



**NEW YORK STATE EDUCATION
DEPARTMENT**

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

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

DECEMBER 2005



THE UNIVERSITY OF THE STATE OF NEW YORK

Regents of The University

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OVERVIEW

Public Law 108-446, the Individuals with Disabilities Education Act (IDEA) 2004, requires the State Education Department (SED) to develop and submit a six year State Performance Plan (SPP) to the Office of Special Education Programs (OSEP) at the U.S. Department of Education (USDOE). The SPP is designed to evaluate the State's efforts to implement the requirements and purposes of IDEA and describe how the State will improve results. OSEP has identified three monitoring priorities and 20 indicators relating to the priority areas that must be reported in the SPP. For each of the indicators, the State must establish measurable and rigorous targets and improvement activities for a six-year period of time. The priority areas and indicators addressed in the SPP for 2005-2010 are as follows:

Priority: Free Appropriate Public Education in the Least Restrictive Environment

1. Percent of youth with individualized education programs (IEPs) graduating from high school with a regular diploma compared to percent of all youth in the State graduating with a regular diploma.
2. Percent of youth with IEPs dropping out of high school compared to the percent of all youth in the State dropping out of high school.
3. Participation and performance of children with disabilities on statewide assessments:
 - Percent of districts meeting the State's annual yearly progress (AYP) objectives for progress for disability subgroup.
 - Participation rate for children with IEPs in a regular assessment with no accommodations; regular assessment with accommodations; alternate assessment against grade level standards; alternate assessment against alternate achievement standards.
 - Proficiency rate for children with IEPs against grade level standards and alternate achievement standards.
4. Rates of suspension and expulsion:
 - Percent of districts identified by the State as having a significant discrepancy in the rate of suspensions and expulsions of children with disabilities for greater than 10 days in a school year; and
 - Percent of districts identified by the State as having a significant discrepancy in the rates of suspensions and expulsions of greater than 10 days in a school year of children with disabilities by race and ethnicity.
5. Percent of children with IEPs ages 6 through 21:
 - Removed from regular class less than 21 percent of the day;
 - Removed from regular class greater than 60 percent of the day; or
 - Served in either public/private separate schools, residential placements or in homebound or hospital placements.
6. Percent of preschool children with IEPs who receive special education and related services in settings with typically developing peers (e.g., early childhood settings, home, and part-time early childhood/part-time early childhood special education settings).
7. Percent of preschool children with IEPs who demonstrate improved:
 - positive social-emotional skills (including social relationships);

- acquisition and use of knowledge and skills (including early language/communication and early literacy); and
 - use of appropriate behaviors to meet their needs.
8. Percent of parents with a child receiving special education services who report that schools facilitated parent involvement as a means of improving services and results for children with disabilities.

Priority: Disproportionality

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

Priority: Effective General Supervision Part B

Child Find and Effective Transitions

11. Percent of children with parental consent to evaluate, who were evaluated and eligibility determined within 60 days.
12. Percent of children referred by Part C (Early Intervention Services) prior to age three (3), who are found eligible for Part B, and who have an IEP developed and implemented by their third birthdays.
13. Percent of youth aged 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 post-secondary goals.
14. Percent of youth who had IEPs, are no longer in secondary school and who have been competitively employed, enrolled in some type of postsecondary school, or both, within one year of leaving high school.

General Supervision

15. General supervision system (including monitoring, complaints, hearings, etc.) identifies and corrects noncompliance as soon as possible but in no case later than one year from identification.
16. Percent of signed written complaints with reports issued that were resolved within 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint.
17. Percent of fully adjudicated due process hearing requests that were fully adjudicated within the 45-day timeline or a timeline that is properly extended by the hearing officer at the request of either party.
18. Percent of hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements.
19. Percent of mediations held that resulted in mediation agreements.
20. State reported data (618) and SPP and Annual Performance Report are timely and accurate.

The State must report annually to the public and OSEP on the State's performance on each target for all 20 of the indicators in the SPP. Furthermore the State must also report annually to the public on each local educational agency's (LEA) performance on the targets for the first 14 indicators. The first annual performance report (APR) is due on February 1, 2007.

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

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PART B STATE PERFORMANCE PLAN (SPP) FOR 2005-2010

Overview Of The State Performance Plan Development

New York State's (NYS) Part B State Performance Plan (SPP) for 2005-2010 was developed as follows:

In April 2005, VESID convened a work group to develop the SPP. The workgroup included representatives from the following VESID units: Special Education Policy and Partnerships, Quality Assurance, and Strategic Evaluation, Data Collection, Analysis and Reporting (SEDCAR). VESID staff developed the SPP in consultation with staff from the Office of Elementary, Middle, Secondary and Continuing Education (EMSC) responsible for data collection and reporting under the No Child Left Behind Act (NCLB). Data for indicators requiring baselines reported in the 2005-06 SPP were obtained and analyzed to identify trends and related data for establishing targets. Implementation activities that impacted those trends were also identified.

In August 2005, VESID staff attended the OSEP Summer Institute where the requirements for the SPP were provided to states.

VESID issued a State memorandum in September 2005 to provide information to the field about the requirements for the SPP.

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

A report was made to the Board of Regents in October 2005 to obtain their input on addressing the issues relating to the development and implementation of the SPP.

<http://www.regents.nysed.gov/2005Meetings/October2005/1005emscvesidd2.htm>

Meetings were held with various constituent groups beginning in late September into early November 2005 from a broad spectrum of stakeholders on various stages of the development of the SPP. Stakeholders provided recommendations for State targets, improvement activities and methods to collect data on new indicators,

Composition of the stakeholder groups

In separate meetings conducted from late September until early November 2005, the following groups provided input into the State's development of the SPP. In total, approximately 420 individuals participated in these meetings, providing stakeholder input on the development of the State's Performance Plan.

- Regional and Central office special education staff of VESID.
- Board of Regents, Subcommittee on EMSC and VESID.
- Statewide meeting of the Special Education Training and Resource Centers (SETRC) and representatives of the statewide network of Regional School Support Centers (RSSC). After the full group presentation and overview, there were small group discussions on selected indicators and report out to the larger group. This

stakeholder group represented the State's technical assistance networks for special education and included representatives from every region of the State.

- Local school district Committee on Special Education (CSE) and Committee on Preschool Special Education (CPSE) directors and chairpersons, Board of Cooperative Educational Services (BOCES) directors, principals and assistant principals of schools, directors of preschool programs, school psychologists and regional trainers representing public school districts, BOCES and approved private schools and approved preschool programs.
- Representatives from Parent Training and Information Centers, including representatives from Sinergia, Inc., Parent-to-Parent of NYS, Advocates for Children, Long Island Parent Center, United We Stand of NY, The Advocacy Center and Resources for Children with Special Needs. This meeting was held in New York City (NYC).
- Representatives from the New York City Department of Education (NYCDOE) participated in a meeting held in NYC. A follow-up telephone conference call was conducted with two Parent Coordinators from the NYCDOE to further obtain input on Indicator #8 (Parent Involvement).
- To ensure broad representation from stakeholders in a forum that would foster interactive discussion on various indicators from different perspectives, an invitational group was convened, represented by district superintendents, superintendents and assistant superintendents of schools, directors of approved private schools, representatives from institutions of higher education, New York State United Teachers, School Boards Association, NYS Association of Retarded Citizens, Inc. (NYSARC), NYS Parent Teachers Association (NYSPTA), approved preschool programs and NYS legislative staff.
- Families Together of NYS, an Albany-based parent support and advocacy organization, convened a group of parents from the Capital District.
- The SPP was discussed with BOCES District Superintendents at statewide meetings held in October and November, and various decision points for the SPP were shared at that time. Beginning in November 2005, follow-up meetings in each of the supervisory districts were scheduled with school superintendents to review the requirements for data collection, reporting, accountability and school improvement.
- An all day meeting was held with the Commissioner's Advisory Panel for Special Education to review recommendations received to date and to obtain further input on the submission and implementation of the SPP.
- A meeting was held with the Conference of Big Five School Districts, with representatives participating from the Syracuse, Rochester, Buffalo and NYC school districts.

How stakeholder input was obtained

The requirements set forth by the U.S. Department of Education (USDOE) for the development of the SPP were shared with each group, including information on measures proposed by the State, current baseline information and proposed strategies. The meetings with stakeholders generally included an overview presentation, including a discussion of requirements for targets, a presentation of baseline data and included a

facilitated discussion of targets, improvement strategies and proposed plans to collect data on new indicators. Depending on the size of the stakeholder meeting, both large group and small group discussions focused on particular indicators. Participants were provided with forms with guiding questions to facilitate their input, which could be provided as part of the group process and/or in writing. Guiding questions included:

1. What factors should be considered in setting targets for this indicator (e.g., selected improvement activities, trend data, new policies, etc.)?
2. What targets would you recommend for this indicator?
3. What issues should be considered in designing a method to collect data for the new indicators?
4. What methods or strategies would you recommend?
5. What specific and targeted improvement activities would you recommend the State implement to lead to improved results toward the targets?
6. What role do you recommend our funded networks (e.g., SETRC, Early Childhood Direction Centers, Transition Coordination Sites) take in implementing the SPP and improving results in the priority areas?

Public dissemination plan

The Department will post the SPP on its website, sending an announcement of its availability through the list serve and through a memorandum to school districts, parent organizations and others interested in the education of students with disabilities. A press announcement will be released to newspapers regarding its availability.

Data sources

The following current data collection sources were reviewed in determining how the State will collect baseline and annual data for each of the indicators:

- System for Tracking Education Performance (STEP)
- Pupils with Disabilities (PD) data
- Impartial Hearing Reporting System (IHRS)
- Quality Assurance Information System (QAIS)
- Comprehensive Special Education Information System (CSEIS)
- Basic Educational Data System (BEDS)
- TransQual
- New York State Dispute Resolution Association
- Post School Indicator Longitudinal Study
- Preschool Longitudinal Study
- Individual Student Record System (ISRS): NYS will begin to phase in implementation of a statewide ISRS, beginning in the 2005-06 school year for grades 3-8. The new system will be a single system to collect all the required data for NCLB as well as to meet all other State and federal reporting requirements, including data required for the Part B SPP.

Design of the SPP

NYS has, to the maximum extent possible, developed its SPP to minimize reporting burdens on school districts and emphasize opportunities for improvement. 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 (see indicators 7, 8, 11, 12, 13 and 14). All school districts will provide data on all the indicators selected for sampling distributed over a six-year period beginning with the initial year in which data on the indicator is collected. In this way, a school district can 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 their publicly reported data reflect that improvement. All school districts are encouraged to proactively address these indicators prior to the year in which they must provide data to be used in the public reporting. An overview of the sampling methodology is provided in Attachment 2.

<p>Monitoring Priority: FAPE in the LRE</p>
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Indicator 1: Percent of youth with individualized education programs (IEPs) graduating from high school with a regular diploma compared to percent of all youth in the State graduating with a regular diploma.

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

Measurement:

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

New York State’s Measurement:

Percent of “graduation-rate cohort” of students with disabilities who graduate with a high school diploma (Regents or local diploma) within four years of first entering 9th grade or for ungraded students with disabilities, within four years of becoming 17 years of age.

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

Definition of Graduation-Rate Cohort:

The graduation-rate cohort includes all students in the accountability cohort plus all students excluded from that accountability cohort solely because they transferred to a program leading to a high school equivalency diploma (General Education Development (GED) program). The final date used to determine the members of the graduation-rate cohort is August 31 of the fourth year after a student first entered 9th grade. For example, graduation-rate cohort membership would be determined on August 31, 2004 for a student who entered grade nine for the first time in the 2000-01 school year.

Definition of District Accountability Cohort:

2000 District Accountability Cohort. The 2000 district accountability cohort consists of all students, regardless of their current grade status, who were enrolled in a district school or placed by the district CSE or a district official in an out-of-district placement on October 2, 2002 (BEDS¹ day) and met one of the following conditions:

- first entered grade 9 (anywhere) during the 2000–01 school year (July 1, 2000 through June 30, 2001); or
- in the case of ungraded students with disabilities, reached their seventeenth birthday during the 2000–01 school year.

The Department will exclude the following students when reporting data on the 2000 district accountability cohort:

1. students who transferred to a school in another district or state or transferred to a

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

- program leading to a high school equivalency diploma after BEDS day 2002;
2. students who left the U.S. and its territories after BEDS day 2002; and
 3. students who died after BEDS day 2002.
- Students who transferred into the district after BEDS day 2002 (October 2, 2002) will *not* be included in the 2000 district accountability cohort.
 - Students who move between district schools and out-of-district placements are included in the cohort, as long as the transfers are the decision of the CSE or a district official.
 - Students who have dropped out are included in the 2000 cohort. A dropout is any student (regardless of age) who left the school district prior to graduation for any reason except death and was not documented to have entered another school or a program leading to a high school equivalency diploma.

Change in definition of Graduation-Rate Cohort in 2008:

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

- To determine the percentage of students in a school district who have graduated with a regular diploma in the standard number of years, or who have dropped out, the denominator (beginning with the students who first entered ninth grade in the 2003–04 school year, July 31–June 30) will be the count of students who meet Condition 1 and either Condition 2 or Condition 3 below:
 1. enrolled in ninth grade (anywhere) for the first time in a particular year (year 1) or, for ungraded students with disabilities, attained age 17 during that school year, AND
 2. were enrolled in the school or local educational agency (LEA) on the first Wednesday of October (BEDS day) in year 1 and did not transfer to another program leading to a high school diploma, OR
 3. transferred into the school or LEA after the first Wednesday of October (BEDS day) in year 1 and were continuously enrolled in the school or district for a period of five months (excluding July and August), except that students who first enrolled in the school after the first Wednesday in October of year 4 will not be included in the denominator.
- The graduation rate will be the percentage of these students who earned a regular high school diploma no later than the end of year 4. An exception will be made for high schools where a majority of students participate in a State-approved five-year program that results in the receipt of certification in a career or technology field in addition to a high school diploma. For those schools, the graduation rate will be the percentage of those students defined in Conditions 1 and 2 who earned a regular high school diploma no later than the end of year 5. The public high school graduation rate will be used pursuant to §1111(b)(2)(1) of NCLB.

Overview of Issue/Description of System or Process

In New York State, a regular diploma is defined as a local or Regents diploma, including a Regents diploma with advanced designation requirements. The course work for high school graduation requirements may be found at:

- <http://www.emsc.nysed.gov/part100/pages/1005a.html>
- <http://www.emsc.nysed.gov/part100/pages/diprequire.pdf>

In 2005, the Board of Regents approved policy to phase in more challenging diploma requirements over the next few years. The following chart displays the NYS diploma requirements that will be phased in over the next four years.

DIPLOMA REQUIREMENTS

<i>Entering Freshman Class</i>	<i>Local Diploma Requirements</i>	<i>Regents Diploma Requirements</i>	<i>Regents Diploma with Advanced Designation Requirements</i>
2005	Score 65 or above on 2 required Regents exams and score 55 or above on 3 required Regents exams. Earn 22 units of credit.	Score 65 or above on 5 required Regents exams. Earn 22 units of credit.	Score 65 or above on 8 required Regents exams. Earn 22 units of credit.
2006	Score 65 or above on 3 required Regents exams and score 55 or above on 2 required Regents exams. Earn 22 units of credit.	Score 65 or above on 5 required Regents exams. Earn 22 units of credit.	Score 65 or above on 8 required Regents exams. Earn 22 units of credit.
2007	Score 65 or above on 4 required Regents exams and score 55 or above on 1 required Regents exam. Earn 22 units of credit	Score 65 or above on 5 required Regents exams. Earn 22 units of credit.	Score 65 or above on 8 required Regents exams. Earn 22 units of credit.
2008		Score 65 or above on 5 required Regents exams. Earn 22 units of credit.	Score 65 or above on 8 required Regents exams. Earn 22 units of credit.

The safety net allows eligible students who fail a Regents examination required for graduation to meet the requirement for a local diploma by passing the Regents competency test(s) (RCT), or an approved RCT alternative, in that subject. The student

may take the RCT before or after taking the Regents examination. The safety net is available to:

1. any student who is classified as disabled by the CSE at any time; and
2. students with disabilities who have been declassified at any time between grades 8 and 12, as recommended by the CSE at time of declassification; and
3. general education students identified under Section 504, as recommended in their 504 Accommodation Plan by the Multidisciplinary Team.

The RCT safety net for students with disabilities will continue to be available for students entering grade 9 prior to September 2010. Students using this safety net will be eligible to receive a local diploma. Students with disabilities may also graduate with a local diploma if they score between 55 and 64 on the required Regents exams.

Baseline Data for FFY 2004 (2004-2005)

Data for the 2000 graduation-rate cohort will include the summer 2004 graduates, as of August 31. The summer 2004 graduates are reported with the 2004-05 school year data, which is expected to become available by December 2005. The SPP will be revised to reflect the 2000 cohort baseline data at that time.

Baseline Data for 1999 Cohort as of August 31, 2003

Fifty-eight (58) percent of youth with IEPs in the 1999 cohort graduated from high school within four years compared to 76 percent of all students in that cohort.

Discussion of Baseline Data

As the tables below indicate, 55 percent of the 1998 graduation-rate cohort and 58 percent of the 1999 graduation-rate cohort of students with disabilities graduated with a local or Regents high school diploma within four years of first entering 9th grade or for ungraded students with disabilities within four years of becoming 17 years of age compared to 77 percent and 76 percent of all students, respectively.

The 1998 graduation-rate cohort data four years later includes the summer 2002 graduates, as of August 31. Similarly, the 1999 graduation-rate cohort data four years later includes the summer 2003 graduates, as of August 31.

1998 Cohort as of August 31, 2002

Student Subgroup	Graduation- Rate Cohort	Graduation Rate
All Students	165,226	77%
Students with Disabilities	14,306	55%

1999 Cohort as of August 31, 2003

Student Subgroup	Graduation- Rate Cohort	Graduation Rate
All Students	173,978	76%
Students with Disabilities	15,056	58%

NYS is reviewing its definitions of the “accountability cohort” and “graduation-rate cohort” for NCLB and is expected to revise these definitions for subsequent years. We expect the graduation rates will be significantly lower once the definitions are revised to include additional students. We will need to adjust our baseline data and targets for this indicator once data based on new definitions become available.

Note: The data and projected targets presented in the 2004 Annual Performance Report were based on the annual exiters of students with disabilities who earned a local, Regents and High School Equivalency (HSE) diploma as a percentage of the total number of students with disabilities who earned a local, Regents, HSE and IEP diploma or who reached maximum age. These data did not consider the number of years it took to graduate nor were students with disabilities who dropped out of school included in the calculation. In addition, these data were not compared to all students or general education students.

The baseline data and targets established for this SPP are based on a comparison to all youth in the State graduating with a local or Regents diploma within four years, and the data used in the computation of graduation and dropout rates are the same data that are used for calculations for accountability under NCLB.

Measurable and Rigorous Targets

FFY	Measurable and Rigorous Target
2005 (2005-06) (2001 cohort)	The percent of youth with IEPs graduating from high school within four years with a regular diploma will be 59 percent and no more than 18 percentage points lower than the rate for all youth.
2006 (2006-07) (2002 cohort)	The percent of youth with IEPs graduating from high school with a regular diploma within four will be 60 percent and no more than 17 percentage points lower than the rate for all youth.
2007* 2007-08 (2003 cohort)	The percent of youth with IEPs graduating from high school with a regular diploma within four years will be 61 percent and no more than 17 percentage points lower than the rate for all youth.

FFY	Measurable and Rigorous Target
<p>2008 2008-09 (2004 cohort)</p>	<p>The percent of youth with IEPs graduating from high school with a regular diploma within four years will be 62 percent and no more than 16 percentage points lower than the rate for all youth.</p>
<p>2009 2009-10 (2005 cohort)</p>	<p>The percent of youth with IEPs graduating from high school with a regular diploma within four years will be 63 percent and no more than 16 percentage points lower than the rate for all youth</p>
<p>2010 2010-11 (2006 cohort)</p>	<p>The percent of youth with IEPs graduating from high school with a regular diploma within four years will be 64 percent and no more than 15 percentage points lower than the rate for all youth.</p>

* Year definitions of accountability and graduation cohorts will change

Improvement Activities/Timelines/Resources

Activity	Timelines	Resources
<p>Conduct focused “Exiting/Transition” monitoring reviews of school districts with graduation rates below the State targets. School districts experiencing a higher dropout and/or lower graduation rate for students with disabilities are targeted for the exiting/transition review.</p>	<p>2005-11</p>	<p>Special Education Quality Assurance (SEQA) Regional Offices</p> <p>42 Special Education Training and Resource Centers (SETRC) - \$16,200,635 for 2005-06</p> <p>7 Regional School Support Centers (RSSC) - RSSC includes a full-time special education specialist on staff funded by IDEA discretionary funds - \$1.5 million for 2005-06</p>
<p>Conduct focused monitoring reviews of Board of Cooperative Educational Services (BOCES) to review student access and opportunities to participate in the general education curriculum and to receive course credit to meet the</p>	<p>2005-11</p>	<p>SEQA Regional Offices, SETRC and RSSC</p>

Activity	Timelines	Resources
graduation requirements.		
Provide Quality Assurance Review grants to large city school districts to offset the costs that these school districts may incur to participate in the focused monitoring reviews.	2005-11	\$60,000 allocated in 2005-06
Provide Quality Assurance Improvement grants to school districts to implement improvement activities identified through the focused review monitoring process.	2005-11	\$3,080,000 for 2005-06
Use a data-driven strategic planning model to develop annual improvement plans for the Big Four Cities (Buffalo, Syracuse, Rochester and Yonkers) and to provide coordinated technical assistance and professional development programs within the cities.	2005-11	Urban Initiative
Provide “Destination Diploma” forums to bring together school districts with the lowest graduation rates and the highest proportion of students taking three or fewer Regents exams in four years. “Destination Diploma” is designed to create a community of professional practice among school district teams, along with State and regional technical assistance providers and professional organizations.	2005-08	EMSC, SEQA, SETRC, RSSC
Partner with other State agencies to leverage local and State interagency funding to implement school-based collaborative efforts to improve results for students with disabilities.	2005-11	Task Force on School and Community Collaboration http://www.ccf.state.ny.us/schoolcollab.html
Promote implementation of Positive Behavioral Intervention and Supports (PBIS) in school districts with graduation rates below the State target.	2005-11	PBIS project in collaboration with SED, NYS Office of Mental (OMH), NYS Department of Health (DOH), the Children’s School Health Network (CSHN) and Families

Activity	Timelines	Resources
		Together NYS (FTNYS) - \$2,717,350 for 2005-06 (determined annually)
Support preservice and inservice staff development programs to enhance the knowledge and skills of general and special education teachers who provide instruction to students with disabilities.	2005-08	<p>The Center for the Preparation of Educational Interpreters \$600,000 for 2005-06</p> <p>Bilingual Paraprofessional Certification \$46,500 for 2005-06</p> <p>Bilingual Personnel Development Center \$150,000 for 2005-06</p> <p>Bilingual Special Education Personnel Preparation - \$900,000 for 2005-06</p> <p>United Federation of Teachers Special Education Support Program \$2,200,000 for 2005-06</p> <p>Bilingual School Psychology and Speech and Language Program \$300,000 for 2005-06</p> <p>Intensive Teacher Institute - Blind/Visually Impaired/Deaf/Hard of Hearing- \$200,000 for 2005-06</p> <p>Higher Education Support Center (HESC) \$530,500 for 2005-06</p>
<p>Increase student with disabilities' participation in Career and Technical Education (CTE) Programs</p> <ul style="list-style-type: none"> The Regents policy for program approval will continue to be implemented and administered so 	2005-11	<p>The Department's web site provides information on policy, guidance and resources for CTE programs. http://www.emsc.nysed.gov/workforce/cte/cte.html</p>

Activity	Timelines	Resources
<p>that students have access to specialized courses that integrate academic and career and technical skill development.</p> <ul style="list-style-type: none"> • A Career and Technical Education Resource Center (CTERC) has been established to increase graduation rates and support low performing schools. CTERC will provide training and technical assistance in CTE and academic integration. 		<p>A Career and Technical Education Resource Center (CTERC) has been established at the Questar III BOCES to increase graduation rates and to support low performing schools. The CTERC will provide training and technical assistance in CTE and academic integration.</p> <p>See http://www.emsc.nysed.gov/workforce/cteskillsachievementprofile/home.html</p>
<p>Promote use of high quality research-based instruction for students with disabilities</p> <ul style="list-style-type: none"> • Convene a group of experts in reading and response-to-intervention models to assist the State in its development of State criteria to identify students with learning disabilities. • Develop guidance materials and resources on research-based reading instruction and response-to-intervention models. • Identify school districts with effective models of response-to-intervention. • Provide staff development and sharing of effective practices. 	<p>2005-09</p>	<p>\$25,000 in 2005-06. Additional discretionary funds will be allocated to support these activities in subsequent years.</p>

Part B State Performance Plan (SPP) for 2005-2010

Overview of the State Performance Plan Development

See *Overview of State Performance Plan* preceding Indicator #1.

Monitoring Priority: FAPE in the LRE

Indicator 2: Percent of youth with IEPs dropping out of high school compared to the percent of all youth in the State dropping out of high school.

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

Measurement:

Measurement for youth with IEPs is the same measurement as for all youth. The calculation is explained below.

New York State's Measurement:

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

Definition of dropout:

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

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

This definition of "dropout" may be found on page 159-160 of the STEP Reporting Manual at: <http://www.emsc.nysed.gov/irts/STEP/2005/downloads/STEPManual.doc>

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

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

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

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

Also see “Change in definition of Graduation-Rate Cohort in 2008” described in Indicator #1.

NYS is reviewing its definitions of the “accountability cohort” and “graduation-rate cohort” for NCLB and is expected to revise these definitions for subsequent years. We will need to adjust our baseline data and targets for this indicator once we have data based on the revised cohort definitions.

Overview of Issue/Description of System or Process

NYS Education Law section 3202 does not permit any student over the compulsory attendance age in his or her school district to be dropped from enrollment unless he or she has been absent 20 consecutive school days and the following procedure is complied with: The principal or superintendent must schedule and notify, in writing and at the last known address, both the student and the person in parental relationship to the student of an informal conference. At the conference the principal or superintendent must determine both the reasons for the student’s absence and whether reasonable changes in the student’s educational program would encourage and facilitate his or her re-entry or continuance of study. The student and the person in parental relationship must be informed orally and in writing of the student’s right to re-enroll at any time in the public school maintained in the school district where he or she resides. If the student and the person in parental relationship fail, after reasonable notice, to attend the informal conference, the student may be dropped from enrollment provided that he or she and the person in parental relationship are notified in writing of the right to re-enter at any time. No student may be dropped from enrollment in NYS prior to the end of the school year in which the student turns age 16.

Baseline Data for FFY 2004 (2004-2005)

For the 2000 accountability cohort of students, as of June 30, 2004, the dropout rate for students with disabilities was 8.9 percent compared to 6.1 percent for all students. This represents a 2.8 percentage point difference in the dropout rate for students with disabilities compared to the rate of dropout for all students.

Discussion of Baseline Data

NYS will use the 2000 graduation-rate cohort data four years later, as of August 31, 2004 as the baseline data. These data will be available in December 2005. Until then, we are using the number of students who are in the 2000 accountability cohort, as of June 30,

2004. The SPP will be revised to reflect the 2004 baseline data as soon as it becomes available.

The table below shows the calculation of the dropout rate identified in the baseline data.

2000 Accountability Cohort as of June 30, 2004

Student Subgroup	Accountability Cohort	Number of Dropouts	Dropout Rate
All Students	170,485	10,354	6.1%
Students with Disabilities	18,257	1,618	8.9%
Percentage Point Difference			2.8%

We will need to adjust our baseline data and targets for this indicator once data based on new definitions of “accountability cohort” and “graduation-rate cohort” for NCLB become available. We expect the dropout rates will be significantly higher once these definitions are revised to include additional students.

Measurable and Rigorous Targets

FFY	Measurable and Rigorous Target
2005 2005-06 (2001 cohort)	The drop out rate for students with disabilities will be 8.9 percent and not more than 2.8 percentage points higher than the drop out rate of all youth.
2006 2006-07 (2002 cohort)	The drop out rate for students with disabilities will be 8.8 percent and not more than 2.8 percentage points higher than the drop out rate of all youth.
2007 2007-08 (2003 cohort)	The drop out rate for students with disabilities will be 8.7 percent and not more than 2.8 percentage points higher than the drop out rate of all youth.
2008 2008-09 (2004 cohort)	The drop out rate for students with disabilities will be 8.5 percent and not more than 2.8 percentage points higher than the drop out rate of all youth.
2009 2009-10 (2005 cohort)	The drop out rate for students with disabilities will be 8.3 percent and not more than 2.8 percentage points higher than the drop out rate of all youth.

FFY	Measurable and Rigorous Target
2010 2010-11 (2006 cohort)	The drop out rate for students with disabilities will be 8.2 percent and not more than 2.8 percentage points higher than the drop out rate of all youth.

The targets to reduce the drop out rate in this State are determined to be rigorous in relation to the increasing standards established in this State for students to meet the graduation requirements. The targets show slow steady improvement as the State's drop out prevention projects are implemented and increasing numbers of career and technical education programs are developed to address the needs of students with disabilities.

Improvement Activities/Timelines/Resources

The improvement activities identified below are designed to address high risk factors associated with dropouts, including attendance, behavior and academic achievement.

Activity	Timeline	Resources
See indicator # 1 activities.		
Provide technical assistance and training to middle schools to address factors that influence student dropout behavior in their respective communities.	2005-08	Destination: Graduation – an alliance between SED and the National Dropout Prevention Center at Clemson University.
Require school districts with low attendance rates to set aside a portion of their comprehensive operating aid for attendance improvement and dropout prevention.	2005-11	State set aside funding for 2005-06 is posted at: http://www.emsc.nysed.gov/funding/aidp0506.htm
Conduct exiting/transition focused reviews of school districts with drop out rates that are the furthest from the State targets.	2005-11	SEQA, SETRC, RSSC See indicator #1
Expand opportunities for career and technical education (CTE) for students with disabilities. <ul style="list-style-type: none"> Continue to provide students enrolled in approved school district or BOCES career and technical education (CTE) program who successfully complete all 	2005-11	“High Schools that Work” implemented in four school districts and seven BOCES to integrate academic and technical skills. A Career and Technical Education Resource Center

Activity	Timeline	Resources
<p>requirements the opportunity to earn a technical endorsement to be affixed to the high school diploma.</p> <ul style="list-style-type: none"> • Provide technical assistance on the CTE Skills Achievement Profile for Students with Disabilities Receiving an Individualized Education Program (IEP) Diploma. • Collect data on the number of students with disabilities exiting school with a Skills Achievement Profile. 		<p>(CTERC) has been established at the Questar III BOCES to increase graduation rates and to support low performing schools. The CTERC will provide training and technical assistance in CTE and academic integration.</p> <p>See http://www.emsc.nysed.gov/workforce/cteskillsachievementprofile/home.html.</p> <p>Transition Coordination Sites</p>

Part B State Performance Plan (SPP) for 2005-2010

Overview Of The State Performance Plan Development

See *Overview of the State Performance Plan Development* preceding Indicator 1.

Monitoring Priority: FAPE in the LRE

Indicator 3: Participation and performance of children with disabilities on statewide assessments:

- A. Percent of districts meeting the State's Adequate Yearly Progress (AYP) objectives for progress for disability subgroup.
- B. Participation rate for children with IEPs in a regular assessment with no accommodations; regular assessment with accommodations; alternate assessment against grade level standards; alternate assessment against alternate achievement standards.
- C. Proficiency rate for children with IEPs against grade level standards and alternate achievement standards.

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

Measurement:

- A. Percent = # of districts meeting the State's AYP objectives for progress for the disability subgroup (children with IEPs) divided by the total # of districts in the State times 100.

Note: For this measure, NYS also computes the percent of districts meeting the State's AYP objectives for progress for the disability subgroup (students with IEPs) divided by the number of districts that were required to make AYP (met the minimum size criteria).

- B. Participation rate =
 - a. # of children with IEPs in grades assessed;
 - b. # of children with IEPs in regular assessment with no accommodations (percent = b divided by a times 100);
 - c. # of children with IEPs in regular assessment with accommodations (percent = c divided by a times 100);
 - d. # of children with IEPs in alternate assessment against grade level standards (percent = d divided by a times 100); and
 - e. # of children with IEPs in alternate assessment against alternate achievement standards (percent = e divided by a times 100).

Account for any children included in a but not included in b, c, d, or e above.

Overall Percent = $b + c + d + e$ divided by a .

C. Proficiency rate =

- a. # of children with IEPs in grades assessed;
- b. # of children with IEPs in grades assessed who are proficient or above as measured by the regular assessment with no accommodations (percent = b divided by a times 100);
- c. # of children with IEPs in grades assessed who are proficient or above as measured by the regular assessment with accommodations (percent = c divided by a times 100);
- d. # of children with IEPs in grades assessed who are proficient or above as measured by the alternate assessment against grade level standards (percent = d divided by a times 100); and
- e. # of children with IEPs in grades assessed who are proficient or above as measured against alternate achievement standards (percent = e divided by a times 100).

Note:

- For measures of proficiency, NYS uses a Performance Index (PI) for each grade and assessment, which consists of the percent of continuously enrolled tested students at “basic proficiency” (Level 2) plus the percent of such students “at or above proficiency” (Levels 3-4).
- NYS is not able to provide data disaggregated for students with disabilities who received testing accommodations and those who did not. We expect to be able to report this disaggregation once the individual student record system is fully implemented.
- NYS does not currently administer an alternate assessment against grade level standards.

Overall Percent = $b + c + d + e$ divided by a .

Overview of Issue/Description of System or Process

NYS' accountability system for all students that is approved by the U.S. Department of Education (USDOE) under NCLB is characterized as follows:

- The accountability system applies to all public school districts (including Special Act School Districts) and public schools (including charter schools) and includes all students educated in these institutions or students placed in out-of-district placements by school districts.
- Schools must make AYP in English language arts (ELA) and mathematics at the elementary, middle and secondary levels; in science at the elementary and middle levels; and in graduation rate at the secondary level.
- Districts and schools are responsible for AYP of students in the following accountability groups, assuming sufficient enrollment in the group:
 - all students,
 - students with disabilities,
 - limited English proficient students,
 - economically disadvantaged students,
 - American Indian students,
 - Asian students,
 - Black students,
 - Hispanic students, and
 - White students.
- The failure of one group to make AYP in ELA or mathematics means that the district or school does not make AYP in that subject.
- Districts and schools must meet two requirements to make AYP in ELA and mathematics:
 - the school district must test 95 percent of students in each accountability group with 40 or more students; *and*
 - the performance of each group with 30 or more continuously enrolled students must meet or exceed its Effective Annual Measurable Objective (Effective AMO) or the group must make “safe harbor.”
- To make AYP in science, only the “all students” group is required to meet the performance requirement; there is no participation requirement.
- To make AYP on graduation rate, the “all students” group must achieve a graduation rate of at least 55 percent or improve by one percentage point over its previous year's performance.
- Assessment performance is defined at four levels:
 - Level 1 = Basic

- Level 2 = Basic Proficiency
 - Level 3 = Proficient
 - Level 4 = Advanced Proficiency
- A PI is a value from 0 to 200 that is assigned to an accountability group, indicating how that group performed on a required State test (or approved alternative) in ELA, mathematics, or science. PIs are determined using the following equations:
 - For elementary and middle level assessments, the $PI = [(number\ of\ continuously\ enrolled\ tested\ students\ scoring\ at\ Levels\ 2,\ 3,\ and\ 4 + the\ number\ scoring\ at\ Levels\ 3\ and\ 4) \div number\ of\ continuously\ enrolled\ tested\ students] \times 100$
 - For high school assessments, the $PI = [(number\ of\ cohort\ members\ scoring\ at\ Levels\ 2,\ 3,\ and\ 4 + the\ number\ scoring\ at\ Levels\ 3\ and\ 4) \div number\ of\ cohort\ members] \times 100$
 - The State has established Annual Measurable Objectives (AMOs) for ELA and mathematics at each grade level. The AMOs increase annually, beginning in 2004–05, in equal increments until reaching the goal of 100 percent student proficiency in 2013–14.
 - Recognizing that the annual performance data for relatively small groups of students are not statistically reliable, the State has established Effective AMOs based on the number of students in a measured group. The Effective AMO is the lowest PI that an accountability group of a given size can achieve in a subject for the group's PI not to be considered significantly different from the AMO. If an accountability group achieves its Effective AMO, it is considered to have made AYP, as long as the participation requirement, if applicable, has been met.
 - The State has established standards on the third indicators, elementary- and middle-level science and high school graduation rate, that districts and schools must meet to make AYP.
 - An accountability group whose performance in ELA and mathematics does not equal or exceed its Effective AMO in a subject can make “safe harbor” if its performance improves by a specified amount over its previous year's performance and if its performance on the third indicator equals or exceeds the State standard or improves by 1.0 percentage point on graduation rate and one point on science over the previous year.

The following table identifies the State's AMOs for 2004-05 through 2013-14:

School Year	Elementary Level		Middle Level		Secondary Level	
	ELA	Math	ELA	Math	ELA	Math
2003-04	123	136	107	81	142	132
2004-05	131	142	116	93	148	139
2005-06	138	149	126	105	154	146
2006-07	146	155	135	117	159	152
2007-08	154	162	144	129	165	159
2008-09	162	168	154	141	171	166
2009-10	169	174	163	152	177	173
2010-11	177	181	172	164	183	180
2011-12	185	187	181	176	188	186
2012-13	192	194	191	188	194	193
2013-14	200	200	200	200	200	200

The following sources provide additional detailed information about New York State's Accountability system for all students, including students with disabilities, which are approved under NCLB:

- <http://www.ed.gov/admins/lead/account/stateplans03/index.html>
- http://www.emsc.nysed.gov/irts/655report/2004/Volume1/combined_report.pdf pages 12-25)
- <http://www.emsc.nysed.gov/irts/accountability/school-and-district-accountability-rules-april-2005.ppt>
- http://www.emsc.nysed.gov/irts/accountability/accountability-rules_files/flexibility-ayp-swd.ppt
- <http://www.emsc.nysed.gov/irts/leap/2005-06/05-leap-manual.pdf> (Definitions of many of the terms used in this document are provided in this manual, e.g., AYP, Safe-Harbor Target, Annual Measurable Objective (AMO), Performance Index, Alternate Assessment, etc.)
- <http://www.emsc.nysed.gov/irts/STEP/home.shtml> , click on 2004-05 STEP Manual. (Definitions of many of the terms used in this document are provided in this manual, e.g., AYP, Safe-Harbor Target, AMO, Performance Index, Alternate Assessment).

Baseline Data for FFY 2004 (2004-2005)

NYS will provide 2004-05 school year data by December 2005 and will revise the SPP at that time.

Baseline for School Years 2003-04

Adequate Yearly Progress (AYP) Measure

In the 2003-04 school year, 75 school districts made AYP for students with disabilities in the grades and subjects in which they had sufficient enrollment. This represents 10.5

percent of all 712 school districts in the State, and 25.1 percent of the 299 school districts with the required minimum number of students with disabilities for accountability.

Participation Rate in State Assessments

In the 2003-04 school year, the participation rates of students with disabilities in State assessments exceeded 95 percent at the elementary level, were between 92 and 94 percent for the grade 8 assessments and were at the 86 percent rate for secondary-level assessments.

Assessment	Enrollment of Students with Disabilities	Regular Assessment, With or Without Accommodations*	Alternate Assessment-Alternate Achievement Standards	Participation Rate	Absent or Administrative Error
Grade 4 ELA	30,902	28,033	1,429	95.3%	1,439
Grade 4 Math	30,958	28,017	1,435	95.2%	1,496
Grade 8 ELA	35,250	31,645	1,455	94.0%	2,118
Grade 8 Math	35,033	30,874	1,409	92.2%	2,713
HS English-Seniors in 2003-04	16,738	Not Available	Not Available	86.0%	Not Available
High School Math-Seniors in 2003-04	16,738	Not Available	Not Available	86%	Not Available

* NYS will provide disaggregated data for students with disabilities who took the regular assessment with and without testing accommodations when the individual student record system includes all State assessment data.

Proficiency Rate

In 2003-04, the students with disabilities accountability group did not achieve a PI score sufficient to make safe harbor for any of the grade 4, grade 8 or secondary level State assessments. As the table below indicates, the students with disabilities accountability group achieved the following a PI of:

- 97 on the Grade 4 ELA examination, eight points short of the required safe-harbor target of 105 and twenty-six points short of the 2003-04 effective AMO for all students of 123.
- 133 on the Grade 4 mathematics examination, just two points short of the required safe-harbor target of 135 and just three points short of the 2003-04 effective AMO for all students of 136.
- 80 on the Grade 8 ELA examination, three points short of the required safe-harbor target of 83 and twenty-seven points short of the 2003-04 effective AMO for all students of 107.
- 79 on the Grade 8 mathematics examination, just one point short of the required safe-harbor target of 80 and just two points short of the 2003-04 effective AMO for all students of 81.

- 99 on the high school English examination, six points short of the required safe-harbor target of 105 and 42 points short of 2003-04 effective AMO for all students of 141.
- 97 on the high school mathematics examination, nine points short of the required safe-harbor target of 106 and 34 points short of 2003-04 effective AMO for all students of 131.

Assessment	2003-04 Performance		2003-04 Standard			Students with Disabilities Made AYP in 2003-04	2004-05
	Continuously Enrolled Students with Disabilities in Elementary and Middle Schools and 2000-01 Accountability Cohort in High School (HS)	NYS PI	Effective AMO	Safe-Harbor Target	Met Third Indicator for Safe Harbor		Safe-Harbor Target
Grade 4 ELA	28,721	97	123	105	Yes	No	107
Grade 4 Math	28,448	133	136	135	Yes	No	140
Grade 8 ELA	32,381	80	107	83	Yes	No	92
Grade 8 Math	31,226	79	81	80	Yes	No	91
HS Eng. 2000-01	18,066	99	141	105	Yes	No	109
HS Math-2000-01	18,066	97	131	106	Yes	No	107

Discussion of Baseline Data

The baseline data for each of these measures is expected to change for the 2004-05 and subsequent years as the grade 3-8 testing is implemented. NYS is not able to provide data disaggregated for students with disabilities who received testing accommodations and those who did not. We expect to be able to report this disaggregation once the individual student record system includes all State assessment data.

NYS will implement State testing in ELA and mathematics in Grades 3-8 during the 2005-06 school year. The State plans to develop two new State Performance Indices to replace the four indices that currently exist for elementary and middle level assessments; one new index is planned for Grades 3-8 ELA and the other for Grades 3-8 mathematics. Creation of the two new indices will require the State to establish new AMOs.

Measurable and Rigorous Targets

Targets established for the three measures relating to the participation and performance of students with disabilities on statewide assessments will be the same targets as established in the State's approved plan under NCLB. Targets will be revised, as appropriate, when changes to the State's NCLB plan are made.

School Year	Measurable and Rigorous Target
2005 (2005-06)	AYP: 100 percent of school districts will achieve AYP Participation: 95 percent in each grade and subject Performance: Achieve safe-harbor target in each grade and subject
2006 (2006-07)	AYP: 100 percent of school districts will achieve AYP Participation: 95 percent in each grade and subject Performance: Achieve safe-harbor target in each grade and subject
2007 (2007-08)	AYP: 100 percent of school districts will achieve AYP Participation: 95 percent in each grade and subject Performance: Achieve safe-harbor target in each grade and subject
2008 (2008-09)	AYP: 100 percent of school districts will achieve AYP Participation: 95 percent in each grade and subject Performance: Achieve safe-harbor target in each grade and subject
2009 (2009-10)	AYP: 100 percent of school districts will achieve AYP Participation: 95 percent in each grade and subject Performance: Achieve safe-harbor target in each grade and subject
2010 (2010-11)	AYP: 100 percent of school districts will achieve AYP Participation: 95 percent in each grade and subject Performance: Achieve safe-harbor target in each grade and subject

Improvement Activities/Timelines/Resources

Activity	Timeline	Resources
The required sanctions for schools and districts not making AYP are defined in federal and State law and include a continuum of consequences.	2005-11	SEQA, EMSC, SETRC and RSSC
Improvement activities identified for graduation and drop out rates are also targeted to improve achievement results for students with disabilities.		See Indicators #1 & 2
Conduct “Achievement” focused monitoring reviews of school districts with achievement rates that are the furthest from State targets.	2005-11	SEQA, SETRC, RSSC
<p>New York State Alternate Assessment for Students with Disabilities (NYSAA):</p> <ul style="list-style-type: none"> • Distribute and provide training on the revised teacher manual, training materials, enrollment system and the new electronic data folio template called ProFile™. • Annually issue field memoranda and training regarding performance and participation requirements under NCLB and IDEA. 	2005-11	Contract with Measured Progress - \$2,068,139 in 2005-06
Develop an alternate assessment aligned against grade level standards.	2007-09	EMSC & VESID
Provide funding to the Task Force on School and Community Collaboration to support local coordination efforts to enhance interagency supports to school age students.	2005-08	\$200,000 in 2005-06
Provide support to the “Big City Initiatives”, which is a statewide support center with six regional consortia. This support center provides technical assistance to improve student performance in the areas of math and reading, with an emphasis on assisting school districts to align math curriculum.	2005-06	\$580,000 in 2005-06
Provide technical assistance to assist targeted school districts to improve math instruction of students with disabilities.	2005-06	\$625,000 in 2005-06
Develop State criteria and identify effective practices to promote the use of “response-to-	2005-09	See Indicator #1

Activity	Timeline	Resources
intervention” identification processes for students with learning disabilities, with an emphasis on implementation in early grades 1-3 statewide. See the description of these improvement activities referenced in Indicator #1.		
Provide financial assistance to the State schools for the deaf and blind to improve academic achievement for their students.	2005-08	\$233,362 in 2005-06
<p>Provide resources to ensure students with disabilities have their instructional materials in accessible formats:</p> <ul style="list-style-type: none"> • Expand the distribution of Braille materials in the downstate area. • Provide materials in electronic formats for students unable to use standard print, large print or Braille textbooks due to visual, physical and perceptual disabilities. 	2005-08	<p>NYS Resource Center for the Blind</p> <p>Center for the Preparation of Educational Interpreters</p> <p>Helen Keller Services for the Blind</p> <p>\$643,000 in 2005-06</p>
Provide technical assistance regarding assistive technology for students with disabilities, including individual student technology consultations, an Internet Web Page, a newsletter, reference and software libraries, an assistive technology device loan and training service, and turnkey training for the State guidelines.	2005-10	<p>The Technology Resource Center (TRE).</p> <p>\$225,000 in 2005-06</p>
Provide staff development on universal design for learning to each of the large 5 cities and other targeted low-performing schools.	2005-08	TRE (see above)

Part B State Performance Plan (SPP) for 2005-2010

Overview of the State Performance Plan Development

See *Overview of the State Performance Plan Development* preceding Indicator 1.

Monitoring Priority: FAPE in the LRE

Indicator 4: Rates of suspension and expulsion:

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

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

Measurement:

- A. Percent = # of districts identified by the State as having significant discrepancies in the rates of suspensions and expulsions of children with disabilities for greater than 10 days in a school year divided by # of districts in the State times 100.

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

Section 618 data was used to analyze for discrepancy in the rates of suspensions of students with disabilities for greater than 10 days in a school year among LEAs. A minimum number of 75 students with disabilities was used, since small numbers of students with disabilities may distort percentages. A baseline statewide average of suspensions of greater than 10 days was calculated. The rate of suspensions of greater than 10 days in a school year for each school district with the minimum 75 students with disabilities was compared to the baseline statewide average. Percent ranges are based on multiples of the 2004-05 statewide average rate of 1.2 percent (rounded from 1.234 percent).

Definition of significant discrepancy:

- For the baseline year and through 2007-08, significant discrepancy is defined as a suspension rate of greater than four times the baseline statewide average (i.e., a rate of more than 4.9 percent).
- Beginning in 2008-09 through 2010-11, significant discrepancy is defined as a suspension rate of greater than two times the baseline statewide average, (i.e., a rate of more than 2.5 percent of all students with disabilities).

Overview of Issue/Description of System or Process

Section 3214 of NYS Education Law establishes the requirements for the suspension of all students. Section 3214.6 establishes the requirements for the suspension of students with disabilities. Information on the NYS requirements relating to suspensions may be accessed at:

<http://www.vesid.nysed.gov/specialed/publications/policy/discipcover.htm> (The guidance document will be revised in 2006 to reflect the IDEA 2004 requirements).

Procedures that apply to all students: If a student violates the school code of conduct and is being considered for a suspension or removal, school personnel must ensure the following due process protections are provided to the student and to the student's parent(s).

- For suspensions of five school days or less, the student's parent(s) or guardian must be provided with a written notice (section 3214 notice), and a follow-up telephone call if possible, within 24 hours of the incident leading to the suspension which describes the basis for the suspension and explains that the parent or guardian has a right to request an informal conference with the principal prior to the proposed suspension to discuss the incident and question any complaining witness(es) against the student.
- For suspensions in excess of five consecutive school days, the student's parent(s) or guardian must be provided with a written notice which indicates that the district proposes to suspend the student from school in excess of five consecutive school days, describes the basis for the proposed suspension, explains that the student has an opportunity for a fair hearing conducted by either the superintendent or hearing officer designated by the superintendent at which the student will have a right to question any witnesses accusing him/her of committing the misconduct charged and to present witnesses on his/her own behalf. Where possible, notification must also be provided by telephone.
- For any student of compulsory school age, the school must provide alternative education to the student during the suspension.

In addition to the above requirements that apply to all students, the requirements, procedures and protections in federal law and regulations pertaining to students with disabilities are established section 3212 of the Education Law and Part 201 of the Commissioner's Regulations. These requirements may be found at:

<http://www.vesid.nysed.gov/specialed/publications/lawsandregs/part201.htm>

4A Baseline Data for FFY 2004 (2004-2005)

Four and one-half (4.5) percent of all school districts in the State (31 school districts) had suspension rates greater than three times the baseline statewide average rate.

Seventeen (17) of these districts had suspension rates of more than 4.9 percent, which is more than four times the average.

Note: The 2004-05 suspension data are not final as of the date of submission of the SPP since they have not gone through the Department's verification process yet. We will revise these data before July 1, 2006 and update the information provided in this indicator accordingly.

Discussion of 4A Baseline Data

Trend data in NYS shows that the number of students with disabilities suspended out-of-school for more than 10 days is growing at a much faster pace than all out-of-school suspensions. While the total population of students with disabilities increased by only 1.6 percent from 2002-03 to 2004-05, the number of all out-of-school suspensions for one day or more among students with disabilities increased by 4.5 percent from 33,681 to 35,192 and the number of out-of-school suspensions for more than 10 days increased by 48.3 percent from 3,346 to 4,962 during this period.

Of 684 school districts², 73.4 percent (n=502) had either no out-of-school suspensions of students with disabilities for more than 10 days or a rate less than 1.2 percent. An additional 118 school districts had a suspension rate that was between 1.2 and 2.5 percent. As the table below indicates, 64 school districts had rates of suspension of 10 days or more that were greater than 2.5 percent.

# of districts	% of 684 total districts	% of students with disabilities suspended for greater than 10 days	Comparison to statewide baseline average	% of total 10-day suspensions
33	4.8%	>2.5% ≤ 3.7%	Greater than 2 times	8.4%
14	2.0%	>3.7% ≤ 4.9%	Between 3 and 4 times	7.5%
17	2.5%	>4.9%	More than 4 times	19.6%
*Percent ranges are based on multiples of the statewide average, i.e., 1.234, which rounds to 1.2%.				

- There are 31 school districts with rates of suspension greater than 3.7 percent.
- 17 of these districts have suspension rates of more than four times the statewide baseline average, accounting for approximately one-fifth of the statewide total number of suspensions of students with disabilities for greater than 10 days.

² Does not include Special Act School Districts

Measurable and Rigorous Targets

FFY	Measurable and Rigorous Target
2005 (2005-06)	No more than 2 percent of school districts in the State will suspend students with disabilities for more than 10 days at a rate greater than 4 times the statewide baseline average.
2006 (2006-07)	0 percent of the school districts in the State will suspend students with disabilities for more than 10 days at a rate greater than 4 times the statewide baseline average.
2007 (2007-08)	No more than 2 percent of school districts in the State will suspend students with disabilities for more than 10 days at a rate greater than 3 times the statewide baseline average.
2008 (2008-09)	No more than 2 percent of school districts in the State will suspend students with disabilities for more than 10 days at a rate greater than 3 times the statewide baseline average.
2009 (2009-10)	No more than 2 percent of school districts in the State will suspend students with disabilities for more than 10 days at a rate greater than 2 times the statewide baseline average.
2010 (2010-11)	No more than 2 percent of school districts in the State will suspend students with disabilities for more than 10 days at a rate greater than 2 times the statewide baseline average.

Improvement Activities/Timelines/Resources

Activity	Timelines	Resources
Notify and provide the self-review protocol to all school districts in the State whose data on long-term suspensions exceeds 2.5 percent with a recommendation that these districts conduct a self-review of policies, procedures and practices. These districts will be targeted for review by NYSED in the school year in which NYSED redefines “significant discrepancy.”	February 2008 Annually	SED staff “Suspension Review Monitoring Protocol”
Require each identified school district to submit a copy of its self-review document to SED. If the self-review identifies inappropriate policies, procedures and/or practices, SED will direct the	May 2006 Annually	SED, SETRC, RSSC

Activity	Timelines	Resources
<p>school district to submit evidence that it has revised its policies, procedures and/or practices as soon as possible, but not later than within one year.</p> <p>If the self-review indicates no compliance issues, SED will conduct a verification review of the district's policies, procedures and practices.</p>	<p>May– October Annually</p>	
<p>Direct a school district to obtain technical assistance on its policies, procedures and practices relating to long-term suspensions if the data continues to indicate significant discrepancies after two years.</p>	<p>Annually</p>	<p>SED staff</p>
<p>Review of the districts' suspension/expulsion data and discipline policies, procedures and practices in focused reviews, with analysis of the root causes for high rates of suspension.</p>	<p>Annually</p>	<p>SED staff</p>
<p>Update technical assistance documents to schools and parents to assist in their understanding of the requirements relating to the suspension of students with disabilities.</p>	<p>2006</p>	<p><i>Discipline of Students with Disabilities</i></p>
<p>Establish a Positive Behavior Interventions and Supports (PBIS) Statewide Technical Assistance Center to coordinate activities of PBIS.</p>	<p>2006-08</p>	<p>PBIS</p>
<p>Increase school district access to community resources to assist with support for families and students. Provide support to the Coordinated Children's Services Initiative (CCSI).</p>	<p>2006-11</p>	<p>CCSI VESID central and regional staff</p>

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.

Measurement:

Percent = # of districts identified by the State as having significant discrepancies in the rates of suspensions and expulsions for greater than 10 days in a school year of children with disabilities by race ethnicity divided by # of districts in the State times 100.

Definition of significant discrepancy:

NYS will compare the number of students suspended of each race/ethnicity category with the number suspended of all other race/ethnicity categories combined and compute relative risk ratios and weighted relative risk ratios to determine if there is disproportion in suspensions. For notifications of school districts during the 2005-06 school year based on 2004-05 school year data, the State will use the following definition of “significant discrepancy” and in subsequent years may revise the definition by lowering the relative risk ratio, weighted relative risk ratio as well as the minimum numbers of suspensions:

- Relative risk ratio and weighted relative risk ratio of 3.0 or higher;
- At least 75 students with disabilities enrolled as of December 1;
- At least 30 students of a particular race/ethnicity enrolled in the district (disabled and non-disabled) as of the first Wednesday in October;
- At least 10 students with disabilities of race suspended; and
- At least 20 students with disabilities of "other race/ethnicities" suspended in the comparison category of the relative risk ratio formula.

Data from the 2004-05 school year will be used to identify those districts with disproportionality in their rates of suspension by race/ethnicity. VESID will require a review of selected policies, procedures and practices of each of these identified districts. The percent of districts with inappropriate policies, procedures and practices, which led to the disproportionality by race/ethnicity, will be identified to establish the baseline.

Overview of Issue/Description of System or Process

IDEA section 618(d) requires States to collect and examine data to determine if significant disproportionality based on race and ethnicity is occurring in the State and the LEAs of the State with respect to the incidence, duration, and type of disciplinary actions, including suspensions and expulsions. In the case of a determination of significant disproportionality the State must:

- provide for the review and if appropriate revision of the school district's discipline policies, procedures, and practices to comply with the requirements of federal and State law and regulations;
- require any LEA identified to reserve 15 percent of funds under Section 613(f) to provide comprehensive coordinated early intervening services to serve children in the LEA, particularly children in those groups where there is a significant discrepancy in the rates of suspension; and
- require the LEA to publicly report on the revision of policies, practices, and procedures related to disproportionality.

Baseline Data for FFY 2004 (2004-2005)

The baseline data will be reported in the APR due on February 1, 2007.

Plan to Collect the Baseline Data for 4B:

By February 2006, NYS will analyze data and send notifications to school districts whose data indicate "significant discrepancy" based on the above definition, providing them with a State developed "self-review monitoring protocol." The notifications will also trigger a re-direct of 15 percent of the school district's IDEA funds to support early intervening services.

By May 2006, these school districts will be required to submit their completed self-review monitoring protocols of relevant school district policies, practices and procedures to the Department. The district must include community representatives from diverse racial and ethnic backgrounds in the review of the policies, procedures and practices.

Based on this self-review, if a school district determines that one or more of its policies, procedures and/or practices require revision, it must revise them and publicly post such revisions and provide corrective action documentation to the Department.

If a school district determines its policies, procedures and/or practices are appropriate and do not require revision, the Department will arrange for verification of this determination.

If the State determines that the school district's policies, procedures and practices are in compliance with federal and State requirements, the school district will not be required to complete another review of its policies, procedures or practices during the remaining period of the SPP. However, IDEA funds will continue to be redirected if data indicates discrepancy, based on the State's definition.

School districts that are found to have inappropriate policies, procedures and/or practices through the self-reviews or Department verification reviews will be reported in the baseline data for the 2005-06 school year.

Targets and Improvement Activities/Timelines/Resources

Targets and improvement activities for Indicator 4B will be provided in the FFY 2006 APR due February 1, 2007.

Part B State Performance Plan (SPP) for 2005-2010

Overview of the State Performance Plan Development

See *Overview of the State Performance Plan Development* preceding Indicator #1

Monitoring Priority: FAPE in the LRE

Indicator 5: Percent of children with IEPs aged 6 through 21:

- A. Removed from regular class less than 21% of the day;
- B. Removed from regular class greater than 60% of the day; or
- C. Served in public or private separate schools, residential placements, or homebound or hospital placements.

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

<p>Measurement:</p> <ul style="list-style-type: none"> A. Percent = # of children with IEPs removed from regular class less than 21% of the day divided by the total # of students aged 6 through 21 with IEPs times 100. B. Percent = # of children with IEPs removed from regular class greater than 60% of the day divided by the total # of students aged 6 through 21 with IEPs times 100. C. Percent = # of children with IEPs served in public or private separate schools, residential placements, or homebound or hospital placements divided by the total # of students aged 6 through 21 with IEPs times 100.
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Overview of Issue/Description of System or Process

Section 200.4 of the Commissioner's Regulations sets forth the requirements for placement of students with disabilities in the least restrictive environment.

NYS Education law and regulations also establish procedures for students with disabilities determined to be at future risk for residential placement: These procedures require, where a student is determined to be at risk of a future placement in a residential school, that the CSE request in writing that a designee of the appropriate county or State agency participate in any proceeding of the CSE to make recommendations concerning the appropriateness of residential placement and other programs and placement alternatives, including but not limited to, community support services that may be available to the family. The CSE must notify the local social services district when a student who is in a foster care placement is at risk of a future placement in a residential school.

Section 200.2(g) of the Commissioner's Regulations establishes the procedures for development and submission of "Special Education Space Requirements Plans." The purpose of the plan is to determine the need for additional facilities space for all special education programs in the geographic area served by the BOCES, including programs provided by the public school districts, approved private schools for students with disabilities and State-supported schools which are located within the geographic boundaries of the BOCES supervisory district. The plan must ensure that students with disabilities are educated in age appropriate settings and to the maximum extent appropriate with students who are not disabled. The annual progress report must provide the actual and projected numbers and projected percentages of students with disabilities in settings with nondisabled peers in the region. The Department publishes annual data on the progress regions are making to improve their rates of placements of students with disabilities in integrated settings.

Section 200.7 of the Commissioner's Regulations relating to the approval of new or expanded private schools to serve students with disabilities requires documentation of regional need and sufficient evidence to establish that the proposed program will serve only those students who, because of the nature or severity of their disability, would require a separate facility.

Baseline Data for FFY 2004 (2004-2005)

- A. 53.6 percent of students with disabilities, ages 6-21, removed from regular class less than 21 percent of the day (i.e., in general education programs for 80 percent or more of the school day).
- B. 27.3 percent of students with disabilities, ages 6-21, were removed from regular class greater than 60 percent of the day (i.e., in general education programs for less than 40 percent of the school day).
- C. Seven (7.0) percent of students with disabilities, ages 6-21, were served in public or private separate schools, residential placements, or homebound or hospital placements.

Discussion of Baseline Data

- Disaggregation of the data indicates that, compared with the rest of the State, the Big Five Cities where the special education population is the highest and resources are the lowest, place almost twice as many of their students with disabilities in programs in which they are removed from general education classes for more than 60 percent of the day or are in separate educational settings.
- Trend data shows that the rate of students with IEPs who participate daily in general education programs for 40 percent or more of the day has increased steadily from 1997-98 to 2003-04 (56.1 percent to 65.7 percent).
- 71 school districts are below the current 65.7 percent statewide average for students participating in general education programs 40 percent or more of the day.

Measurable and rigorous targets

FFY	Measurable and Rigorous Target
<p>2005 (2005-06)</p>	<p>The statewide percent of students with disabilities, ages 6-21, removed from regular class less than 21 percent of the day will be greater than 54 percent.</p> <p>The statewide percent of students with disabilities, ages 6-21, removed from regular class greater than 60 percent of the day will be less than 27.3 percent.</p> <p>The statewide percent of students with disabilities, ages 6-21, served in public or private separate schools, residential placements, or homebound or hospital placements will be less than 7.0 percent.</p>
<p>2006 (2006-07)</p>	<p>The statewide percent of students with disabilities, ages 6-21, removed from regular class less than 21 percent of the day will be greater than 55 percent.</p> <p>The statewide percent of students with disabilities, ages 6-21, removed from regular class greater than 60 percent of the day will be less than 26 percent.</p> <p>The statewide percent of students with disabilities, ages 6-21, served in public or private separate schools, residential placements, or homebound or hospital placements will be less than 6.5 percent.</p>
<p>2007 (2007-08)</p>	<p>The statewide percent of students with disabilities, ages 6-21, removed from regular class less than 21 percent of the day will be greater than 56 percent.</p> <p>The statewide percent of students with disabilities, ages 6-21, removed from regular class greater than 60 percent of the day will be less than 25 percent.</p> <p>The statewide percent of students with disabilities, ages 6-21, served in public or private separate schools, residential placements, or homebound or hospital placements will be less than 6.0 percent.</p>
<p>2008 (2008-09)</p>	<p>The statewide percent of students with disabilities, ages 6-21, removed from regular class less than 21 percent of the day will be greater than 57 percent.</p> <p>The statewide percent of students with disabilities, ages 6-21, removed from regular class greater than 60 percent of the day will be less than 23 percent.</p>

FFY	Measurable and Rigorous Target
	The statewide percent of students with disabilities, ages 6-21, served in public or private separate schools, residential placements, or homebound or hospital placements will be less than 5.5 percent.
2009 (2009-10)	<p>The statewide percent of students with disabilities, ages 6-21, removed from regular class less than 21 percent of the day will be greater than 58 percent.</p> <p>The statewide percent of students with disabilities, ages 6-21, removed from regular class greater than 60 percent of the day will be less than 21 percent.</p> <p>The statewide percent of students with disabilities, ages 6-21, served in public or private separate schools, residential placements, or homebound or hospital placements will be less than 5.0 percent.</p>
2010 (2010-11)	<p>The statewide percent of students with disabilities, ages 6-21, removed from regular class less than 21 percent of the day will be greater than 60 percent.</p> <p>The statewide percent of students with disabilities, ages 6-21, removed from regular class greater than 60 percent of the day will be less than 20 percent.</p> <p>The statewide percent of students with disabilities, ages 6-21, served in public or private separate schools, residential placements, or homebound or hospital placements will be less than 4.5 percent.</p>

Improvement Activities/Timelines/Resources

Activity	Timeline	Resources
Conduct focused monitoring reviews using a “Least Restrictive Environment” (LRE) protocol, designed to evaluate a school district’s performance regarding placement of students with disabilities in the LRE, including a review of the districts’ LRE data and policies and practices and determination of root causes for high rates of placements in the most restrictive settings.	2005-11	SEQA, SETRC, RSSC
Target technical assistance and professional development network activities to focus on districts identified with high rates of placement of students with disabilities in separate sites.	2005-10	State Improvement Grant, NYS Metro Center, SETRC, RSSC, Parent Centers
Provide Quality Assurance Review grants to large city school districts to offset the costs that these school districts may incur to participate in the focused monitoring reviews.	2005-11	\$60,000 for 2005-06 for all focused reviews (see indicator #1)
Provide Quality Assurance Improvement grants to school districts to implement improvement activities identified through the focused review monitoring process.	2005-11	\$3,080,000 for 2005-06 for all focused reviews (see indicator #1)
Use a data-driven strategic planning model to develop annual improvement plans and professional development programs for the Big Four Cities (Buffalo, Syracuse, Rochester and Yonkers).	2005-11	Urban Initiative (see indicator #1)
Implement regional space planning requirements to ensure regional planning that results in students with disabilities educated in age appropriate settings and to the maximum extent appropriate with students who are not disabled.	2005-11	District superintendents, VESID staff, Office of Management Services
Revise State policy relating to the continuum of special education programs and services to provide more instructional delivery designs in general education classes.	2006	State regulations Regents State Aid Proposal

Activity	Timeline	Resources
<p>Share information with school districts/agencies about innovative instructional delivery designs in general education settings; early intervening services and strategies to ensure student access to the general curriculum.</p>	<p>2006-11</p>	<p>National technical assistance centers:</p> <ul style="list-style-type: none"> • National Institute for Urban School Improvement • LRE Part B Community of Practice • The Access Center • National Center for Special Education Accountability Monitoring
<p>Require school districts identified with significant disproportionality to reserve 15 percent of its IDEA funds to provide coordinated early intervening services to address the disproportionality issue.</p>	<p>2006-11</p>	<p>LEA Application</p>

Part B State Performance Plan (SPP) for 2005-2010

Overview of the State Performance Plan Development

See *Overview of the State Performance Plan Development* preceding Indicator #1.

<p>Monitoring Priority: FAPE in the LRE</p>
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Indicator 6: Percent of preschool children with IEPs who received special education and related services in settings with typically developing peers (e.g., early childhood settings, home, and part-time early childhood/part-time early childhood special education settings).

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

<p>Measurement:</p>

<p>Percent = # of preschool children with IEPs who received all special education services in settings with typically developing peers divided by the total # of preschool children with IEPs times 100.</p>
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Overview of Issue/Description of System or Process

Section 4410 of the Education Law and section 200.16 of the Commissioner's Regulations establish the process for preschool students with disabilities to receive special education services.

The Committee on Preschool Special Education (CPSE) makes recommendations for placement of preschool students with disabilities. The CPSE is required by law and regulation to first consider the appropriateness of providing related services only; or special education itinerant teacher services (SEIT) only; or related services in combination with SEIT services; or a half-day preschool program or a full-day preschool program. The CPSE is also required to first consider providing special education services in a setting where age-appropriate peers without disabilities are typically found, prior to recommending the provision of special education services in a setting, which includes only preschool children with disabilities.

The CPSE is required to include in its written report of its recommendation a statement of the reasons why less restrictive placements were not recommended when the recommendation is for the provision of special education services in a setting with no regular contact where age-appropriate peers without disabilities.

Baseline Data for FFY 2004 (2004-2005)

In 2004-05, 63.5 percent of preschool children with IEPs received special education and related services in settings with typically developing peers (e.g., early childhood settings, home, and part-time early childhood/part-time early childhood special education settings).

Discussion of Baseline Data

- In 2004-05, 465 out of 664 school districts with preschool special education students (70 percent) had rates of integration in preschool placements that exceeded the State average, while 199 school districts were below the statewide average. One hundred forty-eight (148) school districts were at 100 percent integration, including a large city/high need school district.
- Analysis by geographic regions indicates wide differences. New York City and Long Island are below the statewide rate by 11 and 7 percentage points respectively, while Central and Eastern New York State exceed the statewide baseline by 20 and 15 percentage points respectively. Between 2003-04 and 2004-05, New York City increased its integration of special education placements from 41.5 percent to 52.4 percent.
- Data from the longitudinal study of 5,000 preschool students with disabilities indicate a statistical relationship between integration in preschool special education and age appropriate development of learning and behavioral skills in kindergarten. As the students progress through grade four, data will continue to be collected to ascertain long-term effects of preschool integration.
- NYS has made steady growth in the integration of preschool special education over time. In 1995-96, the integration rate was 32.3%. The 2004-05 rate has nearly doubled since that time. In 2003-04, the NYS rate exceeded the national average by 6.7 percentage points. Among the improvement strategies implemented over this time period that led to these improvement results are:
 - A moratorium on the approval of any new or expanded preschool programs in settings that include only preschool children with disabilities.
 - The addition of SEIT services to the continuum of preschool special education services in 1997.
 - A grant initiative to promote the development of new or expanded preschool programs in integrated settings.
 - Initiation in 2001 of the NYS Universal Pre- Kindergarten Program.

Measurable and Rigorous Targets

FFY	Measurable and Rigorous Target
2005 (2005-06)	64 percent of preschool students with disabilities served in either natural settings or settings that include nondisabled children.
2006 (2006-07)	64.5 percent of preschool students with disabilities served in either natural settings or settings that include nondisabled children.
2007 (2007-08)	65.5 percent of preschool students with disabilities served in either natural settings or settings that include nondisabled children.
2008 (2008-09)	67 percent of preschool students with disabilities served in either natural settings or settings that include nondisabled children.
2009 (2009-10)	68 percent of preschool students with disabilities served in either natural settings or settings that include nondisabled children.
2010 (2010-11)	70 percent of preschool students with disabilities served in either natural settings or settings that include nondisabled children.

Improvement Activities/Timelines/Resources

Activity	Timeline	Resources
Review the results of the preschool longitudinal study, including the effects of placements of preschool students in integrated versus nonintegrated settings.	2005-06	\$260,000 for 2005-06
Increase opportunities for students with disabilities to have earlier access to inclusive educational settings. <ul style="list-style-type: none"> Regents policy paper on early childhood education – expansion of universal pre-kindergarten statewide 	2006-11	EMSC/VESID staff
Conduct focused monitoring reviews using the LRE monitoring protocol, designed to evaluate a school district's performance regarding placement of students with	2005-11	SEQA, SETRC, RSSC

Activity	Timeline	Resources
disabilities in the LRE, including a review of the districts' LRE data and policies, procedures and practices, determination of root causes for high rates of placements in the most restrictive settings.		
Provide Quality Assurance Review grants to large city school districts to offset the costs that these school districts may incur to participate in the focused monitoring reviews.	2005-11	\$60,000 for 2005-06 for all focused reviews (see indicator #1)
Provide Quality Assurance Improvement grants to school districts to implement improvement activities identified through the focused review monitoring process.	2005-11	\$3,080,000 for 2005-06 for all focused reviews (see indicator #1)
Share national effective practices and strategies regarding: instructional delivery designs in general education settings; and classroom culture and conditions that positively impact student engagement in general education preschool settings.	2006-11	National Technical Assistance Centers: Preschool LRE Community of Practice www.taccommunities.org National Early Childhood Technical Assistance Center www.nectac.org
Share information about the knowledge and skills of early childhood educators to facilitate student participation in general education settings.	2006-11	IRIS Center for Faculty Enhancement http://iris.peabody.vanderbilt.edu

Part B State Performance Plan (SPP) for 2005-2010

Overview of the State Performance Plan Development

See *Overview of the State Performance Plan Development* preceding Indicator #1. NYS also reviewed technical assistance information and resources from the Early Childhood Outcomes Center (ECO) to assist us in making decisions regarding this indicator and during October and November 2005, conducted a survey through the Early Childhood Direction Centers (ECDC) of the assessment tools currently being used by special education preschool programs in the State.

Monitoring Priority: FAPE in the LRE

Indicator 7: Percent of preschool children with IEPs who demonstrate improved:

- A. Positive social-emotional skills (including social relationships);
- B. Acquisition and use of knowledge and skills (including early language/communication and early literacy); and
- C. Use of appropriate behaviors to meet their needs.

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

Measurement:

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

- a. Percent of preschool children who reach or maintain functioning at a level comparable to same-aged peers = # of preschool children who reach or maintain functioning at a level comparable to same-aged peers divided by # of preschool children with IEPs assessed times 100.
- b. Percent of preschool children who improve functioning = # of preschool children who improved functioning divided by # of preschool children with IEPs assessed times 100.
- c. Percent of preschool children who did not improve functioning = # of preschool children who did not improve functioning divided by # of preschool children with IEPs assessed times 100.

If children meet the criteria for a, report them in a. Do not include children reported in a in b or c. If a + b + c does not sum to 100%, explain the difference.

B. Acquisition and use of knowledge and skills (including early language/communication and early literacy)

- a. Percent of preschool children who reach or maintain functioning at a level comparable to same-aged peers = # of preschool children who reach or maintain functioning at a level comparable to same-aged peers divided by # of preschool children with IEPs assessed times 100.
- b. Percent of preschool children who improved functioning = # of preschool

children who improved functioning divided by # of preschool children with IEPs assessed times 100.

- c. Percent of preschool children who did not improve functioning = # of preschool children who did not improve functioning divided by # of preschool children with IEPs assessed times 100.

If children meet the criteria for a, report them in a. Do not include children reported in a in b or c. If $a + b + c$ does not sum to 100%, explain the difference.

C. Use of appropriate behaviors to meet their needs:

- a. Percent of preschool children who reach or maintain functioning at a level comparable to same-aged peers = # of preschool children who reach or maintain functioning at a level comparable to same-aged peers divided by # of preschool children with IEPs assessed times 100.
- b. Percent of preschool children who improved functioning = # of preschool children who improved functioning divided by # of preschool children with IEPs assessed times 100.
- c. Percent of preschool children who did not improve functioning = # of preschool children who did not improve functioning divided by # of preschool children with IEPs assessed times 100.

If children meet the criteria for a, report them in a. Do not include children reported in a in b or c. If $a + b + c$ does not sum to 100%, explain the difference.

Overview of Issue/Description of System or Process

SED has core curricula based on the learning standards for pre-K to grade 12.

<http://www.emsc.nysed.gov/ciai/cores.htm#ela>.

SED *Preschool Special Education Learning Outcomes and Indicators for Kindergarten Participation* was published in August 2003.

<http://www.vesid.nysed.gov/specialed/publications/preschool/learnoutcomes.htm>.

VESID is working collaboratively with EMSC to develop standards, performance indicators, curricula and an assessment process for all preschool children. The Board of Regents is discussing a policy paper on early childhood education, which focuses on the learning standards for all children and the need for performance indicators for each content area for pre-Kindergarten-grade 12, the need to better align this work with early childhood curriculum and assessment and calls for the State standards to be reexamined in the early childhood grade levels to ensure consistency with current scientifically based research. The early childhood community has articulated the need for a separate guidance document on pre-Kindergarten standards, performance indicators and assessments. The policy paper calls for the development of an assessment protocol to inform instruction at the classroom level and to report to parents on their child's progress. This revised assessment protocol would also include a more comprehensive screening for new entrants to school age programs. It has been agreed that the assessment protocol to be developed must be aligned with standards and

curriculum so that improved and more integrated instruction can be provided to students with limited English proficiency and students with disabilities. It will take approximately four years to accomplish this collaborative work and by the school year 2010-11, it is expected that NYS will have a statewide assessment system for all preschoolers.

Baseline Data for FFY 2005 (2005-2006)

Baseline entry data for preschool students receiving special education programs and services for the first time between the months of February and August 2006 will be reported in the APR due to USDOE on February 1, 2007. Targets and improvement activities will be identified once the baseline entry and exit data is available in the APR due in February 2008.

Plan to collect baseline entry data

Beginning in February 2006, all school districts in the State will be required to collect assessment entry data on all preschool children who receive an initial evaluation and receive special education services between February and August 2006. "Entry" is defined as the child's initial evaluation for preschool special education programs and services.

In January 2006, the State will provide assessment procedures to be used by preschool evaluators as part of the initial evaluation of all preschool students. The assessment to be used to measure the three outcome areas will be selected by the approved preschool evaluator. Approved evaluators must continually administer entry assessments as a component of all initial evaluations conducted beginning February 1, 2006.

The approved evaluators must report the child's assessment results in the three outcome areas to the CPSE on the preschool child's Summary Evaluation Report. The CPSE will review the assessment results as part of the initial determination of eligibility and use the ECO Center's tool for collecting child outcome data to summarize the child's current functioning in positive social relationships, acquiring and using knowledge and skills and use of appropriate behaviors to meet their needs. This information must be retained in the child's education record at the school district and be provided as part of the student's record if the student transfers school districts.

NYS will collect aggregate "entry" assessment on preschool children from a representative sample of one-sixth of the school districts in the State during the 2005-06 school year. In the first year, by September 15, 2006, school districts will report entry assessment data for those preschool children who were evaluated and determined eligible for preschool special education programs and services between February 1, 2006 and August 31, 2006. The data will be collected on a new PD form to be developed by the State and will request information such as the number of children who were functioning at or above a level comparable to their same aged peers and the

number who were functioning below a level of their same aged peers in each of the three preschool outcome areas.

Plan to collect baseline exit data

In 2006-07, a representative sample of school districts will report exit assessment data on preschool students who are exiting preschool special education programs and services for whom entry assessment data are available. "Exit" is defined as either declassification or at point in time within the last six months of the child's eligibility for preschool programs and services and the preschool child's annual review.

The baseline data reported in 2006-07 will include fewer preschool children than will be reported in subsequent years. In subsequent years, since entry-level evaluation data will have been collected on all preschool children who are evaluated and receive preschool special education programs/or services annually by all school districts, exit data from sampled districts will provide results from a larger pool of students and over a longer period of time.

As noted below, all school districts will have a choice of reporting data on all eligible students or they may submit data on a randomly selected sample of a minimum number of students using the sampling guidelines provided below. The vast majority of school districts will need to submit data on behalf of all eligible students.

The preschool special education provider will conduct the exit assessments. The approved provider selects the assessment to be used, but should, whenever feasible, use the same assessments as were used for the initial evaluation. The preschool special education provider will forward the assessment results to the CPSE. At the child's annual review meeting, the CPSE will review the results and make the determination of whether the child improved functioning or reached or maintained functioning at the same level as that of same age peers in each of the three outcome areas or did not improve functioning. The determination will be summarized using the ECO Center's tool for collecting child outcome data.

In fall 2006, feedback on the process will be solicited from selected school districts, preschool providers and evaluators participating in the assessment process, as well as the Commissioner's Advisory Panel for Special Education and ECDCs to determine if revisions to the plan to collect and report data for this indicator are necessary. It is anticipated that a statewide assessment system for all preschoolers will be implemented during the 2010-11 school year.

Identification of assessment measures

At the request of VESID, a survey was conducted by the ECDCs of the assessment tools currently being used by special education preschool programs in New York State that measure the required indicator areas. The most frequently administered assessments used in the State for 3- and 4-year old preschool children to assess preschool children with disabilities in the three outcome areas are provided below.

Assessment Measure	Outcome 1	Outcome 2	Outcome 3
Name, Edition and Publication Date of Assessment Measure	Positive Social Relationships	Acquire and Use Skills and Knowledge	Takes Actions to Meet Needs
Adaptive Behavior Assessment System (Ages 0-5)			X
Arizona Articulation Proficiency Scale – 3 rd Revision, Western Psychological Service, 2000		X	
Battelle Developmental Inventory (BDI 2) – 2 nd Edition, 2005	X	X	X
Bayley Scales of Infant Development (BSID 2), 1993		X	
Behavior Assessment System for Children (BASC) - 2 nd Edition, 2004	X		X
Brigance Diagnostic Inventory of Development, 1 st Edition, Copyright (1978, revised 1991)	X		X
Carolina Curriculum for Preschoolers with Special Needs, 2 nd Edition, Copyright 2004	X	X	X
Child Behavior Checklist (CBCL) – 2 nd 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,		X	

Assessment Measure	Outcome 1	Outcome 2	Outcome 3
Name, Edition and Publication Date of Assessment Measure	Positive Social Relationships	Acquire and Use Skills and Knowledge	Takes Actions to Meet Needs
1995			
Peabody Developmental Motor Scales-2, 2002 (1983)			X
Peabody Picture Vocab. Test (PPVT) – IIIA		X	
Preschool – Kindergarten Behavior Scales – 2 nd 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	

Sampling methodology

Sampling will be used to establish the 2005-06 baseline for this indicator. One-sixth of the school districts in NYS will be randomly selected. This represents approximately 120 school districts each year. The NYC School District will be included in the sample each year. It is the only school district in the State with a total enrollment of 50,000 or more students.

NYS has distributed all school districts among six statewide representative samples. These six groups of school districts were tested with Analysis of Variance (ANOVA) and there was no statistical difference among the six groups of school districts on the population variables described in Attachment 2. These population variables were from the 2000 decennial census.

All school districts will have a choice of reporting data on all eligible preschool students or they may submit data on a randomly selected sample of a minimum number of preschool students using the sampling guidelines provided below. The vast majority of school districts will need to submit data on behalf of all eligible preschool students. For some large school districts, if it will be less burdensome to report on a sample of preschool students, the methodology described below (totally random sampling) is likely to produce a sample that is representative of the population in terms of all variables, since every eligible student has the same chance as another student to be selected for the sample.

Federal Indicator Number	Eligible Population of Students From Which a Random Sample Must be Selected	Minimum Number of Students in the Sample	Method for Selecting Students	Required Documentation
7	<p>Entry level- all children who are referred for preschool special education programs and/or services.</p> <p>Exit level- all children who received preschool special education programs/or services for at least six months and who are declassified or are within their last six months of eligibility for preschool special education services and the preschool child’s annual review meeting for whom entry evaluation data are available.</p>	<p>Use a sampling calculator. Require 95% confidence interval and plus or minus 5% margin of error.</p>	<p>Random selection using a random number table.</p>	<p>Documentation period is seven years. Maintain list of all eligible students, copy of Random Number Table used, beginning random number for selecting students and list of all students who were selected and their number.</p>

The State will require that school districts maintain documentation as described above if they choose to report data on a sample of students. The totally random sampling methodology and required documentation should eliminate selection bias. The Department will attempt to prevent missing data by first describing precisely what the State needs to collect, providing technical assistance and then following up with school districts to request missing data. The completeness of data collection will improve after the first year and will continue to improve as long as requirements remain unchanged. All issues of confidentiality will be handled in accordance with the rules and procedures in the Family Educational Rights and Privacy Act (FERPA). The Department will also guard against divulging personally identifiable information by not reporting results when there are less than five students for whom data are available or when those results can be easily calculated based on other data provided.

Part B State Performance Plan (SPP) for 2005-2010

Overview of the State Performance Plan Development

See *Overview of the State Performance Plan Development* preceding Indicator #1. This indicator was discussed in depth with parent groups and with NYCDOE parent coordinators. The Department reviewed the parent survey provided by the National Center for Special Education Accountability Measures (NCSEAM) and consulted with NCSEAM staff in developing the SPP for this indicator.

<p>Monitoring Priority: FAPE in the LRE</p>
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Indicator 8: Percent of parents with a child receiving special education services who report that schools facilitated parent involvement as a means of improving services and results for children with disabilities.

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

<p>Measurement:</p>

<p>Percent = # of respondent parents who report schools facilitated parent involvement as a means of improving services and results for children with disabilities divided by the total # of respondent parents of children with disabilities times 100.</p>
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Overview of Issue/Description of System or Process

State law and regulations require each school district, upon initial referral of a student to special education, to provide the parents with a copy of the State's publication *A Parents Guide to Special Education* or a locally developed guide. The State's publication, *A Parents Guide to Special Education*, is available on the Department's web site. NYS has a mandated Procedural Safeguards Notice to ensure all parents receive the same information regarding their rights under IDEA. In addition to the parent of the student being discussed, NYS requires an additional parent of a student with a disability to participate in meetings of the CSE and CPSE to assist the parent in understanding the process.

As a component of focused monitoring reviews, SEQA conducts parent forums to seek input from parents of students with disabilities on various aspects of their experiences with their school district and special education programs. Statements from parents on both the positive aspects of special education within a school district and/or the areas in need of some improvement are considered in the school improvement planning process.

Baseline Data

Baseline data on the 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 will be reported in the APR due to USDOE in February 2007.

Plan to collect baseline information**Administration**

School districts will be responsible to provide the parent survey to a sample of parents of students for whom their school district has IEP responsibility (i.e., parents of students who are provided special education services in district-operated programs or under contract with other service providers).

School districts will be 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.

Survey Instrument

NYS will use 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 to be used by NYS is attached at the end of this Indicator section.

Timelines for Data Collection and Reporting

For the 2005-06 school year, surveys will be disseminated to school districts no later than February 2006. Surveys returned by August 31, 2006 will be included to establish the baseline data. Annually thereafter, school districts to be sampled in any year will receive the parent survey at the beginning of the school year and will have the entire year to survey parents.

Report Criteria

The criteria to be used to determine if a parent has rated his or her school district positively for parental involvement will be as follows: 14/25 items must receive a positive rating as 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.

Sampling Methodology

Sampling will be used to establish the 2005-06 baseline for this indicator. One-sixth of the school districts in NYS will be randomly selected. This represents approximately 120 school districts each year. The NYC School District will be included in the sample each year. It is the only school district in the State with a total enrollment of 50,000 or more students.

NYS has distributed all school districts among six statewide representative samples. These six groups of school districts were tested with Analysis of Variance (ANOVA) and there was no statistical difference among the six groups of school districts on the population variables described in Attachment 2. These population variables were from the 2000 decennial census.

School districts will be expected to select a representative sample of its parents to be surveyed, using the directions provided by SED. Schools would be encouraged to over sample to ensure statistically sound response rates. All school districts will have a choice of reporting data on all eligible students for this indicator or they may 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 will need to submit data on this indicator on behalf of all eligible students. For some large school districts, if it will be less burdensome to report on a sample of students, the methodology described below (totally random sampling) is likely to produce a sample that is representative of the school district in terms of all variables, since every eligible student has the same chance as another student to be selected for the sample.

Federal Indicator Number	Eligible Population of Students From Which A Random Sample Must be Selected	Minimum Number of Students in the Sample	Method for Selecting Students	Required Documentation
8	Every preschool and school-age student with a disability who is provided special education services in district-operated program or under contract with other service providers.	Use a sampling calculator. Require 95% confidence interval and plus or minus 10% margin of error. Expect 10% response rate, so require over-sampling by 90% of minimum number identified by the calculator.	Random selection using a random number table.	Documentation period is seven years. Maintain list of all eligible students, copy of Random Number Table used, beginning random number for selecting students and list of all students who were selected and their number.

SED will require that school districts maintain documentation as described below if they choose to report data on a sample of students. The totally random sampling methodology and required documentation should eliminate selection bias. School districts will be encouraged to provide surveys in a variety of ways to improve the response rate. The Department will attempt to prevent missing data by first describing precisely what the State needs to collect, providing technical assistance and then following up with school districts to request missing data. The completeness of data collection will improve after the first year and will continue to improve as long as requirements remain unchanged. All issues of confidentiality will be handled by in accordance with the rules and procedures in FERPA. The Department will also guard against divulging personally identifiable information by not reporting results when there are less than five students for whom data are available or when those results can be easily calculated based on other data provided.

Steps to Ensure Valid and Reliable Estimates

VESID will annually provide information to parent centers, advocacy agencies and the New York State Parent Teacher Association (PTA) as well as other networks and agencies (e.g., ECDCs) to request their assistance in encouraging parents of students with disabilities to complete and return the parent survey when requested by their school districts.

In addition to English, the surveys will be made available in the six predominant languages in this State (Spanish, Russian, Simplified Chinese, Haitian Creole, Bengali, & Urdu). Translators would need to be provided to ensure parents who do not read or understand one of these languages have an opportunity to participate in the survey.

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

Measurable and Rigorous Targets and Improvement Activities

VESID will meet with stakeholder groups in the fall of 2006 for the purpose of reviewing the baseline data and establishing the annual targets and improvement activities for this indicator, to be reported in the APR submitted in February 2007.



NEW YORK STATE EDUCATION DEPARTMENT

PARENT QUESTIONNAIRE – SPECIAL EDUCATION*

Your answers to the following questions will assist your school, your school district and the State to improve how school districts help parents of students with disabilities to be involved in their children’s special education programs. Parents in school districts throughout the State are completing this survey. The results for your school district will be reported by the State.

- Your responses are important and will remain confidential.
- Some questions will apply to the school district; others to the school your child attends.
- Mail the form using the return envelope.

Use a pencil only  Fill in circle completely: ●

Select one response for each statement.  **Skip statements that do not apply to you or your child.**

	Very Strongly Agree	Strongly Agree	Agree	Disagree	Strongly Disagree	Very Strongly Disagree
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Schools’ Efforts to Partner with Parents

1.	At the IEP meeting, we discussed accommodations and modifications that my child would need.	<input type="radio"/>					
2.	I have been asked for (or given a chance to share) my opinion about how well special education services are meeting my child’s needs.	<input type="radio"/>					
3.	Written information I receive is written in an understandable way.	<input type="radio"/>					
4.	Teachers and school staff treat me as a team member.	<input type="radio"/>					

Teachers and Administrators:

5.	- seek out my input.	<input type="radio"/>					
6.	- show sensitivity to the needs of my child.	<input type="radio"/>					
7.	- encourage me to participate in the decision-making process.	<input type="radio"/>					
8.	- respect my cultural heritage.	<input type="radio"/>					
9.	- help me to understand the Procedural Safeguards [the rules in federal law that protect the rights of parents].	<input type="radio"/>					
10.	- show a willingness to learn more about my child’s needs.	<input type="radio"/>					

Turn over for page 2 

		Very Strongly	Strongly Agree	Agree	Disagree	Strongly Disagree	Very Strongly
The School:							
11.	- provides me with reports on my child's progress on IEP goals.	<input type="radio"/>					
12.	- gives me choices with regard to services that address my child's needs.	<input type="radio"/>					
13.	- offers me a variety of ways to communicate with teachers.	<input type="radio"/>					
14.	- gives me the help I may need to play an active role in my child's education.	<input type="radio"/>					
15.	- explains what options I have if I disagree with a decision of the school.	<input type="radio"/>					
16.	- encourages me to attend and participate in the IEP meetings.	<input type="radio"/>					
Impact of Special Education Services on Your Family							
Over the past year, special education services have helped me and/or my family:							
17.	- know where to go for support to meet my child's need.	<input type="radio"/>					
18.	- feel more confident in my skills as a parent.	<input type="radio"/>					
19.	- understand how the special education system works.	<input type="radio"/>					
20.	- be able to evaluate how much progress my child is making.	<input type="radio"/>					
21.	- understand the roles of the people who work with my child and family.	<input type="radio"/>					
22.	- do things with and for my child that are good for my child's development.	<input type="radio"/>					
Select one response for each statement. Skip statements that do not apply to you or your child.		Always	Almost Always	Frequently	Sometimes	Rarely	Never
Parent Participation							
23.	I value the school's efforts to meet my child's needs.	<input type="radio"/>					
24.	I meet with my child's teacher(s) and/or other school staff to plan my child's program and services.	<input type="radio"/>					
25.	I suggest changes in school programs or services that I think would benefit my child and other students with disabilities.	<input type="radio"/>					

*This form was adapted from the "Parent Survey – Special Education" – version 2.0 developed by the National Center for Special Education Accountability Monitoring.

PLEASE COMPLETE THE FOLLOWING INFORMATION ABOUT YOUR CHILD

<p>Child's Age When First Referred to Early Intervention or Special Education</p> <p>Under 1 Year-of-Age _____</p> <p>Age in Years <table border="1" style="display: inline-table; width: 40px; height: 20px; vertical-align: middle;"><tr><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td></tr></table></p> <p>Child's Current Age <table border="1" style="display: inline-table; width: 40px; height: 20px; vertical-align: middle;"><tr><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td></tr></table></p> <p style="text-align: center;">Child's Race/Ethnicity</p> <p><input type="radio"/> American Indian or Alaskan Native</p> <p><input type="radio"/> Asian or Pacific Islander</p> <p><input type="radio"/> Black or African American (not Hispanic)</p> <p><input type="radio"/> Hispanic or Latino</p> <p><input type="radio"/> White (not Hispanic)</p>					<p style="text-align: center;">Child's Disability (select only one)</p> <p><input type="radio"/> Autism</p> <p><input type="radio"/> Deaf-Blindness</p> <p><input type="radio"/> Deafness</p> <p><input type="radio"/> Emotional Disturbance</p> <p><input type="radio"/> Hearing Impairment</p> <p><input type="radio"/> Mental Retardation</p> <p><input type="radio"/> Multiple Disabilities</p> <p><input type="radio"/> Orthopedic Impairment</p> <p><input type="radio"/> Other Health Impairment</p> <p><input type="radio"/> Specific Learning Disability</p> <p><input type="radio"/> Speech or Language Impairment</p> <p><input type="radio"/> Traumatic Brain Injury</p> <p><input type="radio"/> Visual Impairment including Blindness</p> <p><input type="radio"/> Preschool Student with a Disability</p> <p style="text-align: center;">Child's School (select only one)</p> <p><input type="radio"/> Child attends public school</p> <p><input type="radio"/> Child attends a Charter School</p> <p><input type="radio"/> Child attends a BOCES program</p> <p><input type="radio"/> Child attends an approved private school for students with disabilities</p> <p><input type="radio"/> Child attends a preschool program</p> <p><input type="radio"/> Other _____</p>

YOUR RESPONSES ARE IMPORTANT AND WILL REMAIN CONFIDENTIAL.

School District Code: _____

School Building Code: _____

Part B State Performance Plan (SPP) for 2005-2010

Overview of the State Performance Plan Development

See *Overview of the State Performance Plan Development* preceding Indicator #1.

Monitoring Priority: Disproportionality

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

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

Measurement:

Percent = # of districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification divided by # of districts in the State times 100.

Include State's definition of "disproportionate representation."

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

NYS Measurement:

NYS will compare the percent of total enrollment of each race/ethnic group in special education with the percent of total enrollment of all other race/ethnic groups in special education combined. NYS will define "disproportionate representation" in special education and related services as any minority groups that are over represented in the statewide data having a relative risk ratio of 3.0 or higher and a weighted relative risk of 3.0 or higher and having the following minimum numbers of students:

- at least 75 students with disabilities enrolled as of December 1, 2004;
- at least 30 students of a particular race/ethnicity enrolled in the district (disabled and non-disabled) as of fall 2004;
- at least 10 students with disabilities of race; and
- at least 20 students with disabilities of "other race/ethnicity" in the comparison category of the relative risk ratio formula.

We will revise our definition of "significant disproportion" in subsequent years to identify school districts with lower relative risk ratios and weighted relative risk ratios for minority groups that are over represented in the statewide data.

Overview of Issue/Description of System or Process

IDEA section 618(d) requires States to collect and examine data to determine if significant disproportionality based on race and ethnicity is occurring in the State and the LEAs of the State with respect to:

- the identification of children as children with disabilities, including the identification of children by particular disabilities;
- the placement in particular educational settings of such children; and
- the incidence, duration, and type of disciplinary actions, including suspensions and expulsions.

In the case of a determination of significant disproportionality with respect to the identification of children as children with disabilities, or the placement in particular educational settings of such children, the State shall:

- provide for the review and if appropriate revision of the policies, procedures, and practices used in such identification or placement to ensure that such policies, procedures, and practices comply with the requirements of IDEA;
- require any LEA identified to reserve fifteen percent of funds under section 613(f) to provide comprehensive coordinated early intervening services to serve children in the local education agency, particularly children in those groups that were significantly over identified; and
- require the LEA to publicly report on the revision of policies, practices, and procedures related to disproportionality.

Furthermore, IDEA section 616(a)(3) requires the Secretary to monitor states and the State to monitor LEAs using quantifiable and qualitative indicators to measure disproportionate representation of racial and ethnic groups in special education and related services, to the extent the representation is the result of inappropriate identification.

As a result of the passage of NYS legislation in 1999 (Chapter 405 of the Laws of 1999), the State has been identifying school districts for disproportionality based on race and ethnicity issues among other special education issues since the 2000-01 school year. It has conducted three such notifications, in 2000-01, 2002-03 and 2004-05 school years. Identified school districts were assigned to one of three levels of technical assistance: “self-review,” “regional review” and “targeted.”

- School districts assigned to “targeted” form of technical assistance received extensive technical assistance through the Department’s staff and funded networks. They were required to receive approval of their Comprehensive System of Personnel Development (CSPD) plans, which contained improvement strategies. The CSPD development and review/approval process included a review of the identified school district policies, procedures and practices used in the identification and placement of students.

- School districts assigned to “regional-review” form of assistance were required to address resolution of their problems in their CSPD plan and participate in regional training programs sponsored by the Department or through local sources.
- “Self-review” school districts addressed the resolution of their issues in their CSPD plans with local and regional resources and documented their annual updates to the CSPD plan with support of the SETRC representative.

In the first two notifications (2000-01 and 2002-03), NYS used the chi-square formula with the addition of some minimum numbers of students in the total enrollment and in each expected value cell of the chi-square formula. In the third notification, after review of our methodology, we revised how the chi-square statistic was calculated and added the relative risk ratio calculation to our methodology to identify school districts that had significant disproportion. Only school districts with significant chi-square results, relative risk ratios of 1.2 or higher (or 0.5 or lower for the "removed from regular classes for less than 20 percent of the day placement category") and minimum numbers of enrollment were identified for significant disproportion.

Because of the requirement to establish a baseline that identifies disproportionality that is the result of inappropriate policies, practices and procedures, NYS will revise its methodology for addressing disproportionality as described below.

Plan to collect baseline data

By February 2006, NYS will analyze data and send notifications to school districts whose data indicate "significant disproportion," providing them with a State developed "Disproportionality Self-Review" monitoring protocol. The notifications will also trigger a re-direct of 15 percent of the school district's IDEA funds to support early intervening services.

By May 2006, these school districts will be required to submit their completed self-review monitoring protocols of relevant school district policies, practices and procedures to the Department. The district must include community representatives from diverse racial and ethnic backgrounds in the review of the policies, procedures and practices.

Based on this self-review, if a school district determines that one or more of its policies, procedures and/or practices requires revision, it must revise them and publicly post such revisions and report the corrective action to the Department.

If a school district determines its policies, procedures and/or practices are appropriate and do not require revision, the Department will arrange for verification of this determination. If the Department determines that the school district's policies, procedures and practices are in compliance with federal and State requirements, the school district will not be required, based solely on data, to complete another review of its policies, procedures and practices during remaining period of the 2005-10 SPP.

Baseline Data for FFY 2004 (2004-2005)

Baseline data will be collected during the 2005-06 school year and reported in the APR in 2007. School districts that are found to have inappropriate policies, procedures and/or practices through the self-reviews or Department verification reviews conducted in 2006 will be reported in the baseline data for the 2005-06 school year.

Measurable and Rigorous Targets

FFY	Measurable and Rigorous Target
2005 (2005-06)	The percent of districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification will be 0.
2006 (2006-07)	The percent of districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification will be 0.
2007 (2007-08)	The percent of districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification will be 0.
2008 (2008-09)	The percent of districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification will be 0.
2009 (2009-10)	The percent of districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification will be 0.
2010 (2010-11)	The percent of districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification will be 0.

Improvement activities

Improvement activities will be reported in the APR due to USDOE in February 2007.

Part B State Performance Plan (SPP) for 2005-2010

Overview of the State Performance Plan Development

See *Overview of the State Performance Plan Development* preceding Indicator #1.

Monitoring Priority: Disproportionality

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

Percent of districts with disproportionate representation of racial and ethnic groups in special education placements that is the result of inappropriate policies, procedures and practices.

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

Measurement:

Percent = # of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification divided by # of districts in the State times 100.

Include State's definition of "disproportionate representation."

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

NYS Measurement:

NYS will compare the percent of total enrollment of each race/ethnic group that is identified by particular disabilities or percent of each race/ethnic group of students with disabilities that is in particular special education placement categories compared to other race/ethnic groups combined. NYS will define "disproportionate representation" as having a relative risk ratio of 3.0 or higher and a weighted relative risk of 3.0 or higher and having the following minimum numbers of students:

- at least 75 students with disabilities enrolled as of December 1, 2004;
- at least 30 students of a particular race/ethnicity enrolled in the district (disabled and non-disabled) as of fall 2004;
- at least 10 students with disabilities of race in a particular disability or placement category; and
- at least 20 students with disabilities of "other race/ethnicity" in the comparison category of the relative risk ratio formula.

The State will evaluate disproportionality in the identification of students by the following particular disabilities: learning disability; emotional disturbance; mental retardation, speech and language impairment; autism; and other health impairment.

The State will also evaluate disproportionality in the following special education placement categories: removed from regular classes for less than 20 percent of the school day; removed from regular classes for more than 60 percent of the day; and all separate settings combined.

We will revise our definition of "significant disproportion" in subsequent years to identify school districts with lower relative risk ratios and weighted relative risk ratios.

Overview of Issue/Description of System or Process

IDEA section 618(d) requires States to collect and examine data to determine if significant disproportionality based on race and ethnicity is occurring in the State and the local educational agencies of the State with respect to:

- the identification of children as children with disabilities, including the identification of children by particular disabilities;
- the placement in particular educational settings of such children; and
- the incidence, duration, and type of disciplinary actions, including suspensions and expulsions.

In the case of a determination of significant disproportionality with respect to the identification of children as children with disabilities, or the placement in particular educational settings of such children the State shall:

- provide for the review and if appropriate revision of the policies, procedures, and practices used in such identification or placement to ensure that such policies, procedures, and practices comply with the requirements of IDEA;
- require any LEA identified to reserve fifteen percent of funds under section 613(f) to provide comprehensive coordinated early intervening services to serve children in the local education agency, particularly children in those groups that were significantly over identified; and
- require the LEA to publicly report on the revision of policies, practices, and procedures related to disproportionality.

Furthermore, IDEA section 616(a)(3) requires the Secretary to monitor states and the States to monitor LEAs using quantifiable and qualitative indicators to measure disproportionate representation of racial and ethnic groups in special education and related services, to the extent the representation is the result of inappropriate identification.

As a result of the passage of NYS legislation in 1999 (Chapter 405 of the Laws of 1999), the State has been identifying school districts for disproportionality based on race and ethnicity issues among other special education issues since the 2000-01 school year. It has conducted three such notifications, in 2000-01, 2002-03 and 2004-

05 school years. Identified school districts were assigned to one of three levels of technical assistance: “self-review”; “regional review”; and “targeted”:

- School districts assigned to “targeted” form of technical assistance received extensive technical assistance through the Department’s staff and funded networks. They were required to receive approval of their CSPD plans, which contained improvement strategies.
- School districts assigned to “regional-review” form of assistance were required to address resolution of their problems in their CSPD plan and participate in regional training programs sponsored by the Department or through local sources.
- “Self-review” school districts addressed the resolution of their issues in their CSPD plans with local and regional resources and documented their annual updates to the CSPD plan with support of the SETRC representative. The CSPD development and review/approval process included a review of the identified school district policies, procedures and practices used in the identification and placement of students.

In the first two notifications (2000-01 and 2002-03), NYS used the chi-square formula with the addition of some minimum numbers of students in the total enrollment and in each expected value cell of the chi-square formula. In the third notification, after review of our methodology, we revised how the chi-square statistic was calculated and added the relative risk ratio calculation to our methodology to identify school districts that had significant disproportion. Only school districts with significant chi-square results, relative risk ratios of 1.2 or higher (or 0.5 or lower for the "removed from regular classes for less than 20 percent of the day placement category") and minimum numbers of enrollment were identified for significant disproportion.

Because of the requirement to establish a baseline if the disproportionality is a result of inappropriate policies, practices and procedures, NYS will revise its methodology for addressing disproportionality to the following beginning in 2005-06 school year (using 2004-05 school year data).

Plan to collect baseline data

By February 2006, NYS will analyze data and send notifications to school districts whose data indicate "significant disproportion" based on the above definition, providing them with a State developed "Disproportionality Self-Review" monitoring protocol. The notifications will also trigger a re-direct of 15 percent of the school district's IDEA funds to support early intervening services.

By May 2006, these school districts will be required to submit their completed self-review monitoring protocols of relevant school district policies, practices and procedures to the Department. The district must include community representatives from diverse racial and ethnic backgrounds in the review of the policies, procedures and practices.

Based on this self-review, if a school district determines that one or more of its policies, procedures and/or practices require revision, it must revise them and publicly post such

revisions and report the corrective action to the Department. If a school district determines its policies, procedures and/or practices are appropriate and do not require revision, the Department will arrange for verification of this determination. If the Department determines that the school district's policies, procedures and practices are in compliance with federal and State requirements, the school district will not be required to complete another review of its policies, procedures and practices during remaining period of the 2005-10 SPP.

Baseline Data for FFY 2004 (2004-2005)

Baseline data will be collected during the 2005-06 school year and reported in the Annual Performance Report in 2007. School districts that are found to have inappropriate policies, procedures and practices through the self-reviews or Department verification reviews will be reported in the baseline data for the 2005-06 school year.

Measurable and Rigorous Targets

FFY	Measurable and Rigorous Target
2005 (2005-06)	The percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories or placements that is the result of inappropriate policies, procedures and/or practices will be 0.
2006 (2006-07)	The percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories or placements that is the result of inappropriate policies, procedures and/or practices will be 0.
2007 (2007-08)	The percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories or placements that is the result of inappropriate policies, procedures and/or practices will be 0.
2008 (2008-09)	The percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories or placements that is the result of inappropriate policies, procedures and/or practices will be 0.
2009 (2009-10)	The percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories or placements that is the result of inappropriate policies, procedures and/or practices will be 0.
2010 (2010-11)	The percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories or placements that is the result of inappropriate policies, procedures and/or practices will be 0.

Improvement activities

Improvement activities will be reported in the APR due to USDOE in February 2007.

Part B State Performance Plan (SPP) for 2005-2010

Overview of the State Performance Plan Development

See *Overview of the State Performance Plan Development* preceding Indicator #1.

Monitoring Priority: Effective General Supervision Part B / Child Find

Indicator 11: Percent of children with parental consent to evaluate, who were evaluated and eligibility determined within 60 days (or State established timeline).

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

<p>Measurement:</p> <ol style="list-style-type: none"> a. # of children for whom parental consent to evaluate was received. b. # determined not eligible whose evaluations and eligibility determinations were completed within 60 days (or State established timeline*). c. # determined eligible whose evaluations and eligibility determinations were completed within 60 days (or State established timeline*). <p>Account for children included in a but not included in b or c. Indicate the range of days beyond the timeline when eligibility was determined and any reasons for the delays.</p> <p>Percent = $b + c$ divided by a times 100.</p> <p>* NYS' established timeline to complete the initial evaluation and eligibility determinations is 30 school days for preschool students and 60 calendar days for school age students.</p>

Overview of Issue/Description of System or Process

NYS law and regulations require the evaluation and eligibility determination of a preschool student be made within 30 school days of receipt of the parent's consent to evaluation. The CPSE provides the parent with a list of approved programs that have a multidisciplinary evaluation component. The parent selects the approved evaluation program to conduct the individual evaluation of his or her child and the board of education arranges for the evaluation by the service provider selected by the parent. In addition, with the consent of the parents, approved evaluators and CPSEs must be provided with the most recent evaluation report for a child in transition from programs and services provided pursuant to title two-a of article 25 of the Public Health Law.

For school age students, the initial evaluation to determine if a student is a student with a disability must be completed within 60 calendar days of receiving parental consent for the evaluation, with exceptions for students who transfer to another school district after the evaluation period has begun and when the parent of a student repeatedly fails or refuses to produce the student for the evaluation.

Baseline Data for FFY 2004 (2004-2005)

SED does not currently collect this information. A new PD form has been developed to begin collecting the consent and determination information during the 2005-06 school year. Baseline data will be collected in 2005-06 and reported in the February 2007 APR.

Plan to Collect Baseline Data

NYS will collect data on an annual basis from a statewide representative sample of school districts in the State using a new PD 9 form. The PD form must be submitted by September 15, 2006.

Baseline data will be collected based on the following population totals:

- All preschool students (or the minimum number required in a sample) for whom parents provided consent to evaluate for special education programs and/or services anytime during the 2005-06 school year (July 1, 2005 to June 30, 2006), regardless of the source of referral; and
- All school-age students (or the minimum number required in a sample) for whom parents provided consent to evaluate for special education programs and/or services anytime during the 2005-06 school year (July 1, 2005 to June 30, 2006), regardless of the source of referral, age, and the school students attended or currently attend.

To collect baseline data on the timeliness of eligibility determinations for children referred for preschool special education programs and/or services, the PD form will direct school districts to report the following information:

- The number of preschool children whose parents provided consent to evaluate for special education programs and/or services during the 2005-06 school year (July 1, 2005 – June 30, 2006) and the number of school days within which eligibility determinations were made for preschool children (within 30 days or less; within 31-40 days; within 41-50 days; and more than 50 days) both for students determined eligible and not eligible for preschool special education services.
- The reasons when the number of children with consent for evaluation exceeds the number of children for whom an eligibility determination was made (e.g., evaluations pending; parents withdrew consent; child moved to another school district; other reason).
- The reasons for delays in the initial eligibility determination of preschool children (e.g., evaluator not available; parent did not make the child available for the

evaluation; parent canceled the scheduled evaluation and selected another approved evaluator; child transferred into the district after the initial evaluation was initiated in another school district; other reason).

To collect baseline data on the timeliness of eligibility determinations for school-age students for special education programs and services, the PD form will direct the school districts to report the following information:

- The number of school-age students whose parents provided consent for an initial evaluation for special education programs and/or services during the 2005-06 school year (July 1, 2005-June 30, 2006).
- The reasons for a greater number of students with consent for evaluation than the number of students with initial eligibility determinations (e.g., numbers awaiting evaluations; numbers whose parents withdrew consent to evaluate; numbers who moved to another school district before the evaluation was completed; other reason).
- The reasons for the delays in the initial eligibility determinations (e.g., shortage of personnel to conduct the evaluation; parent repeatedly did not make the student available for the evaluation; student transferred into the district after the evaluation period began in the prior school district and the parent and new district agreed to an extended time period; other reason).

SED will conduct random data verification reviews to ensure accurate reporting. SED will also establish procedures to require corrective action in school district that report noncompliance.

Sampling methodology

Sampling will be used to establish the 2005-06 baseline for this indicator. One-sixth of the school districts in NYS will be randomly selected. This represents approximately 120 school districts each year. The NYC School District will be included in the sample each year. It is the only school district in the State with a total enrollment of 50,000 or more students.

NYS has distributed all school districts among six statewide representative samples. These six groups of school districts were tested with Analysis of Variance (ANOVA) and there was no statistical difference among the six groups of school districts on the population variables described in Attachment 2.

All school districts will have a choice of reporting data on all eligible students or they may submit data on a randomly selected sample of minimum number of students using the sampling guidelines provided below.

Federal Indicator Number	Eligible Population of Students From Which A Random Sample Must be Selected	Minimum Number of Students in the Sample	Method for Selecting Students	Required Documentation
11	For all preschool and school-age students: All students for whom parental consent to evaluate was received during the school year (July 1 – June 30).	Use a sampling calculator. Require 95% confidence interval and plus or minus 2% margin of error.	Random selection using a random number table.	Documentation period is seven years. Maintain list of all eligible students, copy of Random Number Table used, beginning random number for selecting students and list of all students who were selected and their number.

SED will require that school districts maintain documentation as described above if they choose to report data on a sample of students. The totally random sampling methodology and required documentation should eliminate selection bias. The State will attempt to prevent missing data by first describing precisely what the Department needs to collect, providing technical assistance and then following up with school districts to request missing data. The completeness of data collection will improve after the first year and will continue to improve as long as requirements remain unchanged. All issues of confidentiality will be handled in accordance with the rules and procedures in FERPA. The Department will also guard against divulging personally identifiable information by not reporting results when there are less than five students for whom data are available or when those results can be easily calculated based on other data provided.

Measurable and rigorous targets

FFY	Measurable and Rigorous Target
2005 (2005-06)	100 Percent of children with parental consent to evaluate will be evaluated and eligibility determined within 30 school days for preschool students and 60 calendar days for school age students.
2006 (2006-07)	100 Percent of children with parental consent to evaluate will be evaluated and eligibility determined within 30 school days for preschool students and 60 calendar days for school age students.
2007 (2007-08)	100 Percent of children with parental consent to evaluate will be evaluated and eligibility determined within 30 school days for preschool students and 60 calendar days for school age students.
2008 (2008-09)	100 Percent of children with parental consent to evaluate will be evaluated and eligibility determined within 30 school days for preschool students and 60 calendar days for school age students.
2009 (2009-10)	100 Percent of children with parental consent to evaluate will be evaluated and eligibility determined within 30 school days for preschool students and 60 calendar days for school age students.
2010 (2010-11)	100 Percent of children with parental consent to evaluate will be evaluated and eligibility determined within 30 school days for preschool students and 60 calendar days for school age students.

Improvement activities

Improvement activities will be reported in the APR due to USDOE in February 2007.

Part B State Performance Plan (SPP) for 2005-2010

Overview of the State Performance Plan Development

See *Overview of the State Performance Plan Development* preceding Indicator #1. In addition, NYS consulted with the NYCDOE to identify NYC specific issues and needed improvement activities.

Monitoring Priority: Effective General Supervision Part B / Effective Transition

Indicator 12: Percent of children referred by Part C prior to age 3, who are found eligible for Part B, and who have an IEP developed and implemented by their third birthdays.

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

Measurement:

- | |
|---|
| <ul style="list-style-type: none"> a. # of children who have been served in Part C and referred to Part B for eligibility determination. b. # of those referred determined to be NOT eligible and whose eligibilities were determined prior to their third birthdays. c. # of those found eligible who have an IEP developed and implemented by their third birthdays. |
|---|

<p>Account for children included in <i>a</i> but not included in <i>b</i> or <i>c</i>. Indicate the range of days beyond the third birthday when eligibility was determined and reasons for the delays.</p>

<p>Percent = $c \div (a - b) \times 100$.</p>
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Overview of Issue/Description of System or Process

The Department of Health (DOH) under the Early Intervention Program (Part C) provides services to children with disabilities, birth to two. SED has responsibility for providing services to preschool children with disabilities, ages three to five (Part B).

SED and DOH have a Memorandum of Understanding (MOU) that focuses on activities that will result in a smooth transition from Part C to Part B services for children beginning at age three. Early Intervention Officials (EIO) have responsibility under Public Health Law for notifying school districts (with parental consent) of an Early Intervention (EI) child's potential eligibility for services under preschool special education and for arranging a transition conference at least 120 days before the child is first eligible for preschool programs and services. A parent may also refer the child directly to the CPSE. The transition conference is scheduled at least 90 days before the

child is first eligible for preschool programs and services, and is attended by the EIO, the service coordinator, the parent(s) and the chairperson of the CPSE. The purpose of the transition conference is to decide whether the child should be referred to preschool special education for determination of eligibility, to review program options available to the child and family, and to develop a transition plan. This process ensures continuity of services for the child. The timely referral and evaluation of children to preschool special education and the provision of a free appropriate public education (FAPE) in the LRE by school districts are reviewed under the SEQA preschool focused monitoring review process.

The evaluation and eligibility determination of a preschool student must be made within 30 school days of receipt of the parent's consent to evaluation. The CPSE provides the parent with a list of approved programs that have a multidisciplinary evaluation component. The parent selects the approved evaluation program to conduct the individual evaluation of his or her child and the board of education arranges for the evaluation by the service provider selected by the parent. In addition, with the consent of the parents, approved evaluators and CPSEs must be provided with the most recent evaluation report for a child in transition from programs and services provided pursuant to title two-a of article 25 of the Public Health Law.

Upon receipt of the recommendation of the CPSE, the board of education must arrange for the preschool student with a disability to receive such programs and services commencing with the July, September or January starting date for the approved program, unless such services are recommended by the CPSE less than 30 school days prior to, or after, the appropriate starting date selected for such preschool student, in which case, the IEP must be implemented no later than 30 school days from the recommendation of the CPSE.

Baseline Data for FFY 2004 (2004-2005)

SED does not currently collect data using the same specific measurement required by OSEP for the SPP. SED will report baseline data in the APR due to USDOE on February 1, 2007.

Plan to collect the data

SED has revised its PD data collection forms to collect data from a representative sample of school districts during the 2005-06 school year (July 1, 2005 to June 30, 2006) on the percent of children referred by Early Intervention (IDEA, Part C) prior to age three, who are found eligible for preschool programs and/or services under IDEA, Part B, and who have an IEP developed and implemented by their third birthdays. NYS will use these data to identify noncompliance and establish corrective actions for those school districts in which the data indicates less than 100% of children referred by Part C prior to age 3, who are found eligible for Part B, have an IEP developed and implemented by their third birthdays.

To collect baseline data on the transition of children from early intervention (Part C of IDEA) to preschool special education programs and/or services (Part B of IDEA), the PD form will direct the school districts to report the following information:

- The numbers of children referred from Part C (Early Intervention) to Part B for preschool special education programs and/or services prior to the age of 3 who were found eligible and not eligible on or before age three and after the age of 3. Of this number, how many had their IEPs developed and implemented on or before the age of 3 and after the age of 3.
- The reasons for more referrals for evaluation than initial eligibility determinations (e.g., parents withdrew consent; student moved out of the district before the evaluation was completed; student awaiting an evaluation; other reasons).
- The reasons for delays in initial eligibility determinations (e.g., an approved evaluator was not available to provide the evaluation in a timely manner; the parents refused or repeatedly failed to make the child available for the evaluation; the parents canceled the scheduled evaluation and/or selected another approved evaluator; the child transferred to the district after the evaluation period began in a previous school district and the parents and district agreed to an extended time period to complete the evaluation; other reasons).
- The reasons for delays in developing and implementing children's IEPs prior to the children's third birthdays (e.g., parents chose to continue their child in the Early Intervention program after the child became age three; parents chose not to enroll their child in the recommended program; programs and/or services were not available; child moved out of the district prior to the child's third birthday; other reason).
- The number of days of delay in developing and implementing IEPs by a preschool child's third birthday (1-10 days; 11-20 days; 21-30 days; more than 30 days).

Sampling methodology

Sampling will be used to establish the 2005-06 baseline for this indicator. One-sixth of the school districts in NYS will be randomly selected. This represents approximately 120 school districts each year. The NYC School District will be included in the sample each year. It is the only school district in the State with a total enrollment of 50,000 or more students.

NYS has distributed all school districts among six statewide representative samples. These six groups of school districts were tested with Analysis of Variance (ANOVA) and there was no statistical difference among the six groups of school districts on the population variables described in Attachment 2. All school districts will have a choice of reporting data on all eligible students for this indicator or they may submit data on a randomly selected sample of minimum number of students using the sampling guidelines provided below.

Federal Indicator Number	Eligible Population of Students From Which a Random Sample Must be Selected	Minimum Number of Students in the Sample	Method for Selecting Students	Required Documentation
12	All children who are referred for special education services under Part C to Part B prior to age 3 during the school year (July 1-June 30).	Use a sampling calculator. Require 95% confidence interval and plus or minus 2% margin of error.	Random selection using a random number table.	Documentation period is seven years. Maintain list of all eligible students, copy of Random Number Table used, beginning random number for selecting students and list of all students who were selected and their number.

Measurable and rigorous targets

FFY	Measurable and Rigorous Target
2005 (2005-06)	100% of children referred by Part C prior to age 3, who are found eligible for Part B, will have an IEP developed and implemented by their third birthdays
2006 (2006-07)	100% of children referred by Part C prior to age 3, who are found eligible for Part B, will have an IEP developed and implemented by their third birthdays
2007 (2007-08)	100% of children referred by Part C prior to age 3, who are found eligible for Part B, will have an IEP developed and implemented by their third birthdays
2008 (2008-09)	100% of children referred by Part C prior to age 3, who are found eligible for Part B, will have an IEP developed and implemented by their third birthdays
2009 (2009-10)	100% of children referred by Part C prior to age 3, who are found eligible for Part B, will have an IEP developed and implemented by their third birthdays
2010 (2010-11)	100% of children referred by Part C prior to age 3, who are found eligible for Part B, will have an IEP developed and implemented by their third birthdays

Improvement Activities/Timelines/Resources

Activity	Timeline	Resources
Annually review and update the MOU between DOH and SED that focuses on activities that will result in a smooth transition from Part C to Part B services for children beginning at age three, including monitoring programs that are approved by DOH and NYSED to serve both EI and preschool children with disabilities.	2005-11	SED professional staff
<p>Conduct joint training, technical assistance and monitoring on requirements for the timely transition of children with disabilities from EI to preschool special education.</p> <p>Develop a video/training program on transition from EI to preschool special education.</p> <p>Provide training to EI and preschool staff and administrators.</p>	2005-07	DOH and SED staff DOH and SED guidance document: <i>Transition of Children at Age Three from the New York State Department of Health Early Intervention Program to the State Education Department Preschool Special Education Program or Other Early Childhood Services</i>
Approve new program applications and requests for program expansions in regions where data indicates preschool students are not receiving services by their third birthdays where there is documented need for additional programs.	2005-11	VESID staff
Continue to authorize variances to class size maximums where appropriate to allow additional students to be temporarily admitted to a preschool program.	2005-11	VESID staff
<p>Address shortages of qualified personnel to provide evaluations and services to preschool students.</p> <p>Provide technical assistance to NYCDOE on the provision of interim alternate bilingual program and services for English language learners/limited English proficient preschool students with disabilities.</p>	2005-08	See indicator #1

Activity	Timeline	Resources
Conduct monitoring of approved preschool programs.	2005-11	SEQA
Require corrective action in those school districts in which data indicate noncompliance.	2005-11	SEQA

Part B State Performance Plan (SPP) for 2005-2010

Overview of the State Performance Plan Development

See *Overview of the State Performance Plan Development* preceding Indicator #1. In addition to the plan development activities described previously, the Department sought the input on data collection for this indicator with the transition subcommittee of the Commissioner's Advisory Panel for Special Education, representatives of the Transition Coordination Sites (TCS) and representatives of the Employment and Disability Institute of Cornell University working on *TransQUAL Online*, a tool to support school district teams to improve their practices in career development and transition.

Monitoring Priority: Effective General Supervision Part B / Effective Transition

Indicator 13: Percent of youth aged 15³ and above with an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals.

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

Measurement:

Percent = # of youth with disabilities aged 15 and above with an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals divided by # of youth with an IEP age 15 and above times 100.

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.

³ The federal indicator is age 16. NYS has elected to measure this beginning at age 15, since State regulations require that transition services be indicated on a student's IEP to be in effect when the student turns age 15.

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 on 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 postsecondary goals based upon age appropriate transition assessments relating to training, education, employment and, where appropriate, independent living skills;
- a 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.

VESID's Strategic Plan Goals, Key Performance Indicators and Targets (June 2004, revised October 2004) included the Key Performance Indicator, "Individualized Education Program (IEP) with transition goals, objectives and services for students with disabilities."

NYS is conducting a Longitudinal Post School Indicators Study of outcomes for former special and general education students who left school in 2000 and 2001 with a Regents, Local or IEP diploma. Comparative analysis of high school experiences of the class of 2001 in relation to their post-school outcomes indicate that the combined presence during the student's K-12 educational program of helpful transition planning, early planning, provision of career and postsecondary information, participation by students and families, integration, academic achievement and a safe educational environment are significantly related to positive post school transitions.

VESID funds seven Transition Coordination Sites (regional technical assistance centers (TCS). TCS provide regional planning support and leadership for collaborative teams of interagency, education, family and community stakeholders to problem solve issues of resources and availability of services. In coordination with other SED networks and regional offices, TCS support school improvement and quality assurance activities by targeting strategic planning to help individual schools organize their internal transition

practices more effectively. One on-line, self-assessment tool used in TCS individual and group technical assistance efforts is called *TransQUAL, Online*. This online system provides a standardized set of quality indicators for transition procedures based on Dr. Paula Kohler's Taxonomy of Transition Programming, which allows a school to self-identify its needs for improvement and to use a strategic plan template to make improvements. Hyperlinks are made to on-line technical assistance information and effective practices. School data is password and username protected and history files are created from year to year so a school can revisit and revise its plans and self-assessments. Approximately half the school districts in the State have used the on-line tool. Aggregated data from the tool is available to the TCS to identify common needs and guide local training and development activities.

Baseline Data for FFY 2004 (2004-2005)

Baseline data will be reported for the 2005-06 year in the APR due February 1, 2007.

Plan to collect baseline data

NYS will collect data from a statewide representative sample of school districts on this indicator and use a monitoring protocol to select and review the IEPs in the representative sample of school districts. Over a six-year period beginning with the 2005-06 school year, all school districts will provide data on this indicator.

Sampling methodology

NYS has distributed all school districts among six statewide representative samples. These six groups of school districts were tested with Analysis of Variance (ANOVA) and there was no statistical difference among the six groups of school districts on the population variables described in Attachment 2. These population variables were from the 2000 decennial census. New York City is the only school district in the State with a total enrollment of 50,000 or more students, so it will be represented in each of the six samples.

By January 2006, SED will notify the selected sample districts that they must conduct a self-review of a random sample of IEPs of all students with disabilities ages 15-21.

Federal Indicator Number	Eligible Population of Students From Which A Random Sample Must be Selected	Minimum Number of Students in the Sample	Method for Selecting Students	Required Documentation
13	All students with disabilities ages 15-21 who are provided special education services in district-operated program or under contract with other service providers.	All students up to 30 eligible students. NYC samples 100 students.	Random selection using a random number table	Documentation period is seven years. Maintain list of all eligible students, copy of Random

Federal Indicator Number	Eligible Population of Students From Which A Random Sample Must be Selected	Minimum Number of Students in the Sample	Method for Selecting Students	Required Documentation
				Number Table used, beginning random number for selecting students and list of all students who were selected and their number

A school district may choose to review additional IEPs above the minimum number in order to improve the confidence with which results can be generalized to the entire population especially when there is wide variation in the results. In some cases, the State may require the review of additional IEPs.

SED will require that school districts maintain documentation as described above if they choose to report data on a sample of students. The totally random sampling methodology and required documentation should eliminate selection bias. The State will attempt to prevent missing data by first describing precisely what the Department needs to collect, providing technical assistance and then following up with school districts to request missing data. The completeness of data collection will improve after the first year and will continue to improve as long as requirements remain unchanged. All issues of confidentiality will be handled in accordance with the rules and procedures in FERPA. The Department will also guard against divulging personally identifiable information by not reporting results when there are less than five students for whom data are available or when those results can be easily calculated based on other data provided.

IEP Review Process

By February 2006, SED will provide an “IEP/Transition Self-Review” monitoring protocol to all school districts. The school districts selected for the representative sample will be directed to complete the “Transition IEP” self-review monitoring protocol on a representative sample of IEPs and document results on a form prescribed by the Department. The form will require documentation of the percent of students whose IEPs met each of the compliance requirements on the monitoring protocol. The State is exploring the development of an on-line reporting system (e.g., an adaptation of the *TransQUAL, Online* system) through which school districts would be required to submit the aggregate results of the self-review. SED will arrange for professional development on the self-review protocol and *TransQUAL, Online* system through TCS and SETRC. Training will be ongoing in subsequent years, as needed.

Districts will be directed to complete and enter data on their IEP reviews by August 31, 2006. SED will arrange for random verification reviews of reported data in school

districts in each 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 as soon as possible, but no later than one year from the date of identification.

Measurable and rigorous targets

FFY	Measurable and Rigorous Target
2005 (2005-06)	100 percent of youth* aged 15 and above will have IEPs that include coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals.
2006 (2006-07)	100 percent of youth* aged 15 and above will have IEPs that include coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals.
2007 (2007-08)	100 percent of youth* aged 15 and above will have IEPs that include coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals.
2008 (2008-09)	100 percent of youth* aged 15 and above will have IEPs that include coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals.
2009 (2009-10)	100 percent of youth* aged 15 and above will have IEPs that include coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals.
2010 (2010-11)	100 percent of youth* aged 15 and above will have IEPs that include coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals.

* percent of youth with IEPs reviewed

Improvement activities

Improvement activities will be reported in the APR due to USDOE in February 2007.

Part B State Performance Plan (SPP) for 2005-2010

Overview of the State Performance Plan Development

See *Overview of the State Performance Plan Development* preceding Indicator #1. In addition to the plan development activities described previously, the Department sought the input on data collection for this indicator with the transition subcommittee of the Commissioner's Advisory Panel for Special Education, representatives of the TCS and representatives of the State University of New York (SUNY) at Potsdam working on the NYS Indicators Post School Longitudinal Study (NYS LPSI).

Monitoring Priority: Effective General Supervision Part B / Effective Transition

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

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

Measurement:

Percent = # of youth who had IEPs, are no longer in secondary school and who have been competitively employed, enrolled in some type of postsecondary school, or both, within one year of leaving high school divided by # of youth assessed who had IEPs and are no longer in secondary school times 100.

Overview of Issue/Description of System or Process

Through contract with SUNY at Potsdam, NYS has been conducting a longitudinal post school study in which 13,000 special education and general education students have been followed since they were seniors in 2000 and 2001. The NYS LPSI study follows two randomly selected representative samples of special and general education seniors who left high school in 2000 (beta sample) and in 2001 (main sample) with regular high school diplomas (Regents or Local) or IEP diplomas from the point of senior exit, then at one, three and five years beyond high school. Given the extensive body of research on the negative post-school consequences of dropping out and the high cost of tracking down these students beyond school, students who dropped out were excluded from the NYS LPSI. The NYS LPSI questions are designed to determine how in-school transition preparation relates to community living, postsecondary education and career participation on a post school basis. This study will be concluded in September 2007.

The NYS LPSI found that 83 percent of the Class of 2001 completers at one year out of high school successfully transitioned to employment, postsecondary education or day program alternatives. Day program alternatives are adult service programs designed for persons with the most severe disabilities who cannot successfully compete in the

competitive labor market or postsecondary education even with extensive support. This rate was 75 percent for the class of 1995. Thus in six years, for completers, the rate of successful post school transitions increased eight percentage points.

Former general education students included in the NYS LPSI left the same schools in the same years as the special education students sampled. Ninety-six (96) percent of general education students who left high school with regular high school diplomas transitioned to postsecondary education or employment within one year of high school completion. Thus, compared to their general education peers at one year beyond high school, students with disabilities experience a gap in post school outcomes of approximately 13 percentage points.

Baseline Data for FFY 2004 (2004-2005)

The baseline data for students exiting school in 2005-06 will be reported in the 2008 APR.

Plan to collect baseline data

2006:

NYS will redirect the activities of the SUNY Potsdam LPSI to collect baseline data on a representative sample of one-sixth of the school districts in the State. See sampling plan below.

Exiters are defined to include those students with disabilities completing the program with any diploma or certificate of completion (Regents or local diploma, IEP diploma, GED), completing by reaching maximum age to attend special education or those dropping out in the school year 2005-06.

Employment is defined as competitive employment for at least minimum wage, either full time or part time, for any length of time.

Post secondary school enrollment is defined as participation in a two- or four-year college program, vocational or technical education beyond high school and adult basic education, either full or part time.

- By January 2006, school districts selected for sampling for this indicator will be notified that they must obtain contact information and consent to be contacted from all students who leave secondary school between the months of January to June 2006. School districts will provide demographic and contact data to the LPSI contractor for these students. Demographic data will include name of the school district and student identification, date of birth, year of exit, primary disability, gender, race/ethnicity information, type of school exit (e.g., graduation, drop out, aging out) and special education placement during the student's last year of school participation.

- By September 2006, school districts will submit the contact and demographic information to the LPSI contractor, who will verify completeness of information with school districts and initiate planning for interviewing, via a calling center, regional interviewers, mail and on-line survey alternatives.

2007 activities related to 2005-06 exiters:

- By February 2007, SED will notify 2005-06 students of the upcoming survey and encourage their participation when contacted by the LPSI contractor.
- From May through the end of July 2007, interviews will be conducted by the LPSI contractor with approximately 4,500 students exiting school during 2005-06, using a modified form of the National Post-School Outcomes Center Post-School Data Collection Protocol, involving twelve basic questions plus one qualitative question. Questions pertaining to employment and postsecondary education include the following:

Employment

1. The level of employment, from working in a competitive employment setting for pay to supported employment
2. If employed at all during the previous year
3. If currently employed
4. Hours worked per week
5. Typical hourly wage received
6. If the job provides health insurance benefits (an indicator of the stability of the level of engagement in the world of work).
7. If not employed, why?

Postsecondary education

8. The level of postsecondary education (from 4-year college program to Adult Basic Education)
9. If ever participated in postsecondary education
10. If currently involved in postsecondary education
11. Whether enrolled full or part time
12. If not engaged in postsecondary education, why?

The interviewer will record whether the student or the student's designee answered for the student.

- By the end of September 2007, the LPSI contractor will provide a compiled report back to each school district and to SED for reporting purposes. The compilation will indicate the response rate.
- One year out interviews will be conducted from May through July.

- Final reports to LEAs and SED will be provided by the end of September.

Sampling Plan

Sampling will be used to establish the 2005-06 baseline for this indicator. One-sixth of the school districts in NYS will be randomly selected. This represents approximately 120 school districts each year. The NYC School District will be included in the sample each year. It is the only school district in the State with a total enrollment of 50,000 or more students.

NYS has distributed all school districts among six statewide representative samples. These six groups of school districts were tested with Analysis of Variance (ANOVA) and there was no statistical difference among the six groups of school districts on the population variables described in Attachment 2. These population variables were from the 2000 decennial census.

All school districts will have a choice of reporting data on all eligible students or submitting data on a randomly selected sample of students. The minimum number of students required for this indicator can be obtained by using the sampling calculator provided by the State and the guidelines provided below. The vast majority of school districts will need to submit data on all eligible students for this indicator. For some large school districts, it will be less burdensome to report on a sample of students, the methodology described below (totally random sampling) is likely to produce a sample that is representative of the school district in terms of all variables, since every eligible student has the same chance as another student to be selected for the sample.

SED will require that school districts maintain documentation as described below if they choose to report data on a sample of students. The totally random sampling methodology and required documentation should eliminate selection bias. The Department will attempt to prevent missing data by first describing precisely what the State needs to collect, providing technical assistance and then following up with school districts to request missing data. The completeness of data collection will improve after the first year and will continue to improve as long as requirements remain unchanged. All issues of confidentiality will be handled by following in accordance with FERPA. The Department will also guard against divulging personally identifiable information by not reporting results when there are less than five students for whom data are available or when those results can be easily calculated based on other data provided.

Federal Indicator Number	Eligible Population of Students From Which A Random Sample Must be Selected	Minimum Number of Students in the Sample	Method for Selecting Students	Required Documentation
14	All students with disabilities who are no longer in secondary school but received some special education	School districts with less than 100 students with disabilities exiting, survey all	Same as above for larger districts	Same as above

Federal Indicator Number	Eligible Population of Students From Which A Random Sample Must be Selected	Minimum Number of Students in the Sample	Method for Selecting Students	Required Documentation
	service during the school year (July 1-June 30) in district-operated program or under contract with other service provider. (Include all students who left with a credential, reached maximum age for educational services or dropped out.)	students. School districts with 100 or more students use the sampling calculator. Require 95% confidence interval and plus or minus 5% margin of error.		

Improvement Activities/Timelines/Resources

Improvement activities will be reported in the APR due to USDOE in February 2008.

Part B State Performance Plan (SPP) for 2005-2010

Overview of the State Performance Plan Development

See *Overview of the State Performance Plan Development* preceding Indicator #1.

Monitoring Priority: Effective General Supervision Part B / General Supervision
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Indicator 15: General supervision system (including monitoring, complaints, hearings, etc.) identifies and corrects noncompliance as soon as possible but in no case later than one year from identification.

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

Measurement:

- | |
|---|
| <p>A. Percent of noncompliance related to monitoring priority areas and indicators corrected within one year of identification:</p> <ul style="list-style-type: none"> a. # of findings of noncompliance made related to monitoring priority areas and indicators. b. # of corrections completed as soon as possible but in no case later than one year from identification. <p>Percent = b divided by a times 100.</p> <p>For any noncompliance not corrected within one year of identification, describe what actions, including technical assistance and/or enforcement that the State has taken.</p> <p>B. Percent of noncompliance related to areas not included in the above monitoring priority areas and indicators corrected within one year of identification:</p> <ul style="list-style-type: none"> a. # of findings of noncompliance made related to such areas. b. # of corrections completed as soon as possible but in no case later than one year from identification. <p>Percent = b divided by a times 100.</p> <p>For any noncompliance not corrected within one year of identification, describe what actions, including technical assistance and/or enforcement that the State has taken.</p> <p>C. Percent of noncompliance identified through other mechanisms (complaints, due process hearings, mediations, etc.) corrected within one year of identification:</p> <ul style="list-style-type: none"> a. # of agencies in which noncompliance was identified through other mechanisms. b. # of findings of noncompliance made. c. # of corrections completed as soon as possible but in no case later than one |
|---|

year from identification.

Percent = c divided by b times 100.

For any noncompliance not corrected within one year of identification, describe what actions, including technical assistance and/or enforcement that the State has taken.

Overview of Issue/Description of System or Process

SED has developed an array of formal monitoring protocols for the review of public school districts, BOCES, approved private day and residential schools, child care institutions, charter schools, approved preschools, State supported schools, incarcerated youth, etc. These protocols comprise the SEQA process. Some versions of these protocols reflect a comprehensive array of regulatory requirements (e.g., Performance Review, Collaborative Review) while other versions reflect “focused monitoring” which include only those regulatory requirements that are considered most closely aligned with the focus of the review (e.g., LRE, Achievement, Transition/Exiting, IDEA/Selected Practices). In any given school year, a sample number of school districts and non-district programs around the State are identified for a formal monitoring review.

The monitoring process used for the school district of the City of New York is as follows: Although NYC is one school district, the NYCDOE has established ten separate instructional regions. Each year, a formal monitoring review is conducted in each region regardless of what data indicate. Although there are inter- and intra-regional differences in the performance of students with disabilities, all regions are in need of improvement. Given the large number of schools located within each region, criteria are established by which a sample of schools are selected since the number of school buildings in each of the instructional regions ranges from approximately 100–150+ facilities. In general, efforts are made to ensure a sample that is representative of the region as well as of any other administrative unit of the NYCDOE (alternative programs, District 75). Depending upon the scope of the review, a sampling of schools would typically consist of 10-12 schools in addition to the regional CSE and each building’s CSE subcommittee. Results from such reviews are then generalized. Corrective actions are directed to either regional personnel (if the noncompliance is found to be unique to the region) or to central NYCDOE administration (if the noncompliance is found to be systemic). The focus of the monitoring is different from year to year and is determined through a review of data, complaints from parents and/or other sources.

In areas outside of NYC, school districts are selected for monitoring based on data, including: data reflecting performance on the VESID Key Performance Indicators, number of years since last review, number of founded complaint issues in the last three years, other SED interventions, and regional staffing resources. Input from regional network partners is considered prior to a final determination being made jointly by the SEQA Regional Supervisor and the BOCES District Superintendent.

In addition to the monitoring of public school programs, SEQA (both in NYC and upstate) monitors a selection of private sector programs each year. SEQA regional offices have a designated caseload of approved private preschool, day and residential schools, and/or State-operated schools, charter schools, agency programs (OMRDD, OMH) as well as programs offered through the Office of Children and Family Services (OCFS). Additionally, SEQA reviews private sector non-approved residential school age programs that serve NYS students with disabilities receiving Emergency Interim Placement. Due to the number of schools in these categories, the selection of these programs for monitoring is determined through a review of data, incidence of formal complaints, and stakeholder input (contracting school districts, parents, other State agency and/or education department review). Monitoring priorities are also established by SEQA in consideration of major policy/regulatory implementation.

NYS uses a data based computer system, Quality Assurance Information System (QAIS), to track all monitoring reviews conducted in 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, QAIS, status reports).

NYS also uses QAIS to track all written signed complaints received by VESID by each SEQA office. All correspondence meeting this criterion are logged into this system. SEQA staff also use an additional internal log to ensure accurate data collection. Formal complaints are individually logged and the data is entered at all critical stages (60th day, findings issued, specific issues involved, status of each issue, due date for corrective action(s), date of resolution, etc.) SEQA supervisors use a variety of means to monitor timelines such as internal logs, QAIS and complaint summaries.

Baseline Data for FFY 2004 (2004-2005)

- A & B: Of the 1,367 issues of noncompliance identified in monitoring reports issued during the period 7/1/03-6/30/04, 84.1 percent were corrected within one year of the report being issued with an additional 8 percent corrected as of November 9, 2005. The data represents a total of 98 agencies monitored.
- C: Of the 405 issues of noncompliance identified through the State complaint process during the period 7/1/03-6/30/04, 71.4 percent were corrected within one year of the report being issued, with an additional 5.19 percent corrected as of November 9, 2005. The data represent a total of 100 agencies in which noncompliance was identified through the State complaint process.

Table 1: Compliance Issues Identified through Monitoring

Review Reports 2003-2004	# Reports Issued	(a) # Of Findings	(b) # Corrected Within 1 Year	% Corrected Within 1 Year
Achievement	9	59	41	69.5%
LRE	11	63	45	71.4%
Transition/Exiting	2	19	16	84.2%
Performance	37	861	711	82.6%
Charter School	4	4	4	100.0%
Focused Charter School	7	21	20	95.2%
Focused OCFS	1	3	3	100.0%
Non-District	4	165	146	88.5%
Preschool	3	22	21	95.5%
Focus Preschool	20	150	143	95.3%
Totals	98	1367	1150	84.1%

The following table identifies the percentage of noncompliance issues identified and corrected through State complaints categorized according to the five domain areas (desk audit, evaluation, due process IEP, FAPE/LRE) used in our comprehensive Performance Review protocol and in QAIS.

Table 2: Compliance Issues Identified through State Complaints

Areas of Noncompliance	(b) # of Findings	(c) # Corrected Within 1 Year	% Corrected Within 1 Year
Desk Audit	35	24	68.6%
Evaluation	49	32	65.3%
Due Process	79	61	77.2%
IEP	53	39	73.6%
FAPE/LRE	189	133	70.4%
Totals	405	289	71.4%

Discussion of Baseline Data

All findings of noncompliance identified through monitoring activities are reflected in Table 1 for the baseline identified for A & B. Most of the reviews included in the baseline data were focused in nature, targeting primarily the priority areas and indicators, and those that were not focused were heavily weighted in the priority areas. To sort out the findings of noncompliance that are not related to priority areas and indicators would require substantial time and effort. This was not possible to accomplish, in the timeline allotted for the development of the SPP. However, as NYS transitions to a new electronic tracking system during the 2005-06 school year and revises its monitoring protocols to be consistent with IDEA 2004 and the SPP, the data will be analyzed, sorted and reported in future documents according to priority and nonpriority areas, consistent with OSEP guidance.

For all school districts outside of NYC, the focused review process has been redesigned to ensure formal follow-up by SEQA staff during the second and third years following initiation of the review. The role of SETRC in providing technical assistance to school districts in resolution of noncompliance has been strengthened. Additionally, SEQA managers, along with BOCES District Superintendents, now have responsibility for determining the allocation of SETRC resources on a regional basis to meet the specific training and technical assistance needs of districts.

In NYC, the process is different due to the organizational structure of NYCDOE. The NYC SEQA regional office is responsible for this one school district and conducts focused reviews in each instructional region every year. As a result, follow-up activities occur simultaneous to the implementation of a new focused review. For this reason, the NYC SEQA regional office designs focused monitoring protocols each year that are representative of the current issues affecting students with disabilities.

For any noncompliance not corrected within the timeline prescribed on the corrective action plan, NYS has implemented a hierarchy of enforcement procedures on a case-by-case basis. Those steps have included written communication with district/agency administrators, Boards of Education and BOCES District Superintendents. In some cases IDEA funds have been frozen or withheld until such time that the district/agency makes adequate progress toward correcting noncompliance. In some cases, IDEA funds have been redirected to address areas of noncompliance.

Measurable and Rigorous Targets

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

FFY	Measurable and Rigorous Target
2006 (2006-07)	100% of noncompliance issues identified through the State's general supervision system (including monitoring, complaints, hearings, etc.) will be identified and corrected within one year from identification.
2007 (2007-08)	100% of noncompliance issues identified through the State's general supervision system (including monitoring, complaints, hearings, etc.) will be corrected within one year from identification.
2008 (2008-09)	100% of noncompliance issues identified through the State's general supervision system (including monitoring, complaints, hearings, etc.) will be corrected within one year from identification.
2009 (2009-10)	100% of noncompliance issues identified through the State's general supervision system (including monitoring, complaints, hearings, etc.) will be corrected within one year from identification.
2010 (2010-11)	100% of noncompliance issues identified through the State's general supervision system (including monitoring, complaints, hearings, etc.) will be corrected within one year from identification.

Improvement Activities/Timelines/Resources

Activity	Timeline	Resources
Implement a new computer data system, Comprehensive Special Education Information System (CSEIS) to: <ul style="list-style-type: none"> • provide easily retrievable data regarding monitoring results and resolution of compliance issues; • provide managers and all regional staff with timely notice of upcoming due dates; • generate letters to school districts notifying them of pending corrective actions; and • notify managers and regional staff when dunning letters are due. 	Spring 2006	\$300,000 in 2005-06

Activity	Timeline	Resources
Generate regional monthly reports related to compliance timelines.	2006-11	CSEIS
Provide training to SEQA staff on implementation of CSEIS and strategies to improve timely resolution of instances of noncompliance identified through monitoring and complaints.	2005-06	SEQA, SEDCAR and SETRC staff
Implement new revised “Procedures for Ensuring the Identification and Resolution of Compliance Issues” to address overdue compliance assurance documentation. The procedures will include progressively shorter deadlines with increased involvement of higher-level district and regional administrators.	January 2006	SEQA staff National Center for Special Education Accountability Monitoring (NCSEAM)
Provide <i>Procedures for Ensuring the Identification and Resolution of Compliance Issues</i> with all program review final reports and complaint finding letters to ensure districts/agencies understand the State’s procedures to correct noncompliance.	2006-11	SEQA staff
Operationalize the nondistrict unit to provide general oversight of all in state and out of state private day and residential programs for students with disabilities.	2005-11	Nondistrict SEQA Unit
Realign the current monitoring processes and protocols, as well as QAIS/CSEIS, to support meeting the SPP targets.	2005-07	Quality Assurance Workgroup, Policy, SEQA and SEDCAR staff
Provide guidance documents, sample forms and notices, and other technical assistance materials to assist districts/agencies in complying with regulatory requirements.	2006-11	Guidance documents, including but not limited to: Sample IEP and Guidance Document <i>Individual Evaluations and Eligibility Determinations</i> Discipline Procedures for Students with Disabilities Sample Forms and Notices

Activity	Timeline	Resources
Develop criteria to determine if a district/agency is in need of assistance, needs intervention, or needs substantial intervention, consistent with the provisions of section 616 of IDEA, and establish procedures for initiating actions consistent with IDEA and federal regulations.	2006	Quality Assurance Workgroup, Policy, SEQA and SEDCAR staff
Develop new data entry systems to report identification and correction of noncompliance relating to suspension, disproportionality, timeliness of evaluations and services and transition services (indicators 4, 9, 10, 11, 12 and 13)	2005-08	Pupils with Disabilities (PD) data collection forms, CSEIS, ISRS
Identify other strategies to efficiently and effectively address issues related to noncompliance.	2006-11	National Center for Special Education Accountability Monitoring Regional Resource Centers Technical Assistance Alliance for Parent Centers SEQA and Policy staff
Establish training priorities for SETRC regional trainers based on data generated from CSEIS indicating consistent areas of noncompliance.	2006-11	SETRC

Part B State Performance Plan (SPP) for 2005-2010

Overview of the State Performance Plan Development

See *Overview of the State Performance Plan Development* preceding Indicator #1.

Monitoring Priority: Effective General Supervision

Indicator 16: Percent of signed written complaints resolved within 60-day timeline, including a timeline extended for exceptional circumstances with respect to a particular complaint.

Measurement:

Percent = (1.1(b) + 1.1(c)) divided by (1.1) times 100. (See Attachment 1)
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Overview of Issue/Description of System or Process

Section 200.5 of the Commissioner's Regulations establishes the State's complaint procedures. An organization or individual may file a signed written complaint to SED. The complaint must include a statement that the school district or SED has violated a federal or State law or regulation relating to the education of students with disabilities, and the facts upon which the statement is based.

The complaint must be received within one year of the date of the alleged violation, except that the one-year limitation does not apply upon a finding that the alleged violation is continuing or the complainant is requesting compensatory services for a violation that occurred not more than three years prior to the date of the written complaint. The original signed complaint must be filed with VESID at SED.

Upon receipt of a complaint, SED provides the complainant with a written notice of receipt of the complaint and the complainant's right to submit additional information, either orally or in writing, regarding the allegations in the complaint. SED may require a school district to submit a written reply to the complaint.

All relevant information is reviewed and SED staff may conduct an on-site investigation where the Department determines such investigation is necessary. SED issues a written final decision that addresses each allegation in the complaint; contains findings of fact and conclusions; and sets forth the reasons for the final decision. The report sets aside any part of the complaint that is currently being addressed in an impartial hearing held pursuant to Education Law section 4404. Upon a finding of a violation of a federal or State law or regulation relating to the education of students with disabilities, the decision includes, if necessary for implementation of the decision, technical assistance activities, negotiations, and corrective actions to achieve compliance. Upon a finding of failure to provide appropriate services to an individual student with a disability, the decision includes remediation of the denial of services, including, as

appropriate, the awarding of monetary reimbursement or other corrective action appropriate to the needs of the student and appropriate future provision of services for all students with disabilities.

The decision must be issued within 60 calendar days of receipt of the complaint except where exceptional circumstances exist with respect to a particular complaint. Where an issue raised in a complaint has been previously decided in an impartial hearing held pursuant to Education Law section 4404 involving the same parties, SED notifies the complainant that the impartial hearing decision is binding.

NYS uses a database computer system to track all written signed complaints received in each Regional Office across the State. All written signed complaints are logged into this system. Regional offices also use an additional internal log to ensure accurate data collection. Formal complaints are individually logged and data is entered at all critical stages (60th day, findings issued, specific issues involved, status of each issue, date of corrective action(s), date of resolution, etc). Regional Office supervisors use a variety of means to monitor timelines (e.g., logs, QAIS, complaint summaries).

Baseline Data for FFY 2004 (2004-2005)

The percentage of signed written complaints resolved within the 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint was 96.7 percent.

Discussion of Baseline Data

The table below shows that there were 246 complaints that required resolution. Of this number, 233 were resolved within the 60-day timeline and an additional five were resolved with documented extensions. There were eight complaints not resolved within the required time period. (Also see Attachment 1.) The few complaints that were not resolved within the required time period resulted from unexpected personnel absences and/or the complex nature of the complaint.

Total Number of Complaints Received	Number of Complaints with Findings 1.1	Number of Complaints with No Findings 1.1	Number of Complaints not Investigated – Withdrawn or No Jurisdiction	Number of Complaints Set Aside - Due Process Hearing	Number of Complaints Decisions Issued within 60 Days 1.1.b	Number of Complaints Resolved with Documented Extension 1.1c	Number of Complaints Pending
362	235	11	99	17	233	5	0
$1.1b (233) + 1.1c (5) = 238 / 1.1 (235 + 11 = 246) = 96.74 \text{ percent}$							

Measurable and Rigorous Targets

FFY	Measurable and Rigorous Target
2005 (2005-06)	100 percent of signed written complaints will be resolved within the 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint.
2006 (2006-07)	100 percent of signed written complaints will be resolved within the 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint.
2007 (2007-08)	100 percent of signed written complaints will be resolved within the 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint.
2008 (2008-09)	100 percent of signed written complaints will be resolved within the 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint.
2009 (2009-10)	100 percent of signed written complaints will be resolved within the 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint.
2010 (2010-11)	100 percent of signed written complaints will be resolved within the 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint.

Improvement Activities/Timelines/Resources

Activity	Timeline	Resources
Implement CSEIS to: <ul style="list-style-type: none"> provide easily retrievable data regarding the status of complaints; provide managers and all regional staff with readily accessible status reports and timely notice of upcoming due dates; and generate regional monthly status reports. 	Spring 2006-11	CSEIS - \$300,000 in 2005-06
Train SEQA managers and all other staff on implementation of CSEIS and strategies to improve timely completion of complaint investigations.	2006-07	VESID staff

Activity	Timeline	Resources
Operationalize the non-district unit to provide general oversight of all in State and out of State private day and residential programs for students with disabilities.	2005-11	Non-district SEQA Unit

Part B State Performance Plan (SPP) for 2005-2010

Overview of the State Performance Plan Development

See *Overview of State Performance Plan Development* preceding Indicator #1.

Monitoring Priority: Effective General Supervision Part B / General Supervision
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Indicator 17: Percent of fully adjudicated due process hearing requests that were fully adjudicated within the 45-day timeline or a timeline that is properly extended by the hearing officer at the request of either party.

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

Measurement:

Percent = (3.2(a) + 3.2(b)) divided by (3.2) times 100. (See Attachment 1)
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Overview of Issue/Description of System or Process

Section 4404 of NYS Education Law and section 200.5 of the Commissioner's Regulations establish the procedures for impartial hearings. The board of education (BOE) must begin the process to select and appoint an impartial hearing officer (IHO) no later than two business days after receipt of the request. The IHO is expected to initiate the hearing within 14 days of receipt of the notification of the end of the resolution session. The IHO has to render a decision no later than 45 calendar days after the completion or written waiver of the resolution session for a school age child, 30 calendar days after the completion or written waiver of the resolution session for a preschool child and 15 days after a request for an expedited impartial hearing involving discipline.

At the request of either party the IHO may extend the time for a specific period. NYS regulation limits any extension to 30 days. NYS regulations also indicate "absent a compelling reason or a specific showing of substantial hardship, a request for an extension shall not be granted because of school vacations, a lack of availability resulting from the parties' and/or representatives' scheduling conflicts, settlement discussions between the parties or other similar reasons. Agreement of the parties is not a sufficient basis for granting an extension."

For school age and preschool cases where extensions of time have been granted beyond the applicable required timelines, the decision must be rendered and mailed no later than 14 days from the date the IHO closes the record. For expedited impartial hearings for disciplinary cases, the decision must be rendered no later than five business days after the last hearing date, but no later than 45 calendar days after receipt of the hearing request.

School districts are required to report data regarding the impartial hearing process, including IHO appointments, timelines, extensions, and closures through Impartial Hearing Reporting System (IHRS). IHRS is a web-based system and provides real time information. Each school district and IHO has access to information on any case in which they are involved.

IHRS is used to monitor the timeliness of BOE appointments of IHOs and whether a decision is rendered within the timelines specified above. On a daily basis, IHRS sends an initial notification to any school district that fails to make a timely IHO appointment and to both the school district and IHO if a decision is not rendered within the appropriate time lines. A second notification is sent to the school district and the IHO if a decision continues to be late for four days beyond the compliance date. E-mail responses to the initial and second notifications are monitored. If either the school district or IHO fail to respond to the notifications, personal contact is made to determine if the lateness is a school district data entry issue or if the IHO has failed to render the decision within the timeline or extended timeline.

Baseline Data for FFY 2004 (2004-2005)

The percent of due process hearing requests that were fully adjudicated within the 45-day timeline or a timeline that was properly extended by the hearing officer at the request of either party was 83.5 percent.

7/1/2004 - 6/30/2005	
3. Hearing Request Total	5422
3.2 Hearings Fully Adjudicated	1294
3.2a Within Timeline	481
3.2b Within Extended Timeline	599
3.3 Resolved w/o Hearing	3900
Measurement Formula: $481 (3.2a) + 599 (3.2b) = 1080$ divided by $1294 (3.2) = .8346$ X $100 = 83.5\%$	

Discussion of Baseline Data

- IHRS has been in operation since July 1, 2002. The total number of impartial hearing requests has increased in the last three years, from 4542 in 2002-03 to 5422 in the baseline year of 2004-05.
- The following trends have been observed between 2002-03 and the baseline year 2004-05:
 - The percentage of fully adjudicated hearing requests has decreased from 28.6 percent of the total number of requests in 2002-03 to 23.8 percent in 2004-05.
 - The percentage of fully adjudicated hearing requests that are timely within the original (15 days expedited, 30 days CPSE, 45 days CSE) time line has decreased from 45.78 percent in 2002-03 to 37.17 percent in 2004-05.
 - The percentage of fully adjudicated hearings that are timely within extended time lines has increased from 37.94 percent in 2002-03 to 46.39 percent in 2004-05.
- The percentage of hearing requests that are not fully adjudicated and are either settled or withdrawn has remained fairly constant, with 71.3 percent in 2002-03 to 71.9 percent in 2004-05.

Measurable and Rigorous Targets

FFY	Measurable and Rigorous Target
2005 (2005-06)	100 percent of impartial hearing decisions will be rendered within regulatory timelines.
2006 (2006-07)	100 percent of impartial hearing decisions will be rendered within regulatory timelines.
2007 (2007-08)	100 percent of impartial hearing decisions will be rendered within regulatory timelines.
2008 (2008-09)	100 percent of impartial hearing decisions will be rendered within regulatory timelines.
2009 (2009-10)	100 percent of impartial hearing decisions will be rendered within regulatory timelines.
2010 (2010-11)	100 percent of impartial hearing decisions will be rendered within regulatory timelines.

Improvement Activities/Timelines/Resources

Activity	Timeline	Resources
Improve the capacity of IHRS to monitor the timeliness of impartial hearing requests through the development of an electronic file transfer process between IHRS and the NYC Impartial Hearing System and revise IHRS to include additional monitoring points and proactive notifications.	2005-06	VESID Staff, IHRS - \$170,000 in 2005-06 for data collection system revisions
Continue to use IHRS to monitor timeliness and investigate both school districts and IHOs that may be responsible for the appearance of lateness of a decision. Develop reports that provide feedback to IHOs relative to their use of extensions and timeliness in conducting hearings.	2005-11	VESID staff and IHRS
Provide bi-annual update training to IHOs.	2005-11	SED staff and contractor - \$150,000 in 2005-06 Consortium for Appropriate Dispute Resolutions in Special Education (CADRE) www.directionservice.org/cadre
Revise and reissue written guidance on impartial hearings.	2005-06	Guidance document: <i>Impartial Hearing Process for Students with Disabilities</i>

Part B State Performance Plan (SPP) for 2005-2010

Overview of the State Performance Plan Development

See *Overview of the State Performance Plan Development* preceding Indicator #1.

Monitoring Priority: Effective General Supervision Part B / General Supervision
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Indicator 18: Percent of hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements.

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

Measurement:

Percent = 3.1(a) divided by (3.1) times 100. (See Attachment 1)

Overview of Issue/Description of System or Process:

Education law section 4404 and section 200.5(j) of the Commissioner's Regulations establish the requirements for a resolution session prior to the opportunity for an impartial due process hearing. Consistent with the requirements in federal law, the purpose of the resolution session is to discuss the due process complaint notice and the facts that form the basis of the complaint request. The resolution session provides the school district with the opportunity to resolve the complaint prior to the initiation of an impartial hearing. The parents and the school district may agree in writing to waive the resolution session or agree to use the mediation process to resolve the dispute. If the parent and school district reach an agreement to resolve the complaint at a resolution session, the parties must execute a legally binding agreement.

Baseline Data for FFY 2004 (2004-2005)

Baseline data will be collected in 2005-06 and reported in the February 2007 APR.

Plan to Collect Baseline Data

IHRS will be revised to begin collecting the resolution session information in February of 2006. IHRS is a real time reporting system to monitor the timeliness of impartial hearings. School districts will be required to enter data on the number of resolution sessions held, the length of the sessions and the results of the sessions.

By January 2006, VESID will notify school districts on the school district's responsibility to input data into the IHRS, beginning in the 2005-06 school year, on the percent of resolution sessions that result in resolution agreements.

VESID will collect data beginning in February 2006 on the percent of resolution sessions that result in resolution agreements. On an ongoing basis, VESID will provide technical assistance to school districts on how to report data on resolution sessions. VESID will analyze the data after five months of resolution session data (June 2006) to ensure that data elements collected are appropriate to assist in trend analysis. Revisions, as appropriate, will be made to IHRS and the data collection process if needed.

Targets and Improvement Activities

Targets and improvement strategies will be reported in the APR due to USDOE in February 2007.

Part B State Performance Plan (SPP) for 2005-2010

Overview of the State Performance Plan Development

See *Overview of the State Performance Plan Development* preceding Indicator #1.

Monitoring Priority: Effective General Supervision Part B / General Supervision
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Indicator 19: Percent of mediations held that resulted in mediation agreements.

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

Measurement:

Percent = (2.1)(a)(i) + 2.1(b)(i)) divided by (2.1) times 100. (See Attachment 1)

Overview of Issue/Description of System or Process

Section 4404-a of NYS Education Law and section 200.5 of the Commissioner's Regulations establish the procedures for mediation as a means for parents and school districts to resolve disagreements regarding the education of a student with a disability.

SED contracts with the New York State Dispute Resolution Association (NYSDRA) to oversee the special education mediation process. In NYS, independent mediators furnished by a Community Dispute Resolution Center through the Office of Court Administration conduct mediation sessions. SED and NYSDRA jointly develop training programs, which NYSDRA provides to the mediators.

Baseline Data for FFY 2004 (2004-2005)

The percent of mediation sessions conducted in 2004-05 that resulted in mediation agreements to resolve the dispute was 64.3 percent.

Discussion of Baseline Data

The baseline data for 2004-05 reflects data on the number of agreements resulting from mediations initiated separate from due process requests and those mediations that result from due process requests. NYS will begin to collect data that identifies whether the mediation request preceded a request for an impartial hearing in 2005-06.

	9/1/2002-8/31/2003	9/1/2003-8/31/2004	9/1/2004-8/31/2005
Mediation Request Total	513	421	532
Mediations Resulting in Agreement	318	258	342
Mediations Not Held or Pending	195	163	137
Percent of Mediations Resulting in Agreement	62%	61.3%	64.3%

As the table above indicates, there has been an increase in the number of mediation sessions requested in the last three years from 513 mediation sessions during the period 9/1/02–8/31/03 to 532 requested during 9/1/04–8/31/05 and the percent of mediation sessions resulting in agreement has increased from 62 percent in 2002-03 to the current 64.3 percent in 2004-05.

Measurable and Rigorous Targets

FFY	Measurable and Rigorous Target
2005 (2005-06)	The percent of mediations held that resulted in mediation agreements will increase to 65 percent.
2006 (2006-07)	The percent of mediations held that resulted in mediation agreements will increase to 66 percent.
2007 (2007-08)	The percent of mediations held that resulted in mediation agreements will increase to 67 percent.
2008 (2008-09)	The percent of mediations held that resulted in mediation agreements will increase to 68 percent.
2009 (2009-10)	The percent of mediations held that resulted in mediation agreements will increase to 69 percent.
2010 (2010-11)	The percent of mediations held that resulted in mediation agreements will increase to 70 percent.

Improvement Activities/Timelines/Resources

Activity	Timeline	Resources
Provide oversight of the State mediation system.	2005-11	NYSDRA \$345,000 in 2005-06
Provide update sessions to mediators regarding IDEA and State law and regulations relating to special education and train new mediators.	2006-08	NYSDRA VESID staff
Review recommendations developed by stakeholders and other States to improve and increase the use of mediations in NYS.	2005-06	VESID staff Consortium for Appropriate Dispute Resolution in Special Education (CADRE) Regional Resource Centers
Develop a brochure for parents on mediation.	2006	VESID staff

Part B State Performance Plan (SPP) for 2005-2010

Overview of the State Performance Plan Development

See *Overview of the State Performance Plan Development* preceding Indicator #1.

Monitoring Priority: Effective General Supervision Part B / General Supervision
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Indicator 20: State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate.

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

Measurement:

<p>State reported data, including 618 data and annual performance reports, are:</p>

- | |
|--|
| <ul style="list-style-type: none"> a. Submitted on or before due dates (February 1 for child count, including race and ethnicity, placement; November 1 for exiting, discipline, personnel; and February 1 for Annual Performance Reports); and b. Accurate (describe mechanisms for ensuring accuracy). |
|--|

Overview of Issue/Description of System or Process

NYSED maintains various systems to collect, edit, verify and report valid, reliable and accurate data to meet all State and federal data collection requirements for accountability and program improvement. The federal reporting requirements include the SPP, APR, and USDOE data collection requirements in Section 618 of IDEA which include data on Child Count, LRE, Exiting, Discipline, Personnel, State Assessments and Due Process.

Beginning in the 2005-06 school year, the SPP has significantly added to the need for data collection by requiring data from the State on 20 federal “indicators.” The areas requiring collection and analysis of new types of data include:

- Disproportionality in long-term (more than 10 days) out-of-school suspensions based on race and ethnicity.
- Outcomes for children who receive preschool special education programs and/or services.
- Parents who report that schools facilitated parent involvement as a means of improving services and results for children with disabilities.
- School districts with inappropriate policies, practices and procedures related to identification of children for special education or their identification by particular disabilities.

- Timely evaluation of preschool and school age children for special education services.
- Timely evaluation and services for preschool children who transition from eligibility under Part C of IDEA to Part B of IDEA.
- Reviews of IEPs of youth, aged 15 and above, related to IEP goals and transition services.
- Post high school outcomes for students with disabilities one year after leaving high school.
- Due process hearings that went to resolution sessions and were resolved through resolution session settlement agreements.
- Mediations that are related to due process proceedings.

NYS maintains the following systems for collecting data required under section 618 of IDEA and for the SPP:

- The PD System collects data on child count, LRE, exiting, discipline and personnel for students with disabilities. This system is a web-based system that allows school districts to submit, review and revise data according to established timelines. Data undergo many edit checks to ensure their internal consistency and accuracy. Reasonability checks are also conducted annually before data are finalized to further enhance data accuracy. Data reliability is ensured by maintaining consistent definitions and formats for data collection and providing consistent technical assistance and training. Data validity is ensured by designing the aggregate data collection forms consistent with federal requirements and guidelines and maintaining knowledge of changes at the national level. NYS is developing an individual student record system that will collect all data required by State and federal laws and regulations at the individual student level with a unique student identifier, which will make it possible to track student performance over the years and across schools and districts within NYS. Most of the data currently collected via the PD system will be collected through the individual student record system. This change will be phased in over the next several years.
- The Local Education Agency Program (LEAP) and System for Tracking Education Performance (STEP) systems collect data on State assessments for all students. The LEAP system collects assessment, program services and some demographic data for students in elementary and middle schools and the STEP system collects similar data for high school students. During the 2005-06 school year, LEAP will be phased out and replaced by the individual student record system. It is planned that the STEP system will be replaced by the individual student record system during the 2006-07 school year. LEAP, STEP and the individual student record systems are supported by the Regional Information Centers (RICs). RICs provide data collection, analysis, reporting, technical assistance and training services to all participating school districts. The State has developed and published an initial listing of standardized definitions and data formats in a data dictionary for the ISRS. Individual student level data from all school districts will be housed in a single statewide data warehouse, and all the required State level reports and analysis will be conducted based on these data.

- See <http://www.emsc.nysed.gov/nysstudents/Documentation/DataDictionary.doc> for the data dictionary. Also see the LEAP and STEP reporting manuals for the 2004-05 school year at: <http://www.emsc.nysed.gov/irts/leap/2005-06/05-leap-manual.doc>
- See <http://www.emsc.nysed.gov/irts/STEP/2005/downloads/STEPManual.doc>. The LEAP and STEP reporting manuals describe all reporting requirements, definitions, schedules and data verification procedures for collecting State assessment data on all students.
- IHRS collects data on due process proceedings. Section 200.5(i)(3)(xiv) of the Regulations of the Commissioner of Education requires each BOE to report information relating to an impartial hearing in a format and interval prescribed by the Commissioner. The IHRS is a web-based data collection system designed to record information about the impartial hearing process at critical points, beginning with the initial written request for a hearing and ending with the implementation of decisions rendered in the hearing. School districts are required to report data regarding the impartial hearing process, including IHO appointments, time lines, extensions, and closures through the IHRS. The IHRS provides real time information that SED uses to monitor timeliness of hearings and NYS' due process system to ensure that impartial hearings are completed within the time periods required by federal and State law and regulation. For more information on due process hearings, please refer to Indicator 17.
- QAIS is an Access system used to maintain information about 60-day complaints and quality assurance monitoring reviews. The system is being replaced by CSEIS, which is a web-based system that will provide the State enhanced capacity to manage many special education business processes. Implementation of CSEIS is expected to occur in the spring of 2006. CSEIS will assist the State to track school districts' compliance with issues identified during reviews, record and resolve complaints within required timelines, and communicate with school districts throughout the review time period until all compliance issues are resolved.

The following Department processes contribute to the timeliness, quality and accuracy of State reported data:

- NYS follows a strict protocol in order to ensure timely PD, LEAP, STEP, and individual student record system data. All forms and materials pertaining to these data collection forms are posted on the Department's website:
 - <http://www.vesid.nysed.gov/sedcar/data.htm> (PD system)
 - <http://www.emsc.nysed.gov/irts/leap/home.shtml> (LEAP system)
 - <http://www.emsc.nysed.gov/irts/STEP> (STEP system).

Due dates are established for forms and dunning procedures are completed for missing data within a short timeframe following the due dates.

- NYS has procedures in place to ensure the accuracy and quality of data. NYS completes error identification and correction procedures. These are followed by reasonability checks and completion of verification procedures.
- NYS also conducts training sessions and provides technical assistance through telephone, e-mail, and websites. Technical assistance is also provided through the NYS SEQA offices, RICs, SETRC and other funded networks. NYS also attends national training and information sessions. NYS special education staff participate with general education staff to collaboratively develop manuals, memos and provide technical assistance to school districts.
- IHRS uses similar processes to ensure that impartial hearing cases are timely. It contains accurate data on all phases of the hearing from the initial written request to the implementation of decisions rendered by IHOs. The system initially generates an e-mail if there is a late appointment of a hearing officer or a decision is late. After the initial e-mails, a series of phone calls and written contact is made until the decision is rendered. The system also generates an error notice if there is an error made during data entry.
- Many staff members expend a considerable amount of time preparing the APR and the SPP. Staff members review instructions, attend training and technical assistance sessions, conduct various stakeholder meetings, engage in research, complete data analysis, collaborate and discuss findings among workgroups and Department leadership and prepare the required written summaries that comprise the SPP and APR. Each year timelines and work plans are developed to ensure that different parts of these projects are completed and reviewed for timely submissions.

Baseline Data for FFY 2004 (School Year 2004-2005)

All required reports were submitted by their due dates.

Type of Data	Due Date	Submitted
Child Count, including race and ethnicity, and LRE	February 1, 2005	February 1, 2005
Exiting	November 1, 2005	November 1, 2005
Discipline	November 1, 2005	November 1, 2005
Personnel	November 1, 2005	November 1, 2005
APR (including due process & state assessment data for school year 2003-04)	March 31, 2005	March 31, 2005

Type of Data	Due Date	Submitted
SPP (including due process data for 2004-05 school year)	December 2, 2005	December 2, 2005

Discussion of Baseline Data

- All required reports were submitted by their due dates. NYS took the opportunity to revise the 12/1/04 child count and LRE data by July 1, 2005 and plans to submit revised exiting, personnel and discipline data for 2004-05 school year by July 1, 2006 as permitted. The additional time between November 1, 2005 and July 1, 2006 allows NYS time to complete error corrections and reasonability checks before data are finalized for publication in the annual congressional report. The Department anticipates that with the full implementation of the individual student record data system, the timeline for finalizing section 618 data will be shortened.
- The Department submits and plans to continue submitting high quality and accurate data by the due dates and the necessary revisions within the allowable time period.

FFY	Measurable and Rigorous Target
2005 (2005-06)	100 percent of State reported data, including 618 data and annual performance reports, are submitted on or before due dates and are accurate.
2006 (2006-07)	100 percent of State reported data, including 618 data and annual performance reports, are submitted on or before due dates and are accurate.
2007 (2007-08)	100 percent of State reported data, including 618 data and annual performance reports, are submitted on or before due dates and are accurate.
2008 (2008-09)	100 percent of State reported data, including 618 data and annual performance reports, are submitted on or before due dates and are accurate.
2009 (2009-10)	100 percent of State reported data, including 618 data and annual performance reports, are submitted on or before due dates and are accurate.
2010 (2010-11)	100 percent of State reported data, including 618 data and annual performance reports, are submitted on or before due dates and are accurate.

Improvement Activities/Timelines/Resources

All appropriate processes and procedures to ensure timeliness, accuracy and quality of data listed under the *Overview of Issue/Description of System or Process* section will continue throughout the six-year cycle of the SPP.

NYS will begin to phase in the ISRS with unique student identifiers beginning in the 2005-06 school year and continuing throughout the six-year cycle of the SPP until all student specific data are collected through the single statewide system.

Attachment 1

Report of Dispute Resolution Under Part B of the Individuals with Disabilities Education Act: Complaints, Mediations, Resolution Sessions and Due Process Hearings

SECTION A: Signed, written complaints	
(1) Signed, written complaints total	362
(1.1) Complaints with reports issued	
(a) Reports with findings	247
(b) Reports within timeline	233
(c) Reports within extended timelines	5
(1.2) Complaints withdrawn or dismissed	99
(1.3) Complaints pending	2
(a) Complaint pending a due process hearing	17
SECTION B: Mediation requests	
(2) Mediation requests total	532
(2.1) Mediations – Total Mediation agreements	342
(a) Mediations related to due process	Not available*
(i) Mediation agreements	Not available*
(b) Mediations not related to due process	Not available*
(i) Mediation agreements	Not available*
(2.2) Mediations not held (including pending)	137
SECTION C: Hearing requests	
(3) Hearing requests total	5422
(3.1) Resolution sessions	Not available*
(a) Settlement agreements	Not available*
(3.2) Hearings (fully adjudicated)	1294
(a) Decisions within timeline	481
(b) Decisions within extended timeline	599
(3.3) Resolved without a hearing	3900
SECTION D: Expedited hearing requests (related to disciplinary decision)	
(4) Expedited hearing requests total	29
(4.1) Resolution sessions	Not available*
(a) Settlement agreements	Not available*
(4.2) Expedited hearings (fully adjudicated)	10
(a) Change of placement ordered	Not available*

* 2004-05 Data was not collected in the manner requested in the SPP/APR Attachment 1. 2005-06 Data will reflect all the requested categories.

Attachment 2

**NYS Sampling Methodology for Some Federal Indicators
in the 2005-2010 State Performance Plan**

NYS will collect data from a statewide representative sample of school districts on six federal indicators. No district will report on all indicators every year except New York City. All school districts will provide data on all six indicators distributed over a six-year period beginning with the initial year in which data are collected for each indicator. The six indicators are as follows:

- **Indicator 7:** Percent of preschool children with IEPs who demonstrate improved: A. Positive social-emotional skills (including social relationships); B. Acquisition and use of knowledge and skills (including early language/communication and early literacy); and C. Use of appropriate behaviors to meet their needs.
- **Indicator 8:** Percent of parents with a child receiving special education services who report that schools facilitated parent involvement as a means of improving services and results for children with disabilities.
- **Indicator 11:** Percent of children with parental consent to evaluate, who were evaluated and eligibility determined within 30 school days for preschool children and 60 calendar days for school-age students.
- **Indicator 12:** Percent of children referred by Part C prior to age 3, who are found eligible for Part B, and who have an IEP developed and implemented by their third birthdays.
- **Indicator 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.
- **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.

NYS has distributed all school districts among six statewide representative samples. These six groups of school districts were tested with Analysis of Variance (ANOVA) and there was no statistical difference among the six groups of school districts on the population variables listed in the table below. These population variables were from the 2000 decennial census.

Census 2000 Population Variables Used to Ensure Each Sample of School Districts is Similar		
population	female poverty head of household	n households in POV
n children in families	n unempl over 16	n house classif in POV
n children w/single parent	n in workforce	n households w/ no plumbing
n children 5~17 in poverty	n unempl 1999	n total Households
n 5~17	persons not in POV	n one room Households
n 5~17 relevant for school	n classif in POV	n occupied Households
n less than 5	n children in 1 parent family	n over 25 not graduate of HS
female head of household	n children in families	n total over 25

New York City is the only LEA in the state with a total enrollment of 50,000 or more students, so it will be represented in each of the six samples.

All school districts will have a choice of reporting data on all eligible students for each federal indicator or submitting data on a randomly selected sample of students. The minimum number of students required for these indicators can be obtained by using the sampling calculator provided by the State and the guidelines provided below. The vast majority of school districts will need to submit data on all eligible students on most indicators. For some large school districts if it will be less burdensome to report on a sample of students, the methodology described below (totally random sampling) is likely to produce a sample that is representative of the school district in terms of all variables, since every eligible student has the same chance as another student to be selected for the sample.

SED will require that LEAs maintain documentation as described below if they choose to report data on a sample of students. The totally random sampling methodology and required documentation should eliminate selection bias. School districts will be required to over-sample as described below for indicator 8 where poor response rate is a known issue. Also, school districts will be encouraged to provide surveys for indicator 8 in a variety of ways to improve the response rate. The Department will attempt to prevent missing data by first describing precisely what the State needs to collect, providing technical assistance and then following up with school districts to request missing data. The completeness of data collection will improve after the first year and will continue to improve as long as requirements remain unchanged. All issues of confidentiality will be handled in accordance with the rules and procedures in FERPA. The Department will also guard against divulging personally identifiable information by not reporting results when there are less than five students for whom data are available or when those results can be easily calculated based on other data provided

Federal Indicator Number	Eligible Population of Students From Which a Random Sample Must be Selected	Minimum Number of Students in the Sample	Method for Selecting Students	Required Documentation
7	<p>Entry - all children who are referred for preschool special education programs and/or services.</p> <p>Exit - all children who received preschool special education programs/or services for at least six months and are declassified or are within their last six months of eligibility for preschool special education services and the annual review meeting for whom entry evaluation data are available.</p>	<p>Use a sampling calculator. Require 95% confidence interval and plus or minus 5% margin of error.</p>	<p>Random selection using a random number table.</p>	<p>Documentation period is seven years. Maintain list of all eligible students, copy of Random Number Table used, beginning random number for selecting students and list of all students who were selected and their number.</p>
8	<p>Every preschool and school-age student with a disability who is provided special education programs and/or services in a district-operated program or under contract with other service providers.</p>	<p>Use a sampling calculator. Require 95% confidence interval and plus or minus 10% margin of error. Expect 10% response rate, so require over-sampling by 90% of minimum number identified by the calculator.</p>	<p>Same as above.</p>	<p>Same as above.</p>
11	<p>For preschool and school-age students: All preschool and school-age students for whom parental consent for an initial evaluation was received during the school year (July 1-June 30).</p>	<p>Use a sampling calculator. Require 95% confidence interval and plus or minus 2% margin of error.</p>	<p>Same as above</p>	<p>Same as above</p>

Federal Indicator Number	Eligible Population of Students From Which a Random Sample Must be Selected	Minimum Number of Students in the Sample	Method for Selecting Students	Required Documentation
12	All children who are referred for special education programs and/or services from Part C to Part B prior to age 3 during the school year (July 1-June 30).	Use a sampling calculator. Require 95% confidence interval and plus or minus 2% margin of error.	Same as above	Same as above
13	All students with disabilities ages 15-21 who are provided special education services in district-operated programs or under contract with other service providers.	All students up to 30. New York City sample 100 students	Same as above	Same as above
14	All students with disabilities who are no longer in secondary school but received some special education program and/or service during the school year (July 1-June 30) in district-operated programs or under contract with another service provider. (Include all students who left with a credential, reached maximum age for educational services or dropped out.)	School districts with less than 100 students with disabilities exiting, survey all students. School districts with 100 or more students use the sampling calculator. Require 95% confidence interval and plus or minus 5% margin of error.	Same as above	Same as above

The table below demonstrates a schedule for data collection from the six samples of school districts on the six federal indicators listed above. Please note:

- **For indicator 7**, entry evaluation data must be collected on all preschool children who are evaluated for preschool special education programs/or services annually by all school districts. Sample 6 reports only entry data in 2005-06 but will not report exit data (i.e., entry to exit progress) until 2010-11. Exit evaluation data must be collected and reported to the State by the sample of school districts as described below.

New York State

- **For indicator 14**, related to post school outcomes requires school districts to collect contact information on students who will be leaving high school in “Year 1” and collect data on their post-school outcomes in “Year 2”.

School Year	Schedule for Reporting Data on Some Federal Indicators					
	Sample 1	Sample 2	Sample 3	Sample 4	Sample 5	Sample 6
2005-06	8	11	12	13	14 (Year 1)	7 - entry
2006-07	7 - exit	8	11	12	14 (Year 2) 13	14 (Year 1)
2007-08	14 (Year 1)	7-exit	8	11	12	14 (Year 2) 13
2008-09	14 (Year 2) 13	14 (Year 1)	7-exit	8	11	12
2009-10	12	14 (Year 2) 13	14 (Year 1)	7-exit	8	11
2010-11	11	12	14 (Year 2) 13	14 (Year 1)	7-exit	8 7-exit
2011-12				14 (Year 2)		