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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 Project Directors and Professional Development Specialists
Regional School Support Centers

FROM: James P. DeLorenzo 

SUBJECT: IDEA Part B State Performance Plan 2005-2010

The New York State Education Department (NYSED) has submitted its Individuals with Disabilities Education Act (IDEA) Part B State Performance Plan (SPP) to the United States Department of Education (USDOE), Office of Special Education Programs (OSEP). A copy of the SPP is available at <http://www.vesid.nysed.gov/specialed/spp/home.html>. This memorandum provides important implementation information for school districts.

The SPP 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. School districts were notified of these federal requirements in September 2005 (see <http://www.vesid.nysed.gov/specialed/spp/memo.htm>).

New York State (NYS) has designed its SPP to meet the reporting requirements of OSEP in a way that, to the extent feasible, allows State and school district resources to be directed to improvement in these important outcome areas. For example:

- Whenever allowed by USDOE, NYS has chosen to collect data from a representative sample of school districts. The only school district required to report data on all indicators every year is New York City. All other school districts will provide data on all indicators distributed over a six-year period. In this way, school districts can focus



improvement efforts and resources on selected areas, while proactively addressing other outcome areas to be measured in subsequent years.

- For compliance indicators, NYS has chosen to provide school districts with State-developed self-review monitoring protocols and will be connecting districts to technical assistance resources in this process. In this way, compliance issues may be able to be corrected before the year in which a school district must report on results in a particular area.
- For indicators requiring the State to identify school districts with disproportionality or significant discrepancies (i.e., rates of suspension and disproportionality by race/ethnicity), NYS has chosen to initially identify school districts with the most significant discrepancies. Over the six-year period the definitions of significant discrepancy and disproportionality become more rigorous. This strategy provides school districts with the opportunity to proactively address policies, procedures and practices in the district prior to the time the definition becomes more rigorous. (See indicators 4a, 4b, 9 and 10 below).

Indicators where the State currently collects data:

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 and due process. Please refer to the SPP for indicators 1-6, 15,16, 17, 19 and 20. The State collects these data through Pupils with Disabilities (PD) forms, the Basic Educational Data System (BEDS), the System to Track Educational Performance (STEP) and the Impartial Hearing Reporting System (IHRS).

New data collection requirements:

There are several new data collection requirements for States and school districts included in the SPP for which the State must begin to collect baseline data in the 2005-06 school year. As noted above NYSED has, to the maximum extent possible, developed its SPP to minimize the reporting burden on school districts, maximize resources and emphasize opportunities for improvement. For these areas, the SPP identifies the plan to collect the baseline data.

For six of the indicators requiring new 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). New York City will be included in the sample for every indicator every year. Over a six-year period, every school district will be required to collect data for every indicator. As noted above, this provides a school district with the opportunity to focus its resources to improve results in the identified area. 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. For those indicators where sampling is allowed, all school districts will receive notification within the next few weeks to identify the indicator area in which they have been selected to report data in the State

sample for 2005-06 and subsequent school years. The notification will provide specific instructions for sampling and data collection.

The following highlights important information for school districts on some of the new data collection requirements. More detailed information will be provided to school districts selected in the sample on a 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 2004-05 data submitted by all school districts in the PD-8 report, 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 2006, NYSED will send notifications to school districts whose data indicate significant discrepancy in their rates of suspension of greater than four times the baseline statewide average, providing each of these school districts with a State developed self-review monitoring protocol. Beginning in 2007, we will identify school districts with suspension rates of greater than three times the baseline statewide average, and beginning in 2009, two times the baseline statewide average. 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 appropriate, NYSED will arrange for review of this determination.

√ **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 2004-05 PD-8 data submitted by all school districts to compare the number of students suspended for each race/ethnicity category with the number suspended for all other race/ethnicity categories. By February 2006, 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. This notification will trigger a redirect of 15 percent of the school district's IDEA funds in 2006-07 to support 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

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)).

policies, procedures and or practices are appropriate, NYSED will arrange for review of this determination.

- √ **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 are 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 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 results 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 for sampling in the 2005-06 school year for this area must only report entry assessment information. School districts selected for sampling in the 2006-07 and subsequent school years will collect exit assessment results and, in the year in which they are selected to be in the State sample for this indicator, they must report the percent of students who demonstrated improvement in these areas on a new PD-10 form. Additional guidance specific to this indicator will be issued under separate cover.

- √ **Indicator 8 – Percent of parents of a child with a disability who report 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 will use a modified version of a parent survey developed by the National Center for Special Education Accountability Measures (NCSEAM). NYSED will notify school districts included in the 2004-05 sample for this indicator and provide directions to the district on selecting the sample of parents to be surveyed. Schools should select its sample by early January 2006. School districts selected to collect information for this indicator for 2005-06 will also receive notification from CyberData, Inc., an independent research firm under contract with NYSED. School districts must provide CyberData, Inc. with information on the number of surveys needed, including language and alternative format requests by January 2006. The parent survey will be available in English, Spanish, Russian, Simplified Chinese, Haitian Creole, Bengali and Urdu and in web, telephone and paper formats. 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. Responses to parent surveys will be sent directly to CyberData, Inc. For the 2005-06 school year, the period for data collection for this indicator is February 1 – August 31, 2006.

√ **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 2006, NYSED will analyze 2004-05 data and send notifications to school districts whose data indicate significant disproportion in the identification of students with disabilities, providing each of these school districts with a State developed self-review monitoring protocol. The notifications will trigger a redirect of 15 percent of the school district's IDEA funds in 2006-07 to support early intervening services to address the disproportionality issue.² Each identified district must conduct a self-review of its policies, procedures and practices and submit the results of the self-review to NYSED by May 2006. 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 appropriate, NYSED will arrange for review of this determination.

√ **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.**

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 2006, 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. The notifications will trigger a redirect of 15 percent of the school district's IDEA funds in 2006-07 to support early intervening services to address the disproportionality issue. 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 2006. 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

² Districts cannot redirect 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.

corrective action to NYSED. If a school district determines through the self-review process that its policies, procedures and/or practices are appropriate, NYSED will arrange for review of this determination.

√ **Indicator 11 – Percent of children with parental consent to evaluate, who were evaluated and eligibility determined within 30 school days for preschool students and 60 calendar days for school-age students.**

Each year, one-sixth of the school districts in the State will be selected to report data on a new PD-9 form. For the 2005-06 school year, this data must be reported on students whose parents provided consent to evaluate between September 1, 2005 and June 30, 2006. All school districts should retain records on the:

- number of preschool and school age students whose parents provide consent to evaluate;
- number of eligibility determinations made;
- number of days within which eligibility determinations were made; and
- reasons for any delays in meeting the required timelines.

√ **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 a new PD-9 form. School districts that are required to report these data for the 2005-06 school year must report on children referred between July 1, 2005 and June 30, 2006. 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.

√ **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 2005-06 school year sample must complete and submit their self-reviews to NYSED by August 31, 2006. NYSED will arrange for random reviews of reported data.

- √ **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. School districts selected for sampling for this indicator will be notified that they 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 January to June 2006. NYSED will notify school districts included in the 2005-06 sample for this indicator and provide directions to the district on selecting the sample of students for follow-up interviews. For the 2005-07 school years, NYSED has arranged for the follow-up interviews with students to be conducted as a component of the Longitudinal Post School Indicators Study through the State University of New York (SUNY) at Potsdam.

- √ **Indicator 18 – Percent of hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements.**

Data for this indicator will be collected through IHRS. By January 2006, NYSED will notify school districts of their responsibility to input data into IHRS when a due process issue is resolved in a resolution session.

The State must report annually to the public and OSEP on the State's performance towards achieving the targets in the SPP. The State must report annually to the public on each school district's performance towards achieving the targets established for 14 of these indicators. The first annual performance report (APR) is due to OSEP on February 1, 2007. We will provide school districts with State developed self-review protocols and other technical assistance resources to assist them to proactively address these indicators prior to the year in which they must provide data to be used in the public reporting.

Questions regarding the SPP be directed to Patricia Geary in the Office of Vocational and Educational Services for Individuals with Disabilities (VESID) Special Education Policy and Partnerships Unit at 518-473-2878 or Inni Barone in VESID's Strategic Evaluation and Data Collection, Analysis and Reporting Unit (SEDCAR) at 518-486-4678.