i.e., achieved 100 percent compliance) based on a review of updated data, such as data subsequently collected through on-site monitoring or a State data system; and (2) had corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the LEA, consistent with OSEP Memorandum 09-02, dated October 17, 2008 (OSEP Memo 09-02).

Describe how the State verified that each LEA corrected each individual case of noncompliance

The State verified that each noncompliant district (1) was correctly implementing the specific regulatory requirements (i.e., achieved 100 percent compliance) based on a review of updated data, such as data subsequently collected through on-site monitoring or a State data system; and (2) had corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the LEA, consistent with OSEP Memorandum 09-02, dated October 17, 2008 (OSEP Memo 09-02).

Individual student case records were reviewed to ensure that either the student is no longer in the jurisdiction of the school district or the regulatory violation has been corrected.

FFY 2011 Findings Not Yet Verified as Corrected

Actions taken if noncompliance not corrected

This State identified the district as Needs Intervention and directed the district to develop and implement a Special Education Strategic Action Plan to resolve outstanding noncompliance and to obtain technical assistance from the Technical Assistance

Center on Disproportionlity and the RSE-TASC behavior specialists. The State verified that all instances of noncompliance for individual cases have been corrected, but based on subsequent data and reviews, has not been able to verify correction of noncompliance for 10 additional regulatory citations.

FFY 2009 Findings of Noncompliance Verified as Corrected

Describe how the State verified that each LEA with noncompliance is correctly implementing the regulatory requirements

The State verified that each noncompliant district (1) was correctly implementing the specific regulatory requirements (i.e., achieved 100 percent compliance) based on a review of updated data, such as data subsequently collected through on-site monitoring or a State data system; and (2) had corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the LEA, consistent with OSEP Memorandum 09-02, dated October 17, 2008 (OSEP Memo 09-02).

The six findings of noncompliance identified in FFY 2009 are from one school district. The State reviewed revised policies and a sample of student records to verify that the district is correctly implementing the specific requlatory requirements. Through this review, the State was able to verify three of the six findings of noncompliance as corrected.

Describe how the State verified that each LEA corrected each individual case of noncompliance

The State verified that all individual student cases of noncompliance identified in FFY 2009 have been corrected by a review of student records or documentation that the student is no longer within the juridiction of the district.

FFY 2009 Findings Not Yet Verified as Corrected

Actions taken if noncompliance not corrected

The State identified the district as Needs Intervention, in part as a result of continuing noncompliance regarding the provision of services and instruction to students with disabilities during periods of suspension. As a result, the State continues to hold the district under enforcement actions by requiring the district to implement an action plan to correct the remaining issues of noncompliance.

Indicator 5: Education Environments (children 6-21)

Monitoring Priority: FAPE in the LRE

Results indicator: Percent of children with IEPs aged 6 through 21 served:

A. Inside the regular class 80% or more of the day;
B. Inside the regular class less than 40% of the day; and
C. In separate schools, residential facilities, or homebound/hospital placements.

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

Historical Data

	Baseline Year	FFY	2005	2006	2007	2008	2009	2010	2011	2012
A	2005	Target ≥		55.00%	53.10%	53.20%	53.30%	53.40%	57.00%	60.00%
		Data	54.50%	53.10%	54.20%	55.40%	55.20%	55.90%	56.90%	57.50%
B	2005	Target ≤		26.00%	24.60%	24.50%	24.40%	24.30%	22.00%	20.00%
		Data	25.50%	24.60%	24.10%	23.60%	23.00%	22.90%	22.00%	21.30%
C	2005	Target ≤		6.50%	6.80%	6.70%	6.60%	6.50%	6.00%	5.80%
		Data	6.90%	6.80%	6.50%	6.00%	6.40%	6.40%	6.40%	6.50%

Key: Gray – Data Prior to Baseline Yellow – Baseline

FFY 2013 - FFY 2018 Targets

FFY	2013	2014	2015	2016	2017	2018
Target A ≥	58.00%	58.40%	58.80%	59.00%	59.50%	60.00%
Target B ≤	21.50%	21.00%	20.50%	20.00%	19.00%	18.00%
Target C ≤	6.10%	6.00%	5.80%	5.60%	5.40%	5.00%

Targets: Description of Stakeholder Input

An internal workgroup analyzed historical targets and actual data to create proposed FFY 2013 - FFY 2018 targets. The draft targets were shared in the fall of 2014 with the State's Commissioner's Advisory Panel for Special Education, which is the IDEA State Advisory Panel. Discussions regarding target setting included a review of historical trends, regional variations in least restrictive environment (LRE) data and data disaggregated by Need/Resource capacity. CAP noted the need to target improvement strategies to increase the percentage of students who are in regular classes for 40 to 80% of the school day. Final targets were determined following this annual meeting in consideration of stakeholder comments.

Prepopulated Data

Source	Date	Description	Data	Overwrite Data
SY 2013-14 Child Count/Educational Environment Data Groups (EDFacts file spec C002; Data group 74)	7/3/2014	Total number of children with IEPs aged 6 through 21	389,266	
SY 2013-14 Child Count/Educational Environment Data Groups (EDFacts file spec C002; Data group 74)	7/3/2014	A. Number of children with IEPs aged 6 through 21 inside the regular class 80% or more of the day	226,398	

Source	Date	Description	Data	Overwrite Data
SY 2013-14 Child Count/Educational Environment Data Groups (EDFacts file spec C002; Data group 74)	7/3/2014	B. Number of children with IEPs aged 6 through 21 inside the regular class less than 40% of the day	83,569	
SY 2013-14 Child Count/Educational Environment Data Groups (EDFacts file spec C002; Data group 74)	7/3/2014	c1. Number of children with IEPs aged 6 through 21 in separate schools	19,946	
SY 2013-14 Child Count/Educational Environment Data Groups (EDFacts file spec C002; Data group 74)	7/3/2014	c2. Number of children with IEPs aged 6 through 21 in residential facilities	2,025	
SY 2013-14 Child Count/Educational Environment Data Groups (EDFacts file spec C002; Data group 74)	7/3/2014	c3. Number of children with IEPs aged 6 through 21 in homebound/hospital placements	1,308	

FFY 2013 SPP/APR Data

	Number of children with IEPs aged 6 through 21 served	Total number of children with IEPs aged 6 through 21	FFY 2012 Data*	FFY 2013 Target*	FFY 2013 Data
A. Number of children with IEPs aged 6 through 21 inside the regular class 80% or more of the day	226,398	389,266	57.50%	58.00%	58.16%
B. Number of children with IEPs aged 6 through 21 inside the regular class less than 40% of the day	83,569	389,266	21.30%	21.50%	21.47%
C. Number of children with IEPs aged 6 through 21 inside separate schools, residential facilities, or homebound/hospital placements [c1+c2+c3]	23,279	389,266	6.50%	6.10%	5.98%

Provide additional information about this indicator (optional)

The following table diplays LRE data based on school district Need Resource Capacity. Of note are the high rates in the Big 5 school districts, in comparison to districts in other Need Resource Capacity categories, of the placement of students in separate settings. Also of note are the lower percentages of students with disabilities from the Big 5 districts who spend between 40 and 80 percent of the day in regular classes.

2013-14 LRE Data for Students with Disabilities by Need Resource Capacity Category of School Districts

Need Resource Capacity	Number of Students Aged 6-21, on First Wednesday in October of the School Year	Percent of School Day that Students are in Regular Classes			Percent of Students in Separate Settings	Percent of Students in Other Specific Settings*
		80% or More	40% to 80%	Less than 40%		
New York City (NYC)	165,724	60.5%	3.5%	26.4%	7.1%	2.5%
Large 4 Cities	20,637	56.9%	11.6%	22.3%	7.9%	1.3%
Urban-Suburban High Need School Districts	28,123	47.6%	18.3%	25.0%	6.0%	3.1%
Rural High Need School Districts	21,476	58.0%	19.5%	20.1%	1.8%	0.6%
Average Need School Districts	100,719	56.9%	19.2%	17.1%	4.3%	2.5%

2013-14 LRE Data for Students with Disabilities by Need Resource Capacity Category of School Districts

Need Resource Capacity	Number of Students Aged 6-21, on First Wednesday in October of the School Year	Percent of School Day that Students are in Regular Classes			Percent of Students in Separate Settings	Percent of Students in Other Specific Settings*
		80% or More	40% to 80%	Less than 40%		
Low Need School Districts	47,220	62.4%	17.6%	11.8%	4.7%	3.4%

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

Actions required in FFY 2012 response table

None

Responses to actions required in FFY 2012 response table

Not applicable as NYS had no actions required in FFY 2012 response table.

Indicator 6: Preschool Environments

Monitoring Priority: FAPE in the LRE

Results indicator: Percent of children aged 3 through 5 with IEPs attending a:

A. Regular early childhood program and receiving the majority of special education and related services in the regular early childhood program; and
B. Separate special education class, separate school or residential facility.

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

Historical Data

	Baseline Year	FFY	2005	2006	2007	2008	2009	2010	2011	2012
A	2011	Target ≥								42.70%
		Data							42.20%	43.70%
B	2011	Target ≤								26.30%
		Data							26.80%	23.51%

Key: Gray – Data Prior to Baseline Yellow – Baseline

FFY 2013 - FFY 2018 Targets

FFY	2013	2014	2015	2016	2017	2018
Target A ≥	42.90%	43.50%	43.50%	45.00%	47.00%	50.00%
Target B ≤	23.77%	22.00%	21.00%	20.00%	19.00%	18.00%

Targets: Description of Stakeholder Input

An internal workgroup analyzed historical targets and actual data to create proposed FFY 2013 - FFY 2018 targets. The draft targets were shared with the State's Commissioner's Advisory Panel for Special Education, which is the IDEA State Advisory Panel, at one of it's 2014 meetings. Discussions in target setting included a review of historical trends and variations in regional least restrictive environment (LRE) data; statewide initiatives to expand Universal PreKindergarten programs; technical assistance resources added to the RSE-TASC to improve behavior supports for preschool children with disabilities; and information obtained from stakeholders from stakeholder meetings conducted by NYSED in collaboration with Early Childhood Direction Centers in regions of the State where data show disproportionate rates of separate school placements for preschool children with disabilities. (Stakeholders from these regional meetings included special education preschool providers, special education directors from the public schools, municipality representatives, early intervention providers, regular early childhood providers, parents, and technical assistance providers.) Information on preschool LRE was also discussed with the Preschool Rate Setting Workgroup (see http://www.regents.nysed.gov/meetings/2014/November2014/1114p12d3.pdf).

Prepopulated Data

Source	Date	Description	Data	Overwrite Data
SY 2013-14 Child Count/Educational Environment Data Groups (EDFacts file spec C089; Data group 613)	7/3/2014	Total number of children with IEPs aged 3 through 5	65,705	
SY 2013-14 Child Count/Educational Environment Data Groups (EDFacts file spec C089; Data group 613)	7/3/2014	a1. Number of children attending a regular early childhood program and receiving the majority of special education and related services in the regular early childhood program	28,201	

Source	Date	Description	Data	Overwrite Data
SY 2013-14 Child Count/Educational Environment Data Groups (EDFacts file spec C089; Data group 613)	7/3/2014	b1. Number of children attending separate special education class	11,894	
SY 2013-14 Child Count/Educational Environment Data Groups (EDFacts file spec C089; Data group 613)	7/3/2014	b2. Number of children attending separate school	3,720	
SY 2013-14 Child Count/Educational Environment Data Groups (EDFacts file spec C089; Data group 613)	7/3/2014	b3. Number of children attending residential facility	4	

FFY 2013 SPP/APR Data

	Number of children with IEPs aged 3 through 5 attending	Total number of children with IEPs aged 3 through 5	FFY 2012 Data*	FFY 2013 Target*	FFY 2013 Data
A. A regular early childhood program and receiving the majority of special education and related services in the regular early childhood program	28,201	65,705	43.70%	42.90%	42.92%
B. Separate special education class, separate school or residential facility	15,618	65,705	23.51%	23.77%	23.77%

Provide additional information about this indicator (optional)

While the State has met its targets for both measures A and B, attached are two maps displaying regional discrepancies in the results. These findings of regional disparities have led the State to conduct meetings in the regions of the State with the highest rates of separate settings for preschool students to discuss root causes and develop regional action plans.

Actions required in FFY 2012 response table

None

Responses to actions required in FFY 2012 response table

Not applicable as NYS had no actions required in FFY 2012 response table.

Indicator 7: Preschool Outcomes

Monitoring Priority: FAPE in the LRE

Results indicator: Percent of preschool children aged 3 through 5 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))

Historical Data

	Baseline Year	FFY	2005	2006	2007	2008	2009	2010	2011	2012
A1	2008	Target ≥					84.00%	84.50%	85.00%	85.50%
		Data				83.80%	86.30%	87.50%	88.50%	90.90%
A2	2008	Target ≥					55.40%	55.50%	55.60%	55.70%
		Data				55.40%	55.10%	50.80%	48.50%	48.20%
B1	2008	Target ≥					85.50%	86.00%	86.50%	87.00%
		Data				85.30%	86.70%	89.00%	88.30%	92.10%
B2	2008	Target ≥					55.30%	55.40%	55.50%	55.60%
		Data				55.30%	52.90%	50.50%	49.20%	48.80%
C1	2008	Target ≥					83.00%	83.50%	84.00%	84.50%
		Data				82.80%	84.10%	87.30%	86.70%	91.10%
C2	2008	Target ≥					63.20%	63.30%	63.40%	63.50%
		Data				63.20%	58.30%	56.20%	55.50%	55.40%

Key: Gray – Data Prior to Baseline Yellow – Baseline

FFY 2013 - FFY 2018 Targets

FFY	2013	2014	2015	2016	2017	2018
Target A1 ≥	92.00%	92.00%	92.00%	93.00%	94.00%	95.00%
Target A2 ≥	43.00%	45.00%	48.00%	50.00%	52.00%	56.00%
Target B1 ≥	93.00%	93.50%	93.50%	94.00%	94.50%	95.00%
Target B2 ≥	44.00%	45.00%	48.00%	50.00%	52.00%	56.00%
Target C1 ≥	91.00%	91.50%	92.00%	92.00%	92.50%	93.00%
Target C2 ≥	48.00%	50.00%	52.00%	55.00%	60.00%	64.00%

Targets: Description of Stakeholder Input

Proposed targets for preschool outcomes were discussed with the Commissioner's Advisory Panel for Special Education. Outcomes for this indicator were also shared with the Early Childhood Direction Centers and other technical assistance providers, including parent center representatives.

Considerations discussed by stakeholders included the experience of districts in reporting this data; preschool LRE data and regional meeting/planning initiatives (see Indicator 6); the new addition of preschool behavior specialists to the RSE-TASC; the expansion of Universal PreKindergarten programs and access by students with disabilities; and the focus on the PreKindergarten State Standards for the Common Core.

The preschool outcome results that less than 50% of children with disabilities, by the time they turn age 6 or exit preschool

special education services, are functioning at the same level as their nondisabled peers in outcome B - acquisition and use of knowledge and skills (including early language/ communication and early literacy) was discussed from the perspective of the gap in early literacy achievement. This outcome, and the need to focus the State's improvement initiatives in this area, were discussed in the development of Indicator 17.

FFY 2013 SPP/APR Data

Number of preschool children aged 3 through 5 with IEPs assessed	3,384

Outcome A: Positive social-emotional skills (including social relationships)

	Number of Children
a. Preschool children who did not improve functioning	11
b. Preschool children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers	223
c. Preschool children who improved functioning to a level nearer to same-aged peers but did not reach it	1,684
d. Preschool children who improved functioning to reach a level comparable to same-aged peers	1,123
e. Preschool children who maintained functioning at a level comparable to same-aged peers	343

	Numerator	Denominator	FFY 2012 Data*	FFY 2013 Target*	FFY 2013 Data
A1. Of those preschool children who entered or exited the preschool program below age expectations in Outcome A, the percent who substantially increased their rate of growth by the time they turned 6 years of age or exited the program. (c+d)/(a+b+c+d)	2,807	3,041	90.90%	92.00%	92.31%
A2. The percent of preschool children who were functioning within age expectations in Outcome A by the time they turned 6 years of age or exited the program. (d+e)/(a+b+c+d+e)	1,466	3,384	48.20%	43.00%	43.32%

Outcome B: Acquisition and use of knowledge and skills (including early language/communication)

	Number of Children
a. Preschool children who did not improve functioning	6
b. Preschool children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers	203
c. Preschool children who improved functioning to a level nearer to same-aged peers but did not reach it	1,685
d. Preschool children who improved functioning to reach a level comparable to same-aged peers	1,158
e. Preschool children who maintained functioning at a level comparable to same-aged peers	332

	Numerator	Denominator	FFY 2012 Data*	FFY 2013 Target*	FFY 2013 Data
B1. Of those preschool children who entered or exited the preschool program below age expectations in Outcome B, the percent who substantially increased their rate of growth by the time they turned 6 years of age or exited the program. (c+d)/(a+b+c+d)	2,843	3,052	92.10%	93.00%	93.15%
B2. The percent of preschool children who were functioning within age expectations in Outcome B by the time they turned 6 years of age or exited the program. (d+e)/(a+b+c+d+e)	1,490	3,384	48.80%	44.00%	44.03%

Outcome C: Use of appropriate behaviors to meet their needs

	Number of Children
a. Preschool children who did not improve functioning	9
b. Preschool children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers	231
c. Preschool children who improved functioning to a level nearer to same-aged peers but did not reach it	1,514
d. Preschool children who improved functioning to reach a level comparable to same-aged peers	1,082
e. Preschool children who maintained functioning at a level comparable to same-aged peers	548

	Numerator	Denominator	FFY 2012 Data*	FFY 2013 Target*	FFY 2013 Data
C1. Of those preschool children who entered or exited the preschool program below age expectations in Outcome C, the percent who substantially increased their rate of growth by the time they turned 6 years of age or exited the program. (c+d)/(a+b+c+d)	2,596	2,836	91.10%	91.00%	91.54%
C2. The percent of preschool children who were functioning within age expectations in Outcome C by the time they turned 6 years of age or exited the program. (d+e)/(a+b+c+d+e)	1,630	3,384	55.40%	48.00%	48.17%

Was sampling used? Yes
Has your previously-approved sampling plan changed? No

Describe the sampling methodology outlining how the design will yield valid and reliable estimates.

The State provides assurance that it is using its currently approved sampling plan for this indicator and only changing the years for which it is used.

Process to collect entry and exit information

Entry assessments:

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

Exit assessments:

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

in preschool special education for at least six months prior to exiting.

In order to collect exit assessment data on the progress preschool children with disabilities have made as a result of receiving preschool special education programs and/or services, the Committee on Special Education (CSE) must arrange for exit assessment(s) in the three early childhood outcome areas to be conducted as part of the reevaluation process to determine the child's eligibility for school age special education. Whenever possible and appropriate, the exit assessment instruments should be the same assessment instruments used by the preschool evaluator for the entry assessment process. The results of these assessments must be provided to the CSE. The CSE will review the exit assessment results and determine the child's progress rating in the three identified areas based on rating criteria provided by the State. Some preschool children with disabilities may be referred to the CPSE for possible declassification prior to aging out of preschool special education programs and/or services. When considering declassification of a preschool child with a disability, the CPSE must arrange for a reevaluation by an approved evaluator selected by the parent. The reevaluation process must include conducting exit assessments that measure the child's progress in the three early childhood outcome areas. Whenever possible, the exit assessment instruments should be the same assessment instruments used by the initial approved preschool evaluator for the entry assessment process. The results of the reevaluation and exit assessments must be provided to the CPSE, including the child's parents and the person designated by the municipality in which the child resides. The CPSE must review the reevaluation and assessment results and determine the child's progress rating in each of the three identified areas.

Did you use the Early Childhood Outcomes Center (ECO) Child Outcomes Summary Form (COSF)? Yes

Provide additional information about this indicator (optional)

Data Source

Since the 2007-08 school year, these data are collected at the individual student level through the State's Student Information Repository System (SIRS). The most current SIRS manual is posted at: http://www.p12.nysed.gov/irs/sirs/. The data is based on using the federally developed Child Outcomes Summary Form (COSF).

Overview of Issue/Description of System or Process:

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

Identification of assessment measures in preschool outcome areas

The most frequently administered assessments for 3- and 4-year-old children used in the State to assess preschool children with disabilities in the three outcome areas are provided below.

Assessment Measure Name, Edition and Publication Date of Assessment Measure	Outcome 1 Positive Social Relationships	Outcome 2 Acquire and Use Skills and Knowledge	Outcome 3 Takes Actions to Meet Needs
Adaptive Behavior Assessment System (Ages 0-5)			X

Arizona Articulation Proficiency Scale – 3rd Revision, Western Psychological Service, 2000		X	
Battelle Developmental Inventory (BDI 2) – 2nd Edition, 2005	X	X	X
Bayley Scales of Infant Development (BSID 2), 1993		X	
Behavior Assessment System for Children (BASC) - 2nd Edition, 2004	X		X
Brigance Diagnostic Inventory of Development, 1st Edition, Copyright (1978, revised 1991)	X		X
Carolina Curriculum for Preschoolers with Special Needs, 2nd Edition, Copyright 2004	X	X	X
Child Behavior Checklist (CBCL) – 2nd Edition, 2000	X		
Clinical Evaluation of Language Fundamentals-Preschool II (CELF), 1992 & 2004		X	
Connors' Parent & Teacher Rating Scale (CRS-R), 1997	X		
Developmental Assessment of Young Children (DAYC), 1998	X	X	X
Differential Ability Scales – Psychological Corporation, 1990		X	
Goldman-Fristoe Test of Articulation 2, American Guidance Service, Inc., 2000 Edition		X	
Hawaii Early Learning Profile (HELP), 2004		X	X
Learning Accomplishment Profile–D (LAP-D)	X	X	
Mullen Scales of Early Learning, 1995		X	
Peabody Developmental Motor Scales-2, 2002 (1983)			X
Peabody Picture Vocab. Test (PPVT) – IIIA		X	
Preschool – Kindergarten Behavior Scales – 2nd Edition, 2002	X		
Preschool Evaluation Scale	X	X	X
Preschool Language Scale – (PLS-4), 2002		X	
Rossetti Infant-Toddler Language Scales, 1990	X	X	
Sensory Profile Checklist (Dunn) Psychological Corporation, 1999			X
Stanford-Binet Intelligence Scale, 2003		X	
Stuttering Severity Instrument for Children & Adults, Third Edition, 1994		X	
Vineland Social Emotional Early Childhood Scales (SEEC)	X	X	X
Wechsler Preschool and Primary Scale of Intelligence-III (WPPSI), 2002		X	
Westby Play Scale, 2000		X	

The State provides directions for Completing the Child Outcomes Summary Form - See http://www.p12.nysed.gov/specialed/spp/7summaryform0809.htm

Actions required in FFY 2012 response table

The State must report progress data and actual target data for FFY 2013 in the FFY 2013 APR.

Responses to actions required in FFY 2012 response table

The State reported progress data and actual target data for FFY 2013 in the FFY 2013 APR.

Indicator 8: Parent involvement

Monitoring Priority: FAPE in the LRE

Results indicator: 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))

Do you use a separate data collection methodology for preschool children? No

Historical Data

Baseline Data: 2005

FFY	2005	2006	2007	2008	2009	2010	2011	2012
Target ≥		87.00%	87.50%	88.00%	89.00%	90.00%	90.00%	90.00%
Data	87.80%	87.80%	90.10%	91.80%	91.70%	92.60%	93.20%	92.40%

Key: Gray – Data Prior to Baseline Yellow – Baseline

FFY 2013 - FFY 2018 Targets

FFY	2013	2014	2015	2016	2017	2018
Target ≥	93.00%	93.50%	94.00%	94.00%	94.50%	95.00%

Targets: Description of Stakeholder Input

Results for this indicator were shared and discussed with the State's technical assistance providers, including but not limited to the Parent Centers. Targets for this indicator were drafted in consideration of historical data trends and improvements in rates of survey completion as a result of outreach to parents by districts and Special Education Parent Centers. Proposed targets were shared and discussed with the Commissioner's Advisory Panel for Special Education.

FFY 2013 SPP/APR Data

Number of respondent parents who report schools facilitated parent involvement as a means of improving services and results for children with disabilities	Total number of respondent parents of children with disabilities	FFY 2012 Data*	FFY 2013 Target*	FFY 2013 Data
9,165	9,782	92.40%	93.00%	93.69%

Since the State did not report preschool children separately, discuss the procedures used to combine data from school age and preschool surveys in a manner that is valid and reliable.

NYSED directs school districts to include every preschool and school-age student with a disability who is provided special education programs and services in the eligible population of students from which a random sample must be selected. Based upon this pool of eligible students, districts must use a sampling calculator. Each school district in the sample is required to over-sample by sending the survey to all the parents of preschool and school-age students with disabilities or by sending the survey to ten times the required minimum sample size. The sampling calculator used to determine minimum sample sizes is available at http://eservices.nysed.gov/pdsystem/samplesizecalculator.jsp.

While all districts have a choice to either report data on all eligible students for this indicator or submit data on a randomly selected sample of minimum number of students using the sampling guidelines provided by the Department, the vast majority of school districts submit data on behalf of all eligible students in order to meet the required minimum number.

Describe how the State has ensured that any response data are valid and reliable, including how the data represent the demographics of the State.

NYSED includes in the contract deliverables for its 14 special education parent centers (most of which are also federal OSEP funded parent centers) activities to encourage parents of students with disabilities to complete and return the parent survey when requested by their school districts.

In addition to English, the surveys are made available by the State in the six predominant languages in this State (Spanish, Russian, Simplified Chinese, Haitian Creole, Bengali, and Urdu). NYSED requires the districts to provide translations to ensure parents who do not read or understand one of these languages have an opportunity to participate in the survey.

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

The totally random sampling methodology and required documentation (which districts must maintain for seven years) should minimize selection bias. School districts are encouraged to provide the surveys in a variety of ways to improve the response rate. NYSED attempts to prevent missing data by first describing precisely what the State needs to collect, providing technical asssistance and then following up with school distrits to request missing data.

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

Was sampling used? Yes
Has your previously-approved sampling plan changed? No

Was a collection tool used? Yes
Is it a new or revised collection tool? No

- (●) **Yes, the data accurately represent the demographics of the State**
- ( ) **No, the data does not accurately represent the demographics of the State**

Describe the sampling methodology outlining how the design will yield valid and reliable estimates.

The State provides assurance that it is using its currently approved sampling plan and only changed the years for which it is used.

☑ **Provide additional information about this indicator (optional)**

Survey Instrument

NYS uses a modified version of the survey developed by the National Center for Special Education Accountability Measures (NCSEAM). Twenty-five (25) items from NCSEAM's Parent Survey – Part B have been selected based on the rules established

for item selection to ensure reliability and validity of the use of the survey. The directions, format and wording of some questions were revised slightly. A copy of the survey used by NYS can be found at http://www.p12.nysed.gov/specialed/spp/2013/ParentSurvey.pdf.

Timelines for Data Collection and Reporting

The surveys may be distributed between September 1st and August 31st of the year in which a school district is required to report on Indicator 8. Surveys must be postmarked by August 31st of the reporting year.

Report Criteria

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

Technical Assistance

Information to assist districts in meeting their responsibilities for data collection for this indicator is publicly posted at http://parentsurvey.potsdam.edu/index_school.htm and http://www.p12.nysed.gov/specialed/spp/indicators/8.htm.

Actions required in FFY 2012 response table

None

Responses to actions required in FFY 2012 response table

Not applicable as NYS had no actions required in FFY 2012 response table.

Indicator 9: Disproportionate Representations

Monitoring Priority: Disproportionate Representations

Compliance indicator: 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))

Historical Data

Baseline Data: 2005

FFY	2005	2006	2007	2008	2009	2010	2011	2012
Target		0%	0%	0%	0%	0%	0%	0%
Data	0.90%	0.30%	0.60%	1.20%	1.00%	0.90%	0.40%	0.60%

Key: Gray – Data Prior to Baseline Yellow – Baseline

FFY 2013 - FFY 2018 Targets

FFY	2013	2014	2015	2016	2017	2018
Target	0%	0%	0%	0%	0%	0%

FFY 2013 SPP/APR Data

Please indicate the type of denominator provided

- (●) Number of districts in the State
- ( ) Number of districts that met the State's minimum n-size

Number of districts with disproportionate representation of racial and ethnic groups in special education and related services	Number of districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification	Number of districts in the State	FFY 2012 Data*	FFY 2013 Target*	FFY 2013 Data
12	4	681	0.60%	0%	0.59%

☑ **All races and ethnicities were included in the review**

Define "disproportionate representation" and describe the method(s) used to calculate disproportionate representation

Definition of Disproportionate Representation and Methodology:

NYS uses the relative risk and weighted relative risk ratios, with minimum "n" sizes to identify school districts whose data indicate disproportionate representation of racial and ethnic groups in special education. The minimum "n" size requirement used to compute disproportionate representation does not exclude school districts from the denominator when calculating results for this indicator, but only districts that meet the minimum "n" size are included in the numerator. All districts are included in the denominator. Parentally placed students attending nonpublic schools are excluded from the calculation.

Disproportionate Over-representation in Special Education:

· At least 75 students with disabilities enrolled on the first Wednesday in October;

· A minimum of 30 students (disabled and nondisabled) of particular race/ethnicity enrolled on the first Wednesday in October;

- At least 75 students (disabled and nondisabled) of all other race/ethnicities enrolled on the first Wednesday in October;
- At least 10 students with disabilities of particular race/ethnicity enrolled in district on the first Wednesday in October; and
- Either:
  - Both the relative risk ratio and weighted relative risk ratio for any race/ethnic group is 2.5 or higher; **or**
  - All students with disabilities in special education are of only one race/ethnic group regardless of the size of the relative risk ratio and weighted relative risk ratio.

New York State's Measurement:

Step One:

NYS compares 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 identification of school districts since the 2005-06 school year, the State has used the following definition of "disproportionate representation" and in subsequent years may revise the definition by lowering the relative risk ratio, weighted relative risk ratio, and the minimum numbers of students. (It was clarified in February 2008 that the State's definition of significant disproportionality is the same as the definition of disproportionality.)

NYS uses the relative risk and weighted relative risk ratios, with minimum "n" sizes to identify school districts whose data indicate disproportionate representation of racial and ethnic groups in special education. See the definition of "Disproportionate Representation and Methodology" described above.

Step Two:

The State provides for the review of policies, procedures and practices each year a school district's data shows a disproportionate representation based on race/ethnicity as follows:

The first year a district's data indicates disproportionality, the State requires the district to complete a State-developed self-review monitoring protocol, which requires the review of specific policies, practices and procedures to determine whether the disproportionate representation was the result of inappropriate identification. The monitoring protocol for this review is available at http://www.p12.nysed.gov/specialed/spp/9selfreview-Oct12.pdf. A report of the results of this review is submitted by the district to the State. At the time of submission, school districts that identify issues of noncompliance are notified through written findings of noncompliance that they must correct all issues of noncompliance immediately, but not later than the prescribed due date in the district's notification (always within one year).

For subsequent years in which a school district's data indicates significant discrepancies, the State conducts the monitoring review of the district's policies, procedures and practices as identified above.

Step Three:

When calculating the results for this indicator, the State divides the number of school districts with disproportionate representation and inappropriate policies, procedures and/or practices that indicate inappropriate identification by the total number of school districts in the State.

Actions required in FFY 2012 response table

None

Responses to actions required in FFY 2012 response table, not including correction of findings

Not applicable as NYS had no actions required in FFY 2012 response table, other than correction of findings.

Correction of Findings of Noncompliance Identified in FFY 2012

Findings of Noncompliance Identified	Findings of Noncompliance Verified as Corrected Within One Year	Findings of Noncompliance Subsequently Corrected	Findings Not Yet Verified as Corrected
3	3	0	0

FFY 2012 Findings of Noncompliance Verified as Corrected

Describe how the State verified that each LEA with noncompliance is correctly implementing the regulatory requirements

To verify the correction of noncompliance, the State verified that each noncompliant district (1) is correctly implementing the specific regulatory requirement(s) (i.e., achieved 100 percent compliance) based on a review of updated data, such as data subsequently collected through on-site monitoring or a State data system; and (2) corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the district, consistent with Office of Special Education Programs (OSEP) Memo 09-02.

Describe how the State verified that each LEA corrected each individual case of noncompliance

To verify the correction of noncompliance identified through onsite monitoring, the State followed up with each district to ensure that the compliance assurance plan (CAP) was fully implemented, and reviewed the district's revised policies, procedures and practices, including a sample of student records to verify correction of noncompliance and that individual instances of noncompliance had been corrected.

Indicator 10: Disproportionate Representations in Specific Disability Categories

Monitoring Priority: Disproportionate Representations

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

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

Historical Data

Baseline Data: 2005

FFY	2005	2006	2007	2008	2009	2010	2011	2012
Target		0%	0%	0%	0%	0%	0%	0%
Data	0.90%	0.90%	0.60%	1.60%	1.20%	0.90%	0.90%	0.40%

Key: Gray – Data Prior to Baseline Yellow – Baseline

FFY 2013 - FFY 2018 Targets

FFY	2013	2014	2015	2016	2017	2018
Target	0%	0%	0%	0%	0%	0%

FFY 2013 SPP/APR Data

Please indicate the type of denominator provided

- (●) Number of districts in the State
- ( ) Number of districts that met the State's minimum n-size

Number of districts with disproportionate representation of racial and ethnic groups in specific disability categories	Number of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification	Number of districts in the State	FFY 2012 Data*	FFY 2013 Target*	FFY 2013 Data
13	9	681	0.40%	0%	1.32%

Explanation of Slippage

In FFY 2013, there were 13 districts identified based on data, but nine (9) of these districts were identified as having data that is the result of inappropriate identification. This demonstrates slippage from the 0.4 percent reported for FFY 2012. NYS's review of policies, procedures and practices provides districts the opportunity to conduct a self review the first year their data shows discrepancies. If the data shows discrepancies in subsequent years, the State conducts this review. While the State identified the same number of districts with data discrepancies in FFY 2012 as in FFY 2013, the slippage is likely the result of the source of the identification of the inappropriate policies (self-review versus NYSED monitoring review). In 2012, more districts reported compliance through the self-review process and in FFY 2013, NYSED's on site monitoring process identified more inappropriate policies, procedures and practices.

☑ **All races and ethnicities were included in the review**

Define "disproportionate representation" and describe the method(s) used to calculate disproportionate representation

Definition of Disproportionate Representation and Methodology: (title added February 2010)

NYS uses the relative risk and weighted relative risk ratios, with minimum "n" sizes to identify school districts whose data indicate disproportionate representation of racial and ethnic groups in specific disability categories. The minimum "n" size requirement used to compute disproportionate representation does not exclude school districts from the denominator when calculating results for this indicator, but only districts that meet the minimum "n" size are included in the numerator. All districts are included in the denominator. Parentally placed students attending nonpublic schools are excluded from the calculation. The definition of "Disproportionate Representation" and the methodology for calculating it is as follows:

Disproportionate Over-representation in Specific Disability Categories (Emotional Disturbance, Learning Disability, Intellectual Disability, Other Health Impairment, Speech or Language Impairment and Autism):

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

Data Source:

Data on students' race/ethnicity and special education classification are collected through the Student Information Repository System (SIRS), at an individual student level. Results of self-review monitoring protocols are submitted by school districts through the PD web-based data collection system.

NYS uses data collected and reported to the United States Department of Education (USDOE) in the annual 618 report on Table 1 of Information Collection 1820-0043 (Report of Children with Disabilities Receiving Special Education Under Part B of the Individuals with Disabilities Education Act (IDEA), as amended) and the State's analysis to determine if the disproportionate representation of racial and ethnic groups in specific disability categories was the result of inappropriate identification. These data are also provided to USDOE in the corresponding ED*Facts* files.

The method to calculate disproportionate representation is provided below:

Step One:

NYS compares the percent of total enrollment of each race/ethnic group identified by particular disabilities to percent of total enrollment of other race/ethnic groups combined. For identification of school districts since the 2005-06 school year, the State has used the following definition of "disproportionate representation" and in subsequent years may revise the definition by lowering the relative risk ratio, weighted relative risk ratio, and the minimum numbers of students. The State's definition of significant disproportionality is the same as its definition of disproportionality.

NYS uses the relative risk and weighted relative risk ratios, with minimum "n" sizes to identify school districts whose data indicate disproportionate representation of racial and ethnic groups in specific disability categories of Emotional Disturbance, Learning Disability, Intellectual Disability, Other Health Impairment, Speech or Language Impairment and Autism. See the definition of "Disproportionate Representation and Methodology" described below.

Step Two:

The State provides for the review of policies, procedures and practices each year a school district's data shows a disproportionate representation based on race/ethnicity in the disability category of students with disabilities as follows:

- The first year a district's data indicates disproportionality, the State requires the district to complete a State-developed self-review monitoring protocol, which requires the review of specific policies, practices and procedures to determine whether the disproportionate representation was the result of inappropriate identification. The monitoring protocol for this review is available at http://www.p12.nysed.gov/specialed/spp/indicators/10.htm. A report of the results of this review is submitted by the district to the State. At the time of submission, school districts that identify issues of noncompliance are immediately notified through written findings of noncompliance that they must correct all issues of noncompliance

immediately, but not later than the prescribed due date in the district's notification (always within one year).

- For subsequent years in which a school district's data indicates significant discrepancies, the State conducts the monitoring review of the district's policies, procedures and practices as identified above.

Step Three:

When calculating the results for this indicator, the State divides the number of school districts with disproportionate representation and inappropriate policies, procedures and/or practices by the total number of school districts in the State.

Actions required in FFY 2012 response table

None

Responses to actions required in FFY 2012 response table, not including correction of findings

Not applicable as NYS had no actions required in FFY 2012 response table other than correction of findings.

Correction of Findings of Noncompliance Identified in FFY 2012

Findings of Noncompliance Identified	Findings of Noncompliance Verified as Corrected Within One Year	Findings of Noncompliance Subsequently Corrected	Findings Not Yet Verified as Corrected
9	9	0	0

FFY 2012 Findings of Noncompliance Verified as Corrected

Describe how the State verified that each LEA with noncompliance is correctly implementing the regulatory requirements

To verify the correction of noncompliance the State verified that each noncompliant district (1) is correctly implementing the specific regulatory requirement(s) (i.e., achieved 100 percent compliance) based on a review of updated data, such as data subsequently collected through on-site monitoring or a State data system; and (2) had corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the district, consistent with Office of Special Education Programs (OSEP) Memo 09-02.

Describe how the State verified that each LEA corrected each individual case of noncompliance

All indvidual student cases have been verified as corrected. To verify the correction of noncompliance the State verified through record reviews that the district had corrected each individual case of noncompliance, unless the child was no longer within the jurisdiction of the district, consistent with Office of Special Education Programs (OSEP) Memo 09-02.

Explanation of Alternate Data

The State has not been able to verify systemic correction of noncompliance in the one school district with noncompliance identified in FFY 2010.

FFY 2010 Findings Not Yet Verified as Corrected

Actions taken if noncompliance not corrected

The two findings of noncompliance are from one district. This district has not been able to demonstrate resolution of any of the previously identified noncompliance. The district was identified as a District in Need of Intervention for the 2014-15 school year and required to redirect its IDEA funds to employ three individuals (one at the elementary level, one at the middle school level, and one at the high school level) to monitor the implementation of policies, procedures, and practices (i.e. those in the Action Plan) developed to resolve the noncompliance and report to both the newly hired Assistant Superintendent for Special Education and NYSED regularly on the status of the implementation including any barriers. In addition, the district was required to redirect its IDEA funds to hire a behavior specialist to assist with the noncompliance associated with the discipline of students with disabilites, least restrictive environment, and individual evaluations.

Indicator 11: Child Find

Monitoring Priority: Effective General Supervision Part B / Child Find

Compliance indicator: Percent of children who were evaluated within 60 days of receiving parental consent for initial evaluation or, if the State establishes a timeframe within which the evaluation must be conducted, within that timeframe.

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

Historical Data

Baseline Data: 2005

FFY	2005	2006	2007	2008	2009	2010	2011	2012
Target		100%	100%	100%	100%	100%	100%	100%
Data	64.20%	64.20%	67.40%	74.68%	77.00%	84.00%	90.00%	92.40%

Key: Gray – Data Prior to Baseline Yellow – Baseline

FFY 2013 - FFY 2018 Targets

FFY	2013	2014	2015	2016	2017	2018
Target	100%	100%	100%	100%	100%	100%

FFY 2013 SPP/APR Data

(a) Number of children for whom parental consent to evaluate was received	(b) Number of children whose evaluations were completed within 60 days (or State-established timeline)	FFY 2012 Data*	FFY 2013 Target*	FFY 2013 Data
16,170	14,241	92.40%	100%	88.07%

Number of children included in (a), but not included in (b) [a-b]	1,929

Explanation of Slippage

In 2013-14, NYS' compliance rate slipped to 88.07 percent, a decrease of 4.3 percentage points over the State's rate of 92.4 percent in 2012-13. New York State measures its performance each year based on a different representative sample of school districts.

In 2013-14, one of the Big 4 school districts included in the sample had data that was primarily responsible for the State's slippage. This district reported a rate of 42.9% of timely evaluations for preschool children and a 69.3 percent rate of timely evaluations of school age students. Results for this one district accounted for 35% of the noncompliance results statewide.

Account for children included in (a) but not included in (b). Indicate the range of days beyond the timeline when the evaluation was completed and any reasons for the delays.

There are 1,929 students in (a) and not in (b) of the following table. These are students for whom evaluations were not completed within State-established timelines for reasons which are not in compliance with State requirements. The chart below provides information regarding the extent of delays and reasons for not completing the initial evaluations of children

within the State-established timelines.

Reasons for Delays, FFY 2013	Number of Children by Number of Days of Delay in Completing Evaluations, FFY 2013				Total	Percent of Total
	1-10	11-20	21-30	Over 30		
An approved evaluator was not available to provide a timely evaluation.	71	63	32	206	372	19.3%
Evaluator delays in completing evaluations.	182	172	118	288	760	39.4%
Delays in scheduling CPSE or CSE meetings.	297	198	88	214	797	41.3%
Total	550	433	238	708	1,929	
Percent of Total	28.5%	22.4%	12.3%	36.7%		100%

Indicate the evaluation timeline used

- (●) **The State used the 60 day timeframe within which the evaluation must be conducted.**
- ( ) **The State established a timeline within which the evaluation must be conducted.**

What is the source of the data provided for this indicator?

- ( ) **State monitoring**
- (●) **State database that includes data for the entire reporting year**

Describe the method used to collect these data, and if data are from the State's monitoring, describe the procedures used to collect these data.

The State provides assurance that it is using its previously approved sampling methodology and only changed the years for which it is used.

NYSED collects individual student data through SIRS. School districts report specific dates when special education events occur, such as the date of referral, date of written parent consent for an initial individual evaluation and the date of the Committee on Preschool Special Education (CPSE) or Committee on Special Education (CSE) meeting to discuss evaluation results. The State does not have an event for the date the evaluation is completed. Therefore, for purposes of monitoring for this indicator, districts report the date the CPSE or CSE meeting is held to discuss the evaluation results. If the number of days exceeds the State-established timelines, reasons for delays are collected. Some reasons are considered to be in compliance with State requirements and other reasons are not in compliance. If the district has documentation that shows that the evaluation was completed within 60 calendar days from parental consent, but the meeting to discuss the evaluation results was delayed, the district is determined to have timely evaluated such students. However, absent such documentation, the district is reported as having untimely evaluations.

Actions required in FFY 2012 response table

None

Responses to actions required in FFY 2012 response table, not including correction of findings

Not applicable as NYS had no actions required in FFY 2012 response table other than correction of findings.

Correction of Findings of Noncompliance Identified in FFY 2012

Findings of Noncompliance Identified	Findings of Noncompliance Verified as Corrected Within One Year	Findings of Noncompliance Subsequently Corrected	Findings Not Yet Verified as Corrected
71	69	0	2

FFY 2012 Findings of Noncompliance Verified as Corrected

Describe how the State verified that each LEA with noncompliance is correctly implementing the regulatory requirements

NYS has verified that each LEA with noncompliance identified in FFY 2011 for this indicator: (1) is correctly implementing 34 CFR §300.301(c)(1) (i.e., achieved 100 percent compliance) based on a review of updated data, such as data subsequently collected through on-site monitoring or a State data system; and (2) has completed the evaluation, although late, for any child whose initial evaluation was not timely, unless the child is no longer within the jurisdiction of the LEA, consistent with OSEP Memo 09-02.

The State verified the correction of noncompliance by requiring submission of the specific date that the individual evaluation was completed, although late, for each individual student whose evaluation was not timely. To verify the correction of noncompliance for all students through the review of subsequent data demonstrating compliance, the districts were required to report to the State the percent of students who had a timely evaluation over a specified period of time. See http://www.p12.nysed.gov/sedcar/forms/vr/1112/html/verif11.htm.

Describe how the State verified that each LEA corrected each individual case of noncompliance

To verify the correction of noncompliance for all students through the review of subsequent data demonstrating compliance, the districts were required to report to the State the percent of students who had a timely evaluation over a specified period of time. See http://www.p12.nysed.gov/sedcar/forms/vr/1112/html/verif11.htm. and identify the date in which the evaluation for each student was completed.

FFY 2012 Findings Not Yet Verified as Corrected

Actions taken if noncompliance not corrected

There are two findings of noncompliance from one district not yet verified as corrected. NYSED has, on a continuing basis, reviewed the records of a sample of students, both school age and preschool, reviewed by the committee. In each sample, more than one student failed to receive a timely evaluation. Technical assistance was provided each time to the district on the results of the review of records. As per the enforcement action imposed by NYSED, the district has hired/assigned staff to assist the administration to implement revised procedures and monitoring the practices to ensure change and resolution of the noncompliance.

Indicator 12: Early Childhood Transition

Monitoring Priority: Effective General Supervision Part B / Effective Transition

Compliance indicator: 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))

Historical Data

Baseline Data: 2013

FFY	2005	2006	2007	2008	2009	2010	2011	2012
Target		100%	100%	100%	100%	100%	100%	100%
Data	86.50%	73.80%	78.20%	74.75%	64.50%	70.30%	87.50%	82.40%

Key: Gray – Data Prior to Baseline Yellow – Baseline

FFY 2013 - FFY 2018 Targets

FFY	2013	2014	2015	2016	2017	2018
Target	100%	100%	100%	100%	100%	100%

FFY 2013 SPP/APR Data

a. Number of children who have been served in Part C and referred to Part B for Part B eligibility determination.	2,152
b. Number of those referred determined to be NOT eligible and whose eligibility was determined prior to third birthday.	124
c. Number of those found eligible who have an IEP developed and implemented by their third birthdays.	1,616
d. Number for whom parent refusals to provide consent caused delays in evaluation or initial services or to whom exceptions under 34 CFR §300.301(d) applied.	350
e. Number of children who were referred to Part C less than 90 days before their third birthdays.	12

	Numerator (c)	Denominator (a-b-d-e)	FFY 2012 Data*	FFY 2013 Target*	FFY 2013 Data
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. [c/(a-b-d-e)]x100	1,616	1,666	82.40%	100%	97.00%

Number of children who have been served in Part C and referred to Part B for eligibility determination that are not included in b, c, d, e	50

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

Because the FFY 2013 calculation methodology differed from the FFY 2012 calculation, the following information is provided to demonstrate a comparison based on a recalculation of 2012-13 data using the same formula as was applied for FFY 2013.

In FFY 2012, the following numbers applied:

* Number of children who moved out of the district = 22

* Number of children who died = 0

* Number of children eligible and implemented by the first day after remaining in Early Intervention beyond their 3rd birthday = 1411

Comparison calculations show the actual FFY 2012 data as 97.79% and FFY 2013 data as 97%. There was less than a percentage point difference between the two years and therefore, no slippage.

In FFY 2013, there were 50 students for whom there were delays in implementing the IEP or determining eligibility for Part B services for reasons that are not in compliance with State requirements. The chart below provides reasons for the delays and the extent of delays.

Reasons for Delays	Number of Children by Number of Days of Delay in Developing an IEP by Third Birthday or Determining Eligibility for Preschool Special Education in FFY 2013				Unknown	Total	Percent of Total
	1-10	11-20	21-30	Over 30			
An approved evaluator was not available to provide an evaluation.	0	2	0	4	0	6	12.0%
Additional evaluations were requested outside of the required timeline.	0	0	0	0	0	0	0.0%
There were evaluator delays in completing the evaluation.	0	1	0	17	0	18	36.0%
Delays in scheduling the CPSE meetings	0	0	1	14	0	15	30.0%
The recommended Part B services were not available when child turned three years of age.	0	1	0	4	0	5	10.0%
Inaccurate or incomplete data					6	6	12.0%
Total	0	4	1	39	6	50	100%
Percent of Total	0.0%	8.0%	2.0%	78.0%	12.0%		

What is the source of the data provided for this indicator?

- ○ **State monitoring**
- ◉ **State database that includes data for the entire reporting year**

Describe the method used to collect these data, and if data are from the State's monitoring, describe the procedures used to collect these data.

The State provides assurance that it is using its currently approved sampling plan and will only change the years for which it is used.

NYS collects data for this indicator via the Student Information Repository System (SIRS) and verifies these data by displaying them in a VR12 report, which was developed in the PD Data System. SIRS is NYS's individual student data reporting system. School districts report the date of referral, date of written parent consent for an initial evaluation, date of the CPSE meeting to determine eligibility and date the IEP is implemented. Reasons for delays are collected for children whose eligibility determination is not made or whose IEPs are not implemented by their third birthday or in compliance with State requirements. Each school district's compliance rate is calculated.

Provide additional information about this indicator (optional)

New York State (NYS) Public Health Law, section 2541(8)(a) provides that a child's eligibility for EI services ends as of his or her third birthday, unless the child has been referred to the Committee on Preschool Special Education (CPSE) and found eligible for preschool special education services before his or her third birthday. Under these provisions, parents may elect to either transition the child to preschool special education or continue their child in early intervention programming beyond the third birthday until either September or January, according to the following rules: (1) If the child turns three years of age on or before the thirty-first day of August, the child shall, if requested by the parent, be eligible to receive early intervention services contained in an Individualized Family Service Plan (IFSP) until the first day of September of that calendar year; or, (2) If the child turns three years of age on or after the first day of September, the child shall, if requested by the parent and if already receiving EI services, be eligible to continue receiving such services until the second day of January of the following calendar year. When the parent elects to continue in EI under these provisions, the CPSE would write the IEP and indicate the starting date for special education services as of September or January, respectively. In no cases may the child receive EI and preschool special education services simultaneously.

In FFY 2013, there were 1,411 students who fell under this provision and whose parents chose to have them continue in Part C, Early Intervention. These students have been included in category c (Number of those found eligible who have an IEP developed and implemented by their third birthdays) of the FFY 2013 SPP/APR Data table above.

Actions required in FFY 2012 response table

None

Responses to actions required in FFY 2012 response table, not including correction of findings

Not applicable as NYS had no actions required in FFY 2012 response table other than correction of findings.

Correction of Findings of Noncompliance Identified in FFY 2012

Findings of Noncompliance Identified	Findings of Noncompliance Verified as Corrected Within One Year	Findings of Noncompliance Subsequently Corrected	Findings Not Yet Verified as Corrected
1,267	1,267	0	0

FFY 2012 Findings of Noncompliance Verified as Corrected

Describe how the State verified that each LEA with noncompliance is correctly implementing the regulatory requirements

For all noncompliance identified in FFY 2012 that has been corrected, NYS has verified that each LEA with noncompliance identified for this Indicator: (1) is correctly implementing 34 CFR §300.124(b) (i.e., achieved 100 percent compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has developed and implemented the IEP, although late, for any child for whom implementation of the IEP was not timely, unless the child was no longer within the jurisdiction of the LEA, consistent with OSEP Memo 09-02.

To verify the correction of noncompliance for all students through the review of subsequent data demonstrating compliance, the districts were required to report to the State the percent of students who had a timely evaluation over a specified period of time. See http://www.p12.nysed.gov/sedcar/forms/vr/1112/html/verif12.htm.

Describe how the State verified that each LEA corrected each individual case of noncompliance

For all noncompliance identified in FFY 2012 that has been corrected, NYS has verified that each LEA with noncompliance identified for this indicator: (1) is correctly implementing 34 CFR §300.124(b) (i.e., achieved 100 percent compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has developed and implemented the IEP, although late, for any child for whom implementation of the IEP was not timely, unless the child was no longer within the jurisdiction of the LEA, consistent with OSEP Memo 09-02.

The State verified the correction of noncompliance by requiring submission of the specific date that the student's IEP was implemented, although late, for each individual student whose IEP implementation was not timely.

Indicator 13: Secondary Transition

Monitoring Priority: Effective General Supervision Part B / Effective Transition

Compliance indicator: Percent of youth with IEPs aged 16 and above with an IEP that includes appropriate measurable postsecondary goals that are annually updated and based upon an age appropriate transition assessment, transition services, including courses of study, that will reasonably enable the student to meet those postsecondary goals, and annual IEP goals related to the student's transition services needs. There also must be evidence that the student was invited to the IEP Team meeting where transition services are to be discussed and evidence that, if appropriate, a representative of any participating agency was invited to the IEP Team meeting with the prior consent of the parent or student who has reached the age of majority.

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

Historical Data

Baseline Data: 2009

FFY	2005	2006	2007	2008	2009	2010	2011	2012
Target		100%	100%	100%	100%	100%	100%	100%
Data					67.20%	79.00%	89.40%	86.10%

Key: Gray – Data Prior to Baseline Yellow – Baseline

FFY 2013 - FFY 2018 Targets

FFY	2013	2014	2015	2016	2017	2018
Target	100%	100%	100%	100%	100%	100%

FFY 2013 SPP/APR Data

Number of youth aged 16 and above with IEPs that contain each of the required components for secondary transition	Number of youth with IEPs aged 16 and above	FFY 2012 Data*	FFY 2013 Target*	FFY 2013 Data
2,383	3,088	86.10%	100%	77.17%

Explanation of Slippage

The FFY 2013 data was based on the monitoring review of IEPs from a representative sample of 106 school districts, including New York City (NYC). Regional variations of districts in the sample contribute to the slippage. The chart below illustrates that regional trends are similar to baseline data, indicating in part the need for regionally-designed targeted interventions, training and technical assistance.

As compared to FFY 2012, the slippage in performance seems to be attributable to the results from six school districts that reported that none of their IEPs included appropriate transition planning; a decline in NYC's compliance, from 64% in FFY 2012 to 56% in FFY 2013.

Indicator 13 - Transition IEP FFY 2013 Data						
RSE-TASC* Region	Total # of School Districts Reviewed in FFY 2013	Number of Reviewed School Districts with IEPs found in Compliance				
		0% of IEPs in compliance	1-49% of IEPs in compliance	50-79% of IEPs in compliance	80-99% of IEPs in compliance	100% of IEPs in compliance
Capital District/ North Country	18	0	2	3	2	11
Central	8	0	3	0	0	5

Indicator 13 - Transition IEP FFY 2013 Data						
RSE-TASC* Region	Total # of School Districts Reviewed in FFY 2013	Number of Reviewed School Districts with IEPs found in Compliance				
		0% of IEPs in compliance	1-49% of IEPs in compliance	50-79% of IEPs in compliance	80-99% of IEPs in compliance	100% of IEPs in compliance
Long Island	19	4	3	1	6	5
Lower Hudson	11	0	2	2	3	4
Mid-Hudson	5	1	2	0	1	1
Mid-South	10	0	1	0	3	6
Mid-State	9	0	4	1	1	3
Mid-West	12	1	0	1	2	8
NYC	1	0	0	1	0	0
West	13	0	0	0	0	13
Totals	106	6	17	9	18	56

*Regional Special Education Technical Assistance Support Centers

(See map of regions at http://www.p12.nysed.gov/specialed/techassist/rsetasc/regionmap.htm)

What is the source of the data provided for this indicator?

- (●) **State monitoring**
- ( ) **State database that includes data for the entire reporting year**

Describe the method used to collect these data, and if data are from the State's monitoring, describe the procedures used to collect these data.

Measurement:

Percent = [(# of youth with IEPs aged 15 and above with an IEP that includes appropriate measurable post-secondary goals that are annually updated and based upon an age-appropriate transition assessment, transition services, including courses of study, that will reasonably enable the student to meet those post-secondary goals, and annual IEP goals related to the student's transition services needs. There also must be evidence that the student was invited to the CSE meeting where transition services are to be discussed and evidence that, if appropriate, a representative of any participating agency was invited to the CSE meeting with the prior consent of the parent or student who has reached the age of majority) divided by the (# of youth with an IEP age 15 and above)] times 100.

Data Source:

NYS will use data taken from State monitoring, as described below.

Overview of Issue/Description of System or Process

State law and regulations define transition services to mean a coordinated set of activities for a student with a disability, designed within a results-oriented process that is focused on improving the academic and functional achievement of the student with a disability to facilitate the student's movement from school to post-school activities, including, but not limited to,

post-secondary education, vocational education, integrated competitive employment (including supported employment), continuing and adult education, adult services, independent living, or community participation. The coordinated set of activities must be based on the individual student's needs, taking into account the student's strengths, preferences and interests, and must include needed activities in instruction; related services; community experiences; the development of employment and other post-school adult living objectives; and when appropriate, acquisition of daily living skills and functional vocational evaluation.

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

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

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

Sampling Methodology

The State provides assurance that it is using its currently approved sampling methodology and only changing the years for which it will be used.

IEP Monitoring Review Process

NYSED has developed an "IEP/Transition Self-Review" monitoring protocol to be used each year in monitoring districts for this Indicator. The school districts selected for the representative sample are directed to complete the "Transition IEP" self-review monitoring protocol on a representative sample of IEPs and document results on a form prescribed by NYSED. The form requires documentation of the percent of students whose IEPs met each of the compliance requirements on the monitoring protocol. See http://www.p12.nysed.gov/specialed/spp/13selfreview-Oct2012.htm

Districts are directed to complete and enter data on their IEP reviews by August 31. NYSED arranges for random verification reviews of reported data in school districts in each Special Education Quality Assurance (SEQA) region. All school districts identified through the self-review or verification process as not having IEPs that include appropriate documentation of post-secondary goals and transition services on a student's IEP will be directed to correct the noncompliance immediately, but not later than the prescribed due date in the district's notification (always within one year).

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

- Students actively participate in planning their educational programs leading toward achievement of post-secondary goals.
- IEPs are individualized and are based on the assessment information about the students, including individual needs, preferences, interests and strengths of the students.
- Transition needs identified in the students' assessment information are included in the students' present levels of performance.
- Annual goals address students' transition needs identified in the present levels of performance and are calculated to help each student progress incrementally toward the attainment of the post-secondary goals.
- The recommended special education programs and services will assist the students to meet their annual goals relating to

transition.

- The statements of needed transition services are developed in consideration of the students' needs, preferences and interests, are directly related to the students' goals beyond secondary education and will assist the students to reach their post-secondary goals.
- Courses are linked to attainment of the students' post-secondary goals.
- The school district and appropriate participating agencies coordinate their activities in support of the students' attainment of post-secondary goals.

Provide additional information about this indicator (optional)

All 106 school districts in the sample used a State-developed self-review monitoring protocol to review a sample of IEPs of students with disabilities aged 15 and above to determine if each IEP is in compliance with all transition planning requirements. The self-review monitoring protocol is posted at http://www.p12.nysed.gov/specialed/spp/13selfreview-Oct2012.pdf[A2] . For NYC reviews, NYSED and NYC Department of Education staff jointly conducted the monitoring review. The total number of students with IEPs, ages 15-21, enrolled in the school districts sampled during 2013-14 was 68,750. The total number of IEPs reviewed from these representative school districts was 3,088. Of the IEPs reviewed, 2,383 were found to have been in compliance with all IEP transition requirements; and 705 had one or more transition planning requirements that were not appropriately addressed in the students' IEPs.

Actions required in FFY 2012 response table

None

Responses to actions required in FFY 2012 response table, not including correction of findings

Correction of Findings of Noncompliance Identified in FFY 2012

Findings of Noncompliance Identified	Findings of Noncompliance Verified as Corrected Within One Year	Findings of Noncompliance Subsequently Corrected	Findings Not Yet Verified as Corrected
68	63	4	1

FFY 2012 Findings of Noncompliance Verified as Corrected

Describe how the State verified that each LEA with noncompliance is correctly implementing the regulatory requirements

The State verified that each LEA with noncompliance identified in FFY 2012 for this Indicator: (1) is correctly implementing 34 CFR §§300.320(b) and 300.321(b) (i.e., achieved 100 percent compliance) based on a review of updated data, such as data subsequently collected through on-site monitoring or a State data system; and (2) has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the LEA, consistent with OSEP Memo 09-02.

The State also verified the correction of noncompliance for NYC by requiring annual monitoring for compliance with this Indicator.

Describe how the State verified that each LEA corrected each individual case of noncompliance

The State verified correction of noncompliance by reviewing individual student records, including records of individual students whose IEPs were identified as noncompliant.

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FFY 2012 Findings Not Yet Verified as Corrected

Actions taken if noncompliance not corrected

The State provided technical assistance to district staff after sending three-, six- and nine-month electronic reminder notices. During the 2013-14 school year, a follow-up monitoring review was conducted and a corrective action plan was issued. Follow-up activities were conducted to assess the district's progress in completing the corrective actions specified in the plan. As a result, the State identified the district as needing assistance and has placed the district under enforcement by requiring the district to develop and implement an action plan to correct the remaining areas of noncompliance. Through meetings with district staff and on-site follow up at the district, the State is monitoring the district's implementation of the action plan in order for the district to correct the one remaining area of noncompliance.

Indicator 14: Post-School Outcomes

Monitoring Priority: Effective General Supervision Part B / Effective Transition

Results indicator: Percent of youth who are no longer in secondary school, had IEPs in effect at the time they left school, and were:

A. **Enrolled in higher education within one year of leaving high school.**
B. **Enrolled in higher education or competitively employed within one year of leaving high school.**
C. **Enrolled in higher education or in some other postsecondary education or training program; or competitively employed or in some other employment within one year of leaving high school.**

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

Historical Data

	Baseline Year	FFY	2005	2006	2007	2008	2009	2010	2011	2012
A	2009	Target ≥						44.00%	44.00%	44.00%
		Data					43.00%	42.00%	42.00%	42.10%
B	2009	Target ≥						65.00%	65.00%	65.00%
		Data					64.00%	67.00%	68.00%	66.30%
C	2009	Target ≥						78.00%	80.00%	80.00%
		Data					77.00%	78.00%	79.00%	76.40%

Key: Gray – Data Prior to Baseline Yellow – Baseline

FFY 2013 - FFY 2018 Targets

FFY	2013	2014	2015	2016	2017	2018
Target A ≥	37.50%	42.20%	42.70%	43.00%	43.50%	44.00%
Target B ≥	62.60%	66.00%	67.00%	68.00%	69.00%	70.00%
Target C ≥	72.40%	75.00%	76.00%	77.50%	78.50%	80.00%

Targets: Description of Stakeholder Input

An internal workgroup analyzed historical targets and actual data to create proposed FFY 2013- FFY 2018 targets. The draft targets were shared with the State's Commissioner's Advisory Panel for Special Education, which is the IDEA State Advisory Panel, at one of its meetings. Discussions in target setting included a review of historical trends and the State's new policies that are expected to engage students to remain in school including, but not limited to, the Skills and Achievement Commencement Credential; the Career Development and Occupational Studies Commencement Credential; initiatives to increase student access to Career and Technical Education courses and work-based learning; and alternative pathways to a regular high school diploma. It was also recommended that targets consider the anticipated positive impact on employment related to ACCESS-VR's newly formed Transition Unit. Final targets were determined following this annual meeting in consideration of stakeholder comments.

FFY 2013 SPP/APR Data

Number of respondent youth who are no longer in secondary school and had IEPs in effect at the time they left school	1,486
1. Number of respondent youth who enrolled in higher education within one year of leaving high school	559
2. Number of respondent youth who competitively employed within one year of leaving high school	371
3. Number of respondent youth enrolled in some other postsecondary education or training program within one year of leaving high school (but not enrolled in higher education or competitively employed)	104

4. Number of respondent youth who are in some other employment within one year of leaving high school (but not enrolled in higher education, some other postsecondary education or training program, or competitively employed).	42

	Number of respondent youth	Number of respondent youth who are no longer in secondary school and had IEPs in effect at the time they left school	FFY 2012 Data*	FFY 2013 Target*	FFY 2013 Data
A. Enrolled in higher education (1)	559	1,486	42.10%	37.50%	37.62%
B. Enrolled in higher education or competitively employed within one year of leaving high school (1 +2)	930	1,486	66.30%	62.60%	62.58%
C. Enrolled in higher education, or in some other postsecondary education or training program; or competitively employed or in some other employment (1+2+3+4)	1,076	1,486	76.40%	72.40%	72.41%

Explanation of B Slippage

While the FFY 2013 data for measures A and B are less than FFY 2012 data, the State exceeded its targets for Measure A and missed its target for Measure B by slightly less than .02 percentage points, which is within the margin of error for NYS' measure of a 95% confidence level among sample districts. There was a Big 4 school district included in the FFY 2013 representative sample of schools districts. This district has a high drop out rate for students with disabilities, and a high classification rate overall. As such, it is likely that the data slippage in comparison to FFY 2012 was a reflection of the high number of students from this particular large urban district. In the prior two years, none of the large 4 districts were included in the representative sample of districts for this Indicator.

Was sampling used? Yes
Has your previously-approved sampling plan changed? No

Describe the sampling methodology outlining how the design will yield valid and reliable estimates.

The State provides assurance that it is using its currently approved sampling methodology and only changing the years in which it is used.

Provide additional information about this indicator (optional)

Data Source:

New York State (NYS) continues to use a contractor to collect data for this indicator. The current contractor is Potsdam Institute for Applied Research at the State University of New York in Potsdam, NY. When possible, interviews with each identified Exiter were conducted by telephone, but the survey was also available on the web and in hard copy by mail. See http://www.p12.nysed.gov/specialed/spp/2012/ind14.htm.

Definitions:

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

Survey pool is the total number of Exiters from the school districts surveyed in FFY 2013.

Response pool means those students from the survey pool who were able to be reached for an interview or who completed the written survey at least one year after leaving school.

Enrolled in higher education means youth have been enrolled on a full- or part-time basis in a community college (two-year program) or college/university (four or more year program) for at least one complete term, at any time in the year since leaving high school.

Competitive employment means that youth have worked for pay at or above the State's minimum wage in a setting with others who are nondisabled for a period of 20 hours a week for at least 90 days at any time in the year since leaving high school. This includes military employment.

Enrolled in other postsecondary education or training means youth have been enrolled on a full- or part-time basis for at least one complete term at any time in the year since leaving high school in an education or training program (e.g., Job Corps; adult education; workforce development program; adult rehabilitation service programs; or other). Part-time is defined differently depending on the standard for the postsecondary school program. For colleges, part-time course loads are typically defined as nine credit hours or fewer per semester. Each person interviewed responds based on their understanding of what constitutes full- or part-time for the institution or program they are attending. Interviewers are trained to provide guidance if requested or needed. Enrolled in other postsecondary education or training also includes enrollment on a full- or part-time basis for at least one complete term in a vocational technical school that is less than a two-year program at any time of the year since leaving high school.

Some other employment means youth have worked for pay or been self-employed for a period of at least 90 days at any time in the year since leaving high school. This includes working in a family business (e.g., farm, store, fishing, ranching, catering services, etc.).

Sampling Methodology
Data was collected from a statewide representative sample of school districts. One-sixth of the school districts reported data on this indicator for FFY 2012. For a detailed description of NYS' sampling methodology, see http://www.p12.nysed.gov/specialed/spp/2012/ind14.htm.

Table 1: Representativeness of Response Pool Compared to Total Exiters for All NYS Schools During 2012-13, as reported in VR10 Data Reports

Statewide Demographic Representativeness							
Statewide	**Learning Disabilities**	**Emotional Disabilities**	**Intellectual Disabilities**	**All Other Disabilities**	**Female**	**Minority**	**Dropout**
Exiters Representation (n = 24,478)	52.7%	9.4%	5.2%	32.7%	36.5%	48.4%	17.7%
Response Pool Representation (n=1,486)	52.9%	6.5%	4.2%	36.4%	35.9%	45.8%	12.3%
Difference	0.2%	-2.9%	-1.0%	3.7%	-0.6%	-2.6%	-5.4%

Note: Positive difference indicates overrepresentation; negative difference indicates underrepresentation in the interview pool.

Actions required in FFY 2012 response table

None

Responses to actions required in FFY 2012 response table

Indicator 15: Resolution Sessions

Monitoring Priority: Effective General Supervision Part B / General Supervision

Results indicator: 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))

Historical Data

Baseline Data: 2006

FFY	2005	2006	2007	2008	2009	2010	2011	2012
Target ≥		18.73%	11.63%	13.52%	15.13%	12.25%	11.17%	10.78%
Data	17.73%	10.63%	11.52%	13.13%	10.25%	9.17%	8.78%	5.98%

Key: Gray – Data Prior to Baseline Yellow – Baseline

FFY 2013 - FFY 2018 Targets

FFY	2013			2014			2015			2016			2017			2018		
Target	4.00%	-	6.00%	6.00%	-	7.00%	7.00%	-	8.00%	8.00%	-	9.00%	9.00%	-	10.00%	11.00%	-	12.00%

Targets: Description of Stakeholder Input

NYSED consulted with the Commissioner's Advisory Panel for target setting for this indicator. To provide background to CAP for this discussion, a comprehensive data presentation on the State's due process system, including impartial hearings, mediation and resolution sessions was held in the spring of 2014. The target setting discussion then followed in the fall of 2014.

Considerations discussed for target setting included historical trends, the length of time it takes some districts (particularly NYC) to enter into settlement agreements which may have initiated from resolution meeting discussions and NYC's new proposed expedited settlement process. Mediation data was also considered, as were the reasons for the majority of requests for due process hearings (i.e., tuition reimbursement).

Stakeholders discussed the variability in factors that impact this Indicator. Since FFY 2008, the State used a variable target of an increase of two percent over the prior year data which was not clear to many stakeholders since the percentage target changed each year. The State considered these factors in its decision to change targets to a range.

Prepopulated Data

Source	Date	Description	Data	Overwrite Data
EMAPS IDEA Part B Dispute Resolution Survey; Section C: Due Process Complaints	11/5/2014	3.1(a) Number resolution sessions resolved through settlement agreements	272	
EMAPS IDEA Part B Dispute Resolution Survey; Section C: Due Process Complaints	11/5/2014	3.1 Number of resolution sessions	5,778	

FFY 2013 SPP/APR Data

3.1(a) Number resolution sessions resolved through settlement agreements	3.1 Number of resolution sessions	FFY 2012 Data*	FFY 2013 Target*	FFY 2013 Data

3.1(a) Number resolution sessions resolved through settlement agreements	3.1 Number of resolution sessions	FFY 2012 Data*	FFY 2013 Target*	FFY 2013 Data
272	5,778	5.98%	4.00% - 6.00%	4.71%

Actions required in FFY 2012 response table

None

Responses to actions required in FFY 2012 response table

Not applicable as NYS had no actions required in FFY2012 response table.

Indicator 16: Mediation

Monitoring Priority: Effective General Supervision Part B / General Supervision

Results indicator: Percent of mediations held that resulted in mediation agreements.

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

Historical Data

Baseline Data: 2006

FFY	2005	2006	2007	2008	2009	2010	2011	2012
Target ≥		95.00%	95.50%	96.00%	96.50%	97.00%	97.00%	97.00%
Data	94.98%	90.64%	89.88%	88.03%	88.30%	88.33%	85.99%	92.09%

Key: Gray – Data Prior to Baseline Yellow – Baseline

FFY 2013 - FFY 2018 Targets

FFY	2013			2014			2015			2016			2017			2018		
Target	85.00%	-	90.00%	86.00%	-	90.00%	87.00%	-	91.00%	88.00%	-	92.00%	89.00%	-	92.00%	91.00%	-	95.00%

Targets: Description of Stakeholder Input

NYSED consulted with the Commissioner's Advisory Panel for target setting for this Indicator. To provide background to CAP for this discussion, a comprehensive data presentation on the State's due process system, including impartial hearings, mediation and resolution sessions was held in the spring of 2014. The target setting discussion then followed in the fall of 2014.

Considerations discussed for target setting included historical trends, the length of time it takes some districts (particularly NYC) to enter into settlement agreements which may have initiated from resolution meeting discussions and NYC's new proposed expedited settlement process. Mediation data was also considered, as were the reasons for the majority of requests for due process hearings (i.e., tuition reimbursement). Given the State's fluctuation in performance shown in the historical data, ranges for targets have been set.

Prepopulated Data

Source	Date	Description	Data	Overwrite Data
EMAPS IDEA Part B Dispute Resolution Survey; Section B: Mediation Requests	11/5/2014	2.1.a.i Mediations agreements related to due process complaints	14	
EMAPS IDEA Part B Dispute Resolution Survey; Section B: Mediation Requests	11/5/2014	2.1.b.i Mediations agreements not related to due process complaints	175	
EMAPS IDEA Part B Dispute Resolution Survey; Section B: Mediation Requests	11/5/2014	2.1 Mediations held	217	

FFY 2013 SPP/APR Data

2.1.a.i Mediations agreements related to	2.1.b.i Mediations agreements not related	2.1 Mediations held	FFY 2012 Data*	FFY 2013 Target*	FFY 2013 Data

due process complaints	to due process complaints				
14	175	217	92.09%	85.00% - 90.00%	87.10%

Actions required in FFY 2012 response table

None

Responses to actions required in FFY 2012 response table

Indicator 17: State Systemic Improvement Plan

Monitoring Priority: General Supervision

Results indicator: The State's SPP/APR includes a State Systemic Improvement Plan (SSIP) that meets the requirements set forth for this indicator.

Baseline Data

FFY	2013
Data	

FFY 2014 - FFY 2018 Targets

FFY	2014	2015	2016	2017	2018
Target					

Description of Measure

See Attachment

Targets: Description of Stakeholder Input

See Attachment

Data Analysis

A description of how the State identified and analyzed key data, including data from SPP/APR indicators, 618 data collections, and other available data as applicable, to: (1) select the State-identified Measurable Result(s) for Children with Disabilities, and (2) identify root causes contributing to low performance. The description must include information about how the data were disaggregated by multiple variables (e.g., LEA, region, race/ethnicity, gender, disability category, placement, etc.). As part of its data analysis, the State should also consider compliance data and whether those data present potential barriers to improvement. In addition, if the State identifies any concerns about the quality of the data, the description must include how the State will address these concerns. Finally, if additional data are needed, the description should include the methods and timelines to collect and analyze the additional data.

See Attachment

Analysis of State Infrastructure to Support Improvement and Build Capacity

A description of how the State analyzed the capacity of its current infrastructure to support improvement and build capacity in LEAs to implement, scale up, and sustain the use of evidence-based practices to improve results for children with disabilities. State systems that make up its infrastructure include, at a minimum: governance, fiscal, quality standards, professional development, data, technical assistance, and accountability/monitoring. The description must include current strengths of the systems, the extent the systems are coordinated, and areas for improvement of functioning within and across the systems. The State must also identify current State-level improvement plans and initiatives, including special and general education improvement plans and initiatives, and describe the extent that these initiatives are aligned, and how they are, or could be, integrated with, the SSIP. Finally, the State should identify representatives (e.g., offices, agencies, positions, individuals, and other stakeholders) that were involved in developing Phase I of the SSIP and that will be involved in developing and implementing Phase II of the SSIP.

See Attachment

State-identified Measurable Result(s) for Children with Disabilities

A statement of the result(s) the State intends to achieve through the implementation of the SSIP. The State-identified result(s) must be aligned to an SPP/APR indicator or a component of an SPP/APR indicator. The State-identified result(s) must be clearly based on the Data and State Infrastructure Analyses and must be a child-level outcome in contrast to a process outcome. The State may select a single result (e.g., increasing the graduation rate for children with disabilities) or a cluster of related results (e.g., increasing the graduation rate and decreasing the dropout rate for children with disabilities).

Statement

See Attachment

Description

See Attachment

Selection of Coherent Improvement Strategies

An explanation of how the improvement strategies were selected, and why they are sound, logical and aligned, and will lead to a measurable improvement in the State-identified result(s). The improvement strategies should include the strategies, identified through the Data and State Infrastructure Analyses, that are needed to improve the State infrastructure and to support LEA implementation of evidence-based practices to improve the State-identified Measurable Result(s) for Children with Disabilities. The State must describe how implementation of the improvement strategies will address identified root causes for low performance and ultimately build LEA capacity to achieve the State-identified Measurable Result(s) for Children with Disabilities.

See Attachment

Theory of Action

A graphic illustration that shows the rationale of how implementing the coherent set of improvement strategies selected will increase the State's capacity to lead meaningful change in LEAs, and achieve improvement in the State-identified Measurable Result(s) for Children with Disabilities.

Submitted Theory of Action: No Theory of Action Submitted

Provide a description of the provided graphic illustration (optional)

Description of Illustration

See Attachment

Certify and Submit your SPP/APR

This indicator is not applicable.