New York Part B FFY 2007 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
1. Percent of youth with IEPs graduating from high school with a regular diploma compared to percent of all youth in the State graduating with a regular diploma. [Results Indicator]	The State revised the improvement activities for this indicator and OSEP accepts those revisions. The State's FFY 2007 reported data for this indicator are 41.3%. These data represent progress from the FFY 2006 data of 39.3%. The State met its FFY 2007 target of 38%. OSEP's June 6, 2008 FFY 2006 SPP/APR response table required the State to include in the FFY 2007 APR, due February 2, 2009, data for this indicator for FFY 2006. The State provided this information. The State was identified as being in need of assistance for two consecutive years based on the State's FFYs 2005 and 2006 APRs, was advised of available technical assistance, and was required to report, with the FFY 2007 APR, on: (1) the technical assistance sources from which the State received assistance; and (2) the actions the State took as a result of that technical assistance. The State reported on the technical assistance sources from which the State received assistance for this indicator and reported on the actions the State took as a result of that technical assistance.	OSEP appreciates the State's efforts to improve performance.
2. Percent of youth with IEPs dropping out of high school compared to the percent of all youth in the State dropping out of high school. [Results Indicator]	The State revised the improvement activities for this indicator and OSEP accepts those revisions. The State's FFY 2007 reported data for this indicator are 16.0%. These data represent progress from the FFY 2006 data of 16.9%. The State met its FFY 2007 target of 19%. OSEP's June 6, 2008 FFY 2006 SPP/APR response table required the State to include in the FFY 2007 APR, due February 2, 2009, data for this indicator for FFY 2006. The State provided this information. The State was identified as being in need of assistance for two consecutive years based on the State's FFYs 2005 and 2006 APRs, was advised of available technical assistance, and was required to report, with the FFY 2007 APR, on: (1) the technical assistance sources from which the State received assistance; and (2) the actions the State took as a result of that technical assistance.	OSEP appreciates the State's efforts to improve performance.

<table>
<tr><th>Monitoring Priorities and Indicators</th><th>Status of APR Data/SPP Revision Issues</th><th>OSEP Analysis/Next Steps</th></tr>
<tr><td></td><td>The State reported on the technical assistance sources from which the State received assistance for this indicator and reported on the actions the State took as a result of that technical assistance.</td><td></td></tr>
<tr><td>3. Participation and performance of children with disabilities on statewide assessments:

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

[Results Indicator]</td><td>The State revised the improvement activities for this indicator and OSEP accepts those revisions.

The State's FFY 2007 reported data for this indicator are 71.3%. These data represent slippage from the FFY 2006 data of 75.5%.

The State met its FFY 2007 target of 58%.</td><td>OSEP appreciates the State's efforts to improve performance.</td></tr>
<tr><td>3. Participation and performance of children with disabilities on statewide assessments:

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

[Results Indicator]</td><td>The State's FFY 2007 reported data for this indicator are:
<table>
<tr><th>Grade</th><th>FFY 2006 Data</th><th>FFY 2007 Data</th><th>FFY 2007 Target</th><th>FFY 2006 Data</th><th>FFY 2007 Data</th><th>FFY 2007 Target</th></tr>
<tr><td></td><td colspan="3">Reading</td><td colspan="3">Math</td></tr>
<tr><td>3</td><td>96.8%</td><td>96.9%</td><td>95%</td><td>96.9%</td><td>96.9%</td><td>95%</td></tr>
<tr><td>4</td><td>96.8%</td><td>96.9%</td><td>95%</td><td>96.9%</td><td>96.9%</td><td>95%</td></tr>
<tr><td>5</td><td>96.8%</td><td>96.9%</td><td>95%</td><td>96.9%</td><td>96.9%</td><td>95%</td></tr>
<tr><td>6</td><td>96.8%</td><td>96.9%</td><td>95%</td><td>96.9%</td><td>96.9%</td><td>95%</td></tr>
<tr><td>7</td><td>96.8%</td><td>96.9%</td><td>95%</td><td>96.9%</td><td>96.9%</td><td>95%</td></tr>
<tr><td>8</td><td>96.8%</td><td>96.9%</td><td>95%</td><td>96.9%</td><td>96.9%</td><td>95%</td></tr>
<tr><td>HS</td><td>92.7%</td><td>94.4%</td><td>95%</td><td>94%</td><td>95%</td><td>95%</td></tr>
</table>
These data represent progress from the FFY 2006 data.

The State met part of its FFY 2007 targets.</td><td>OSEP appreciates the State's efforts to improve performance and looks forward to the State's data demonstrating improvement in performance in the FFY 2008 APR, due February 1, 2010.</td></tr>
<tr><td>3. Participation and performance of</td><td>The State's FFY 2007 reported data for this indicator are:</td><td>OSEP appreciates the State's efforts to</td></tr>
</table>

<table>
<tr><th>Monitoring Priorities and Indicators</th><th>Status of APR Data/SPP Revision Issues</th><th>OSEP Analysis/Next Steps</th></tr>
<tr><td>statewide assessments:

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

[Results Indicator]</td><td>
<table>
<tr><th>Grade Level & Subject</th><th>Performance Index FFY 2006</th><th>Performance Index FFY 2007</th><th>Performance Index FFY 2007 Target</th></tr>
<tr><td>3-8 ELA</td><td>103</td><td>115</td><td>101</td></tr>
<tr><td>3-8 Math</td><td>115</td><td>133</td><td>110</td></tr>
<tr><td>High School ELA</td><td>117</td><td>118</td><td>124</td></tr>
<tr><td>High School Math</td><td>127</td><td>125</td><td>134</td></tr>
</table>
These data represent progress in part from the FFY 2006 data.

The State met part of its FFY 2007 targets.</td><td>improve performance and looks forward to the State’s data demonstrating improvement in performance in the FFY 2008 APR, due February 1, 2010.</td></tr>
<tr><td>4. Rates of suspension and expulsion:

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

[Results Indicator]</td><td>The State revised its definition of significant discrepancy for this indicator.

The State’s FFY 2007 reported data for this indicator are 9.4%. OSEP was unable to determine whether there was progress or slippage because the State changed its definition for significant discrepancy for this indicator to be more rigorous.

The State did not meet its target of 2.0%.

The State described how the State reviewed, and if appropriate, revised (or required the affected LEAs to revise), the LEA’s policies, procedures, and practices relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards to ensure compliance with the IDEA, as required by 34 CFR §300.170(b) for the LEAs identified with significant discrepancies for FFY 2006 and FFY 2007.

For FFY 2007, the State reported that of the seven districts that were identified with a significant discrepancy for which noncompliance was identified through the review of policies, practices, and procedures, three districts reported timely correction and four districts have time remaining to report</td><td>The State reported that noncompliance identified in FFY 2005, FFY 2006 and FFY 2007 with the requirements in 34 CFR §300.170(b) was partially corrected.

The State must demonstrate, in the FFY 2008 APR, due, February 1, 2010, that the remaining noncompliance was corrected, by reporting that it has verified that each LEA with remaining noncompliance identified in FFY 2005, FFY 2006 and FFY 2007 is correctly implementing the specific regulatory requirements.

The State must take the steps necessary to ensure that it can report, in the FFY 2008 APR, due February 1, 2010, that it has corrected this noncompliance.

As noted in the revised Part B Indicator</td></tr>
</table>

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
	correction of the identified noncompliance. Of the 13 districts identified with noncompliance during FFY 2006, eight districts corrected noncompliance within one year and one district subsequently corrected. For the remaining four districts that have not corrected noncompliance, the State has described actions taken including technical assistance, follow up monitoring visits, and prescribed corrective actions. OSEP's June 6, 2008 FFY 2006 SPP/APR response table required the State to demonstrate in the FFY 2007 APR, due February 2, 2009, that the State has corrected the remaining noncompliance identified in FFY 2005. Of the 18 districts identified in FFY 2005, 13 districts corrected noncompliance within one year and three districts subsequently corrected noncompliance. For the two remaining districts, the State described action taken to correct the noncompliance including technical assistance, follow-up monitoring visits, and prescribed corrective actions. The State was identified as being in need of assistance for two consecutive years based on the State's FFYs 2005 and 2006 APRs, was advised of available technical assistance, and was required to report, with the FFY 2007 APR, on: (1) the technical assistance sources from which the State received assistance; and (2) the actions the State took as a result of that technical assistance. The State reported on the technical assistance sources from which the State received assistance for this indicator and reported on the actions the State took as a result of that technical assistance.	Measurement Table, in reporting on this indicator in the FFY 2008 APR, due February 1, 2010, the State must again describe the results of the State's examination of data from FFY 2007 (2007-2008). In addition, the State must describe the review, and if appropriate, revision of policies, procedures and practices relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards to ensure compliance with the IDEA for LEAs identified with significant discrepancies in FFY 2007, as required by 34 CFR §300.170(b). OSEP looks forward to the State's data demonstrating improvement in performance in the FFY 2008 APR, due February 1, 2010.
4. Rates of suspension and expulsion: B. Percent of districts identified by the State as having a significant discrepancy in the rates of suspensions and expulsions of greater than 10 days in a school year of children with disabilities by race and ethnicity. [Results Indicator]	States were not required to report on this indicator for FFY 2007.	The State is not required to report on this indicator in the FFY 2008 APR, due February 1, 2010.

<table>
<tr><th>Monitoring Priorities and Indicators</th><th>Status of APR Data/SPP Revision Issues</th><th>OSEP Analysis/Next Steps</th></tr>
<tr><td>5. Percent of children with IEPs aged 6 through 21:
A. Removed from regular class less than 21% of the day;
B. Removed from regular class greater than 60% of the day; or
C. Served in public or private separate schools, residential placements, or homebound or hospital placements.
[Results Indicator]</td><td>The State's reported data for this indicator are:
<table>
<tr><th></th><th>FFY 2006 Data</th><th>FFY 2007 Data</th><th>FFY 2007 Target</th><th>Progress</th></tr>
<tr><td>A. % Removed from regular class less than 21% of the day.</td><td>53.1</td><td>54.2</td><td>53.1</td><td>+1.10%</td></tr>
<tr><td>B. % Removed from regular class greater than 60% of the day.</td><td>24.6</td><td>24.1</td><td>24.6</td><td>+0.50%</td></tr>
<tr><td>C. % Served in public or private separate schools, residential placements, or homebound or hospital placements.</td><td>6.8</td><td>6.5</td><td>6.8</td><td>+0.30%</td></tr>
</table>
These data represent progress from the FFY 2006 data.
The State met its FFY 2007 targets.</td><td>OSEP appreciates the State's efforts to improve performance.</td></tr>
<tr><td>6. Percent of preschool children with IEPs who received special education and related services in settings with typically developing peers (i.e., early childhood settings, home, and part-time early childhood/part-time early childhood special education settings).
[Results Indicator]</td><td>States were not required to report on this indicator for FFY 2007.</td><td>The State is not required to report on this indicator in the FFY 2008 APR, due February 1, 2010.</td></tr>
<tr><td>7. Percent of preschool children with IEPs who demonstrate improved:
A. Positive social-emotional skills (including social relationships);
B. Acquisition and use of</td><td>The State's FFY 2007 reported progress data for this indicator are:
<table>
<tr><th>07-08 Preschool Outcome Progress Data</th><th>Social Emotional</th><th>Knowledge & Skills</th><th>Appropriate Behavior</th></tr>
</table></td><td>The State reported the required progress data and improvement activities. The State must provide baseline data, targets and improvement activities with the FFY 2008 APR, due February 1, 2010.</td></tr>
</table>

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues				OSEP Analysis/Next Steps
knowledge and skills (including early language/ communication and early literacy); and C. Use of appropriate behaviors to meet their needs. [Results Indicator]	a. % of preschoolers who did not improve functioning.	1.4	1.2	1.7	
	b. % of preschoolers who improved but not sufficient to move nearer to functioning comparable to same-aged peers.	10.3	9.5	7.9	
	c. % of preschoolers who improved to a level nearer to same-aged peers but did not reach it.	33.2	34.9	28.1	
	d. % of preschoolers who improved functioning to reach a level comparable to same-aged peers.	36.2	34.6	33.5	
	e. % of preschoolers who maintained functioning at a level comparable to same-aged peers.	18.9	19.7	28.7	
	Total (approx. 100%)	100.00%	99.90%	99.90%	
8. Percent of parents with a child receiving special education services who report that schools facilitated parent involvement as a means of improving services and results for children with disabilities. [Results Indicator]	The State's FFY 2007 reported data for this indicator are 90.1%. These data represent progress from the FFY 2006 data of 87.8%. The State met its FFY 2007 target of 87.5%.				OSEP appreciates the State's efforts to improve performance.
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. [Compliance Indicator]	The State's FFY 2007 reported data for this indicator are 0.6%. These data represent slippage from the FFY 2006 data of 0.3%. The State did not meet its FFY 2007 target of 0%. The State reported the actual number of districts determined in FFY 2006 and FFY 2007 to have disproportionate representation of racial or ethnic groups in special education and related services that was the result of inappropriate identification. The State reported that one of two districts identified in FFY 2006 as having disproportionate representation of racial or ethnic groups in special education and related services that was the result of inappropriate identification has timely corrected and is now in compliance with the requirements of 34 CFR				OSEP appreciates the State's efforts and looks forward to reviewing data in the FFY 2008 APR, due February 1, 2010, that demonstrate that the State has in effect the policies and procedures required by 34 CFR §300.173 and that the LEAs identified in FFY 2007 and FFY 2006 as having disproportionate representation of racial or ethic groups in special education and related services that was the result of inappropriate identification are in compliance with the requirements of 34

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
	§§300.111, 300.201 and 300.301 through 300.311. The State reported that the one year timeline for correction has not expired on the remaining district. The State reported that the one district identified in FFY 2005 as having disproportionate representation of racial or ethnic groups in special education and related services that was the result of inappropriate identification subsequently corrected and is in compliance with the requirements of 34 CFR §§300.111, 300.201 and 300.301 through 300.311. Because the State's definition of disproportionate representation is the same as the State's definition of significant disproportionality, OSEP's FFY 2006 SPP/APR response table required the State to address in the FFY 2007 APR, due February 2, 2009, whether it complied with the requirements of 34 CFR §300.646(b) for the districts identified with significant disproportionality based on FFY 2005, FFY 2006, and FFY 2007 data. The State reported that consistent with 34 CFR §300.646(b), all school districts that were identified in FFY 2005, FFY 2006, and FFY 2007 as having significant disproportionality were required to reserve 15 percent of their IDEA funds for coordinated CEIS. The State reported that eight districts in FFY 2004, one district in FFY 2005, and two districts in FFY 2006, were identified with disproportionate overrepresentation of students in special education by race/ethnicity that was the result of inappropriate identification, and were required to make revisions of policies, practices, and procedures. Additionally, the State reported that the identified districts were also required to publicly report on the revision of policies, practices, and procedures as required by 34 CFR §300.646(b). The State was identified as being in need of assistance for two consecutive years based on the State's FFYs 2005 and 2006 APRs, was advised of available technical assistance, and was required to report, with the FFY 2007 APR, on: (1) the technical assistance sources from which the State received assistance; and (2) the actions the State took as a result of that technical assistance. The State reported on the technical assistance sources from which the State received assistance for this indicator and reported on the actions the State took as a result of that technical assistance.	CFR §§300.111, 300.201 and 300.301 through 300.311. The State reported that noncompliance identified in FFY 2005 with the requirements in 34 CFR §§300.173, 300.111, 300.201, and 300.301 through 300.311 was corrected. The State further reported that noncompliance identified in FFY 2007 with the requirements in 34 CFR §§300.173, 300.111, 300.201, and 300.301 through 300.311 was not corrected, and that noncompliance identified in 2006 was partially corrected. The State also reported that the five districts identified in FFY 2007 and the one district identified in FFY 2006 that still have uncorrected noncompliance have time remaining within the one year notification timeline to report correction of their noncompliance. The State must demonstrate, in the FFY 2008 APR, due February 1, 2010, that the uncorrected noncompliance was corrected, by reporting that it has verified that each LEA with remaining noncompliance identified in FFY 2006 and FFY 2007: (1) is correctly implementing the specific regulatory requirements; and (2) has 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). If the State is unable to demonstrate

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
		compliance in the FFY 2008 APR, the State must review its improvement activities and revise them, if necessary to ensure compliance.
10. Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification. [Compliance Indicator]	The State's FFY 2007 reported data for this indicator are 0.4%. The State did not meet its FFY 2007 target of 0%. The State reported the actual number of districts determined in FFY 2006 and FFY 2007 to have disproportionate representation of racial or ethnic groups in specific disability categories that was the result of inappropriate identification. OSEP's June 6, 2008 FFY 2006 SPP/APR response table required the State to include in the FFY 2007 APR, due February 2, 2009, the number of districts with disproportionate representation (both overrepresentation and underrepresentation) that was a result of inappropriate identification based on child count data from FFY 2006. The State provided the required information. The State reported that for the two districts identified in FFY 2006 as having disproportionate representation of racial or ethnic groups in specific disability categories that was the result of inappropriate identification, the one year timeline for correction has not expired. The State reported that the one finding of noncompliance identified in FFY 2005 was corrected in a timely manner. Because the State's definition of disproportionate representation is the same as the State's definition of significant disproportionality, OSEP's June 6, 2008 FFY 2006 SPP/APR response table required the State to address in the FFY 2007 APR, due February 2, 2009, whether it complied with the requirements of 34 CFR §300.646(b) for the districts identified with significant disproportionality based on FFY 2005, FFY 2006, and FFY 2007 data. The State reported that consistent with 34 CFR §300.646(b), all school districts that were identified in FFY 2005, FFY 2006, and FFY 2007 as having significant disproportionality were required to reserve 15 percent of their IDEA funds for coordinated Comprehensive Early Intervening Services (CEIS). The State reported that 12 districts in FFY 2004, one district FFY 2005, and two districts in FFY 2006, were identified with disproportionate	OSEP appreciates the State's efforts and looks forward to reviewing data in the FFY 2008 APR, due February 1, 2010, that demonstrate that the State has in effect the policies and procedures required by 34 CFR §300.173 and that the LEAs identified in FFY 2006 and FFY 2007 as having disproportionate representation of racial or ethic groups in special education and related services that was the result of inappropriate identification are in compliance with the requirements of 34 CFR §§300.111, 300.201 and 300.301 through 300.311. The State reported that noncompliance identified in FFY 2005 with the requirements in 34 CFR §§300.173, 300.111, 300.201, and 300.301 through 300.311 was corrected. The State further reported that noncompliance identified in FFY 2006 and FFY 2007 was partially corrected. The State also reported that the three districts identified in FFY 2007 and the two districts identified in FFY 2006 that still have uncorrected noncompliance have time remaining within the one year from notification timeline to report correction of their noncompliance. The State must demonstrate, in the FFY 2008 APR, due February 1, 2010, that the uncorrected noncompliance was corrected,

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
	overrepresentation of students in special education by racial and ethnic groups that was the result of inappropriate identification in specific disability categories, and were required to make revisions of policies, practices, and procedures. Additionally, the State reported that the identified districts were also required to publicly report on the revision of policies, practices, and procedures as required by 34 CFR §300.646(b). The State was identified as being in need of assistance for two consecutive years based on the State's FFYs 2005 and 2006 APRs, was advised of available technical assistance, and was required to report, with the FFY 2007 APR, on: (1) the technical assistance sources from which the State received assistance; and (2) the actions the State took as a result of that technical assistance. The State reported on the technical assistance sources from which the State received assistance for this indicator and reported on the actions the State took as a result of that technical assistance.	by reporting that it has verified that each LEA with remaining noncompliance identified in FFY 2006 and/or 2007: (1) is correctly implementing the specific regulatory requirements; 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. If the State is unable to demonstrate compliance in the FFY 2008 APR, the State must review its improvement activities and revise them, if necessary to ensure compliance.
11. Percent of children with parental consent to evaluate, who were evaluated within 60 days (or State-established timeline). [Compliance Indicator]	The State's FFY 2007 reported data for this indicator are 67.4%. These data represent progress from the FFY 2006 data of 64.2%. The State did not meet its FFY 2007 target of 100%. The State reported that the findings of noncompliance identified in the data from FFY 2005 and FFY 2006 were not corrected because the findings for FFY 2005 were not issued until July 17, 2007 and the findings for FFY 2006 were not issued until December 14, 2007. The State indicated that it will report on correction of the noncompliance identified in the data from FFY 2005 and FFY 2006 in the FFY 2008 APR, due February 1, 2010. The State was identified as being in need of assistance for two consecutive years based on the State's FFYs 2005 and 2006 APRs, was advised of available technical assistance, and was required to report, with the FFY 2007 APR, on: (1) the technical assistance sources from which the State received assistance; and (2) the actions the State took as a result of that technical assistance. The State reported on the technical assistance sources from which the State received assistance for this indicator and reported on the actions the State took as a result of that technical assistance.	The State reported that noncompliance identified in FFY 2006 with the timely initial evaluations requirements in 34 CFR §300.301(c)(1) was not corrected. The State must demonstrate, in the FFY 2008 APR due February 1, 2010, that the State is in compliance with the timely initial evaluations requirements in 34 CFR §300.301(c)(1), including correction of the noncompliance that the State reported under this indicator in the FFY 2007 APR, and the findings issued in FFY 2007 based on the FFY 2005 and FFY 2006 data. The State must report, in its FFY 2008 APR due February 1, 2010, that it has verified that each LEA with noncompliance reported by the State under this indicator in the FFY 2007 APR, including the findings of noncompliance based on the FFY 2005 and FFY 2006 data: (1) is correctly implementing the specific regulatory

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
		requirements; and (2) has completed the initial evaluation although late, unless the child is no longer within the jurisdiction of the LEA consistent with OSEP Memo 09-02. If the State is unable to demonstrate compliance in the FFY 2008 APR, the State must review its improvement activities and revise them, if necessary to ensure compliance.
12. Percent of children referred by Part C prior to age 3, who are found eligible for Part B, and who have an IEP developed and implemented by their third birthdays. [Compliance Indicator]	The State's FFY 2007 reported data for this indicator are 78.2%. These data represent progress from the FFY 2006 data of 73.8%. The State did not meet its FFY 2007 target of 100%. The State reported that the findings of noncompliance identified in the data from FFY 2005 and FFY 2006 were not corrected because the findings for FFY 2005 were not issued until July 17, 2007 and the findings for FFY 2006 were not issued until December 14, 2007. The State indicated that it will report on correction of the noncompliance identified in the data from FFY 2005 and FFY 2006 in the FFY 2008 APR, due February 1, 2010. The State was identified as being in need of assistance for two consecutive years based on the State's FFYs 2005 and 2006 APRs, was advised of available technical assistance, and was required to report, with the FFY 2007 APR, on: (1) the technical assistance sources from which the State received assistance; and (2) the actions the State took as a result of that technical assistance. The State reported on the technical assistance sources from which the State received assistance for this indicator and reported on the actions the State took as a result of that technical assistance.	The State reported that noncompliance identified in FFY 2006 with the early childhood transition requirements in 34 CFR §300.124(b) was not corrected. The State must demonstrate, in the FFY 2008 APR due February 1, 2010, that the State is in compliance with the early childhood transition requirements in 34 CFR §300.124(b) including correction of the noncompliance that the State reported under this indicator in the FFY 2007 APR, and the findings issued in FFY 2007 based on the FFY 2005 and FFY 2006 data. The State must report, in its FFY 2008 APR due February 1, 2010, that it has verified that each LEA with noncompliance reported by the State under this indicator in the FFY 2007 APR, including the findings of noncompliance based on the FFY 2005 and FFY 2006 data: (1) is correctly implementing the specific regulatory requirements; and (2) has developed and implemented the IEP, although late, unless the child is no longer within the jurisdiction of the LEA consistent with OSEP Memo

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
		09-02. If the State is unable to demonstrate compliance in the FFY 2008 APR, the State must review its improvement activities and revise them, if necessary to ensure compliance.
13. Percent of youth aged 16 and above with an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the postsecondary goals. [Compliance Indicator]	The State revised the improvement activities for this indicator and OSEP accepts those revisions. The State's FFY 2007 reported data for this indicator are 58.6%. These data represent progress from the FFY 2006 data of 45.8%. The State did not meet its FFY 2007 target of 100%. The State reported that 54 of 100 districts identified in FFY 2006 corrected noncompliance in a timely manner and that seven districts subsequently corrected. For the remaining 39 districts with uncorrected noncompliance, the State reported that while progress has been made, full correction has not been achieved. The State provided updated data and reported that 15 of 108 districts identified in FFY 2005 corrected noncompliance in a timely manner and 76 districts subsequently corrected. For the remaining 17 districts, the State reported that while progress has been made, full correction has not been achieved. The State reported actions taken to correct the uncorrected noncompliance identified in FFY 2005 and FFY 2006 including: written notification from the State to districts where noncompliance was indicated as a result of the self review monitoring protocol; provision of technical assistance to the school districts with noncompliance; and from districts with noncompliance, the requirement of a written improvement plan to include professional development and development of additional transition services. The State was identified as being in need of assistance for two consecutive years based on the State's FFYs 2005 and 2006 APRs, was advised of available technical assistance, and was required to report, with the FFY 2007 APR, on: (1) the technical assistance sources from which the State received assistance; and (2) the actions the State took as a result of that technical assistance. The State reported on the technical assistance sources from which	The State reported that noncompliance identified in FFY 2005 and FFY 2006 with the secondary transition requirements in 34 CFR §300.320(b) was partially corrected. The State must demonstrate, in the FFY 2008 APR, due February 1, 2010, that the remaining 39 uncorrected noncompliance findings were corrected. Although the State is not required to report data for this indicator in the FFY 2008 APR, the State must report on the timely correction of the noncompliance reported by the State under this indicator in the FFY 2007 APR and the findings of noncompliance from FFY 2005 and FFY 2006 not reported as corrected in the FFY 2007 APR. The State must report, in its FFY 2008 APR due February 1, 2010, that it has verified that each LEA with remaining noncompliance: (1) is correctly implementing the specific regulatory requirements; and (2) has developed an IEP that includes the required transition content for each youth, unless the youth is no longer within the jurisdiction of the LEA consistent with OSEP Memo 09-02.

<table>
<tr><th>Monitoring Priorities and Indicators</th><th>Status of APR Data/SPP Revision Issues</th><th>OSEP Analysis/Next Steps</th></tr>
<tr><td></td><td>the State received assistance for this indicator and reported on the actions the State took as a result of that technical assistance.</td><td></td></tr>
<tr><td>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.

[Results Indicator]</td><td>The State's FFY 2007 reported data for this indicator are:
<table>
<tr><th></th><th>FFY 2006</th><th>FFY 2007</th><th>Progress</th></tr>
<tr><td>Percent of youth who are competitively employed.</td><td>29</td><td>24.9</td><td>-4.10%</td></tr>
<tr><td>Percent of youth who are in some type of postsecondary school.</td><td>17</td><td>16.1</td><td>-0.90%</td></tr>
<tr><td>Percent of youth who are both competitively employed and in some type of postsecondary school.</td><td>46</td><td>50.1</td><td>4.10%</td></tr>
</table>
These data represent progress in part from the FFY 2006 data.

The State did not reach its target of 92%.

The State reported that the data for this indicator were collected from a response group that was not representative of the population; however, the State provided improvement activities to address this issue.</td><td>The State is not required to report on this indicator in the FFY 2008 APR, due February 1, 2010.</td></tr>
<tr><td>15. General supervision system (including monitoring, complaints, hearings, etc.) identifies and corrects noncompliance as soon as possible but in no case later than one year from identification.

[Compliance Indicator]</td><td>The State's FFY 2007 reported data for this indicator are 62.25%. OSEP was unable to determine whether there was progress or slippage because the State revised its data system and now has a more rigorous methodology for identifying noncompliance.

The State did not meet its FFY 2007 target of 100%.

The State reported that 1469 of 2360 findings of noncompliance identified in FFY 2006 were corrected in a timely manner and that 717 findings were subsequently corrected by January 26, 2009.

OSEP's June 6, 2008 FFY 2006 SPP/APR response table required the State to demonstrate in the FFY 2007 APR, due February 2, 2009, that the State has corrected the remaining noncompliance identified in Indicator 15 from FFY 2005 and FFY 2004. The State reported that of the remaining 111 findings identified in FFY 2005, 92 findings of noncompliance were subsequently</td><td>The State must review its improvement activities and revise them, if appropriate, to ensure they will enable the State to provide data in the FFY 2008 APR, due February 1, 2010, demonstrating that the State timely corrected noncompliance identified by the State in FFY 2007, in accordance with 20 U.S.C. 1232d(b)(3)(E) and 34 CFR §§300.149 and 300.600(e) and OSEP Memo 09-02.

The State must demonstrate, in the FFY 2008 APR, due February 1, 2010, that the State has corrected the remaining findings of noncompliance the State reported under</td></tr>
</table>

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
	corrected as of January 26, 2009, and 19 findings of noncompliance remain uncorrected. The State also reported that as of January 26, 2009, the two findings identified in FFY 2004 remain uncorrected. The State reported actions taken to correct the remaining noncompliance of FFY 2004, FFY 2005, and FFY 2006 including follow up monitoring activities, off site review of materials, on site visits, and technical assistance. The State was identified as being in need of assistance for two consecutive years based on the State's FFYs 2005 and 2006 APRs, was advised of available technical assistance, and was required to report, with the FFY 2007 APR, on: (1) the technical assistance sources from which the State received assistance; and (2) the actions the State took as a result of that technical assistance. The State reported on the technical assistance sources from which the State received assistance for this indicator and reported on the actions the State took as a result of that technical assistance.	this indicator in the FFY 2006, FFY 2005, and FFY 2004 APR that were not reported as corrected. The State's failure to correct longstanding noncompliance raises serious questions about the effectiveness of the State's general supervision system. The State must take the steps necessary to ensure that it can report, in the FFY 2008 APR, due February 1, 2010, that it has corrected this noncompliance. In reporting on correction of noncompliance, the State must report that it has: (1) corrected all instances of noncompliance (including noncompliance identified through the State's monitoring system, through the State's data system and by the Department); and (2) verified that each LEA with identified noncompliance is correctly implementing the specific regulatory requirements, consistent with OSEP Memo 09-02. In addition, in responding to Indicators 4, 9, 10, 11, 12, and 13 in the FFY 2008 APR due February 1, 2010, the State must report on correction of the noncompliance described in this table under those indicators. In reporting on Indicator 15 in the FFY 2008 APR, the State must use the Indicator 15 Worksheet.
16. Percent of signed written complaints with reports issued that were resolved within 60-day	The State's FFY 2007 reported data for this indicator are 96.76%. These data represent progress from the FFY 2006 data of 82.82%.	OSEP appreciates the State's efforts and looks forward to reviewing in the FFY 2008 APR, due February 1, 2010, the

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
timeline or a timeline extended for exceptional circumstances with respect to a particular complaint. [Compliance Indicator]	The State did not meet its FFY 2007 target of 100%. The State was identified as being in need of assistance for two consecutive years based on the State's FFYs 2005 and 2006 APRs, was advised of available technical assistance, and was required to report, with the FFY 2007 APR, on: (1) the technical assistance sources from which the State received assistance; and (2) the actions the State took as a result of that technical assistance. The State reported on the technical assistance sources from which the State received assistance for this indicator and reported on the actions the State took as a result of that technical assistance.	State's data demonstrating that it is in compliance with the timely complaint resolution requirements in 34 CFR §300.152.
17. Percent of fully adjudicated due process hearing requests that were fully adjudicated within the 45-day timeline or a timeline that is properly extended by the hearing officer at the request of either party. [Compliance Indicator]	The State revised its improvement activities for this indicator and OSEP accepts those revisions. The State's FFY 2007 reported data for this indicator are 80.91%. These data represent progress from the FFY 2006 data of 79.62%. The State did not meet its FFY 2007 target of 100%. The State was identified as being in need of assistance for two consecutive years based on the State's FFYs 2005 and 2006 APRs, was advised of available technical assistance, and was required to report, with the FFY 2007 APR, on: (1) the technical assistance sources from which the State received assistance; and (2) the actions the State took as a result of that technical assistance. The State did report on the technical assistance sources from which the State received assistance for this indicator and did report on the actions the State took as a result of that technical assistance.	The State must review its improvement activities and revise them, if appropriate, to ensure they will enable the State to provide data in the FFY 2008 APR, due February 1, 2010, demonstrating that the State is in compliance with the due process hearing timelines requirements in 34 CFR §300.515.
18. Percent of hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements. [Results Indicator]	The State's FFY 2007 reported data for this indicator are 11.52%. The State's FFY 2006 data were 10.63%. The State did not meet its FFY 2007 target to increase by 1%.	OSEP looks forward to the State's data demonstrating improvement in performance in the FFY 2008 APR, due February 1, 2010.
19. Percent of mediations held that resulted in mediation agreements. [Results Indicator]	The State revised its improvement activities for this indicator and OSEP accepts those revisions. The State's FFY 2007 reported data for this indicator are 89.9%. The State's FFY 2006 data were 90.64%.	OSEP looks forward to the State's data demonstrating improvement in performance in the FFY 2008 APR, due February 1, 2010.

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
	The State did not meet its FFY 2007 target of 95.5%.	
20. State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate. [Compliance Indicator]	The State's FFY 2007 reported data for this indicator are 93%. These data represent progress from the FFY 2006 data of 92.2%. The State did not meet its FFY 2007 target of 100%.	The State must review its improvement activities and revise them, if appropriate, to ensure they will enable the State to provide data in the FFY 2008 APR, due February 1, 2010, demonstrating that the State is in compliance with the timely and accurate data reporting requirements in IDEA sections 616 and 618 and 34 CFR §§76.720 and 300.601(b). In reporting on Indicator 20 in the FFY 2008 APR, the State must use the Indicator 20 Data Rubric.