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TO: District Superintendents
Superintendent of Schools
Superintendents of State Operated Schools
Executive Directors of Approved Private Schools
Directors of Approved Preschool Programs
Organizations, Parents and Individuals Concerned with Special Education
Commissioner's Advisory Panel for Special Education Services
SETRC Professional Development Specialists
Regional School Support Centers

FROM: James P. DeLorenzo 

SUBJECT: IDEA Part B State Performance Plan 2005-10

The purpose of this memorandum is to advise school districts of the State Performance Plan (SPP) reporting requirements for the 2006-07 school year. The SPP, as required by the Individuals with Disabilities Education Act (IDEA), establishes the State's six-year plan to improve results for students with disabilities in 20 indicator areas including graduation, drop out, State assessment results, suspension, least restrictive environment, child find, effective transitions, preschool outcomes, post-school outcomes, disproportionality, parental involvement, due process, compliance with federal and State special education requirements and data collection and reporting. New York State's (NYS) SPP is available at: <http://www.vesid.nysed.gov/specialed/spp/home.html>.

NYS is in the process of reviewing the 2005-06 SPP data submitted by school districts to prepare the State's Annual Performance Report (APR) for submission to the United States Department of Education (USDOE), Office of Special Education Programs (OSEP) by February 1, 2007. Public reports of individual school district performance on the SPP indicators will be available in the spring of 2007.

Data collection requirements for 2006-07:

The SPP includes baseline data, annual improvement targets and specific improvement activities for indicators relating to graduation, drop out, State assessment results, suspension, least restrictive environment, due process and general supervision. The State collects or maintains data that are used to evaluate SPP indicators # 1-6, 15, 16, 17, 18, 19 and 20 through Pupils with Disabilities (PD) forms, the Basic Educational Data System (BEDS), Student Information Reporting System (SIRS), the Impartial Hearing



Reporting System (IHRS) and through the Comprehensive Special Education Information System (CSEIS).

For six of the indicators requiring data collection, NYS will collect and report data from a representative sample of school districts throughout the State (refer to the SPP indicators # 7, 8, 11, 12, 13 and 14). School districts are assigned to report on one of these indicators each year on a rotating basis such that by the end of the 2010-11 school year every school district will have reported on each of these indicators at least once. New York City will be included in the sample for every indicator every year. This strategy provides a school district with the opportunity to focus its resources to improve results in the identified area before the year it must report its data. In some instances, the school district will be required to collect and report on a particular indicator more frequently than once every six years in order to demonstrate improvement and to have its publicly reported data reflect that improvement. A six-year rotating schedule that lists all the school districts and the indicator they have been assigned to report on each year is posted at <http://www.vesid.nysed.gov/specialed/spp/home.html>. A reminder notice has been sent to school districts to let them know which of the sampling indicators they are assigned to report on in 2006-07.

The following highlights important information for school districts on some of the data collection requirements. More detailed information will be provided to school districts selected to report data in 2006-07 for this particular indicator.

√ **Indicator #4a – Percent of districts identified by the State as having a significant discrepancy in the rates of suspensions and expulsions of greater than 10 days in a school year of children with disabilities.**

Using 2005-06 data submitted by all school districts in the PD-8 report, the New York State Education Department (NYSED) will compare the rates among school districts of out-of-school suspension of students with disabilities for greater than 10 days in a school year. By February 2007, NYSED will send notifications to school districts whose data indicate significant discrepancy in their rates of suspension of greater than three times the baseline statewide average, providing each of these school districts with a State developed self-review monitoring protocol. Based on this self-review, if a school district determines that one or more of its policies, procedures and/or practices require development or revision, it must develop or revise them and publicly post such policies and report the corrective action to NYSED. If a school district determines through the self-review process that its policies, procedures and/or practices are 100 percent appropriate, NYSED will arrange for review of this determination. Additional information specific to indicator #4a and a copy of the self-review protocol is available at: <http://www.vesid.nysed.gov/specialed/spp/indicators/4.htm>.

√ **Indicator #4b – Percent of districts identified by the State as having a significant discrepancy in the rates of suspensions and expulsions of greater than 10 days in a school year of children with disabilities by race and ethnicity.**

NYSED will analyze 2005-06 PD-8 data submitted by all school districts to compare the number of students with disabilities suspended for more than 10 days in a school year for each race/ethnicity category with the number suspended for all other race/ethnicity categories combined. By February 2007, NYSED will send notifications to school districts whose data indicate significant disproportionality by race/ethnicity, providing each of these school districts with a State developed self-review monitoring protocol. If a school district indicates a significant discrepancy by race/ethnicity, the district will be notified and must reserve 15 percent of the school district's IDEA funds in 2007-08 to provide early intervening services¹ to address the disproportionality issue. Each identified district must conduct and submit a self-review of its policies, procedures and practices using a State developed self-review monitoring protocol. Based on this self-review, if a school district determines that one or more of its policies, procedures and/or practices require development or revision, it must develop or revise them and publicly post such policies and report the corrective action to NYSED. If a school district determines through the self-review process that its policies, procedures and/or practices are 100 percent appropriate, NYSED will arrange for review of this determination. Additional information specific to indicator #4b and a copy of the self-review protocol is available at: <http://www.vesid.nysed.gov/specialed/spp/indicators/4.htm>.

√ **Indicator #7 – Percent of preschool children with individualized education programs (IEPs) who demonstrate improved positive social-emotional skills (including social relationships); acquisition and use of knowledge and skills (including early language/communication and early literacy); and use of appropriate behaviors to meet their needs.**

Beginning in February 2006, all school districts in the State were required to collect assessment entry data on all preschool children who receive an initial evaluation. Approved preschool evaluators must ensure that the initial individual evaluation of all preschool children provides entry assessment status for each child in each outcome area identified above. Approved evaluators will include the assessment results on the preschool child's Summary Evaluation Report submitted to the Committee on Preschool Special Education (CPSE). The CPSE must review the assessment as part of the initial determination of eligibility using the Child Outcomes Summary form from the Early Childhood Outcomes Center and record and retain the entry assessment information.

Each year, one-sixth of the school districts in the State will be selected to report data on this indicator. School districts selected to report this data in 2006-07 must collect exit assessment results and record these results on the Child Outcomes Summary form. The exit assessment results (progress of these preschool children in three outcomes areas noted above) are then reported on the PD-10 form. This information must be reported for preschool children who received an entry assessment and at least six months of preschool special education programs and/or services. It is only reported

¹ Early intervening services are services provided to students who have not been identified as needing special education but who need additional academic and behavioral support to succeed in a general education environment (20 U.S.C. 1414(f)).

for preschool children who either completed their program/services and/or were declassified between September 1, 2006 and August 31, 2007. Additional information specific to indicator #7 is available at:

<http://www.vesid.nysed.gov/specialed/spp/indicators/7.htm>

Indicator #8 – Percent of parents of a child with a disability who report that the school district facilitated their involvement as a means of improving services and results for children with disabilities.

Each year, one-sixth of the school districts in the State will be selected to report data on this indicator. NYSED is using a modified version of a parent survey developed by the National Center for Special Education Accountability Measures (NCSEAM). NYSED has notified school districts included in the 2006-07 sample for this indicator and has provided directions to the district on selecting the sample of parents to be surveyed. Schools should select parents to be surveyed by November 2006. School districts must provide CyberData, Inc., an independent research firm under contract with NYSED, with information on the number of surveys needed, including language and alternative format requests by November 2006. The parent survey is available in web and paper formats. It is also available in English, Spanish, Russian, Simplified Chinese, Haitian Creole, Bengali, Korean, Arabic and Urdu. Whenever possible, parents should be encouraged to complete the web version of the parent survey. Districts will be responsible to employ a variety of methods to encourage parents to complete the surveys to ensure statistically sound return rates for parent responses. Parents of both preschool and school-age students must be surveyed. The parent must send the responses to parent surveys directly to CyberData, Inc. in the postage paid envelope provided. No surveys should be returned to the district. For the 2006-07 school year, the period for data collection for this indicator is September 1, 2006 – August 31, 2007. All parent surveys must be submitted by August 31, 2007 to be considered for district reporting. Additional information specific to indicator #8 is available at: <http://www.vesid.nysed.gov/specialed/spp/indicators/8.htm>.

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

NYSED will analyze data submitted by all school districts in the PD-1/4 and BEDS School District Summary reports. By February 2007, NYSED will analyze 2005-06 data and send notifications to school districts whose data indicate significant disproportionality in the identification of students with disabilities, providing each of these school districts with a State developed self-review monitoring protocol. If a school district indicates a significant discrepancy by race/ethnicity, the district will be notified and must reserve 15 percent of the school district's IDEA funds in 2007-08 to provide early intervening services to address the disproportionality issue.² Each identified

² Districts cannot reserve more than 15% of their IDEA funds. Districts identified as needing to reserve 15% of their IDEA funds for more than one indicator must use the funds in such a way as to impact the results across indicators.

district must conduct a self-review of its policies, procedures and practices and submit the results of the self-review to NYSED by May 2007. Based on this self-review, if a school district determines that one or more of its policies, procedures and/or practices require development or revision, it must develop or revise them, publicly post such policies and procedures and report the corrective action to NYSED. If a school district determines through the self-review process that its policies, procedures and/or practices are 100 percent appropriate, NYSED will arrange for review of this determination. Additional information specific to indicator #9 is available at: <http://www.vesid.nysed.gov/specialed/spp/indicators/9.htm>.

√ **Indicator #10 – Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification and the percent of districts with disproportionate representation of race/ethnicity groups by placement.**

The process to collect data on indicator #10 is similar to indicator #9. NYSED will analyze data submitted by all school districts in the PD-1/4 and BEDS School District Summary reports. By February 2007, NYSED will analyze data and send notifications to school districts whose data indicate significant disproportion in specific disability categories and/or placement, providing each of these school districts with a State developed self-review monitoring protocol. If a school district indicates a significant discrepancy by race/ethnicity, the district will be notified and must reserve 15 percent of the school district's IDEA funds in 2007-08 to support early intervening services to address the disproportionality issue.³ Each identified district must conduct a self-review of its policies, procedures and practices and submit the results of that review to NYSED by May 2007. Based on this self-review, if a school district determines that one or more of its policies, procedures and/or practices require development or revision, it must develop or revise them, publicly post such policies and procedures and report the corrective action to NYSED. If a school district determines through the self-review process that its policies, procedures and/or practices are 100 percent appropriate, NYSED will arrange for review of this determination. Additional information specific to indicator #10 is available at: <http://www.vesid.nysed.gov/specialed/spp/indicators/10.htm>.

√ **Indicator #11 – Percent of children with parental consent to evaluate, who were evaluated within State required timelines.**
Please note: This measure has been revised compared to the measure used for school districts that reported on this indicator during the 2005-06 school year.

Each year, one-sixth of the school districts in the State will be selected to report this data on a new PD-11 form. For the 2006-07 school year, this data must be reported on students whose parents provided consent to evaluate between July 1, 2006 and June 30, 2007. All school districts should retain records on the:

³ Districts cannot reserve more than 15% of their IDEA funds. Districts identified as needing to redirect 15% of their IDEA funds for more than one indicator must use the funds in such a way as to impact the results across indicators.

- number of days between the date of parent consent for the initial evaluation and the date of the first CSE/CPSE meeting to discuss evaluation results; and
- reasons for any delays in meeting the required timelines.

Additional information specific to indicator #11 is available at:
<http://www.vesid.nysed.gov/specialed/spp/indicators/11.htm>.

√ **Indicator #12 – Percent of children referred by early intervention (Part C) prior to age three, who are found eligible for preschool special education services (Part B), and who have an IEP developed and implemented by their third birthdays.**

Each year, one-sixth of the school districts in the State will be selected to report data on the PD-12 form. School districts that are required to report these data for the 2006-07 school year must report on children referred between July 1, 2006 and June 30, 2007. All school districts should retain records on the:

- numbers of children referred from early intervention (Part C) to preschool special education (Part B);
- number of children who had their IEPs developed and implemented on or before the age of three;
- reasons when the number of preschool eligibility determinations is less than the number referred;
- reasons for delays in initial eligibility determinations for such children;
- reasons for delays in implementing such children's IEPs by their third birthdays; and
- number of days of delay in implementing IEPs beyond the children's third birthdays.

Additional information specific to indicator #12 is available at:
<http://www.vesid.nysed.gov/specialed/spp/indicators/12.htm>.

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

Each year, one-sixth of the school districts in the State will be selected to report these data. NYSED will provide all school districts with a self-review monitoring protocol to review compliance with this requirement. School districts selected for the 2006-07 school year sample must complete and submit results from their self-reviews to NYSED by August 31, 2007. NYSED will review reported data and verify reports of 100 percent compliance based on the self-reviews. Additional information specific to indicator #13 and a copy of the State self-review protocol is available at:
<http://www.vesid.nysed.gov/specialed/spp/indicators/13.htm>.

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

Each year, one-sixth of the school districts in the State will be selected to report these data. NYSED will notify school districts included in the 2006-07 sample for this indicator and provide directions to the district on selecting the sample of students for follow-up interviews. School districts selected for the 2006-07 sample must obtain contact information and consent to be contacted for all students with disabilities who leave secondary school with a credential, reach maximum age for educational services or who drop out of school between the months of September and June 2007. NYSED has arranged for the follow-up interviews with students to be conducted in the spring of 2007 for the 2005-06 sample and in the spring of 2008 for the 2006-07 sample through the State University of New York (SUNY) at Potsdam. Additional information specific to indicator #14 is available at: <http://www.vesid.nysed.gov/specialed/spp/indicators/14.htm>.

Questions regarding the SPP may be directed to the Special Education Policy Unit at 518-473-2878 or to the Strategic Evaluation and Data Collection, Analysis and Reporting Unit (SEDCAR) at 518-486-4678.