

NY
Part B

FFY2017
State Performance Plan /
Annual Performance Report

Attachments

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General Supervision System:

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

The New York State Education Department (NYSED) provides general supervisory oversight of special education programs and services through various approaches including data collection, review and analysis, fiscal monitoring, self-reviews, on-site monitoring reviews, desk audits, State complaints investigations and impartial hearing decisions. Various monitoring protocols are used to conduct self reviews and on-site reviews of the special education programs provided by public school districts, Boards of Cooperative Educational Services, approved private day and residential schools, State-supported and State-operated schools, other State agency educational programs, correctional facilities, and approved preschool programs. Districts and programs are selected for on-site reviews based on a variety of information, including but not limited to, annual determinations under the Individuals with Disabilities Education Act (IDEA), SPP/APR data related to performance and compliance outcomes, and any areas of unresolved noncompliance with special education laws and regulations that exceed twelve months. Information from regional partners (e.g., technical assistance providers, District Superintendents and leadership in the Big 5 City School Districts) is also considered in the selection of schools and programs to be reviewed. NYSED's Special Education Quality Assurance (SEQA) Unit (six regional offices located across New York State (NYS)) and Nondistrict Unit (NDU) coordinate the monitoring review process and also provides technical assistance to parents, school district personnel, and private providers. SEQA and NDU Regional Associates are also assigned as State complaint investigators.

NYSED uses a data-based computer system, Comprehensive Special Education Information System (CSEIS), to track all monitoring reviews conducted 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). SEQA and NDU supervisors use a variety of means to monitor timelines (internal logs, CSEIS, status reports). NYSED also uses CSEIS to track all formal State complaint investigations.

Special Education mediation, by State law, is conducted by regional community dispute resolution centers. Through contract with the NYS Dispute Resolution Association, NYSED ensures data collection, outreach to increase awareness and use of mediation, recruitment and training of special education mediators. Mediation is a cost to the State, and not to families or schools. A new mediation Request for Proposal will be issued in 2019 to ensure continuation of contracted services related to outreach, data collection and recruitment, and training of special education mediators.

NYSED has a two-tier due process system with independent hearing officers at Tier 1 and a State Review Office at Tier 2. For Tier 1, NYSED has regulatory procedures for conducting hearings and appeals, and it certifies, trains and investigates complaints against impartial hearing officers. NYSED monitors timeliness of impartial hearing decisions through the data-based Impartial Hearing Reporting System (IHRS) and has recently revised its internal procedures and shortened timelines in the IHRS in an effort to improve timeliness of impartial hearings. NYSED is initiating an independent study of impartial hearing procedures and practices in select districts to identify and address issues impacting timeliness of hearings. The Office of State Review within NYSED is responsible to hear appeals of decisions of the impartial hearing officers. The Department recently took steps to recruit, train and certify new due process impartial hearing officers to serve across the State to address the high volume of due process complaints filed in the State. NYSED is also in the process of examining its two-tier due process system with consideration of possibly moving to a one-tier system and strengthening the first tier.

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Technical Assistance System:

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

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NYSED Office of Special Education (OSE) Policy, Preschool, Due Process, Program Development, NDU and SEQA staff provide ongoing technical assistance to parents, school personnel and others. OSE ensures State laws and regulations are consistent with federal requirements and that policy guidance documents are developed and disseminated. These documents serve to ensure consistency in guidance. NYSED's Blueprint for Improved Results for Students with Disabilities (<http://www.p12.nysed.gov/specialed/publications/2015-memos/blueprint-for-improved-results-for-students-with-disabilities.html>), developed in consultation with stakeholders, is a State-wide framework of expectations for administrators, policy makers and practitioners to improve instruction and results for students with disabilities. Focused on seven research and evidence-based principles, this Blueprint guides NYSED in its work specific to policy and professional development priorities and initiatives and is used by its funded technical assistance networks in work with districts, students and families.

NYSED's largest investment of IDEA funds support 10 Regional Special Education Technical Assistance Support Centers (RSE-TASC). RSE-TASCs are staffed with teams of highly trained special education specialists, which include special education school improvement specialists, behavior specialists, regional special education trainers, nondistrict specialists, bilingual special education specialists and transition specialists. The teams provide regional training and embedded professional development to school personnel on research based instructional strategies, particularly in the areas of literacy, behavior, and specially designed instruction and individualized education program (IEP) development to support students with disabilities in participating and progressing in the curriculum to meet the NYS Learning Standards. NYSED has provided ongoing professional development to the RSE-TASC specialists on research-based instructional practices for students with disabilities. RSE-TASC school improvement specialists participate in the reviews of low performing schools identified based on results for students with disabilities and use research-based tools to guide instructional improvements. Through a regional planning process, which includes participation from RSE-TASC specialists and NYSED's other funded networks (Early Childhood Direction Centers, Special Education Parent Centers, etc.), staff from NYSED and district superintendents, the resources of each RSE-TASC and funded network are deployed. Regional planning occurs in each of the ten regions across the State. Each of the regional planning teams evaluates districts' performance under key SPP indicators to determine the types and level of interventions that will be utilized by our RSE-TASC specialists. The five-year contract cycle for the RSE-TASC and other State-funded technical assistance centers is coming to an end in 2019. Therefore, NYSED has used this opportunity to reassess the best approach to providing support to its stakeholders and constituents. A new structure of support, the OSE Educational Partnership, is currently under development and will employ a community of practitioners to work collaboratively to provide support to students and families. For additional information on the OSE Educational Partnership, see: <http://www.p12.nysed.gov/specialed/techassist/ed-partnership/home.html>.

NYSED's direct engagement with multiple federally funded technical assistance centers has continued throughout this year. Areas of focus included due process impartial hearings; compliance monitoring; least restrictive environment; child find; disproportionality; data driven decision making; and the State Systemic Improvement Plan (SSIP).

NYSED is actively participating in regular calls with United States Department of Education (USDOE) Office of Special Education Program (OSEP) staff to obtain technical assistance and guidance to improve results for students with disabilities. NYSED is working closely with several national technical assistance centers, including the National Center for Systemic Improvement (NCSI), the IDEA Data Center (IDC), and the Center for IDEA Fiscal Reporting (CIFR) to obtain technical assistance specific to areas of identified need. Both NCSI and IDC have come to New York multiple times to assist in facilitation of stakeholder meetings and data analysis specific to the State Systemic Improvement Plan (SSIP) and disproportionality. NYSED staff participate in frequent NYS specific conference calls with each of these centers to obtain technical assistance on improving outcomes specific to participation in State assessments, suspension disproportionality and early childhood transition. NYSED staff have also worked very closely with CIFR to obtain technical assistance necessary to address fiscal issues.

NYSED provides a comprehensive array of other professional development and technical assistance resources. These include, but are not limited to:

[Accessible Instructional Materials \(AIM\)](#) - Provides accessible versions of instructional materials to students who are blind or otherwise unable to use printed materials.

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

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

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

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

[Speech-Language and Bilingual Speech-Language Personnel Development Technical Assistance Center \(SLPD-TAC\)](#) - provides online

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coursework and other supports needed to obtain initial or professional certification in teaching students with speech and language disabilities and licensure in Speech-Language Pathology for individuals who are committed to work in New York City Public Schools.

[Technical Assistance Center on Disproportionality \(TACD\) at New York University](#) - TACD's work includes building the capacity of regions and districts in understanding the root cause of and systemically addressing the disproportionate assignment of various subgroups in special education. TACD also develops and provides comprehensive technical assistance and professional development trainings to NYS school districts that are addressing issues of disproportionality.

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

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

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

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

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

[Transition Services Professional Development Support Center](#) provides a web-based resource for transition services and planning for all school districts, as well as training for NYSED's RSE-TASC transition specialists.

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

To ensure that support to local educational agencies (LEAs) is timely, of high quality and is based on evidence-based practices, NYSED has developed research-based tools to guide our work (for examples see Quality Indicator Review and Resource Guides at <http://www.p12.nysed.gov/specialed/techassist/QIcover.htm>; Explicit and Specially Designed Instructional Walk Through Tool at <http://www.p12.nysed.gov/specialed/spp/Walkthroughtool-LAPSelfReview.pdf> and Diagnostic Tool of School District Effectiveness (DTSDE) at <http://www.p12.nysed.gov/accountability/diagnostic-tool-institute/home.html>).

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

- Transition Services Professional Development Support Center www.transitionsource.org
- New York State PBIS Technical Assistance Center <http://nyspbis.org/>
- Professional Learning Center (RSE-TASC PLC) <http://www.nys-rse-tasc.com/>

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

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

Technical Assistance Sources and Actions

Technical Assistance	Outcome/Actions Taken
TECHNICAL ASSISTANCE RELATED TO INDICATORS FOR WHICH A STATE RECEIVED A ZERO SCORE:	
<p><u>Reading and Math Assessment Elements: Percentage of 4th and 8th Grade Children with Disabilities Participating in Regular Statewide Assessments</u></p> <p>Conference call with Martha Thurlow and Sheryl Lazarus of the National Center for Systemic Improvement on February 27, 2017 to discuss assessment issues, specific to students with disabilities.</p> <p>It was recommended that NYSED's OSE work in collaboration with NYSED's general education colleagues to develop a</p>	<p>In March 2018, NYSED provided guidance for stakeholders, including parents, on the requirements regarding participating in State assessments. In November 2018, regulations were adopted to implement the requirements of the Every Student Succeeds Act (ESSA) plan approved by the USDOE in January 2018 that established requirements and criteria regarding a school's development of a participation rate improvement plan.</p>

<p>Department-wide strategy to address NYS's significant testing opt-out movement, as it is impacting students with and without disabilities.</p>	
<p><u>Indicator 12: IEP Developed and Implemented by Third Birthday</u></p> <p>Multiple conversations with Angela Tanner-Dean of OSEP and Anne Louise Thompson of the National Center for Systemic Improvement regarding New York's Indicator 12 data.</p>	<p>Clarified the requirements around Indicator 12 reporting. NYSED has been challenged with improving its Indicator 12 data due to a provision in the State's Public Health Law that allows parents to continue their child in early intervention programming beyond the third birthday. Recently, however, NYSED has been in conversation with its Part C Early Intervention partners at the New York State Department of Health regarding the potential legislative amendments for transition to Part B to occur on the third birthday.</p>
<p><u>Longstanding Noncompliance</u></p> <p>Meeting with Jana Rosborough and Anne Louise Thompson of WestEd on March 8, 2018 to discuss NYSED's monitoring system, longstanding noncompliance, and recommendations for improvements.</p>	<p>Informed how NYSED identifies and resolves noncompliance, conducts monitoring, and directs its funded technical assistance networks to provide support to districts with longstanding noncompliance.</p>
<p>ALL OTHER SOURCES OF TECHNICAL ASSISTANCE ACCESSED BY NYSED:</p>	
<p>English Language Learners (ELLs) Alliance documents:</p> <ul style="list-style-type: none"> - "Patterns of English Learner Student Reclassification Over Time: Evidence from New York City Schools" – Michael Kieffer - "Home Language Survey Data Quality Self-Assessment Tool" – Susan Henry 	<p>Informed the work of RSE-TASC Bilingual Specialists in providing professional development to NYS school districts.</p>
<p>Office of English Language Acquisition (OELA)</p>	<p>Webinar: "Disabilities Among Children Who are English Learners" and Fast Facts: "Profiles of English Learners" and "English Learner Populations by Local Education Agency" informed understanding and best practices of NYSED.</p>
<p>Comprehensive Center Network (CCNetwork)</p>	<p>Used by NYSED as a clearinghouse of resources and information.</p>
<p>National Clearinghouse for English Language Acquisition (NCLEA)</p>	<p>Newcomer Toolkit informed the work of the RSE-TASC Bilingual Specialists.</p>
<p>Office of Educational Technology</p>	<p>Educator Toolkit: "Using Educational Technology - 21st Century Supports for English Learners" informed the work of the RSE-TASC Bilingual Specialists.</p>
<p>US Departments of Education and Justice – Joint Guidance to Ensure English Learner Students Have Equal Access to High-Quality Education;</p> <p>US Department of Education – English Learners Tool Kit</p>	<p>Informed work of RSE-TASC Bilingual Specialists in providing guidance to school districts.</p>
<p>National Center on Education Outcomes</p>	<p>Informed updates to guidance initiatives on the one percent cap on participation in alternate assessments.</p>
<p>REL Northeast and Islands (Regional Educational Laboratory Program)</p>	<p>Used to increase knowledge about research-based practices, which were incorporated into trainings for administrators and teachers.</p>

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Professional Development System:

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

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

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

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

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

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

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

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

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

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

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

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

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Stakeholder Involvement: apply this to all Part B results indicators

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

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

During the 2017-2018 school year, staff met with CAP to discuss recommendations for significant disproportionality methodology, special education teacher certification, dispute resolution and to engage CAP in discussions on how to improve performance on specific SPP indicators.

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At other meetings throughout the year with the Youth Advisory Panel and technical assistance providers, including but not limited to the RSE-TASC, Special Education Parent Centers, and ECDCs, the State shares APR outcomes on compliance and outcome indicators to discuss improvement strategies. The APR outcomes are also shared with the NYS Board of Regents.

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Reporting to the Public:

How and where the State reported to the public on the FFY 2016 performance of each LEA located in the State on the targets in the SPP/APR as soon as practicable, but no later than 120 days following the State's submission of its FFY 2016 APR, as required by 34 CFR §300.602(b)(1)(i)(A); and a description of where, on its Web site, a complete copy of the State's SPP, including any revision if the State has revised the SPP that it submitted with its FFY 2016 APR in 2018, is available.

Public Reports

As required under section 616 of IDEA, the State publicly reports annually on the performance of each LEA on indicators 1 through 14 against the State's targets. This report is found at <http://data.nysed.gov/lists.php?type=district>. Click on 2016-17 for last year's posted data. District reports for 2017-18 will be posted as soon as possible following final submission of the SPP/APR, but no later than 120 days following the State's submission of its APR.

The complete copy of the SPP/APR can be found at <http://www.p12.nysed.gov/specialed/spp/>.

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Actions required in FFY 2016 response

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OSEP Response

The State's determinations for both 2017 and 2018 were Needs Assistance. Pursuant to section 616(e)(1) of the IDEA and 34 C.F.R. § 300.604(a), OSEP's June 28, 2018 determination letter informed the State that it must report with its FFY 2017 SPP/APR submission, due February 1, 2019, on: (1) the technical assistance sources from which the State received assistance; and (2) the actions the State took as a result of that technical assistance. The State provided the required information.

States were instructed to submit Phase III Year Three of the State Systemic Improvement Plan (SSIP) by April 1, 2019. The State provided the required information.

Required Actions

The State's IDEA Part B determination for both 2018 and 2019 is Needs Assistance. In the State's 2019 determination letter, the Department advised the State of available sources of technical assistance, including OSEP-funded technical assistance centers, and required the State to work with appropriate entities. The Department directed the State to determine the results elements and/or compliance indicators, and improvement strategies, on which it will focus its use of available technical assistance, in order to improve its performance. The State must report, with its FFY 2018 SPP/APR submission, due February 3, 2020, on: (1) the technical assistance sources from which the State received assistance; and (2) the actions the State took as a result of that technical assistance.

In the FFY 2018 SPP/APR, the State must report FFY 2018 data for the State-identified Measurable Result (SiMR). Additionally, the State must, consistent with its evaluation plan described in Phase II, assess and report on its progress in implementing the SSIP. Specifically, the State must provide: (1) a narrative or graphic representation of the principal activities implemented in Phase III, Year 4; (2) measures and outcomes that were implemented and achieved since the State's last SSIP submission (i.e., April 1, 2019); (3) a summary of the SSIP's coherent improvement strategies, including infrastructure improvement strategies and evidence-based practices that were implemented and progress toward short- and long-term outcomes that are intended to impact the SiMR; and (4) any supporting data that demonstrates that implementation of these activities are impacting the State's capacity to improve its SiMR data.

**FFY 2017 Part B State Performance Plan (SPP)/Annual Performance Report (APR)
Indicator 1: Graduation**

Monitoring Priority: FAPE in the LRE

Results indicator:

Percent of youth with Individualized Education Programs (IEPs) graduating from high school with a regular high school diploma.

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

Historical Data

Baseline Data: 2011

FFY	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
Target ≥			37.00%	38.00%	44.00%	49.00%	52.00%	53.00%	55.00%	47.17%	50.48%
Data		37.50%	39.30%	41.30%	43.60%	44.40%	46.40%	46.40%	47.70%	47.17%	52.65%

FFY	2015	2016
Target ≥	55.39%	55.57%
Data	52.86%	52.55%

Key: Gray – Data Prior to Baseline Yellow – Baseline Blue – Data Update

FFY 2017 - FFY 2018 Targets

FFY	2017	2018
Target ≥	57.71%	59.94%

Key:

Explanation of Changes

The United States Department of Education requires the annual graduation rate targets under the Individuals with Disabilities Education Act to be the same as the annual graduation rates under Title I of the Elementary and Secondary Education Act (ESEA). In New York, annual graduation rate targets under Title I of ESEA are 80% or a 10% gap reduction over the prior year for the 4-year graduation rate. Targets reflect the 10% gap reduction.

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

Targets: Description of Stakeholder Input - Please see the Stakeholder Involvement section of the [introduction](#).

Enter additional information about stakeholder involvement

The targets for this indicator must be the same as the annual graduation rate targets under Title I of the ESEA.

Prepopulated Data

Source	Date	Description	Data	Overwrite Data
SY 2016-17 Cohorts for Regulatory Adjusted-Cohort Graduation Rate (EDFacts file spec C151; Data group 696)	9/28/2018	Number of youth with IEPs graduating with a regular diploma	17,967	
SY 2016-17 Cohorts for Regulatory Adjusted-Cohort Graduation Rate (EDFacts file spec C151; Data group 696)	9/28/2018	Number of youth with IEPs eligible to graduate	32,463	null
SY 2016-17 Regulatory Adjusted Cohort Graduation Rate (EDFacts file spec C150; Data group 695)	9/28/2018	2014-15 Regulatory four-year adjusted-cohort graduation rate table	55.35%	Calculate <input type="checkbox"/>

FFY 2017 SPP/APR Data

Number of youth with IEPs in the current year's adjusted cohort graduating with a regular diploma	Number of youth with IEPs in the current year's adjusted cohort eligible to graduate	FFY 2016 Data	FFY 2017 Target	FFY 2017 Data
17,967	32,463	52.55%	57.71%	55.35%

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Graduation Conditions

Choose the length of Adjusted Cohort Graduation Rate your state is using: 4-year ACGR

Provide a narrative that describes the conditions youth must meet in order to graduate with a regular high school diploma and, if different, the conditions that youth with IEPs must meet in order to graduate with a regular high school diploma. If there is a difference, explain.

Graduation rate data for students with disabilities is calculated the same as for all students. In New York State, to be included in the counts of high school graduates, students, including students with disabilities, must earn either a Regents or local diploma. Students with disabilities who earn a nondiploma graduation credential are not considered high school graduates. Detailed information on graduation requirements can be found at:

<http://www.nysed.gov/common/nysed/files/programs/curriculum-instruction/diploma-and-credentials-summary-requirements.pdf>

Graduation requirements for students who first entered 9th grade in 2013 can be found at:

<http://www.p12.nysed.gov/ciai/gradreq/intro.html>

Are the conditions that youth with IEPs must meet to graduate with a regular high school diploma different from the conditions noted above? No

Actions required in FFY 2016 response

none

OSEP Response

The State revised its targets for this indicator, and OSEP accepts those targets.

Required Actions

**FFY 2017 Part B State Performance Plan (SPP)/Annual Performance Report (APR)
Indicator 2: Drop Out**

Monitoring Priority: FAPE in the LRE

Results indicator:
Percent of youth with IEPs dropping out of high school.

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

Historical Data

Baseline Data: 2011

FFY	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
Target ≤			19.00%	19.00%	18.00%	16.00%	15.00%	14.00%	12.00%	15.00%	14.50%
Data		22.20%	16.90%	16.00%	16.00%	16.00%	16.70%	16.00%	15.70%	13.94%	13.05%

FFY	2015	2016
Target ≤	14.00%	14.00%
Data	12.55%	12.66%

Key: Gray – Data Prior to Baseline Yellow – Baseline Blue – Data Update

FFY 2017 - FFY 2018 Targets

FFY	2017	2018
Target ≤	13.50%	13.00%

Key:

Targets: Description of Stakeholder Input - Please see the Stakeholder Involvement section of the [introduction](#).

Enter additional information about stakeholder involvement

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

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

Please indicate whether you are reporting using Option 1 or Option 2.

- Option 1
- Option 2

Has your State made or proposes to make changes to the data source under Option 2 when compared to the information reported in its FFY 2010 SPP/APR submitted on February 1, 2012? No

FFY 2017 SPP/APR Data

Total Number of Students with Disabilities in 2013 Cohort as of August 2017 Who Dropped Out of High School	Total Number of Students with Disabilities in 2013 Cohort as of August 2017	FFY 2016 Data	FFY 2017 Target	FFY 2017 Data
3,798	32,463	12.66%	13.50%	11.70%

Use a different calculation methodology

- Change numerator description in data table
- Change denominator description in data table

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

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

In NYS' Calculation for Drop Out Rate for FFY 2017 Reporting for this FFY 2017 APR, the 2013 district total cohort is the **denominator**.

The 2013 district total cohort consists of all students, regardless of their current grade level, who met one of the following conditions:

First entered 9th grade at any time during the 2013-14 school year (July 1, 2013 through June 30, 2014); or, in the case of ungraded students with disabilities, reached their 17th birthday during the 2013-14 school year; or

Ungraded students are included in the 2013 cohort if their birth date is between July 1, 1995 and June 30, 1996 (inclusive).

Students who have spent at least one day in district schools or out-of-district placements during year 1, 2, 3, or 4 of high school are included in the district total cohort unless they transferred to another diploma-granting program outside the district. For the 2013 Total Cohort, years 1, 2, 3, and 4 are the 2013-14, 2014-15, 2015-16 and 2016-17 school years, respectively.

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

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

Definition of Dropout: Information pertaining to the rules for reporting dropout data can be found throughout the Student Information Repository System (SIRS) Manual at <http://www.p12.nysed.gov/irs/sirs/>. The definition of "dropout" may be found Appendix VI: Terms and Acronyms:

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

Provide a narrative that describes what counts as dropping out for all youth.

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

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

Is there a difference in what counts as dropping out for youth with IEPs? No

FFY 2017 Part B State Performance Plan (SPP)/Annual Performance Report (APR)

Actions required in FFY 2016 response

none

OSEP Response

Required Actions

**FFY 2017 Part B State Performance Plan (SPP)/Annual Performance Report (APR)
Indicator 3B: Participation for Students with IEPs**

Monitoring Priority: FAPE in the LRE

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

- A. Indicator 3A -- Reserved
- B. Participation rate for children with IEPs.
- C. Proficiency rate for children with IEPs against grade level and alternate academic achievement standards.

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

Historical Data

	Group Name	Baseline Year	FFY	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
Reading	A Grade 3-8	2005	Target ≥			95.00%	95.00%	95.00%	95.00%	95.00%	95.00%	95.00%	95.00%	95.00%
			Data		95.00%	96.80%	96.90%	98.00%	98.00%	98.00%	98.00%	98.00%	98.00%	93.94%
	B HS	2005	Target ≥			95.00%	95.00%	95.00%	95.00%	95.00%	95.00%	95.00%	95.00%	95.00%
			Data		90.00%	92.70%	94.10%	95.00%	96.00%	97.00%	97.00%	97.00%	91.14%	90.94%
Math	A Grade 3-8	2005	Target ≥			95.00%	95.00%	95.00%	95.00%	95.00%	95.00%	95.00%	95.00%	95.00%
			Data		96.00%	96.90%	96.90%	98.00%	98.00%	98.00%	98.00%	98.00%	92.14%	76.81%
	B HS	2005	Target ≥			95.00%	95.00%	95.00%	95.00%	95.00%	95.00%	95.00%	95.00%	95.00%
			Data		91.00%	94.00%	95.00%	96.00%	97.00%	97.00%	97.00%	97.00%	95.17%	94.13%

	Group Name	FFY	2015	2016
Reading	A Grade 3-8	Target ≥	95.00%	95.00%
		Data	76.18%	71.13%
	B HS	Target ≥	95.00%	95.00%
		Data	90.69%	90.53%
Math	A Grade 3-8	Target ≥	95.00%	95.00%
		Data	74.15%	69.75%
	B HS	Target ≥	95.00%	95.00%
		Data	94.06%	94.48%

Key: Gray – Data Prior to Baseline Yellow – Baseline Blue – Data Update

FFY 2017 - FFY 2018 Targets

	FFY	2017	2018
Reading	A ≥ Grade 3-8	95.00%	95.00%
	B ≥ HS	95.00%	95.00%
Math	A ≥ Grade 3-8	95.00%	95.00%
	B ≥ HS	95.00%	95.00%

Key:

Targets: Description of Stakeholder Input - Please see the Stakeholder Involvement section of the [introduction](#).

Enter additional information about stakeholder involvement

The targets for this indicator are set by the United States Department of Education at 95%. The State shares results for this indicator with the State's Commissioner's Advisory Panel (CAP) for Special Education Services - see Introduction on Stakeholder Involvement.

FFY 2017 SPP/APR Data: Reading Assessment

Group Name	Number of Children with IEPs	Number of Children with IEPs Participating	FFY 2016 Data	FFY 2017 Target	FFY 2017 Data
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FFY 2017 Part B State Performance Plan (SPP)/Annual Performance Report (APR)

Group Name	Number of Children with IEPs	Number of Children with IEPs Participating	FFY 2016 Data	FFY 2017 Target	FFY 2017 Data
A Grade 3-8	238,983	171,264	71.13%	95.00%	71.66%
B HS	27,301	25,908	90.53%	95.00%	94.90%

FFY 2017 SPP/APR Data: Math Assessment

Group Name	Number of Children with IEPs	Number of Children with IEPs Participating	FFY 2016 Data	FFY 2017 Target	FFY 2017 Data
A Grade 3-8	239,534	169,432	69.75%	95.00%	70.73%
B HS	27,301	26,524	94.48%	95.00%	97.15%

Public Reporting Information

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

Report of the Participation and Performance of Students with Disabilities on Assessments

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

<http://www.p12.nysed.gov/sedcar/state.htm> (Participation and Performance of Students with Disabilities on Mathematics and Reading Language Arts Assessments)

State reports:

<https://data.nysed.gov/> (links to all years and all data, some of which must be filtered and data displays built)

<https://data.nysed.gov/essa.php?instid=800000081568&year=2018&createreport=1&38ELA=1&38MATH=1&48SCI=1&cohort=1&nysaa=1> . Shows 2017-18 participation and performance for statewide assessments including results on the New York State Alternate Assessment (NYSAA) by grade and subject.

<http://data.nysed.gov> .Shows school district special education reports. Follow these steps:

1) From data.nysed.gov, click on "DISTRICTS" in heading. 2) Click on a district. 3) Click on a year. 4) Click on Special Education Data.

NOTE: FFY 2017 school district reports will be posted no later than June 1, 2019.

Actions required in FFY 2016 response

Within 90 days of the receipt of the State's 2018 determination letter, the State must provide to OSEP a Web link that demonstrates that it has reported, for FFY 2016, to the public, on the statewide assessments of children with disabilities in accordance with 34 CFR §300.160(f). In addition, OSEP reminds the State that in the FFY 2017 SPP/APR, the State must include a Web link that demonstrates compliance with 34 CFR §300.160(f) for FFY 2017.

Responses to actions required in FFY 2016 OSEP response

Websites for FFY 2016:

<http://www.p12.nysed.gov/sedcar/state.htm> (Participation and Performance of Students with Disabilities on Mathematics and Reading Language Arts Assessments)

State reports:

<https://data.nysed.gov/> (links to all years and all data, some of which must be filtered and data displays built)

<https://data.nysed.gov/reportcard.php?instid=800000081568&year=2017&createreport=1&38ELA=1&38MATH=1&48SCI=1&cohort=1&nysaa=1> . Shows 2016-17 participation and performance for statewide assessments including results on the New York State Alternate Assessment (NYSAA) by grade and subject.

<http://data.nysed.gov> .Shows school district special education reports. Follow these steps:

1) From data.nysed.gov, click on "DISTRICTS" in heading. 2) Click on a district. 3) Click on a year. 4) Click on Special Education Data.

Websites for FFY 2017:

<http://www.p12.nysed.gov/sedcar/state.htm> (Participation and Performance of Students with Disabilities on Mathematics and Reading Language Arts Assessments)

FFY 2017 Part B State Performance Plan (SPP)/Annual Performance Report (APR)

State reports:

<https://data.nysed.gov/> (links to all years and all data, some of which must be filtered and data displays built)

<https://data.nysed.gov/essa.php?instid=800000081568&year=2018&createreport=1&38ELA=1&38MATH=1&48SCI=1&cohort=1&nysaa=1> . Shows 2017-18 participation and performance for statewide assessments including results on the New York State Alternate Assessment (NYSAA) by grade and subject.

<http://data.nysed.gov> Shows school district special education reports. Follow these steps:

1) From data.nysed.gov, click on "DISTRICTS" in heading. 2) Click on a district. 3) Click on a year. 4) Click on Special Education Data.

NOTE: FFY 2017 school district reports will be posted no later than June 1, 2019.

OSEP Response

OSEP's response to the State's FFY 2016 SPP/APR required the State to provide to OSEP a Web link that demonstrates that it has reported, for FFY 2016, to the public, on the statewide assessments of children with disabilities, within 90 days of the receipt of the State's 2018 determination letter, in accordance with 34 CFR §300.160(f) . Specifically, the State did not provide a Web link demonstrating that the State reported publicly on the participation of children with disabilities on statewide assessments with the same frequency and in the same detail as it reports on the assessments of nondisabled children, as required by 34 CFR §300.160(f). The State has not reported the number of children with disabilities participating in regular assessments who were provided accommodations (that did not result in an invalid score) in order to participate in those assessments and the State has not reported the number of children with disabilities, if any, participating in alternate assessments based alternate academic achievement standards at the State, district and/or school levels. The failure to publicly report as required under 34 CFR §300.160(f) is noncompliance.

Required Actions

Within 90 days of the receipt of the State's 2019 determination letter, the State must provide to OSEP a Web link that demonstrates that it has reported, for FFY 2017, to the public, on the statewide assessments of children with disabilities in accordance with 34 CFR §300.160(f). In addition, OSEP reminds the State that in the FFY 2018 SPP/APR, the State must include a Web link that demonstrates compliance with 34 CFR §300.160(f) for FFY 2018.

**FFY 2017 Part B State Performance Plan (SPP)/Annual Performance Report (APR)
Indicator 3C: Proficiency for Students with IEPs**

Monitoring Priority: FAPE in the LRE

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

- A. Indicator 3A -- Reserved
- B. Participation rate for children with IEPs.
- C. Proficiency rate for children with IEPs against grade level and alternate academic achievement standards.

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

Historical Data

	Group Name	Baseline Year	FFY	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
Reading	A Grades 3-8	2012	Target ≥										11.17%	13.00%
			Data						38.10%	20.90%	23.05%	12.39%	11.17%	13.83%
	B HS	2012	Target ≥										62.73%	63.00%
			Data						55.70%	64.90%	69.21%	65.62%	62.73%	70.87%
Math	A Grade 3-8	2012	Target ≥										15.32%	15.50%
			Data						61.40%	32.90%	35.40%	14.26%	15.32%	17.84%
	B HS	2012	Target ≥										63.29%	64.00%
			Data						54.20%	58.70%	61.14%	50.22%	63.29%	68.46%

	Group Name	FFY	2015	2016
Reading	A Grades 3-8	Target ≥	16.00%	20.00%
		Data	15.69%	16.95%
	B HS	Target ≥	63.00%	63.50%
		Data	70.98%	74.75%
Math	A Grade 3-8	Target ≥	16.00%	19.00%
		Data	18.34%	18.78%
	B HS	Target ≥	64.50%	65.00%
		Data	67.16%	64.49%

Key: Gray – Data Prior to Baseline Yellow – Baseline Blue – Data Update

FFY 2017 - FFY 2018 Targets

	FFY	2017	2018
Reading	A ≥ Grades 3-8	23.00%	23.00%
	B ≥ HS	64.00%	66.00%
Math	A ≥ Grades 3-8	19.00%	23.00%
	B ≥ HS	65.50%	66.00%

Key:

Targets: Description of Stakeholder Input - Please see the Stakeholder Involvement section of the [introduction](#).

Enter additional information about stakeholder involvement

See Introduction for Stakeholder input. Targets for improvement for this Indicator for Grades 3-8 have been established consistent with the Annual Measurable Objectives targets for the subgroup of students with disabilities in New York State's approved Elementary and Secondary Education Act Waiver.

Would you like to use the assessment data below to automatically calculate the actual data reported in your FFY 2017 APR by the grade groups you provided on the Reporting Group Selection page? yes

Would you like the disaggregated data to be displayed in your final APR? yes

FFY 2017 Part B State Performance Plan (SPP)/Annual Performance Report (APR)

Data Source: SY 2017-18 Assessment Data Groups - Reading (EDFacts file spec C178; Data Group: 584) Date: 3/28/2019

Reading proficiency data by grade											
Grade	3	4	5	6	7	8	9	10	11	12	HS
a. Children with IEPs who received a valid score and a proficiency was assigned	28902	29890	30011	28967	27601	25893	n	n	n	n	25908
b. IEPs in regular assessment with no accommodations scored at or above proficient against grade level	3810	3242	1911	2706	1942	2467					5356
c. IEPs in regular assessment with accommodations scored at or above proficient against grade level	1031	712	374	659	335	479					11804
d. IEPs in alternate assessment against grade-level standards scored at or above proficient against grade level											
e. IEPs in alternate assessment against modified standards scored at or above proficient against grade level											
f. IEPs in alternate assessment against alternate standards scored at or above proficient against grade level	2259	2544	2649	2532	2453	2570					1637

Data Source: SY 2017-18 Assessment Data Groups - Math (EDFacts file spec C175; Data Group: 583) Date: 3/28/2019

Math proficiency data by grade											
Grade	3	4	5	6	7	8	9	10	11	12	HS
a. Children with IEPs who received a valid score and a proficiency was assigned	29020	29863	29678	28416	26757	25698	n	n	n	n	26524
b. IEPs in regular assessment with no accommodations scored at or above proficient against grade level	4510	3261	2675	2026	1697	1316					7021
c. IEPs in regular assessment with accommodations scored at or above proficient against grade level	1333	994	815	783	515	619					7961
d. IEPs in alternate assessment against grade-level standards scored at or above proficient against grade level											
e. IEPs in alternate assessment against modified standards scored at or above proficient against grade level											
f. IEPs in alternate assessment against alternate standards scored at or above proficient against grade level	2236	2286	2512	2322	2412	2398					1663

FFY 2017 SPP/APR Data: Reading Assessment

Group Name	Children with IEPs who received a valid score and a proficiency was assigned	Number of Children with IEPs Proficient	FFY 2016 Data	FFY 2017 Target	FFY 2017 Data
A Grades 3-8	171,264	34,675	16.95%	23.00%	20.25%
B HS	25,908	18,797	74.75%	64.00%	72.55%

FFY 2017 SPP/APR Data: Math Assessment

Group Name	Children with IEPs who received a valid score and a proficiency was assigned	Number of Children with IEPs Proficient	FFY 2016 Data	FFY 2017 Target	FFY 2017 Data
A Grade 3-8	169,432	35,512	18.78%	19.00%	20.96%
B HS	26,524	16,645	64.49%	65.50%	62.75%

Reasons for Group B Slippage

Slippage is due to a decrease in the percentage of high school students scoring at proficient levels for those taking the Math assessment without accommodations. In FFY 2016, there was a higher percentage of these students scoring at proficient levels.

FFY 2017 Part B State Performance Plan (SPP)/Annual Performance Report (APR)

In FFY 2016, 31.6 percent of high school students taking the math assessment without accommodations scored at proficient levels. In FFY 2017 this percentage decreased to 26.5 percent.

The decrease was slightly offset by increases in the percentage of high school students taking the high school Math assessment with accommodations scoring at proficient levels (26.9 percent in FFY 2016 compared to 30.0 percent in FFY 2017), but not by enough to eliminate slippage.

Public Reporting Information

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

Report of the Participation and Performance of Students with Disabilities on Assessments

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

<http://www.p12.nysed.gov/sedcar/state.htm> (Participation and Performance of Students with Disabilities on Mathematics and Reading Language Arts Assessments)

State reports:

<https://data.nysed.gov/> (links to all years and all data, some of which must be filtered and data displays built)

<https://data.nysed.gov/essa.php?instid=800000081568&year=2018&createreport=1&38ELA=1&38MATH=1&48SCI=1&cohort=1&nysaa=1> . Shows 2017-18 participation and performance for statewide assessments including results on the New York State Alternate Assessment (NYSAA) by grade and subject.

<http://data.nysed.gov> . Shows school district special education reports. Follow these steps:

1) From data.nysed.gov, click on "DISTRICTS" in heading. 2) Click on a district. 3) Click on a year. 4) Click on Special Education Data.

NOTE: FFY 2017 school district reports will be posted no later than June 1, 2019.

Actions required in FFY 2016 response

Within 90 days of the receipt of the State's 2018 determination letter, the State must provide to OSEP a Web link that demonstrates that it has reported, for FFY 2016, to the public, on the statewide assessments of children with disabilities in accordance with 34 CFR §300.160(f). In addition, OSEP reminds the State that in the FFY 2017 SPP/APR, the State must include a Web link that demonstrates compliance with 34 CFR §300.160(f) for FFY 2017.

Responses to actions required in FFY 2016 OSEP response

Websites for FFY 2016:

<http://www.p12.nysed.gov/sedcar/state.htm> (Participation and Performance of Students with Disabilities on Mathematics and Reading Language Arts Assessments)

State reports:

<https://data.nysed.gov/> (links to all years and all data, some of which must be filtered and data displays built)

<https://data.nysed.gov/reportcard.php?instid=800000081568&year=2017&createreport=1&38ELA=1&38MATH=1&48SCI=1&cohort=1&nysaa=1> . Shows 2016-17 participation and performance for statewide assessments including results on the New York State Alternate Assessment (NYSAA) by grade and subject.

<http://data.nysed.gov> . Shows school district special education reports. Follow these steps:

1) From data.nysed.gov, click on "DISTRICTS" in heading. 2) Click on a district. 3) Click on a year. 4) Click on Special Education Data.

Websites for FFY 2017:

<http://www.p12.nysed.gov/sedcar/state.htm> (Participation and Performance of Students with Disabilities on Mathematics and Reading Language Arts Assessments)

State reports:

<https://data.nysed.gov/> (links to all years and all data, some of which must be filtered and data displays built)

<https://data.nysed.gov/essa.php?instid=800000081568&year=2018&createreport=1&38ELA=1&38MATH=1&48SCI=1&cohort=1&nysaa=1> . Shows 2017-18 participation and performance for statewide assessments including results on the New York State Alternate Assessment (NYSAA) by grade and subject.

<http://data.nysed.gov> . Shows school district special education reports. Follow these steps:

FFY 2017 Part B State Performance Plan (SPP)/Annual Performance Report (APR)

1) From data.nysed.gov, click on "DISTRICTS" in heading. 2) Click on a district. 3) Click on a year. 4) Click on Special Education Data.

NOTE: FFY 2017 school district reports will be posted no later than June 1, 2019.

OSEP Response

OSEP's response to the State's FFY 2016 SPP/APR required the State to provide to OSEP a Web link that demonstrates that it has reported, for FFY 2016, to the public, on the statewide assessments of children with disabilities, within 90 days of the receipt of the State's 2018 determination letter, in accordance with 34 CFR §300.160(f). Specifically, the State has not reported, compared with the achievement of all children, including children with disabilities, the performance results of children with disabilities on alternate assessments based on alternate academic achievement standards, at the State, district and/or school levels. The failure to publicly report as required under 34 CFR §300.160(f) is noncompliance.

Required Actions

Within 90 days of the receipt of the State's 2019 determination letter, the State must provide to OSEP a Web link that demonstrates that it has reported, for FFY 2017, to the public, on the statewide assessments of children with disabilities in accordance with 34 CFR §300.160(f). In addition, OSEP reminds the State that in the FFY 2018 SPP/APR, the State must include a Web link that demonstrates compliance with 34 CFR §300.160(f) for FFY 2018.

**FFY 2017 Part B State Performance Plan (SPP)/Annual Performance Report (APR)
Indicator 4A: Suspension/Expulsion**

Monitoring Priority: FAPE in the LRE

Results indicator: Rates of suspension and expulsion:

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

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

Historical Data

Baseline Data: 2016

FFY	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
Target ≤			0%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	4.70%	4.50%
Data		2.50%	2.30%	9.40%	5.90%	6.00%	6.00%	4.80%	6.30%	4.70%	4.12%

FFY	2015	2016
Target ≤	4.50%	6.22%
Data	4.27%	6.22%

Key: Gray – Data Prior to Baseline Yellow – Baseline Blue – Data Update

FFY 2017 - FFY 2018 Targets

FFY	2017	2018
Target ≤	4.25%	4.00%

Key:

Targets: Description of Stakeholder Input - Please see the Stakeholder Involvement section of the [introduction](#).

Enter additional information about stakeholder involvement

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

FFY 2017 SPP/APR Data

Has the State Established a minimum n-size requirement? Yes No

The State may only include, in both the numerator and the denominator, districts that met the State-established n size. Report the number of districts excluded from the calculation as a result of the requirement. 115

Number of districts that have a significant discrepancy	Number of districts that met the State's minimum n-size	FFY 2016 Data	FFY 2017 Target	FFY 2017 Data
30	564	6.22%	4.25%	5.32%

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

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

State's definition of "significant discrepancy" and methodology

In New York State, the rates of suspensions and expulsions of students with disabilities out of school for more than 10 days in a school

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year are compared among the school districts in the State. For the baseline year 2004-05 through 2006-07, significant discrepancy was defined as a suspension rate of greater than three times the baseline statewide average (i.e., a rate of 4.0 percent or higher). The 2004-05 baseline statewide average suspension rate was 1.34 percent. School districts with at least 75 school-age students with disabilities that had a suspension rate of 4.0 percent or higher were identified as having significant discrepancy in their rate among school districts. A minimum number of 75 students with disabilities was used since small numbers of students with disabilities may distort percentages. Beginning in 2007-08, significant discrepancy was defined as a suspension rate of greater than two times the baseline statewide average (i.e., a rate of 2.7 percent or higher).

The State uses a minimum of 75 students with disabilities "n" size requirement in its formula to compute significant discrepancy.

Actions required in FFY 2016 response

none

Note: Any actions required in last year's response table that are related to correction of findings should be responded to on the "Correction of Previous Findings of Noncompliance" page of this indicator. If your State's only actions required in last year's response are related to findings of noncompliance, a text field will not be displayed on this page.

FFY 2016 Identification of Noncompliance

Review of Policies, Procedures, and Practices (completed in FFY 2017 using 2016-2017 data)

Provide a description of the review of policies, procedures, and practices relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.

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

The first year a district's data indicates a significant discrepancy, the State requires the district to complete a State-developed self-review monitoring protocol, which requires the review of specific policies, practices and procedures related to discipline of students with disabilities, including requirements relating to the development and implementation of IEPs, use of positive behavioral interventions and supports, and procedural safeguards. The monitoring protocol for this review is available at: <http://www.p12.nysed.gov/specialed/spp/indicators/4.htm>.

A report of the results of this review is submitted by the district to the State. At the time of submission, school districts that identify issues of noncompliance are notified through a written finding of noncompliance that they must correct all instances of noncompliance immediately, but not later than the prescribed due date contained in the district's notification (always within one year). The results from this review are reported to the State for follow-up and corrective actions if compliance issues are identified within one year or sooner. Twenty-three (23) of the 30 school districts identified based on 2016-17 data had their review of policies, procedures and practices conducted in this manner.

For subsequent years in which a school district's data indicates significant discrepancies, the State conducts the monitoring review of the district's policies, procedures and practices as identified above. Seven (7) of the 30 school districts identified based on 2016-17 data had a review of their policies, procedures and practices conducted in this manner.

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

The State DID identify noncompliance with Part B requirements as a result of the review required by 34 CFR §300.170(b). If YES, select one of the following:

The State DID ensure that such policies, procedures, and practices were revised to comply with applicable requirements consistent with OSEP Memorandum 09-02, dated October 17, 2008.

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

Of reviews conducted in FFY 2017, 22 of the 30 school districts were identified as having one or more inappropriate policies, procedures and/or practices relating to the development and implementation of IEPs, the use of positive behavioral supports and interventions, and/or procedural safeguards. These school districts were notified through written findings of noncompliance that they must correct their policies, practices and procedures immediately, but not later than the prescribed due date in their notification (within one year of being notified of noncompliance).

The State has verified that each noncompliant district is correctly implementing the specific regulatory requirements (i.e., achieved 100 percent compliance) based on a review of updated data, such as data subsequently collected through on-site monitoring or a State data system, and had corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the local educational agency, consistent with Office of Special Education Programs (OSEP) Memorandum 09-02, dated October

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17, 2008 (OSEP Memo 09-02). Verification included, but was not limited to, the review of revised policies and procedures, IEPs, behavioral intervention plans and other documents as related to the findings of noncompliance, showing the correction of noncompliance for individual students and all students.

The State did NOT ensure that such policies, procedures, and practices were revised to comply with applicable requirements consistent with OSEP Memorandum 09-02, dated October 17, 2008.

Correction of Findings of Noncompliance Identified in FFY 2016

Findings of Noncompliance Identified	Findings of Noncompliance Verified as Corrected Within One Year	Findings of Noncompliance Subsequently Corrected	Findings Not Yet Verified as Corrected
140	138	0	2

FFY 2016 Findings of Noncompliance Verified as Corrected

Describe how the State verified that the source of noncompliance is correctly implementing the regulatory requirements

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

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

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

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

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

FFY 2016 Findings Not Yet Verified as Corrected

Actions taken if noncompliance not corrected

There are two findings of noncompliance identified in one district in FFY 2016 that are not yet verified as corrected. The State has met with district administration and is requiring the district to develop an action plan to resolve its outstanding noncompliance. The State continues to provide onsite targeted technical assistance to help the district come into compliance. The district is responsive to this assistance and is making progress on updating its policies, procedures and practices in order to verify compliance. The State anticipates that the noncompliance will be resolved in the Spring of 2019.

OSEP Response

The State must report, in the FFY 2018 SPP/APR, on the correction of noncompliance that the State identified in FFY 2017 as a result of the review it conducted pursuant to 34 CFR §300.170(b). When reporting on the correction of this noncompliance, the State must report that it has verified that each district with noncompliance identified by the State: (1) is correctly implementing the specific regulatory requirements (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the district, consistent with OSEP Memo 09-02. In the FFY 2018 SPP/APR, the State must describe the specific actions that were taken to verify the correction.

The State reported that noncompliance identified in FFY 2016 as a result of the review it conducted pursuant to 34 CFR §300.170(b) was partially corrected. When reporting on the correction of this noncompliance, the State must demonstrate, in the FFY 2018 SPP/APR, that it has verified that each district with remaining noncompliance identified in FFY 2016: (1) is correctly implementing the specific regulatory requirements (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the district, consistent with OSEP Memo 09-02. In the FFY 2018 SPP/APR, the State must describe the specific actions that were taken to verify the correction.

Required Actions

[Empty text box for Required Actions]

**FFY 2017 Part B State Performance Plan (SPP)/Annual Performance Report (APR)
Indicator 4B: Suspension/Expulsion**

Monitoring Priority: FAPE in the LRE

Compliance indicator: Rates of suspension and expulsion:

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

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

Historical Data

Baseline Data: 2016

FFY	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
Target			0%	0%	0%	0%	0%	0%	0%	0%	0%
Data						2.20%	1.30%	2.20%	1.60%	1.47%	2.06%

FFY	2015	2016
Target	0%	0%
Data	3.09%	1.95%

Key: Gray – Data Prior to Baseline Yellow – Baseline

FFY 2017 - FFY 2018 Targets

FFY	2017	2018
Target	0%	0%

FFY 2017 SPP/APR Data

Has the State Established a minimum n-size requirement? Yes No

The State may only include, in both the numerator and the denominator, districts that met the State-established n size. Report the number of districts excluded from the calculation as a result of the requirement. 115

Number of districts that have a significant discrepancy, by race or ethnicity	Number of those districts that have policies, procedures, or practices that contribute to the significant discrepancy and do not comply with requirements	Number of districts that met the State's minimum n-size	FFY 2016 Data	FFY 2017 Target	FFY 2017 Data
15	12	564	1.95%	0%	2.13%

Reasons for Slippage

In FFY 2017, the number of districts that had policies, procedures, or practices that contributed to the significant discrepancy and did not comply with requirements increased by one district (from 11 to 12), which corresponded to a percentage increase of 0.18. The number of compliant districts actually remained the same (552) because there was one more district that met the minimum n-size. Even with the slight increase in the number of districts with noncompliance in FFY 2017, it is still a significant improvement compared to the FFY 2015 count of 21 districts with noncompliance.

Two districts that had reviews in FFY 2016 exhibited no noncompliance, but multiple findings of noncompliance were found in the 2017 reviews of these same districts. If these two districts had maintained their compliance in FFY 2017, there would have been progress toward the target rather than slippage.

All races and ethnicities were included in the review

State's definition of "significant discrepancy" and methodology

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

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

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students with disabilities in the State.

For the school district calculations, the minimum numbers of students with disabilities is used because of the potential for small numbers of students with disabilities to distort percentages.

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

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

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

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

Data Source:

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

Provide additional information about this indicator (optional)

The New York State Education Department (NYSED) established a workgroup to identify root cause issues related to Indicator 4B and to develop recommendations to improve performance for this indicator. The workgroup reviewed extensive district data for all districts that had been identified under Indicator 4B from 2006 to present. The analysis of trend data brought the workgroup to the conclusion that the current monitoring reviews conducted with the identified districts needed revision as many districts were identified for consecutive years. NYSED consequently established another workgroup to review and revise its Indicator 4B monitoring protocols. Revisions to the Indicator 4B monitoring protocols are currently under development.

Actions required in FFY 2016 response

none

Note: Any actions required in last year's response table that are related to correction of findings should be responded to on the "Correction of Previous Findings of Noncompliance" page of this indicator. If your State's only actions required in last year's response are related to findings of noncompliance, a text field will not be displayed on this page.

FFY 2016 Identification of Noncompliance

Review of Policies, Procedures, and Practices (completed in FFY 2017 using 2016-2017 data)

Provide a description of the review of policies, procedures, and practices relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.

During FFY 2017, fifteen (15) school districts were identified by the State as having data showing significant discrepancy based on race/ethnicity in the percent of students with disabilities suspended out of school for more than 10 days based on their 2016-17 school year data. For each school district identified by its data as having a significant discrepancy in the rate of suspensions and expulsions of greater than 10 days in a school year of students with disabilities, the State ensures that a review is conducted of the district's policies, procedures and practices relating to the development and implementation of IEPs, the use of positive behavioral supports, and procedural safeguards among students with disabilities subject to discipline. The State provides for the review of policies, procedures and practices each year a school district's data shows a significant discrepancy in its suspension rates for students with disabilities as

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follows:

The first year a district's data indicates a significant discrepancy, the State requires the district to complete a State developed self-review monitoring protocol, which requires the review of specific policies, practices and procedures related to discipline of students with disabilities, including requirements relating to the development and implementation of IEPs, use of positive behavioral supports and procedural safeguards. The monitoring protocol for this review is available at <http://www.p12.nysed.gov/specialed/spp/indicators/4.htm>. A report of the results of this review is submitted by the district to the State. Nine (9) of the 15 school districts were sent notifications with directions to use a State-developed self-review monitoring protocol to review their policies, practices and procedures.

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

For subsequent years in which a school district's data indicates significant discrepancies, the State conducts the monitoring review of the district's policies, procedures and practices in the areas as identified above. Six (6) school districts received focused or comprehensive reviews by the State's special education monitoring office to review the district's policies, procedures and practices because these school districts had two or more consecutive years of data with significant discrepancies.

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

The State DID identify noncompliance with Part B requirements as a result of the review required by 34 CFR §300.170(b). If YES, select one of the following:

The State DID ensure that such policies, procedures, and practices were revised to comply with applicable requirements consistent with OSEP Memorandum 09-02, dated October 17, 2008.

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

Twelve (12) of the 15 school districts (1.77 percent of all school districts in the State and 2.13 percent of all districts meeting the minimum n-size) had one or more inappropriate policies, procedures and/or practices that contributed to the significant discrepancy and did not comply with requirements relating to the development and implementation of IEPs, the use of Positive Behavioral Interventions and Supports, and/or procedural safeguards. These school districts have been notified through written findings of noncompliance that they must correct their policies, practices and procedures immediately, but not later than the prescribed due date in the district's notification (always within one year from being notified of noncompliance).

The State did NOT ensure that such policies, procedures, and practices were revised to comply with applicable requirements consistent with OSEP Memorandum 09-02, dated October 17, 2008.

Correction of Findings of Noncompliance Identified in FFY 2016

Findings of Noncompliance Identified	Findings of Noncompliance Verified as Corrected Within One Year	Findings of Noncompliance Subsequently Corrected	Findings Not Yet Verified as Corrected
58	53	5	0

FFY 2016 Findings of Noncompliance Verified as Corrected

Describe how the State verified that the source of noncompliance is correctly implementing the regulatory requirements

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

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

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

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

FFY 2014 Findings of Noncompliance Verified as Corrected

Describe how the State verified that the source of noncompliance is correctly implementing the regulatory requirements

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

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

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

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

FFY 2014 Findings Not Yet Verified as Corrected

Actions taken if noncompliance not corrected

In one district, 18 findings of noncompliance remain uncorrected. The district has an Individuals with Disabilities Education Act determination of Needs Intervention for the eighth consecutive year for performance and compliance. As a result, the district was placed under enforcement and required to develop a strategic action plan to address the district's policies, procedures and practices associated with the longstanding noncompliance. The State has met with the district special education administrative team on a regular basis to assist the district in updating its policies, procedures and practices associated with the longstanding noncompliance. The State is also providing targeted technical assistance, coaching and follow-up to three schools in the district around the longstanding noncompliance to ensure the district's updated policies and procedures are put into practice at the building level. In addition, the State will be meeting with the district special education administrative team to ensure the progress from the three schools can be turn-keyed to other schools in the district.

FFY 2013 Findings of Noncompliance Verified as Corrected

Describe how the State verified that the source of noncompliance is correctly implementing the regulatory requirements

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

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

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

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

OSEP Response

Because the State reported less than 100% compliance (greater than 0% actual target data for this indicator) for FFY 2017, the State must report on the status of correction of noncompliance identified in FFY 2017 for this indicator. The State must demonstrate, in the FFY 2018 SPP/APR, that the districts identified with noncompliance in FFY 2017 have corrected the noncompliance, including that the State verified that each district with noncompliance: (1) is correctly implementing the specific regulatory requirement(s) (i.e., achieved 100% compliance) based on a review of updated data, such as data subsequently collected through on-site monitoring or a State data system; and (2) has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the district, consistent with OSEP Memo 09-02. In the FFY 2018 SPP/APR, the State must describe the specific actions that were taken to verify the correction. If the State did not identify any findings of noncompliance in FFY 2017, although its FFY 2017 data reflect less than 100% compliance (greater than 0% actual target data for this indicator), provide an explanation of why the State did not identify any findings of noncompliance in FFY 2017.

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demonstrate, in the FFY 2018 APR, that it has verified that each district with remaining noncompliance identified in FFY 2014: (1) is correctly implementing the specific regulatory requirement(s) (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the district, consistent with OSEP Memo 09-02. In the FFY 2018 SPP/APR, the State must describe the specific actions that were taken to verify the correction.

Required Actions

**FFY 2017 Part B State Performance Plan (SPP)/Annual Performance Report (APR)
Indicator 5: Educational Environments (children 6-21)**

Monitoring Priority: FAPE in the LRE

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

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

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

Historical Data

	Baseline Year	FFY	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
A	2005	Target ≥			55.00%	53.10%	53.20%	53.30%	53.40%	57.00%	60.00%	58.00%	58.40%
		Data		54.50%	53.10%	54.20%	55.40%	55.20%	55.90%	56.90%	57.50%	58.16%	57.80%
B	2005	Target ≤			26.00%	24.60%	24.50%	24.40%	24.30%	22.00%	20.00%	21.50%	21.00%
		Data		25.50%	24.60%	24.10%	23.60%	23.00%	22.90%	22.00%	21.30%	21.47%	19.80%
C	2005	Target ≤			6.50%	6.80%	6.70%	6.60%	6.50%	6.00%	5.80%	6.10%	6.00%
		Data		6.90%	6.80%	6.50%	6.00%	6.40%	6.40%	6.40%	6.50%	5.98%	6.13%

	FFY	2015	2016
A	Target ≥	58.80%	59.00%
	Data	57.98%	58.26%
B	Target ≤	20.50%	20.00%
	Data	19.82%	19.56%
C	Target ≤	5.80%	5.60%
	Data	5.44%	6.04%

Key: Gray – Data Prior to Baseline Yellow – Baseline Blue – Data Update

FFY 2017 - FFY 2018 Targets

FFY	2017	2018
Target A ≥	59.50%	60.00%
Target B ≤	19.00%	18.00%
Target C ≤	5.40%	5.00%

Key:

Targets: Description of Stakeholder Input - Please see the Stakeholder Involvement section of the [introduction](#).

Enter additional information about stakeholder involvement

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

Prepopulated Data

Source	Date	Description	Data	Overwrite Data
SY 2017-18 Child Count/Educational Environment Data Groups (EDFacts file spec C002; Data group 74)	7/12/2018	Total number of children with IEPs aged 6 through 21	450,328	null
SY 2017-18 Child Count/Educational Environment Data Groups (EDFacts file spec C002; Data group 74)	7/12/2018	A. Number of children with IEPs aged 6 through 21 inside the regular class 80% or more of the day	263,373	null

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Source	Date	Description	Data	Overwrite Data
SY 2017-18 Child Count/Educational Environment Data Groups (EDFacts file spec C002; Data group 74)	7/12/2018	B. Number of children with IEPs aged 6 through 21 inside the regular class less than 40% of the day	85,763	null
SY 2017-18 Child Count/Educational Environment Data Groups (EDFacts file spec C002; Data group 74)	7/12/2018	c1. Number of children with IEPs aged 6 through 21 in separate schools	21,892	null
SY 2017-18 Child Count/Educational Environment Data Groups (EDFacts file spec C002; Data group 74)	7/12/2018	c2. Number of children with IEPs aged 6 through 21 in residential facilities	1,826	null
SY 2017-18 Child Count/Educational Environment Data Groups (EDFacts file spec C002; Data group 74)	7/12/2018	c3. Number of children with IEPs aged 6 through 21 in homebound/hospital placements	1,296	null

FFY 2017 SPP/APR Data

	Number of children with IEPs aged 6 through 21 served	Total number of children with IEPs aged 6 through 21	FFY 2016 Data	FFY 2017 Target	FFY 2017 Data
A. Number of children with IEPs aged 6 through 21 inside the regular class 80% or more of the day	263,373	450,328	58.26%	59.50%	58.48%
B. Number of children with IEPs aged 6 through 21 inside the regular class less than 40% of the day	85,763	450,328	19.56%	19.00%	19.04%
C. Number of children with IEPs aged 6 through 21 inside separate schools, residential facilities, or homebound/hospital placements [c1+c2+c3]	25,014	450,328	6.04%	5.40%	5.55%

Provide additional information about this indicator (optional)

The New York State Education Department (NYSED) has an internal workgroup that analyzed root cause issues and proposed recommendations to improve data related to Indicator 5. A Least Restrictive Environment Self-Assessment Tool is under development to guide school districts, in conjunction with parents and community members, to ensure that preschool students with disabilities (ages 3-5) and school-age students (ages 5-21) are receiving their special education and related services in the least restrictive environment. See guidance from NYSED regarding least restrictive environment and school district responsibilities:

<http://www.p12.nysed.gov/specialed/publications/2015-memos/least-restrictive-environment-district-responsibilities.html>

Actions required in FFY 2016 response

none

OSEP Response

Required Actions

**FFY 2017 Part B State Performance Plan (SPP)/Annual Performance Report (APR)
Indicator 6: Preschool Environments**

Monitoring Priority: FAPE in the LRE

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

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

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

Historical Data

	Baseline Year	FFY	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
A	2011	Target ≥									42.70%	42.90%	43.50%
		Data								42.20%	43.70%	42.92%	43.19%
B	2011	Target ≤									26.30%	23.77%	22.00%
		Data								26.80%	23.51%	23.77%	22.65%

	FFY	2015	2016
A	Target ≥	43.50%	45.00%
	Data	41.94%	43.41%
B	Target ≤	21.00%	20.00%
	Data	23.86%	22.68%

Key: Gray – Data Prior to Baseline Yellow – Baseline Blue – Data Update

FFY 2017 - FFY 2018 Targets

FFY	2017	2018
Target A ≥	47.00%	50.00%
Target B ≤	19.00%	18.00%

Key:

Targets: Description of Stakeholder Input - Please see the Stakeholder Involvement section of the [introduction](#).

Enter additional information about stakeholder involvement

An internal workgroup analyzed historical targets and actual data to create proposed FFY 2013 - FFY 2018 targets. The draft targets were shared with the State's Commissioner's Advisory Panel for Special Education Services at one of its 2014 meetings. Discussions on target setting included a review of historical trends and variations in regional least restrictive environment (LRE) data; statewide initiatives to expand State Administered PreKindergarten programs; additional Regional Special Education-Technical Assistance Support Center technical assistance resources to improve behavior supports for preschool children with disabilities; and information obtained from stakeholders at meetings conducted by New York State Education Department (NYSED) in collaboration with Early Childhood Direction Centers in regions of the State where data show disproportionate rates of separate school placements for preschool children with disabilities. Stakeholders from these regional meetings included special education preschool providers, special education directors from the public schools, municipality representatives, early intervention providers, regular early childhood providers, parents, and technical assistance providers.

Prepopulated Data

Source	Date	Description	Data	Overwrite Data
SY 2017-18 Child Count/Educational Environment Data Groups (EDFacts file spec C089; Data group 613)	7/12/2018	Total number of children with IEPs aged 3 through 5	71,893	null
SY 2017-18 Child Count/Educational Environment Data Groups (EDFacts file spec C089; Data group 613)	7/12/2018	a1. Number of children attending a regular early childhood program and receiving the majority of special education and related services in the regular early childhood program	31,317	null
SY 2017-18 Child Count/Educational Environment Data Groups (EDFacts file spec C089; Data group 613)	7/12/2018	b1. Number of children attending separate special education class	12,476	null

FFY 2017 Part B State Performance Plan (SPP)/Annual Performance Report (APR)

Source	Date	Description	Data	Overwrite Data
SY 2017-18 Child Count/Educational Environment Data Groups (EDFacts file spec C089; Data group 613)	7/12/2018	b2. Number of children attending separate school	3,668	null
SY 2017-18 Child Count/Educational Environment Data Groups (EDFacts file spec C089; Data group 613)	7/12/2018	b3. Number of children attending residential facility	n	null

FFY 2017 SPP/APR Data

	Number of children with IEPs aged 3 through 5 attending	Total number of children with IEPs aged 3 through 5	FFY 2016 Data	FFY 2017 Target	FFY 2017 Data
A. A regular early childhood program and receiving the majority of special education and related services in the regular early childhood program	31,317	71,893	43.41%	47.00%	43.56%
B. Separate special education class, separate school or residential facility	16,147	71,893	22.68%	19.00%	22.46%

Use a different calculation methodology

Provide additional information about this indicator (optional)

NYSED has established an internal workgroup that has identified root causes related to Indicator 6 and developed recommendations to improve performance on this indicator.

The New York State Board of Regents established an Early Childhood Workgroup Blue Ribbon Committee to develop comprehensive recommendations to address improvements to early learning opportunities to benefit all children. This committee was comprised of stakeholders representing researchers, practitioners, policy makers, elected officials, teachers, school administrators and parents. Among the committee's recommendations were to create new pilot funding grants to promote preschool inclusion and to invest more funding into greater prekindergarten expansion. NYSED has also created a Special Class in an Integrated Setting workgroup to identify preschool inclusion program models (including staffing needs) that would provide greater flexibility to early childhood programs serving both students with and students without disabilities, while ensuring that the appropriate resources and supports are in place to promote preschool inclusion. This group was comprised of stakeholder organizations representing programs, families and students, school districts, Head Start programs, and private preschool providers. Following recommendations from this group, NYSED intends to pursue regulatory changes offering flexibility in program options and to seek funding to support the necessary costs of operating preschool inclusion models.

Actions required in FFY 2016 response

none

OSEP Response

Required Actions

**FFY 2017 Part B State Performance Plan (SPP)/Annual Performance Report (APR)
Indicator 7: Preschool Outcomes**

Monitoring Priority: FAPE in the LRE

Results indicator: Percent of preschool children aged 3 through 5 with IEPs who demonstrate improved:

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

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

Historical Data

	Baseline Year	FFY	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
A1	2008	Target ≥						84.00%	84.50%	85.00%	85.50%	92.00%	92.00%
		Data					83.80%	86.30%	87.50%	88.50%	90.90%	92.31%	87.00%
A2	2008	Target ≥						55.40%	55.50%	55.60%	55.70%	43.00%	45.00%
		Data					55.40%	55.10%	50.80%	48.50%	48.20%	43.32%	47.02%
B1	2008	Target ≥						85.50%	86.00%	86.50%	87.00%	93.00%	93.50%
		Data					85.30%	86.70%	89.00%	88.30%	92.10%	93.15%	88.64%
B2	2008	Target ≥						55.30%	55.40%	55.50%	55.60%	44.00%	45.00%
		Data					55.30%	52.90%	50.50%	49.20%	48.80%	44.03%	47.40%
C1	2008	Target ≥						83.00%	83.50%	84.00%	84.50%	91.00%	91.50%
		Data					82.80%	84.10%	87.30%	86.70%	91.10%	91.54%	87.60%
C2	2008	Target ≥						63.20%	63.30%	63.40%	63.50%	48.00%	50.00%
		Data					63.20%	58.30%	56.20%	55.50%	55.40%	48.17%	53.72%

	FFY	2015	2016
A1	Target ≥	92.00%	93.00%
	Data	91.18%	89.67%
A2	Target ≥	48.00%	50.00%
	Data	47.79%	45.79%
B1	Target ≥	93.50%	94.00%
	Data	90.86%	90.76%
B2	Target ≥	48.00%	50.00%
	Data	48.22%	44.53%
C1	Target ≥	92.00%	92.00%
	Data	90.15%	88.81%
C2	Target ≥	52.00%	55.00%
	Data	53.01%	51.25%

Key: Gray – Data Prior to Baseline Yellow – Baseline Blue – Data Update

FFY 2017 - FFY 2018 Targets

FFY	2017	2018
Target A1 ≥	94.00%	95.00%
Target A2 ≥	52.00%	56.00%
Target B1 ≥	94.50%	95.00%
Target B2 ≥	52.00%	56.00%
Target C1 ≥	92.50%	93.00%
Target C2 ≥	60.00%	64.00%

Key:

Targets: Description of Stakeholder Input - Please see the Stakeholder Involvement section of the [introduction](#).

Enter additional information about stakeholder involvement

Proposed targets for preschool outcomes were discussed with the State's Commissioner's Advisory Panel for Special Education Services. Outcomes for this indicator were also shared with the Early Childhood Direction Centers and other New York State Education

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Department (NYSED) technical assistance providers, including Parent Center representatives.

Considerations discussed by stakeholders included the experience of districts in reporting this data; preschool least restrictive environment data and regional meeting/planning initiatives (see Indicator 6); the addition of preschool behavior specialists to the Regional Special Education-Technical Assistance Support Centers; the expansion of State Administered PreKindergarten programs and access by students with disabilities; and the focus on the New York State (NYS) PreKindergarten State Standards.

The preschool outcome results that less than 50% of children with disabilities, by the time they turn age 6 or exit preschool special education services, are functioning at the same level as their nondisabled peers in outcome B - acquisition and use of knowledge and skills (including early language/ communication and early literacy) was discussed from the perspective of the gap in early literacy achievement. This outcome, and the need to focus the State's improvement initiatives in this area, were discussed in the development of Indicator 17.

FFY 2017 SPP/APR Data

Number of preschool children aged 3 through 5 with IEPs assessed	6,028
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Outcome A: Positive social-emotional skills (including social relationships)

	Number of Children	Percentage of Children
a. Preschool children who did not improve functioning	78	1.29%
b. Preschool children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers	650	10.78%
c. Preschool children who improved functioning to a level nearer to same-aged peers but did not reach it	2,673	44.34%
d. Preschool children who improved functioning to reach a level comparable to same-aged peers	1,923	31.90%
e. Preschool children who maintained functioning at a level comparable to same-aged peers	704	11.68%

	Numerator	Denominator	FFY 2016 Data	FFY 2017 Target	FFY 2017 Data
A1. Of those preschool children who entered or exited the preschool program below age expectations in Outcome A, the percent who substantially increased their rate of growth by the time they turned 6 years of age or exited the program. $(c+d)/(a+b+c+d)$	4596.00	5324.00	89.67%	94.00%	86.33%
A2. The percent of preschool children who were functioning within age expectations in Outcome A by the time they turned 6 years of age or exited the program. $(d+e)/(a+b+c+d+e)$	2627.00	6028.00	45.79%	52.00%	43.58%

Reasons for A1 Slippage

Indicator 7 is a sampling indicator. Districts report data for this indicator once every six years. The sampling of districts results in yearly fluctuations in data depending on which districts are in the sample in a given year. This makes comparisons from year-to-year and root-cause analysis difficult. The State is reviewing its current sampling structure to identify ways to improve data analysis and root-cause analysis, while minimizing additional burden on districts.

A contributing factor for the slippage is the inclusion of Buffalo in the sample of districts that reported on this indicator in FFY 2017. Although the outcomes for children from New York City (NYC) and other districts in the rest of the state were consistent with prior years, the lower results from Buffalo had a negative effect on the overall results for this indicator.

Reasons for A2 Slippage

Indicator 7 is a sampling indicator. Districts report data for this indicator once every six years. The sampling of districts results in yearly fluctuations in data, depending on which districts are in the sample in a given year. This makes comparisons from year-to-year and root-cause analysis difficult. The State is reviewing its current sampling structure to identify ways to improve data analysis and root-cause analysis, while minimizing additional burden on districts.

A contributing factor for the slippage is the inclusion of Buffalo in the sample of districts that reported on this indicator in FFY 2017. Although the outcomes for children from New York City (NYC) and other districts in the rest of the state were consistent with prior years, the lower results from Buffalo had a negative effect on the overall results for this indicator.

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

	Number of Children	Percentage of Children
a. Preschool children who did not improve functioning	58	0.96%

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	Number of Children	Percentage of Children
b. Preschool children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers	596	9.89%
c. Preschool children who improved functioning to a level nearer to same-aged peers but did not reach it	2,743	45.50%
d. Preschool children who improved functioning to reach a level comparable to same-aged peers	1,986	32.95%
e. Preschool children who maintained functioning at a level comparable to same-aged peers	645	10.70%

	Numerator	Denominator	FFY 2016 Data	FFY 2017 Target	FFY 2017 Data
B1. Of those preschool children who entered or exited the preschool program below age expectations in Outcome B, the percent who substantially increased their rate of growth by the time they turned 6 years of age or exited the program. $(c+d)/(a+b+c+d)$	4729.00	5383.00	90.76%	94.50%	87.85%
B2. The percent of preschool children who were functioning within age expectations in Outcome B by the time they turned 6 years of age or exited the program. $(d+e)/(a+b+c+d+e)$	2631.00	6028.00	44.53%	52.00%	43.65%

Reasons for B1 Slippage

Indicator 7 is a sampling indicator. Districts report data for this indicator once every six years. The sampling of districts results in yearly fluctuations in data, depending on which districts are in the sample in a given year. This makes comparisons from year-to-year and root-cause analysis difficult. The State is reviewing its current sampling structure to identify ways to improve data analysis and root-cause analysis, while minimizing additional burden on districts.

A contributing factor for the slippage is the inclusion of Buffalo in the sample of districts that reported on this indicator in FFY 2017. Although the outcomes for children from New York City (NYC) and other districts in the rest of the state were consistent with prior years, the lower results from Buffalo had a negative effect on the overall results for this indicator.

Outcome C: Use of appropriate behaviors to meet their needs

	Number of Children	Percentage of Children
a. Preschool children who did not improve functioning	82	1.36%
b. Preschool children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers	622	10.32%
c. Preschool children who improved functioning to a level nearer to same-aged peers but did not reach it	2,344	38.89%
d. Preschool children who improved functioning to reach a level comparable to same-aged peers	1,911	31.70%
e. Preschool children who maintained functioning at a level comparable to same-aged peers	1,069	17.73%

	Numerator	Denominator	FFY 2016 Data	FFY 2017 Target	FFY 2017 Data
C1. Of those preschool children who entered or exited the preschool program below age expectations in Outcome C, the percent who substantially increased their rate of growth by the time they turned 6 years of age or exited the program. $(c+d)/(a+b+c+d)$	4255.00	4959.00	88.81%	92.50%	85.80%
C2. The percent of preschool children who were functioning within age expectations in Outcome C by the time they turned 6 years of age or exited the program. $(d+e)/(a+b+c+d+e)$	2980.00	6028.00	51.25%	60.00%	49.44%

Reasons for C1 Slippage

Indicator 7 is a sampling indicator. Districts report data for this indicator once every six years. The sampling of districts results in yearly fluctuations in data, depending on which districts are in the sample in a given year. This makes comparisons from year-to-year and root-cause analysis difficult. The State is reviewing its current sampling structure to identify ways to improve data analysis and root-cause analysis, while minimizing additional burden on districts.

A contributing factor for the slippage is the inclusion of Buffalo in the sample of districts that reported on this indicator in FFY 2017. Although the outcomes for children from New York City (NYC) and other districts in the rest of the state were consistent with prior years, the lower results from Buffalo had a negative effect on the overall results for this indicator.

Reasons for C2 Slippage

Indicator 7 is a sampling indicator. Districts report data for this indicator once every six years. The sampling of districts results in yearly fluctuations in data, depending on which districts are in the sample in a given year. This makes comparisons from year-to-year and root-cause analysis difficult. The State is reviewing its current sampling structure to identify ways to improve data analysis and root-cause analysis, while minimizing additional burden on districts.

A contributing factor for the slippage is the inclusion of Buffalo in the sample of districts that reported on this indicator in FFY 2017. Although the outcomes for children from New York City (NYC) and other districts in the rest of the state were consistent with prior years, the lower results from Buffalo had a negative effect on the overall results for this indicator.

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Does the State include in the numerator and denominator only children who received special education and related services for at least six months during the age span of three through five years? Yes

Was sampling used? Yes

Has your previously-approved sampling plan changed? No

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

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

Process to collect entry and exit information

Entry assessments:

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

Exit assessments:

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

An exit assessment is conducted as part of the Committee on Special Education (CSE) reevaluation process to determine a child's eligibility for school age special education services. The exit assessment provides data in the three early childhood outcome areas. This data reflects the progress a preschool child with a disability has made as a result of receiving preschool special education programs and/or services. Whenever possible and appropriate, the exit and entry assessment instruments should be the same. The results of these assessments must be provided to the CSE. The CSE will review the exit assessment results and determine the child's progress rating in the three identified areas based on rating criteria provided by the State.

Some preschool children with disabilities may be referred to the CPSE for possible declassification prior to aging out of preschool special education programs and/or services. When considering declassification of a preschool child with a disability, the CPSE must arrange for a reevaluation by an approved evaluator selected by the parent. The reevaluation process must include conducting exit assessments that measure the child's progress in the three early childhood outcome areas. Whenever possible, the entry and exit assessment instruments should be the same. The results of the reevaluation and exit assessments must be provided to the CPSE, including the child's parents and the person designated by the municipality in which the child resides. The CPSE must review the reevaluation and assessment results and determine the child's progress rating in each of the three identified areas.

Did you use the Early Childhood Outcomes Center (ECO) Child Outcomes Summary (COS) process? Yes

List the instruments and procedures used to gather data for this indicator.

Data Source

Since the 2007-08 school year, these data are collected at the individual student level through the SIRS. The most current SIRS manual is posted at: <http://www.p12.nysed.gov/irs/sirs/>. The data is based on using the federally developed COSF.

The State provides directions for completing the COSF; see: <http://www.p12.nysed.gov/specialed/spp/7summaryform0809.html>.

Overview of Issue/Description of System or Process:

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

Identification of assessment measures in preschool outcome areas

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

Assessment Measure Name, Edition and Publication Date of Assessment Measure	Outcome 1: Positive Social Relationships	Outcome 2: Acquire and Use Skills and Knowledge	Outcome 3: Takes Actions to Meet Needs
Adaptive Behavior Assessment System (Ages 0-5)			X
Arizona Articulation Proficiency Scale-3rd Revision, Western Psychological Service, 2000		X	
Battelle Developmental Inventory-2nd Edition (BDI 2), 2005	X	X	X
Bayley Scales of Infant Development (BSID 2), 1993		X	
Behavior Assessment System for Children (BASC)-2nd Edition, 2004	X		X
Brigance Diagnostic Inventory of Development, 1st Edition, Copyright (1978, revised 1991)	X		X
Carolina Curriculum for Preschoolers with Special Needs, 2nd Edition, Copyright 2004	X	X	X
Child Behavior Checklist (CBCL)-2nd Edition, 2000	X		
Clinical Evaluation of Language Fundamentals-Preschool II (CELF), 1992 & 2004		X	
Connors' Parent & Teacher Rating Scale (CRS-R), 1997	X		
Developmental Assessment of Young Children (DAYC), 1998	X	X	X
Differential Ability Scales-Psychological Corporation, 1990		X	
Goldman-Fristoe Test of Articulation 2, American Guidance Service, Inc., 2000 Edition		X	
Hawaii Early Learning Profile (HELP), 2004		X	X
Learning Accomplishment Profile-D (LAP-D)	X	X	
Mullen Scales of Early Learning, 1995		X	
Peabody Developmental Motor Scales-2, 2002 (1983)			X
Peabody Picture Vocab. Test (PPVT)-IIA		X	
Preschool-Kindergarten Behavior Scales-2nd Edition, 2002	X		
Preschool Evaluation Scale	X	X	X
Preschool Language Scale-(PLS-4), 2002		X	
Rosetti 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	

Actions required in FFY 2016 response

none

OSEP Response

Required Actions

**FFY 2017 Part B State Performance Plan (SPP)/Annual Performance Report (APR)
Indicator 8: Parent involvement**

Monitoring Priority: FAPE in the LRE

Results indicator: Percent of parents with a child receiving special education services who report that schools facilitated parent involvement as a means of improving services and results for children with disabilities.

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

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

Historical Data

Baseline Data: 2005

FFY	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
Target ≥			87.00%	87.50%	88.00%	89.00%	90.00%	90.00%	90.00%	93.00%	93.50%
Data		87.80%	87.80%	90.10%	91.80%	91.70%	92.60%	93.20%	92.40%	93.69%	93.93%

FFY	2015	2016
Target ≥	94.00%	94.00%
Data	93.45%	93.36%

Key: Gray – Data Prior to Baseline Yellow – Baseline Blue – Data Update

FFY 2017 - FFY 2018 Targets

FFY	2017	2018
Target ≥	94.50%	95.00%

Key:

Targets: Description of Stakeholder Input - Please see the Stakeholder Involvement section of the [introduction](#).

Enter additional information about stakeholder involvement

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

FFY 2017 SPP/APR Data

Number of respondent parents who report schools facilitated parent involvement as a means of improving services and results for children with disabilities	Total number of respondent parents of children with disabilities	FFY 2016 Data	FFY 2017 Target	FFY 2017 Data
9,207	9,854	93.36%	94.50%	93.43%

The number of parents to whom the surveys were distributed.	3.26%	302033.00
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The percentage shown is the number of respondent parents divided by the number of parents to whom the survey was distributed.

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

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

<http://eservices.nysed.gov/pdsystem/samplecalculator.jsp>.

While all districts have a choice to either report data on all eligible students for this indicator or submit data on a randomly selected

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sample of minimum number of students using the sampling guidelines provided by NYSED, the vast majority of school districts submit data on behalf of all eligible students in order to meet the required minimum number.

Was sampling used? Yes

Has your previously-approved sampling plan changed? No

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

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

Was a survey used? Yes

Is it a new or revised survey? No

The demographics of the parents responding are representative of the demographics of children receiving special education services. Yes

Include the State's analyses of the extent to which the demographics of the parents responding are representative of the demographics of children receiving special education services.

The results for FFY 2017 accurately represent the disability type classification and demographics of the students served. The analysis is based on a review of the data based on the demographic information submitted on parent surveys. Although parent surveys are submitted in sufficient numbers to accurately reflect students served in each district, NYSED will continue to explore strategies to increase parent survey response rates in districts that are known to have a larger non-White population of students.

NYSED includes in the contract deliverables for its 14 special education parent centers (some of which are also federal Office of Special Education Programs funded parent centers), activities to encourage parents of students with disabilities to complete and return the parent survey when requested by their school districts. Surveys are made available to all parents.

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

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

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

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

State Disability Categories	Percent Student Population	Percent Survey Responses	Percent Difference Survey Responses to Student Population*
Learning Disability	37.81	30.25	-7.55
Speech or Language Impaired	24.07	16.54	-7.53
Other Health Impaired	16.79	15.97	-0.82
Autism	7.81	13.30	5.50
Emotional Disturbance	5.45	3.20	-2.25
Multiple Disabilities	3.41	15.24	11.83
Intellectual Disability	2.89	2.92	0.03
Hearing/Deafness	0.91	0.61	-0.31
Orthopedic Impairment	0.37	0.51	0.14
Visual Impairment	0.28	0.72	0.44
Traumatic Brain Injury	0.21	0.43	0.23
Deaf-Blind	0.00	0.30	0.30

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*If the difference is greater than 10 percent, over representation (positive) or under representation (negative) is evident.

Provide additional information about this indicator (optional)

Survey Instrument

NYSED uses a modified version of the survey developed by the National Center for Special Education Accountability Measures (NCSEAM). Twenty-five (25) items from NCSEAM's Parent Survey - Part B have been selected based on the rules established for item selection to ensure reliability and validity of the use of the survey. The directions, format and wording of some questions were revised slightly.

Timelines for Data Collection and Reporting

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

Report Criteria

The criteria used to determine if a parent has rated his or her school district positively for parental involvement will be as follows: The survey must be completed with a minimum of 15 responses and at least 51 percent of the responses must receive a positive rating of either agree, strongly agree, or very strongly agree. For district reporting, districts that do not have the minimum number of parent surveys returned as indicated in the sampling methodology are reported as not having positive parent involvement, with the reason noted. If a district's number of completed surveys is less than 90 percent of the required minimum sample size and the district has less than ten students with disabilities during the parent survey year, the district must wait a year and then resubmit.

Technical Assistance

Information to assist districts in meeting their responsibilities for data collection for this indicator is publicly posted at:

http://parentsurvey.potsdam.edu/index_school.htm, and

<http://www.p12.nysed.gov/specialed/spp/indicators/8.htm>.

Actions required in FFY 2016 response

none

OSEP Response

Required Actions

**FFY 2017 Part B State Performance Plan (SPP)/Annual Performance Report (APR)
Indicator 9: Disproportionate Representation**

Monitoring Priority: Disproportionate Representation

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

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

Historical Data

Baseline Data: 2016

FFY	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
Target			0%	0%	0%	0%	0%	0%	0%	0%	0%
Data		0.90%	0.30%	0.60%	1.20%	1.00%	0.90%	0.40%	0.60%	0.59%	0.15%

FFY	2015	2016
Target	0%	0%
Data	0.59%	0.18%

Key: Gray – Data Prior to Baseline Yellow – Baseline

FFY 2017 - FFY 2018 Targets

FFY	2017	2018
Target	0%	0%

FFY 2017 SPP/APR Data

Has the State established a minimum n and/or cell size requirement? Yes No

The State may only include, in both the numerator and the denominator, districts that met the State-established n and/or cell size. Report the number of districts totally excluded from the calculation as a result of the requirement because the district did not meet the minimum n and/or cell size. 115

Number of districts with disproportionate representation of racial and ethnic groups in special education and related services	Number of districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification	Number of districts that met the State's minimum n-size	FFY 2016 Data	FFY 2017 Target	FFY 2017 Data
6	3	564	0.18%	0%	0.53%

Reasons for Slippage

Two of the districts found to have inappropriate policies, procedures and practices were identified due to issues in their evaluation procedures for students suspected of having a disability. The policies, procedures and practices in these two districts did not adequately ensure that students suspected of having a disability were evaluated in all areas that relate to the suspected disability.

The other district found to have inappropriate policies, procedures and practices was identified due to issues in its evaluation and review procedures to ensure that information from a variety of sources are used in evaluations and that parents receive a copy of evaluation reports and eligibility documentation.

In each district, the identification of noncompliance was based on only one issue.

The New York State Education Department is working with all three districts and at this time, only two of the districts have remaining noncompliance, and it is expected to be resolved in the very near future.

Were all races and ethnicities included in the review? Yes No

Describe how the State made its annual determination that the disproportionate overrepresentation it identified of racial and ethnic groups in specific disability categories was the result of inappropriate identification

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

- The first year a district's data indicates disproportionality, the State requires the district to complete a State-developed self-review monitoring protocol, which requires the review of specific policies, procedures and practices to determine whether the disproportionate representation was the result of inappropriate identification. The monitoring protocol for this review is available at <http://www.p12.nysed.gov/specialed/spp/indicators/9.htm>. A report of the results of this review is submitted by the district to the State.

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At the time of submission, school districts that identify issues of noncompliance are immediately notified through written findings of noncompliance that they must correct all issues of noncompliance immediately, but not later than the prescribed due date in the district's notification (always within one year).

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

Define "disproportionate representation." Please specify in your definition: 1) the calculation method(s) being used (i.e., risk ratio, weighted risk ratio, e-formula, etc.); and 2) the threshold at which disproportionate representation is identified. Also include, as appropriate, 3) the number of years of data used in the calculation; and 4) any minimum cell and/or n-sizes (i.e., risk numerator and/or risk denominator).

Definition of Disproportionate Representation and Methodology:

NYS uses the relative risk and weighted relative risk ratios, with minimum "n" sizes to identify school districts whose data indicate disproportionate representation of racial and ethnic groups in special education. The minimum "n" size requirement used to compute disproportionate representation does exclude school districts from the denominator when calculating results for this indicator, but only districts that meet the minimum "n" size are included in the numerator. All districts are included in the denominator. Parentally placed students attending nonpublic schools are excluded from the calculation. The definition of "Disproportionate Representation" and the methodology for calculating it is as follows:

Disproportionate Over-Representation in Special Education:

- At least 75 students with disabilities enrolled on the first Wednesday in October;
- A minimum of 30 students (disabled and nondisabled) of particular race/ethnicity enrolled on the first Wednesday in October;
- At least 75 students (disabled and nondisabled) of all other race/ethnicities enrolled on the first Wednesday in October;
- At least 10 students with disabilities of particular race/ethnicity enrolled in district on the first Wednesday in October; and

• Either:

- Both the relative risk ratio and weighted relative risk ratio for any race/ethnic group is 2.5 or higher; **or**
- All students with disabilities in special education are of only one race/ethnic group regardless of the size of the relative risk ratio and weighted relative risk ratio.

New York State's Measurement:

Step One:

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

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

Step Two:

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

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

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

Step Three:

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

Describe how the State made its annual determination as to whether the disproportionate representation it identified of racial and ethnic groups in special education and related services was the result of inappropriate identification.

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

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

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

Provide additional information about this indicator (optional)

Correction of Findings of Noncompliance Identified in FFY 2015:

Findings of Noncompliance Identified - 6

Findings of Noncompliance Verified as Corrected Within One Year - 6

Findings Not Yet Verified as Corrected - 0

FFY 2015 Findings of Noncompliance Verified as Corrected:

Describe how the State verified that the source of noncompliance is correctly implementing the regulatory requirements:

To verify the correction of noncompliance identified through self-reviews and onsite monitoring, the State followed up with each district to ensure that the compliance assurance plan (CAP) was fully implemented, and reviewed the district's revised policies, procedures and practices, including a sample of student records to verify correction of noncompliance and that individual instances of noncompliance had been corrected. The State verified that the school district is correctly implementing the regulatory requirements based on a review of revised policies, procedures and practices relating to individual evaluations and/or the eligibility determination process, as applicable, and upon a review of a sample of student records to verify compliance, consistent with Office of Special Education Programs (OSEP) Memo 09-02.

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

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

Actions required in FFY 2016 response

none

Note: Any actions required in last year's response table that are related to correction of findings should be responded to on the "Correction of Previous Findings of Noncompliance" page of this indicator. If your State's only actions required in last year's response are related to findings of noncompliance, a text field will not be displayed on this page.

Correction of Findings of Noncompliance Identified in FFY 2016

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

FFY 2016 Findings of Noncompliance Verified as Corrected

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Describe how the State verified that the source of noncompliance is correctly implementing the regulatory requirements

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

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

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

OSEP Response

Because the State reported less than 100% compliance for FFY 2017 (greater than 0% actual target data for this indicator), the State must report on the status of correction of noncompliance identified in FFY 2017 for this indicator. The State must demonstrate, in the FFY 2018 SPP/APR, that the three districts identified in FFY 2017 with disproportionate representation of racial and ethnic groups in special education and related services that was the result of inappropriate identification are in compliance with the requirements in 34 CFR §§300.111, 300.201, and 300.301 through 300.311, including that the State verified that each district with noncompliance: (1) is correctly implementing the specific regulatory requirement(s) (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the district, consistent with OSEP Memo 09-02. In the FFY 2018 SPP/APR, the State must describe the specific actions that were taken to verify the correction. If the State did not identify any findings of noncompliance in FFY 2017, although its FFY 2017 data reflect less than 100% compliance (greater than 0% actual target data for this indicator), provide an explanation of why the State did not identify any findings of noncompliance in FFY 2017.

Required Actions

FFY 2017 Part B State Performance Plan (SPP)/Annual Performance Report (APR)
Indicator 10: Disproportionate Representation in Specific Disability Categories

Monitoring Priority: Disproportionate Representation

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

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

Historical Data

Baseline Data: 2016

FFY	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
Target			0%	0%	0%	0%	0%	0%	0%	0%	0%
Data		0.90%	0.90%	0.60%	1.60%	1.20%	0.90%	0.90%	0.40%	1.32%	1.18%

FFY	2015	2016
Target	0%	0%
Data	0.44%	0.71%

Key:  Gray – Data Prior to Baseline  Yellow – Baseline

FFY 2017 - FFY 2018 Targets

FFY	2017	2018
Target	0%	0%

FFY 2017 SPP/APR Data

Has the State established a minimum n and/or cell size requirement? Yes No

The State may only include, in both the numerator and the denominator, districts that met the State-established n and/or cell size. Report the number of districts totally excluded from the calculation as a result of the requirement because the district did not meet the minimum n and/or cell size. 115

Number of districts with disproportionate representation of racial and ethnic groups in specific disability categories	Number of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification	Number of districts that met the State's minimum n-size	FFY 2016 Data	FFY 2017 Target	FFY 2017 Data
13	7	564	0.71%	0%	1.24%

Reasons for Slippage

Factors contributing to slippage:

- Two of the seven districts identified were notified for this Indicator in FFY 2016, but were found to be in compliance after completing a self-review process. The two districts were notified again in FFY 2017 and a more comprehensive, focused review was completed which found noncompliance.
- One district that did not meet the State's required minimum n-size in FFY 2016 did meet the minimum n-size in FFY 2017 and was found to be noncompliant.
- The reasons for noncompliance pertained to: ensuring that evaluations assess all areas related to the suspected disability (three districts); the development of individualized education programs (IEPs) (two districts); failure to meet the 60-day timeline from evaluation for recommendation of eligibility or ineligibility for special education services (two districts); failure of the IEP to include the disability classification (one district); ensuring that assessments and evaluations used for determining eligibility for special education services are administered by trained and knowledgeable personnel (two districts); ensuring that evaluation materials used for English Language Learner (ELL) students are appropriate (one district); ensuring that evaluation materials are selected and administered so as to not be discriminatory on a racial or cultural basis (two districts); ensuring that evaluation materials and measures used are valid and reliable (two districts); and ensuring that evaluations are provided and administered in a student's native language (one district).
- In total, there were 16 citations of noncompliance. Two districts account for 50 percent of the 16 citations (four citations each), three districts account for 37.5 percent (two citations each) and two districts account for 12.5 percent (one citation each).

NYSED is working will all identified districts to correct all noncompliance and to ensure that all polices, procedures and practices are followed correctly moving forward.

Were all races and ethnicities included in the review? Yes No

FFY 2017 Part B State Performance Plan (SPP)/Annual Performance Report (APR)

Describe how the State made its annual determination that the disproportionate overrepresentation it identified of racial and ethnic groups in specific disability categories was the result of inappropriate identification

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

- The first year a district's data indicates disproportionality, the State requires the district to complete a State-developed self-review monitoring protocol, which requires the review of specific policies, practices and procedures to determine whether the disproportionate representation was the result of inappropriate identification. The monitoring protocol for this review is available at <http://www.p12.nysed.gov/specialed/spp/indicators/10.htm>. A report of the results of this review is submitted by the district to the State. At the time of submission, school districts that identify issues of noncompliance are immediately notified through written findings of noncompliance that they must correct all issues of noncompliance immediately, but not later than the prescribed due date in the district's notification (always within one year).
- For subsequent years in which a school district's data indicates consecutive years of disproportionality, the State conducts the monitoring review of the district's policies, procedures and practices as identified above.

Please specify in your definition: 1) the calculation method(s) being used (i.e., risk ratio, weighted risk ratio, e-formula, etc.); and 2) the threshold at which disproportionate representation is identified. Also include, as appropriate, 3) the number of years of data used in the calculation; and 4) any minimum cell and/or n-sizes (i.e., risk numerator and/or risk denominator).

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

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

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

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

In the calculation of disproportionate representation, the New York State Education Department does not remove districts from the numerator or denominator, but rather calculates the disproportionality based on all districts. Then, districts that do not have at least 75 students with disabilities overall are removed from identification.

The application of the 75 student minimum criteria did not result in any districts being removed from identification and had no effect on the numerator. Of the 115 districts that had less than 75 students with disabilities, none of these 115 districts would have met the definition of disproportionate representation.

Data Source:

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

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

The method to calculate disproportionate representation is provided below:

Step One:

NYS compares the percent of total enrollment of each race/ethnic group identified by particular disabilities to percent of total enrollment of other race/ethnic groups combined. For identification of school districts since the 2005-06 school year, the State has used the following definition of "disproportionate representation" and in subsequent years may revise the definition by lowering the relative risk

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ratio, weighted relative risk ratio, and the minimum numbers of students. The State's definition of significant disproportionality is the same as its definition of disproportionality.

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

Step Two:

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

- The first year a district's data indicates disproportionality, the State requires the district to complete a State-developed self-review monitoring protocol, which requires the review of specific policies, practices and procedures to determine whether the disproportionate representation was the result of inappropriate identification. The monitoring protocol for this review is available at <http://www.p12.nysed.gov/specialed/spp/indicators/10.htm>. A report of the results of this review is submitted by the district to the State. At the time of submission, school districts that identify issues of noncompliance are immediately notified through written findings of noncompliance that they must correct all issues of noncompliance immediately, but not later than the prescribed due date in the district's notification (always within one year).
- For subsequent years in which a school district's data indicates significant discrepancies, the State conducts the monitoring review of the district's policies, procedures and practices as identified above.

Step Three:

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

Describe how the State made its annual determination as to whether the disproportionate overrepresentation it identified of racial and ethnic groups in specific disability categories was the result of inappropriate identification.

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

- The first year a district's data indicates disproportionality, the State requires the district to complete a State-developed self-review monitoring protocol, which requires the review of specific policies, practices and procedures to determine whether the disproportionate representation was the result of inappropriate identification. The monitoring protocol for this review is available at <http://www.p12.nysed.gov/specialed/spp/indicators/10.htm>. A report of the results of this review is submitted by the district to the State. At the time of submission, school districts that identify issues of noncompliance are immediately notified through written findings of noncompliance that they must correct all issues of noncompliance immediately, but not later than the prescribed due date in the district's notification (always within one year).
- For subsequent years in which a school district's data indicates significant discrepancies, the State conducts the monitoring review of the district's policies, procedures and practices as identified above.

Actions required in FFY 2016 response

none

Note: Any actions required in last year's response table that are related to correction of findings should be responded to on the "Correction of Previous Findings of Noncompliance" page of this indicator. If your State's only actions required in last year's response are related to findings of noncompliance, a text field will not be displayed on this page.

Correction of Findings of Noncompliance Identified in FFY 2016

Findings of Noncompliance Identified	Findings of Noncompliance Verified as Corrected Within One Year	Findings of Noncompliance Subsequently Corrected	Findings Not Yet Verified as Corrected
8	8	0	0

FFY 2016 Findings of Noncompliance Verified as Corrected

Describe how the State verified that the source of noncompliance is correctly implementing the regulatory requirements

The State verified that the school district is correctly implementing the regulatory requirements based on a review of revised policies, procedures and practices relating to individual evaluations and/or the eligibility determination process, as applicable, and upon a review

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of a sample of student records to verify compliance, consistent with Office of Special Education Programs (OSEP) Memo 09-02.

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

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

FFY 2015 Findings of Noncompliance Verified as Corrected

Describe how the State verified that the source of noncompliance is correctly implementing the regulatory requirements

The State verified that the school district is correctly implementing the regulatory requirements based on a review of revised policies, procedures and practices relating to individual evaluations and/or the eligibility determination process, as applicable, and upon a review of a sample of student records to verify compliance, consistent with Office of Special Education Programs (OSEP) Memo 09-02.

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

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

OSEP Response

Because the State reported less than 100% compliance for FFY 2017 (greater than 0% actual target data for this indicator), the State must report on the status of correction of noncompliance identified in FFY 2017 for this indicator. The State must demonstrate, in the FFY 2018 SPP/APR, that the seven districts identified in FFY 2017 with disproportionate representation of racial and ethnic groups in specific disability categories that was the result of inappropriate identification are in compliance with the requirements in 34 CFR §§300.111, 300.201, and 300.301 through 300.311, including that the State verified that each district with noncompliance: (1) is correctly implementing the specific regulatory requirement(s) (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the district, consistent with OSEP Memo 09-02. In the FFY 2018 APR, the State must describe the specific actions that were taken to verify the correction. If the State did not identify any findings of noncompliance in FFY 2017, although its FFY 2017 data reflect less than 100% compliance (greater than 0% actual target data for this indicator), provide an explanation of why the State did not identify any findings of noncompliance in FFY 2017.

Required Actions

**FFY 2017 Part B State Performance Plan (SPP)/Annual Performance Report (APR)
Indicator 11: Child Find**

Monitoring Priority: Effective General Supervision Part B / Child Find

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

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

Historical Data

Baseline Data: 2005

FFY	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
Target			100%	100%	100%	100%	100%	100%	100%	100%	100%
Data		64.20%	64.20%	67.40%	74.68%	77.00%	84.00%	90.00%	92.40%	88.07%	83.84%

FFY	2015	2016
Target	100%	100%
Data	83.30%	85.10%

Key: Gray – Data Prior to Baseline Yellow – Baseline

FFY 2017 - FFY 2018 Targets

FFY	2017	2018
Target	100%	100%

FFY 2017 SPP/APR Data

(a) Number of children for whom parental consent to evaluate was received	(b) Number of children whose evaluations were completed within 60 days (or State-established timeline)	FFY 2016 Data	FFY 2017 Target	FFY 2017 Data
16,764	14,081	85.10%	100%	84.00%

Number of children included in (a), but not included in (b) [a-b]	2,683
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Reasons for Slippage

Across the State, reasons for delays are relatively equal, with "Delays in scheduling Committee on Special Education/Committee on Preschool Special Education (CSE/CPSE) meetings" accounting for 38 percent of noncompliance, "Evaluator delays in completing the evaluation" accounting for 35.6 percent of noncompliance and "An approved evaluator was not available to provide a timely evaluation" accounting for 26 percent of noncompliance.

Seventy-five (75) percent of the statewide noncompliance with this indicator for FFY 2017 is associated with the New York City Department of Education (NYCDOE). For the reason, "An approved evaluator was not available to provide a timely evaluation", NYCDOE accounts for 91 percent of noncompliance across the State. For the reason, "Evaluator delays in completing the evaluation", NYCDOE accounts for 90 percent of noncompliance across the State.

The diverse population that exists in New York City (NYC) results in a need for bilingual evaluators and creates a shortage situation that significantly affects compliance for this indicator. The New York State Education Department (NYSED) and NYCDOE are working together to address the bilingual evaluator shortage. This includes the State enacting statutory and regulatory changes to authorize school districts to perform preschool evaluations without needing any prior approval from the State. NYCDOE has greatly expanded its Preschool Evaluation Centers by recruiting and hiring bilingually certified teams. NYSED and NYCDOE have also established a joint regional need identification process in which the need for bilingual evaluators for specific languages is identified for each borough of NYC and a request for provider applications is posted on the NYSED website to encourage private agencies to apply to conduct preschool evaluations through contract with the NYCDOE. The NYCDOE also has a Special Education Strategic Action Plan which is a comprehensive, multi-year improvement plan designed to address the district's inability to meet various performance and compliance indicator targets of the State Performance Plan (SPP)/Annual Performance Report (APR), including Indicator 11. NYSED monitors the progress of NYCDOE's implementation of the Special Education Strategic Action Plan and its associated data to increase district compliance with the SPP/APR indicators.

FFY 2017 Part B State Performance Plan (SPP)/Annual Performance Report (APR)

Sixteen (16) percent of the statewide noncompliance for this indicator is associated with Yonkers Public Schools. Ninety-four (94) percent of the noncompliance in Yonkers is because of "Delays in scheduling CSE/CPSE meetings".

A possible contributing factor to noncompliance with this indicator may be a focus by districts to cite noncompliance when the CSE/CPSE meeting is not held within State timelines, even if evaluations are completed within the timelines. Beginning with the 2018-19 school year, NYSED made changes to its data collection system to provide more clarity to the field and to be able to distinguish between evaluations being completed in accordance with State timelines and the review of those evaluations at CSE/CPSE meetings.

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

There are 2,683 students in (a) and not in (b) of the following table. These are students for whom evaluations were not completed within State-established timelines for reasons which are not in compliance with State requirements. The chart below provides information regarding the extent of delays and reasons for not completing the initial evaluations of children within the State-established timelines.

Number of Children by Number of Days of Delay in Completing Evaluations, FFY 2017

Reasons for Delays	1 - 10	11-20	21-30	Over 30	Total	Percent of Total
An approved evaluator was not available to provide a timely evaluation.	150	115	100	339	704	26.20%
Evaluator delays in completing evaluations.	238	170	145	402	955	35.60%
Delays in scheduling CPSE or CSE meetings.	248	152	111	513	1024	38.20%
Total	636	437	356	1254	2683	
Percent of Total	23.70%	16.30%	13.30%	46.70%		100%

Indicate the evaluation timeline used

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

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

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

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

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

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

Provide additional information about this indicator (optional)

Identification of noncompliance: Each year a school district has data indicating one or more students did not receive their evaluations within the required timeline, the State identifies the school district with (1) noncompliance with section 200.4(b) for timely evaluations of school-age students; and/or (2) noncompliance with section 200.16(c)(2) for timely evaluations of preschool children. Correction of noncompliance is not verified unless the State determines that (1) each student whose evaluation was not timely administered has subsequently received his/her evaluation and (2) based on a sample of records, the district is now timely evaluating all students.

FFY 2017 Part B State Performance Plan (SPP)/Annual Performance Report (APR)

In the State's annual monitoring of NYC, the State sends notification to the district each year citing noncompliance if all students did not receive their initial evaluations on time. The State verifies every year that each student has subsequently received his/her evaluation (individual student correction of noncompliance). However, the State has not been able to verify every year that the district is evaluating all students in a timely manner. In the 2012 Annual Performance Report, the State reported findings not yet corrected for all students (see Correction of Findings of Noncompliance Identified Prior to FFY 2013). Beginning with the FFY 2014 Annual Performance Report, if the State cannot verify the correction of noncompliance for all students, it will report this noncompliance in the current year only, as it is a continuation of the same systemic noncompliance that was identified prior to FFY 2014. Therefore, the findings of noncompliance for Prior to FFY 2014 have been changed to 0.

NYSED has established an internal workgroup that has identified root causes related to Indicator 11 and developed recommendations to improve performance on this indicator. Based on the recommendations of the Indicator 11 Workgroup, NYSED removed "Delays in scheduling CSE/CPSE meetings" from its list of reasons for a late evaluation, and reordered the list of reasons in its reporting system so that compliant reasons are displayed sooner on the list. These changes became effective in the 2018-19 school year. In addition, a one-page technical assistance reference guide on Indicator 11 reporting and a form for districts to track evaluation dates are currently being drafted by the Indicator 11 Workgroup.

Actions required in FFY 2016 response

none

Note: Any actions required in last year's response table that are related to correction of findings should be responded to on the "Correction of Previous Findings of Noncompliance" page of this indicator. If your State's only actions required in last year's response are related to findings of noncompliance, a text field will not be displayed on this page.

Correction of Findings of Noncompliance Identified in FFY 2016

Findings of Noncompliance Identified	Findings of Noncompliance Verified as Corrected Within One Year	Findings of Noncompliance Subsequently Corrected	Findings Not Yet Verified as Corrected
59	57	2	0

FFY 2016 Findings of Noncompliance Verified as Corrected

Describe how the State verified that the source of noncompliance is correctly implementing the regulatory requirements

The State has verified that each local educational agency (LEA) with noncompliance identified in FFY 2016 for this indicator: (1) is correctly implementing 34 CFR §300.301(c)(1) (i.e., achieved 100 percent compliance) based on a review of updated data, such as data subsequently collected through on-site monitoring or a State data system; and (2) has completed the evaluation, although late, for any child whose initial evaluation was not timely, unless the child is no longer within the jurisdiction of the LEA, consistent with Office of Special Education Programs (OSEP) Memo 09-02.

The State verified the correction of noncompliance by requiring submission of the specific date that the individual evaluation was completed, although late, for each individual student whose evaluation was not timely. To verify the correction of noncompliance for all students through the review of subsequent data demonstrating compliance, the districts were required to report to the State the percent of students who had a timely evaluation over a specified period of time. See <http://www.p12.nysed.gov/sedcar/forms/vr/1617/html/verif11.htm>. For NYC, the State verifies the correction of noncompliance through annual monitoring. For NYC, the State has verified that all individual students who continued to reside in the jurisdiction of the LEA and who did not have timely evaluations have subsequently received their evaluations. The district, however, has outstanding systemic noncompliance that has not yet been verified as corrected from prior years. NYCDOE is under corrective action to address this noncompliance.

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

To verify the correction of noncompliance for all students through the review of subsequent data demonstrating compliance, the districts were required to report to the State the percent of students who had a timely evaluation over a specified period of time and identify the date in which the evaluation for each student was completed. See:

<http://www.p12.nysed.gov/sedcar/forms/vr/1617/html/verif11.htm>.

FFY 2015 Findings of Noncompliance Verified as Corrected

Describe how the State verified that the source of noncompliance is correctly implementing the regulatory requirements

The State has verified that each LEA with noncompliance identified in FFY 2016 for this indicator: (1) is correctly implementing 34 CFR §300.301(c)(1) (i.e., achieved 100 percent compliance) based on a review of updated data, such as data subsequently collected through on-site monitoring or a State data system; and (2) has completed the evaluation, although late, for any child whose initial evaluation was not timely, unless the child is no longer within the jurisdiction of the LEA, consistent with Office of Special Education Programs (OSEP) Memo 09-02.

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The State verified the correction of noncompliance by requiring submission of the specific date that the individual evaluation was completed, although late, for each individual student whose evaluation was not timely. To verify the correction of noncompliance for all students through the review of subsequent data demonstrating compliance, the districts were required to report to the State the percent of students who had a timely evaluation over a specified period of time. See <http://www.p12.nysed.gov/sedcar/forms/vr/1617/html/verif11.htm>. For NYC, the State verifies the correction of noncompliance through annual monitoring. For NYC, the State has verified that all individual students who continued to reside in the jurisdiction of the LEA and who did not have timely evaluations have subsequently received their evaluations. The district, however, has outstanding systemic noncompliance that has not yet been verified as corrected from prior years. NYCDOE is under corrective action to address this noncompliance.

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

To verify the correction of noncompliance for all students through the review of subsequent data demonstrating compliance, the districts were required to report to the State the percent of students who had a timely evaluation over a specified period of time and identify the date in which the evaluation for each student was completed. See:

<http://www.p12.nysed.gov/sedcar/forms/vr/1617/html/verif11.htm>.

OSEP Response

Because the State reported less than 100% compliance for FFY 2017, the State must report on the status of correction of noncompliance identified in FFY 2017 for this indicator. When reporting on the correction of noncompliance, the State must report, in the FFY 2018 SPP/APR, that it has verified that each LEA with noncompliance identified in FFY 2017 for this indicator: (1) is correctly implementing the specific regulatory requirements (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the LEA, consistent with OSEP Memo 09-02. In the FFY 2018 SPP/APR, the State must describe the specific actions that were taken to verify the correction. If the State did not identify any findings of noncompliance in FFY 2017, although its FFY 2017 data reflect less than 100% compliance, provide an explanation of why the State did not identify any findings of noncompliance in FFY 2017.

Required Actions

**FFY 2017 Part B State Performance Plan (SPP)/Annual Performance Report (APR)
Indicator 12: Early Childhood Transition**

Monitoring Priority: Effective General Supervision Part B / Effective Transition

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

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

Historical Data

Baseline Data: 2014

FFY	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
Target			100%	100%	100%	100%	100%	100%	100%	100%	100%
Data		86.50%	73.80%	78.20%	74.75%	64.50%	70.30%	87.50%	82.40%	97.00%	75.26%

FFY	2015	2016
Target	100%	100%
Data	67.35%	71.73%

Key: Gray – Data Prior to Baseline Yellow – Baseline

FFY 2017 - FFY 2018 Targets

FFY	2017	2018
Target	100%	100%

FFY 2017 SPP/APR Data

a. Number of children who have been served in Part C and referred to Part B for Part B eligibility determination.	2,119
b. Number of those referred determined to be NOT eligible and whose eligibility was determined prior to their third birthdays.	110
c. Number of those found eligible who have an IEP developed and implemented by their third birthdays.	170
d. Number of children for whom parent refusals to provide consent caused delays in evaluation or initial services or to whom exceptions under 34 CFR §300.301(d) applied.	339
e. Number of children determined to be eligible for early intervention services under Part C less than 90 days before their third birthdays.	16
f. Number of children whose parents chose to continue early intervention services beyond the child's third birthday through a State's policy under 34 CFR §303.211 or a similar State option.	1,354

	Numerator (c)	Denominator (a-b-d-e-f)	FFY 2016 Data	FFY 2017 Target	FFY 2017 Data
Percent of children referred by Part C prior to age 3 who are found eligible for Part B, and who have an IEP developed and implemented by their third birthdays. $[c/(a-b-d-e-f)] \times 100$	170	300	71.73%	100%	56.67%

Number of children who have been served in Part C and referred to Part B for eligibility determination that are not included in b, c, d, e, or f	130
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Reasons for Slippage

In FFY 2017, there was a 140 percent increase in noncompliant reasons for this indicator. The greatest noncompliance occurred in New York City (NYC) geographic districts. Seventeen (17) NYC geographic districts accounted for 92 percent of all noncompliance for this indicator. Of the 17 NYC geographic districts, 3 accounted for 72 percent of the NYC noncompliance. Slippage occurred because there was a significant increase in the number of evaluator delays in completing evaluations and in the number of delays in scheduling Committee on Preschool Special Education (CPSE) meetings. The extreme noncompliance in the three NYC geographic districts appear to be an anomaly when compared to prior years. The State's Special Education Quality Assurance (SEQA) staff are working to research the issue, develop root cause explanations and address this issue.

The New York City Department of Education (NYCDOE) has a Special Education Strategic Action Plan which is a comprehensive, multi-year improvement plan designed to address the district's inability to meet various performance and compliance indicator targets of the State Performance Plan(SPP)/Annual Performance Report (APR), including Indicator 12. The New York State Education Department (NYSED) monitors the progress of NYCDOE's implementation of the Special Education Strategic Action Plan and its associated data to increase district compliance with the SPP/APR indicators.

FFY 2017 Part B State Performance Plan (SPP)/Annual Performance Report (APR)

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

There are 130 students in (a) that are not included in b, c, d, e or f in the following table. Of these 130 students, 120 were in NYC. These are students for whom evaluations were not completed within State-established timelines for reasons which are not in compliance with State requirements. The chart below provides information regarding the extent of delays and reasons for not completing the initial evaluations of children within the State-established timelines. All delays in scheduling CPSE meetings and evaluator delays in completing the evaluation, and all but one instance where an evaluator was not available, were in NYC.

Number of Children by Number of Days of Delay in Developing an IEP by Third Birthday or Determining Eligibility for Preschool Special Education in FFY 2017

Reasons for Delays, FFY 2017	1-10	11-30	21-30	Over 30	Unknown	Total	Percent of Total
The recommended Part B program/ services were not available when the child turned 3 years of age	1	0	0	9	0	10	7.70%
Evaluator was not available to provide a timely evaluation	0	2	1	15	0	18	13.80%
Evaluator delays in completing the evaluation	1	2	0	34	0	37	28.50%
Delays in scheduling CPSE meetings	2	3	2	49	0	56	43.10%
Additional evaluations were requested	0	0	1	5	0	6	4.60%
Inaccurate or Incomplete data	0	0	0	0	3	3	3.20%
Total	4	7	4	112	3	130	
Percent of Total	3.1%	5.4%	3.1%	86.2%	2.3%		100%

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

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

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

New York State (NYS) provides assurance that it is using its currently approved sampling plan and will only change the years for which it is used.

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

Provide additional information about this indicator (optional)

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

In FFY 2017, there were 1354 children who fell under this provision and whose parents chose to have them continue in Part C, early intervention. These 1354 children have IFSPs in effect. At the direction of United States Department of Education, these 1354 children are included in line f rather than line c. Should NYS be authorized to count as compliant the 1354 students who continued to get special education programs and services in EI beyond their third birthday, consistent with its unique statute, its compliance rate would have been 92.1 percent. It should be noted that 34 CFR §300.323(b) allows for an IFSP to serve as the IEP under certain conditions.

NYSED's FFY 2017 data for Indicator 12 is adversely impacted as a direct result of NYS's unique statute. Consistent with NYS Public Health Law section 2541(8)(a), for a child already receiving Individuals with Disabilities Education Act (IDEA) Part C EI services, parents

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have the option to continue their child's special education services through the Part C IDEA EI program beyond their third birthday. Under this option, in FFY 2017, a significant number (1354) of NYS's preschool age students continued to receive their special education programs and services through the Part C IDEA EI Programs. NYSED significantly values parental choice and believes it is important to support parents should they choose this option. The primary tenets of effective transition planning are to ensure students continue to receive services as appropriate to meet their needs and that the transition process is successful for families. Supporting parents in this choice fosters a successful transition for them, as well as ensures that their child continues to receive special education services through Part C IDEA services to address specific needs.

To improve compliance with this indicator, NYSED is working with the National Center for Systemic Improvement (NCSI) and its NYS early intervention partners to study its processes for collection of this data and to identify and address additional contributing factors.

Actions required in FFY 2016 response

none

Note: Any actions required in last year's response table that are related to correction of findings should be responded to on the "Correction of Previous Findings of Noncompliance" page of this indicator. If your State's only actions required in last year's response are related to findings of noncompliance, a text field will not be displayed on this page.

Correction of Findings of Noncompliance Identified in FFY 2016

Findings of Noncompliance Identified	Findings of Noncompliance Verified as Corrected Within One Year	Findings of Noncompliance Subsequently Corrected	Findings Not Yet Verified as Corrected
12	11	0	1

FFY 2016 Findings of Noncompliance Verified as Corrected

Describe how the State verified that the source of noncompliance is correctly implementing the regulatory requirements

For all noncompliance identified in FFY 2016 that have been corrected, NYS has verified that each local education agency (LEA) with noncompliance identified for this Indicator: (1) is correctly implementing 34 CFR §300.124(b) (i.e., achieved 100 percent compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has developed and implemented the IEP, although late, for any child for whom implementation of the IEP was not timely, unless the child was no longer within the jurisdiction of the LEA, consistent with Office of Special Education Programs (OSEP) Memo 09-02.

To verify the correction of noncompliance for all students through the review of subsequent data demonstrating compliance, the districts were required to report to the State the percent of students who had a timely evaluation over a specified period of time. See <http://www.p12.nysed.gov/sedcar/forms/vr/1617/html/verif12.htm>.

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

For all noncompliance identified in FFY 2016 that have been corrected, NYS has verified that each LEA with noncompliance identified for this indicator: (1) is correctly implementing 34 CFR §300.124(b) (i.e., achieved 100 percent compliance) based on a review of updated data, such as data subsequently collected through on-site monitoring or a State data system; and (2) has developed and implemented the IEP, although late, for any child for whom implementation of the IEP was not timely, unless the child was no longer within the jurisdiction of the LEA, consistent with OSEP Memo 09-02.

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

FFY 2016 Findings Not Yet Verified as Corrected

Actions taken if noncompliance not corrected

Monthly meetings were held with the district's special education leadership, and discussion included analysis of the timeline, next steps pertaining to the overhaul of the district's computer reporting system, and barriers to meeting the performance targets that were identified during the monthly CSE/CPSE chairpersons' meetings.

Monthly meetings were also held with the district's CSE/CPSE chairpersons to review regional "Turning-Three" data trends and to engage in in-depth root cause analysis for a cumulative district-wide sample of twenty students per month, a process that will continue for the 2018-19 school year. The documentation that was reviewed included two cases in which IEPs were falsely reported as late due to delays in reporting student data into the district's special education data system, an overall trend identified throughout the district.

FFY 2015 Findings of Noncompliance Verified as Corrected

Describe how the State verified that the source of noncompliance is correctly implementing the regulatory requirements

For all noncompliance identified in FFY 2015 that have been corrected, NYS has verified that each LEA with noncompliance identified for

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

To verify the correction of noncompliance for all students through the review of subsequent data demonstrating compliance, the districts were required to report to the State the percent of students who had a timely evaluation over a specified period of time. See <http://www.p12.nysed.gov/sedcar/forms/vr/1617/html/verif12.htm>.

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

For all noncompliance identified in FFY 2015 that have been corrected, NYS has verified that each LEA with noncompliance identified for this indicator: (1) is correctly implementing 34 CFR §300.124(b) (i.e., achieved 100 percent compliance) based on a review of updated data, such as data subsequently collected through on-site monitoring or a State data system; and (2) has developed and implemented the IEP, although late, for any child for whom implementation of the IEP was not timely, unless the child was no longer within the jurisdiction of the LEA, consistent with OSEP Memo 09-02.

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

OSEP Response

Because the State reported less than 100% compliance for FFY 2017, the State must report on the status of correction of noncompliance identified in FFY 2017 for this indicator. When reporting on the correction of noncompliance, the State must report, in the FFY 2018 SPP/APR, that it has verified that each LEA with noncompliance identified in FFY 2017 for this indicator: (1) is correctly implementing the specific regulatory requirements (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the LEA, consistent with OSEP Memo 09-02. In the FFY 2018 SPP/APR, the State must describe the specific actions that were taken to verify the correction. If the State did not identify any findings of noncompliance in FFY 2017, although its FFY 2017 data reflect less than 100% compliance, provide an explanation of why the State did not identify any findings of noncompliance in FFY 2017.

The State must demonstrate, in the FFY 2018 SPP/APR, that the remaining finding identified in FFY 2016 was corrected. When reporting on the correction of noncompliance, the State must report, in the FFY 2018 SPP/APR, that it has verified that the LEA with remaining noncompliance identified in FFY 2016: (1) is correctly implementing the specific regulatory requirements (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the LEA, consistent with OSEP Memo 09-02. In the FFY 2018 SPP/APR, the State must describe the specific actions that were taken to verify the correction.

OSEP acknowledges that NYSED believes its FFY 2016 Indicator 12 data are adversely impacted as a result of NYS Public Health Law section 2541(8)(a), which states that "for a child already receiving IDEA Part C Early Intervention (EI) services, parents have the option to continue their child's special education services through the Part C IDEA (EI program) beyond their third birthday." However, consistent with the measurement table, this indicator measures only 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. Also consistent with the measurement table, this indicator specifically excludes children whose parents choose to continue EI services beyond the child's third birthday through a State's policy under 34 CFR §303.211 or a similar State option. Therefore, OSEP declines to take into account the percentage of children whose parents chose to continue EI services beyond their child's third birthday when assigning RDA Matrix points for Indicator 12.

Required Actions

[Empty box for Required Actions]

**FFY 2017 Part B State Performance Plan (SPP)/Annual Performance Report (APR)
Indicator 13: Secondary Transition**

Monitoring Priority: Effective General Supervision Part B / Effective Transition

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

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

Historical Data

Baseline Data: 2009

FFY	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
Target			100%	100%	100%	100%	100%	100%	100%	100%	100%
Data						67.20%	79.00%	89.40%	86.10%	77.17%	78.29%

FFY	2015	2016
Target	100%	100%
Data	76.50%	90.23%

Key: Gray – Data Prior to Baseline Yellow – Baseline

FFY 2017 - FFY 2018 Targets

FFY	2017	2018
Target	100%	100%

FFY 2017 SPP/APR Data

Number of youth aged 16 and above with IEPs that contain each of the required components for secondary transition	Number of youth with IEPs aged 16 and above	FFY 2016 Data	FFY 2017 Target	FFY 2017 Data
2,712	3,080	90.23%	100%	88.05%

Reasons for Slippage

Indicator 13 is a sampling indicator. Districts report data for this indicator once every six years. While the sampling methodology ensures that results are representative of the state population, the sampling of districts makes comparisons from year-to-year and root-cause analysis difficult. The State is reviewing its current sampling structure to identify ways to improve data analysis and root-cause analysis, while minimizing additional burden on districts.

A review of compliant individualized education programs (IEPs), compared to last year, shows that a larger percentage of districts had 100 percent compliant IEPs. This increase was offset by a decrease in districts with 80-99 percent compliant IEPs and an increase in districts with 0-49 percent compliant IEPs.

- Districts with 100 percent compliant IEPs: 77.7 percent in FFY 2017 compared to 68.9 percent in FFY2016
- Districts with 80-99 percent compliant IEPs: 6.5 percent in FFY 2017 compared to 18.9 percent in FFY2016
- Districts with 50-79 percent compliant IEPs: 6.5 percent in FFY 2017 compared to 6.6 percent in FFY2016
- Districts with 0-49 percent compliant IEPs: 9.3 percent in FFY 2017 compared to 5.7 percent in FFY2016

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

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

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

Measurement:

FFY 2017 Part B State Performance Plan (SPP)/Annual Performance Report (APR)

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

Data Source:

New York State (NYS) will use data taken from State monitoring, as described below.

Overview of Issue/Description of System or Process

State law and regulations define transition services to mean a coordinated set of activities for a student with a disability, designed within a results-oriented process that is focused on improving the academic and functional achievement of the student with a disability to facilitate the student's movement from school to post-school activities, including, but not limited to, postsecondary education, vocational education, integrated competitive employment (including supported employment), continuing and adult education, adult services, independent living, or community participation. The coordinated set of activities must be based on the individual student's needs, taking into account the student's strengths, preferences and interests, and must include needed activities in instruction; related services; community experiences; the development of employment and other post-school adult living objectives; and when appropriate, acquisition of daily living skills and functional vocational evaluation.

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

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

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

Sampling Methodology

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

IEP Monitoring Review Process

The New York State Education Department (NYSED) has developed an "IEP/Transition Self-Review" monitoring protocol to be used each year in monitoring districts for this Indicator. The school districts selected for the representative sample are directed to complete the "Transition IEP" self-review monitoring protocol on a representative sample of IEPs and document results on a form prescribed by NYSED. The form requires documentation of the percent of students whose IEPs met each of the compliance requirements on the monitoring protocol.

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

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

FFY 2017 Part B State Performance Plan (SPP)/Annual Performance Report (APR)

- Students actively participate in planning their educational programs leading toward achievement of post-secondary goals.
- IEPs are individualized and are based on the assessment information about the students, including individual needs, preferences, interests and strengths of the students.
- Transition needs identified in the students' assessment information are included in the students' present levels of performance.
- Annual goals address students' transition needs identified in the present levels of performance and are calculated to help each student progress incrementally toward the attainment of the post-secondary goals.
- The recommended special education programs and services will assist the students to meet their annual goals relating to transition.
- The statements of needed transition services are developed in consideration of the students' needs, preferences and interests, are directly related to the students' goals beyond secondary education and will assist the students to reach their post-secondary goals.
- Courses are linked to attainment of the students' post-secondary goals.
- The school district and appropriate participating agencies coordinate their activities in support of the students' attainment of post-secondary goals.

Do the State's policies and procedures provide that public agencies must meet these requirements at an age younger than 16?

Yes No

Did the State choose to include youth at an age younger than 16 in its data for this indicator and ensure that its baseline data are based on youth beginning at that younger age? Yes No

At what age are youth included in the data for this indicator? 15

Provide additional information about this indicator (optional)

All 106 school districts in the sample used a State-developed self-review monitoring protocol to review a sample of IEPs of students with disabilities aged 15 and above to determine if each IEP is in compliance with all transition planning requirements.

For New York City (NYC) reviews, NYSED and NYC Department of Education staff jointly conducted the monitoring review. The total number of students with IEPs, ages 15-21, enrolled in the school districts sampled during 2016-17 was 62,451. The total number of IEPs reviewed from these representative school districts was 3,080. Of the IEPs reviewed, 2,712 were found to have been in compliance with all IEP transition requirements and 368 had one or more transition planning requirements that were not appropriately addressed in the students' IEPs.

NYSED has accessed guidance from the Office of Special Education Programs (OSEP) through its engagement in the Differentiated Monitoring and Support process on ways to improve results for Indicator 13, and will continue to do so. NYSED has aligned its technical assistance resources to better support districts in the transition process, provided additional guidance/clarification regarding review of IEPs and reporting compliance with transition requirements, and established a workgroup to identify root cause issues related to this indicator. In addition, NYSED has worked with OSEP to make continued improvements in Indicator 13.

Actions required in FFY 2016 response

none

Note: Any actions required in last year's response table that are related to correction of findings should be responded to on the "Correction of Previous Findings of Noncompliance" page of this indicator. If your State's only actions required in last year's response are related to findings of noncompliance, a text field will not be displayed on this page.

Correction of Findings of Noncompliance Identified in FFY 2016

Findings of Noncompliance Identified	Findings of Noncompliance Verified as Corrected Within One Year	Findings of Noncompliance Subsequently Corrected	Findings Not Yet Verified as Corrected
103	102	1	0

FFY 2016 Findings of Noncompliance Verified as Corrected

Describe how the State verified that the source of noncompliance is correctly implementing the regulatory requirements

The State verified that each local educational agency with noncompliance identified in FFY 2016 for this Indicator is correctly implementing 34 CFR §§300.320(b) and 300.321(b) (i.e., achieved 100 percent compliance) based on a review of a sample of student individualized education programs (IEPs) and related records.

For NYC, the State verified correction based on a review of updated data collected annually based on review of transition components of IEPs and related documentation of student IEPs identified as noncompliant.

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

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

OSEP Response

Because the State reported less than 100% compliance for FFY 2017, the State must report on the status of correction of noncompliance identified in FFY 2017 for this indicator. When reporting on the correction of noncompliance, the State must report, in the FFY 2018 SPP/APR, that it has verified that each LEA with noncompliance identified in FFY 2017 for this indicator: (1) is correctly implementing the specific regulatory requirements (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the LEA, consistent with OSEP Memo 09-02. In the FFY 2018 SPP/APR, the State must describe the specific actions that were taken to verify the correction. If the State did not identify any findings of noncompliance in FFY 2017, although its FFY 2017 data reflect less than 100% compliance, provide an explanation of why the State did not identify any findings of noncompliance in FFY 2017.

Required Actions

**FFY 2017 Part B State Performance Plan (SPP)/Annual Performance Report (APR)
Indicator 14: Post-School Outcomes**

Monitoring Priority: Effective General Supervision Part B / Effective Transition

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

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

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

Historical Data

	Baseline Year	FFY	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
A	2009	Target ≥							44.00%	44.00%	44.00%	37.50%	42.20%
		Data						43.00%	42.00%	42.00%	42.10%	37.62%	48.12%
B	2009	Target ≥							65.00%	65.00%	65.00%	62.60%	66.00%
		Data						64.00%	67.00%	68.00%	66.30%	62.58%	71.71%
C	2009	Target ≥							78.00%	80.00%	80.00%	72.40%	75.00%
		Data						77.00%	78.00%	79.00%	76.40%	72.41%	80.85%

	FFY	2015	2016
A	Target ≥	42.70%	43.00%
	Data	40.77%	44.02%
B	Target ≥	67.00%	68.00%
	Data	67.25%	69.43%
C	Target ≥	76.00%	77.50%
	Data	77.75%	80.66%

Key: Gray – Data Prior to Baseline Yellow – Baseline Blue – Data Update

FFY 2017 - FFY 2018 Targets

FFY	2017	2018
Target A ≥	43.50%	44.00%
Target B ≥	69.00%	70.00%
Target C ≥	78.50%	80.00%

Key:

Targets: Description of Stakeholder Input - Please see the Stakeholder Involvement section of the [introduction](#).

Enter additional information about stakeholder involvement

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

FFY 2017 SPP/APR Data

Number of respondent youth who are no longer in secondary school and had IEPs in effect at the time they left school	1399.00
1. Number of respondent youth who enrolled in higher education within one year of leaving high school	607.00
2. Number of respondent youth who competitively employed within one year of leaving high school	377.00
3. Number of respondent youth enrolled in some other postsecondary education or training program within one year of leaving high school (but not enrolled in higher education or competitively employed)	118.00

FFY 2017 Part B State Performance Plan (SPP)/Annual Performance Report (APR)

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

57.00

	Number of respondent youth	Number of respondent youth who are no longer in secondary school and had IEPs in effect at the time they left school	FFY 2016 Data	FFY 2017 Target	FFY 2017 Data
A. Enrolled in higher education (1)	607.00	1399.00	44.02%	43.50%	43.39%
B. Enrolled in higher education or competitively employed within one year of leaving high school (1 +2)	984.00	1399.00	69.43%	69.00%	70.34%
C. Enrolled in higher education, or in some other postsecondary education or training program; or competitively employed or in some other employment (1+2+3+4)	1159.00	1399.00	80.66%	78.50%	82.84%

Please select the reporting option your State is using:

Option 1: Use the same definition as used to report in the FFY 2015 SPP/APR, i.e., competitive employment means that youth have worked for pay at or above the minimum wage in a setting with others who are nondisabled for a period of 20 hours a week for at least 90 days at any time in the year since leaving high school. This includes military employment.

Option 2: Report in alignment with the term "competitive integrated employment" and its definition, in section 7(5) of the Rehabilitation Act, as amended by Workforce Innovation and Opportunity Act (WIOA), and 34 CFR §361.5(c)(9). For the purpose of defining the rate of compensation for students working on a "part-time basis" under this category, OSEP maintains the standard of 20 hours a week for at least 90 days at any time in the year since leaving high school. This definition applies to military employment.

Was sampling used? Yes

Has your previously-approved sampling plan changed? No

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

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

Sampling Methodology:

Data were collected from a statewide representative sample of school districts. One-sixth of the school districts reported data on this indicator for FFY 2016. For a detailed description of New York State's (NYS's) sampling methodology, see:

<http://www.p12.nysed.gov/specialed/spp/2012/ind14.htm>.

Was a survey used? Yes

Is it a new or revised survey? No

Include the State's analysis of the extent to which the response data are representative of the demographics of youth who are no longer in secondary school and had IEPs in effect at the time they left school.

Representativeness:

The response group is representative of FFY 2017 statewide exiters. With the exception of drop outs and minority students (due to the lack of any of the four large cities outside of New York City being included in this year's sample), each subgroup has a representation that is within 3.9 percent of the statewide exiter population for that subgroup. Although the number of drop outs in the response group was underrepresented by 5.6 percent, the number of drop out responses was sufficient for a 95 percent confidence interval for drop outs. While the survey pool was within one percent of the statewide percent of minority exiters, the responsiveness of minority students resulted in a response rate that reflected an underrepresentation of 7.6 percent (sufficient for a 90 percent confidence interval for minority exiters). A review of data by response group is completed to verify that any under- or over-representation would not significantly skew the statewide results.

Table 1: Representativeness of Survey Pool Compared to Exiters for All NYS Schools During 2016-17, as Reported in Exit Data Reports:

Statewide Demographic Representativeness

Statewide	Learning Disabilities	Emotional Disturbance	Intellectual Disability	All Other Disabilities	Female	Minority	Dropout
Census Representation (n=24,999)	53.1%	7.5%	4.2%	35.1%	36.4%	52.7%	14.1%
Survey Pool Representation (n=4317)	50.0%	6.5%	4.4%	39.0%	34.8%	45.1%	8.4%

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Difference -3.1% -1.0% 0.2% 3.9% -1.6% -7.6% -5.6%

Note: positive difference indicates over-representation; negative difference indicates under-representation on the interview pool.

Are the response data representative of the demographics of youth who are no longer in school and had IEPs in effect at the time they left school? Yes

Provide additional information about this indicator (optional)

Data Source:

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

Definitions:

Exiters are defined to include those students with disabilities who had individualized education programs and who completed the high school program with any diploma or certificate of completion (i.e., Regents or local diploma; Skills and Achievement Commencement Credential; CDOS Commencement Credential; Test Accessing Secondary Completion (TASC), NYSED's high school equivalency test), who completed school by reaching the maximum age to attend special education, or those who dropped out during the academic year being reviewed.

Survey pool is the total number of Exiters from the school districts surveyed in FFY 2016.

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

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

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

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

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

Actions required in FFY 2016 response

none

OSEP Response

Required Actions

**FFY 2017 Part B State Performance Plan (SPP)/Annual Performance Report (APR)
Indicator 15: Resolution Sessions**

Monitoring Priority: Effective General Supervision Part B / General Supervision

Results indicator: Percent of hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements.

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

Historical Data

Baseline Data: 2006

FFY	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
Target ≥			18.73%	11.63%	13.52%	15.13%	12.25%	11.17%	10.78%	5.50%	6.00%
Data		17.73%	10.63%	11.52%	13.13%	10.25%	9.17%	8.78%	5.98%	4.71%	4.82%

FFY	2015	2016
Target ≥	7.00%	8.00%
Data	3.20%	2.83%

Key: Gray – Data Prior to Baseline Yellow – Baseline Blue – Data Update

FFY 2017 - FFY 2018 Targets

FFY	2017			2018		
Target	9.00%	-	10.00%	11.00%	-	12.00%

Key:

Targets: Description of Stakeholder Input - Please see the Stakeholder Involvement section of the [introduction](#).

Enter additional information about stakeholder involvement

The New York State Education Department (NYSED) consulted with the State's Commissioner's Advisory Panel (CAP) for Special Education Services for target setting for this indicator. To provide background to CAP for this discussion, a comprehensive data presentation on the State's due process system, including impartial hearings, mediation and resolution sessions was held in the spring of 2014. The target setting discussion then followed in the fall of 2014. A more comprehensive data presentation on the State's due process system, including impartial hearings, mediation and resolution sessions was held in the spring of 2018.

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

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

Prepopulated Data

Source	Date	Description	Data	Overwrite Data
SY 2017-18 EMAPS IDEA Part B Dispute Resolution Survey; Section C: Due Process Complaints	11/8/2018	3.1(a) Number resolution sessions resolved through settlement agreements	132	null
SY 2017-18 EMAPS IDEA Part B Dispute Resolution Survey; Section C: Due Process Complaints	11/8/2018	3.1 Number of resolution sessions	7,288	null

FFY 2017 SPP/APR Data

3.1(a) Number resolution sessions resolved through settlement agreements	3.1 Number of resolution sessions	FFY 2016 Data	FFY 2017 Target	FFY 2017 Data
132	7,288	2.83%	9.00% - 10.00%	1.81%

Reasons for Slippage

FFY 2017 Part B State Performance Plan (SPP)/Annual Performance Report (APR)

The percent of hearing requests that went to resolution sessions and that were resolved through resolution session settlement agreements declined by one percent, from 2.83 percent in FFY 2016 to 1.81 percent in FFY 2017. A significant percent of all due process complaints in FFY 2017 involved parent tuition reimbursement; an issue that parents may feel needs an Impartial Hearing Officer's (IHO's) decision. In addition, settlement negotiations between parents and the district may not occur in a timely manner; therefore, the 30-day resolution period ends prior to actual settlement. Issues may also be increasing in complexity, resulting in difficulty resolving the issues during the resolution period.

Settlement agreements in NYC must go through the NYC Comptroller's Office, which adds time to the settlement process. During the 2013-14 school year, the New York City Department of Education (NYCDOE) implemented a new process to expedite special education settlement agreements. The NYCDOE's new process was designed to streamline its process to execute and effectuate a settlement agreement once the district and parent agree to settle a dispute regarding the provision of special education programs and services to students with disabilities.

Provide additional information about this indicator (optional)

NYSED is in the process of examining its two-tier due process system with consideration of possibly moving to a one-tier system and strengthening the first tier. NYSED continues to receive guidance from The Office of Special Education Programs (OSEP) through its engagement in the Differentiated Monitoring and Support process on ways to improve results for Indicator 15.

Actions required in FFY 2016 response

none

OSEP Response

Required Actions

**FFY 2017 Part B State Performance Plan (SPP)/Annual Performance Report (APR)
Indicator 16: Mediation**

Monitoring Priority: Effective General Supervision Part B / General Supervision

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

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

Historical Data

Baseline Data: 2006

FFY	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
Target ≥			95.00%	95.50%	96.00%	96.50%	97.00%	97.00%	97.00%	87.00%	88.00%
Data		94.98%	90.64%	89.88%	88.03%	88.30%	88.33%	85.99%	92.09%	87.10%	88.53%

FFY	2015	2016
Target ≥	90.00%	94.00%
Data	83.02%	86.63%

Key: Gray – Data Prior to Baseline Yellow – Baseline Blue – Data Update

FFY 2017 - FFY 2018 Targets

FFY	2017			2018		
Target	89.00%	-	92.00%	91.00%	-	95.00%

Key:

Targets: Description of Stakeholder Input - Please see the Stakeholder Involvement section of the [introduction](#).

Enter additional information about stakeholder involvement

The New York State Education Department (NYSED) consulted with the State's Commissioner's Advisory Panel (CAP) for Special Education Services for target setting for this Indicator. To provide background to CAP for this discussion, a comprehensive data presentation on the State's due process system, including impartial hearings, mediation and resolution sessions was held in the spring of 2014. The target setting discussion then followed in the fall of 2014. A more comprehensive data presentation on the State's due process system, including impartial hearings, mediation and resolution sessions was held in the spring of 2018.

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

Prepopulated Data

Source	Date	Description	Data	Overwrite Data
SY 2017-18 EMAPS IDEA Part B Dispute Resolution Survey; Section B: Mediation Requests	11/8/2018	2.1.a.i Mediations agreements related to due process complaints	15	null
SY 2017-18 EMAPS IDEA Part B Dispute Resolution Survey; Section B: Mediation Requests	11/8/2018	2.1.b.i Mediations agreements not related to due process complaints	190	null
SY 2017-18 EMAPS IDEA Part B Dispute Resolution Survey; Section B: Mediation Requests	11/8/2018	2.1 Mediations held	231	null

FFY 2017 SPP/APR Data

2.1.a.i Mediations agreements related to due process complaints	2.1.b.i Mediations agreements not related to due process complaints	2.1 Mediations held	FFY 2016 Data	FFY 2017 Target	FFY 2017 Data
15	190	231	86.63%	89.00% - 92.00%	88.74%

Provide additional information about this indicator (optional)

FFY 2017 Part B State Performance Plan (SPP)/Annual Performance Report (APR)

New York State's (NYS's) due process system is under review with the aim of improving timeliness of impartial hearings. Identified root causes impacting the timeliness of NYS impartial hearings include, but are not limited to, part-time impartial hearing officers (IHOs), inadequate compensation for IHOs, high number of extensions to the hearing timeline, hearings scheduled on non-consecutive days and limited use of pre-hearing conferences. NYS continues to offer individualized education program (IEP) facilitation on a limited basis with planned expansion statewide at no cost to parents or districts in 2020. NYS is preparing to post a new request for proposals for a mediation contract aimed at increasing awareness of and use of mediation across the State.

Actions required in FFY 2016 response

none

OSEP Response

Required Actions

**FFY 2017 Part B State Performance Plan (SPP)/Annual Performance Report (APR)
Indicator 17: State Systemic Improvement Plan**

Monitoring Priority: General Supervision

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

Reported Data

Baseline Data: 2013

FFY	2013	2014	2015	2016	2017
Target ≥		35.00%	38.00%	45.00%	48.00%
Data	31.00%	35.00%			

Key: Gray – Data Prior to Baseline Yellow – Baseline
Blue – Data Update

FFY 2018 Target

FFY	2018
Target ≥	51.00%

Key:

Description of Measure

Targets: Description of Stakeholder Input - Please see the Stakeholder Involvement section of the [introduction](#).

Enter additional information about stakeholder involvement

Overview

Data Analysis

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

Analysis of State Infrastructure to Support Improvement and Build Capacity

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

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

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

FFY 2017 Part B State Performance Plan (SPP)/Annual Performance Report (APR)

Statement

See Attachment

Description

See Attachment

Selection of Coherent Improvement Strategies

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

See attachment

Theory of Action

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

Submitted Theory of Action: No Theory of Action Submitted

Provide a description of the provided graphic illustration (optional)

Description of Illustration

See Attachment

Infrastructure Development

- (a) Specify improvements that will be made to the State infrastructure to better support EIS programs and providers to implement and scale up EBPs to improve results for infants and toddlers with disabilities and their families.
- (b) Identify the steps the State will take to further align and leverage current improvement plans and other early learning initiatives and programs in the State, including Race to the Top-Early Learning Challenge, Home Visiting Program, Early Head Start and others which impact infants and toddlers with disabilities and their families.
- (c) Identify who will be in charge of implementing the changes to infrastructure, resources needed, expected outcomes, and timelines for completing improvement efforts.
- (d) Specify how the State will involve multiple offices within the State Lead Agency, as well as other State agencies and stakeholders in the improvement of its infrastructure.

See attachment

Support for EIS programs and providers Implementation of Evidence-Based Practices

- (a) Specify how the State will support EIS providers in implementing the evidence-based practices that will result in changes in Lead Agency, EIS program, and EIS provider practices to achieve the SIMR(s) for infants and toddlers with disabilities and their families.
- (b) Identify steps and specific activities needed to implement the coherent improvement strategies, including communication strategies and stakeholder involvement; how identified barriers will be addressed; who will be in charge of implementing; how the activities will be implemented with fidelity; the resources that will be used to implement them; and timelines for completion.
- (c) Specify how the State will involve multiple offices within the Lead Agency (and other State agencies such as the SEA) to support EIS providers in scaling up and sustaining the implementation of the evidence-based practices once they have been implemented with fidelity.

See attachment

Evaluation

- (a) Specify how the evaluation is aligned to the theory of action and other components of the SSIP and the extent to which it includes short-term and long-term objectives to measure implementation of the SSIP and its impact on achieving measurable improvement in SIMR(s) for infants and toddlers with disabilities and their families.
- (b) Specify how the evaluation includes stakeholders and how information from the evaluation will be disseminated to stakeholders.
- (c) Specify the methods that the State will use to collect and analyze data to evaluate implementation and outcomes of the SSIP and the progress toward achieving intended improvements in the SIMR(s).
- (d) Specify how the State will use the evaluation data to examine the effectiveness of the implementation; assess the State's progress toward achieving intended improvements; and to make modifications to the SSIP as necessary.

See attachment

Technical Assistance and Support

Describe the support the State needs to develop and implement an effective SSIP. Areas to consider include: Infrastructure development; Support for EIS programs and providers implementation of EBP; Evaluation; and Stakeholder involvement in Phase II.

See attachment

**FFY 2017 Part B State Performance Plan (SPP)/Annual Performance Report (APR)
Certify and Submit your SPP/APR**

I certify that I am the Chief State School Officer of the State, or his or her designee, and that the State's submission of its IDEA Part B State Performance Plan/Annual Performance Report is accurate.

Selected: Chief State School Officer

Name and title of the individual certifying the accuracy of the State's submission of its IDEA Part B State Performance Plan/Annual Performance Report.

Name: Christopher Suriano

Title: Assistant Commissioner

Email: christopher.suriano@nysed.gov

Phone: 518-402-3353