

New York Part B FFY 2005 SPP/APR Response Table

Monitoring Priorities and Indicators	Status	OSEP Analysis/Next Steps
Monitoring Priority: FAPE in the LRE		
<p>1. Percent of youth with IEPs graduating from high school with a regular diploma compared to percent of all youth in the State graduating with a regular diploma.</p> <p>[Results Indicator]</p>	<p>NYSED did not report FFY 2005 data for either students with disabilities or without disabilities.</p>	<p>The NYSED revised its targets and activities for this indicator in its SPP and OSEP accepts those revisions. The revised targets were developed in anticipation of the NYSED’s change to its definition of graduation rate and the resulting impact.</p> <p>While the NYSED did not submit progress data from FFY 2005, they did submit data from FFY 2003 and FFY 2004. Using the total cohort calculation, the NYSED reported that in FFY 2003 the graduation rate was 67% for all students and 46% for students with disabilities and that in FFY 2004, the graduation rate was 64% for all students and 37% for students with disabilities.</p> <p>OSEP’s March 20, 2006, FFY 2004 SPP response letter required the NYSED to include in the February 1, 2007 APR - baseline data from FFY 2004 (July 1, 2004 – June 30, 2005) and progress data from FFY 2005 (July 1, 2005 – June 30, 2006). The NYSED satisfied this requirement for FFY 2004 data but not for FFY 2005 data.</p> <p>The NYSED stated that the graduation rates of all students and students with disabilities were not available by the due date of the APR and that the data were expected to be available by April 1, 2007. The NYSED must provide the FFY 2005 data and the data required by the FFY 2006 APR in the FFY 2006 APR, due February 1, 2008.</p> <p>OSEP looks forward to data demonstrating improvement in performance in the FFY 2006 APR, due February 1, 2008.</p>
<p>2. Percent of youth with IEPs dropping out of high school compared to the percent of all youth in the State dropping out of high school.</p> <p>[Results Indicator]</p>	<p>NYSED did not report FFY 2005 data for either students with disabilities or without disabilities.</p>	<p>The NYSED revised its targets and activities for this indicator in its SPP and OSEP accepts those revisions. The revised targets were developed in anticipation of the NYSED’s change to its definition of graduation-rate cohort. The State indicated that it will use the new graduation-rate cohort as the basis for calculating the State’s and school district’s drop-out rate.</p> <p>While the NYSED did not submit progress data from FFY 2005 they did submit data from FFY 2003 and FFY 2004. Using the total cohort</p>

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		<p>calculation, the NYSED reported that in FFY 2003, the drop-out rate was 11.9% for all students and 13% for students with disabilities and that in FFY 2004, the drop-out rate was 10.9% for all students and 18.9% for students with disabilities.</p> <p>OSEP's March 20, 2006, FFY 2004 SPP response letter required the NYSED to include in the February 1, 2007 APR - baseline data from FFY 2004 (July 1, 2004 – June 30, 2005) and progress data from FFY 2005 (July 1, 2005 – June 30, 2006). The NYSED satisfied this requirement for FFY 2004 data but not for FFY 2005 data.</p> <p>The NYSED stated that the drop-out rates of all students and students with disabilities were not available by the due date of the APR and that the data were expected to be available by April 1, 2007. The NYSED must provide the FFY 2005 data and the data required by the FFY 2006 APR in the FFY 2006 APR, due February 1, 2008.</p> <p>OSEP looks forward to data demonstrating improvement in performance in the FFY 2006 APR, due February 1, 2008.</p>
<p>3. Participation and performance of children with disabilities on statewide assessments:</p> <p>A. Percent of districts that have a disability subgroup that meets the State's minimum "n" size meeting the State's AYP objectives for progress for disability subgroup.</p> <p>[Results Indicator]</p>	<p>NYSED did not report FFY 2005 data.</p>	<p>The NYSED revised its targets and OSEP accepts those revisions. OSEP's March 20, 2006, FFY 2004 SPP response letter required the NYSED to include in the February 1, 2007 APR - baseline data from FFY 2004 and progress data from FFY 2005. The NYSED did not submit progress data from FFY 2005. However, it did submit baseline data from FFY 2004 indicating that 48.3% of the State's districts made AYP for the subgroup of students with disabilities.</p> <p>The NYSED must provide the FFY 2005 data and the data required by the FFY 2006 APR in the FFY 2006 APR, due February 1, 2008.</p> <p>OSEP looks forward to data demonstrating improvement in performance in the FFY 2006 APR, due February 1, 2008.</p>
<p>3. Participation and performance of children with disabilities on statewide assessments:</p> <p>B. Participation rate for children with IEPs in a regular assessment with no accommodations; regular assessment with accommodations; alternate assessment against grade level</p>	<p>NYSED did not report FFY 2005 data.</p>	<p>OSEP's March 20, 2006, FFY 2004 SPP response letter required the NYSED to include in the February 1, 2007 APR - baseline data from FFY 2004 and progress data from FFY 2005. The NYSED did not submit progress data from FFY 2005, however, it did submit baseline data from FFY 2004 indicating that 95% of students with disabilities or higher in the elementary and middle schools participated in the English language arts</p>

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<p>standards; alternate assessment against alternate achievement standards.</p> <p>[Results Indicator]</p>		<p>(ELA) and Math assessments and 89% of students with disabilities in the high schools participated in the high school English assessment and 90% in the Math assessment.</p> <p>The NYSED must provide the FFY 2005 data and the data required by the FFY 2006 APR in the FFY 2006 APR, due February 1, 2008.</p> <p>OSEP looks forward to data demonstrating improvement in performance in the FFY 2006 APR, due February 1, 2008.</p>
<p>3. Participation and performance of children with disabilities on statewide assessments:</p> <p>C. Proficiency rate for children with IEPs against grade level standards and alternate achievement standards.</p> <p>[Results Indicator]</p>	<p>NYSED did not report FFY 2005 data.</p>	<p>OSEP's March 20, 2006, FFY 2004 SPP response letter required the NYSED to include in the February 1, 2007 APR - baseline data from FFY 2004 and progress data from FFY 2005. The NYSED did not submit progress data from FFY 2005. However, it did submit baseline data from FFY 2004 indicating that based on the State's Performance Index, students with disabilities achieved 102 on the ELA in grade 4; 141 on the Math in grade 4; 85 on the ELA in grade 8; 82 on the Math in grade 8; 104 on the English assessment in high school and 108 on the Math assessment in high school.</p> <p>The NYSED must provide the FFY 2005 data and the data required by the FFY 2006 APR in the FFY 2006 APR, due February 1, 2008.</p> <p>OSEP looks forward to data demonstrating improvement in performance in the FFY 2006 APR, due February 1, 2008.</p>
<p>4. Rates of suspension and expulsion:</p> <p>A. Percent of districts identified by the State as having a significant discrepancy in the rates of suspensions and expulsions of children with disabilities for greater than 10 days in a school year; and</p> <p>[Results Indicator]</p>	<p>The NYSED's FFY 2005 reported data for this indicator are 2.5%. This represents progress from the State's FFY 2004 reported data of 2.9%. However, the NYSED did not meet its FFY 2005 target of 2%.</p>	<p>The NYSED revised the improvement activities for this indicator in its SPP and OSEP accepts those revisions.</p> <p>OSEP's March 20, 2006, FFY 2004 SPP response letter required the NYSED to include in the February 1, 2007 APR data demonstrating compliance with 34 CFR §300.146 (now 34 CFR §300.170) for 18 districts the NYSED identified in FFY 2004 as having significant discrepancies in their rates of suspensions and expulsions of students with disabilities as compared to the rates of other districts. The NYSED reported that it required these districts to review their policies, practices and procedures regarding the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards, in the context of discipline for students with disabilities and that each district reported some noncompliance and has been required to demonstrate</p>

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		<p>compliance within a year of identification.</p> <p>For FFY 2005, the State indicated that it had identified 17 districts with significant discrepancies in their rates of suspension and expulsion of students with disabilities; it did not however, report on the results of the review, and if appropriate revision, of policies, procedures, and practices in the three areas for districts identified with significant discrepancies in FFY 2005. In its FFY 2006 APR, the State must describe the review, and if appropriate revision, of policies, procedures, and practices relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards to ensure compliance with the IDEA for: (1) the LEAs identified as having significant discrepancies in the FFY 2005 APR; and (2) the LEAs identified as having significant discrepancies in the FFY 2006 APR. (The review for LEAs identified in the FFY 2006 APR may occur either during or after the FFY 2006 reporting period, so long as the State describes that review in the FFY 2006 APR.)</p>
<p>4. Rates of suspension and expulsion:</p> <p>B. Percent of districts identified by the State as having a significant discrepancy in the rates of suspensions and expulsions of greater than 10 days in a school year of children with disabilities by race and ethnicity.</p> <p>[Results Indicator; New]</p>		<p>Based upon our preliminary review of all State submissions for Indicator 4B, it appears that the instructions for this indicator were not sufficiently clear and, as a result, confusion remains regarding the establishment of measurements and targets that are race-based and for which there is no finding that the significant discrepancy is based on inappropriate policies, procedures, or practices relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards. As a result, use of these targets could raise Constitutional concerns. Therefore, OSEP has decided not to review this year's submissions for Indicator 4B for purposes of approval and will revise instructions for this indicator to clarify how this indicator will be used in the future. Based upon this, OSEP did not consider the submissions for Indicator 4B in making determinations under section 616(d). It is also important that States immediately cease using Indicator 4B measurements and targets, unless they are based on a finding of inappropriate policies, procedures, or practices relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.</p>

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<p>5. Percent of children with IEPs aged 6 through 21:</p> <p>A. Removed from regular class less than 21% of the day;</p> <p>B. Removed from regular class greater than 60% of the day; or</p> <p>C. Served in public or private separate schools, residential placements, or homebound or hospital placements.</p> <p>[Results Indicator]</p>	<p>5A. The NYSED's FFY 2005 reported data for this indicator are 54.5%. The NYSED met its FFY 2005 target of greater than 54%.</p> <p>5B. The NYSED's FFY 2005 reported data for this indicator are 25.5%. The NYSED met its FFY 2005 target of less than 27.3%.</p> <p>5C. The NYSED's FFY 2005 reported data for this indicator are 6.9%. The NYSED met its FFY 2005 target of less than 7%.</p>	<p>The State met its targets and OSEP appreciates the State's efforts to improve performance.</p>
<p>6. Percent of preschool children with IEPs who received special education and related services in settings with typically developing peers (i.e., early childhood settings, home, and part-time early childhood/part-time early childhood special education settings).</p> <p>[Results Indicator]</p>	<p>The NYSED's FFY 2005 reported data for this indicator are 63%. This represents slippage from the State's FFY 2004 reported data of 63.5%. The NYSED did not meet its FFY 2005 target of 64%.</p>	<p>The NYSED revised the activities for this indicator in its SPP and OSEP accepts those revisions.</p> <p>The State reported slippage in its FFY 2005 APR. Please note that, due to changes in the 618 State-reported data collection, this indicator will change for the FFY 2006 APR, due February 1, 2008. States will be required to describe how they will collect valid and reliable data to provide baseline and targets in the FFY 2007 APR, due February 1, 2009.</p>
<p>7. Percent of preschool children with IEPs who demonstrate improved:</p> <p>A. Positive social-emotional skills (including social relationships);</p> <p>B. Acquisition and use of knowledge and skills (including early language/communication and early literacy); and</p> <p>C. Use of appropriate behaviors to meet their</p>	<p>Entry data provided.</p>	<p>The NYSED reported the required entry data and activities. The NYSED must provide progress data and improvement activities with the FFY 2006 APR, due February 1, 2008.</p> <p>In OSEP's March 20, 2006 response to the FFY 2004 SPP, OSEP asked the State to clarify whether it was collecting the data for this indicator through sampling or census, and to provide a sampling plan if sampling was to be used. The State clarified that it was collecting this data through a census collection.</p>

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needs. [Results Indicator; New]		
8. Percent of parents with a child receiving special education services who report that schools facilitated parent involvement as a means of improving services and results for children with disabilities. [Results Indicator; New]	The NYSED provided FFY 2005 baseline data of 86.9%.	The NYSED provided baseline data, targets and improvement activities and OSEP accepts the SPP for this indicator.
Monitoring Priority: Disproportionality		
9. Percent of districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification. [Compliance Indicator; New]	Using data from FFY 2004, the NYSED reported 0.9%.	<p>The NYSED provided baseline data, targets and improvement activities and OSEP accepts the SPP for this indicator.</p> <p>The State reported based on FFY 2004 data, instead of FFY 2005 data. The State must provide, in its FFY 2006 APR, baseline data from FFY 2005 on the percent of districts identified with disproportionate representation of racial and ethnic groups in special education and related services that was the result of inappropriate identification, and progress data on the percent of districts identified, using data from FFY 2006, with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification, even if the determination of whether the disproportionate representation was the result of inappropriate identification occurs in the fall of 2007.</p> <p>The State's definition of disproportionate representation indicated that it was only evaluating data to identify overidentification of racial and ethnic groups in special education and related services. Indicator 9, pursuant to 34 CFR §300.600(d)(3), requires States to identify disproportionate representation, both overrepresentation and underrepresentation, of races and ethnicities in special education and related services. Therefore, we conclude that the State is not complying with 34 CFR §300.600(d)(3). To correct this noncompliance, the State must provide, in its FFY 2006 APR, information demonstrating that it has examined data for FFY 2005 and FFY 2006 for both overrepresentation and underrepresentation of races and ethnicities in special education and related services.</p> <p>The State reported the percent of districts with significant disproportionality</p>

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		<p>of racial and ethnic groups in special education and related services that is the result of inappropriate identification. Indicator 9 requires that States report on the percent of districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification. It is not clear from the State's submission whether the State is defining disproportionate representation to be the same as it defines significant disproportionality. The State must clarify, in its FFY 2006 APR, whether it is defining disproportionate representation to be the same as significant disproportionality. (The State may choose, but is not required, to define disproportionate representation to be the same as significant disproportionality.)</p> <p>The State indicated that it based the determination of whether disproportionality was the result of inappropriate identification on a self-review by identified districts of their policies, practices and procedures. It further indicated that if the State determines that the district's policies, practices and procedures are compliant with IDEA it does not require another review of those policies, practices and procedures for the remainder of the SPP. Thus, the State's process, as described, does not provide for annual determinations of whether disproportionate representation is the result of inappropriate identification, as required by section 616(a)(3)(C) and (b)(2)(C) of the IDEA. (It also does not satisfy the requirements regarding significant disproportionality in 34 CFR §300.646, which requires a review of policies, practices and procedures when significant disproportionality is identified.) Because the State provided information in its FFY 2005 APR that indicates noncompliance with section 616(a)(3)(C) and (b)(2)(C) of the IDEA and 34 CFR §300.646, the State must demonstrate in its FFY 2006 APR that this noncompliance has been corrected. To correct this noncompliance the State must demonstrate, in its FFY 2006 APR, that it makes an annual determination of whether disproportionate representation based on race and ethnicity is the result of inappropriate identification and that it is providing for the review and if appropriate revision, of policies, practices and procedures in each case in which it identified significant disproportionality based on race or ethnicity.</p> <p>The NYSED identified 10 school districts with significant disproportionate representation of minorities in special education. Six of those 10 were found to have disproportionate representation that was the result of inappropriate policies, practices and procedures. The NYSED indicated that it has already</p>

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		<p>initiated corrective actions in the identified districts. OSEP looks forward to reviewing data and information in the FFY 2006 APR, due February 1, 2008, that demonstrates that the State has in effect policies and procedures that prevent the inappropriate overidentification or disproportionate representation by race or ethnicity of children as children with disabilities, as required by 34 CFR §300.173. Additionally, the State must include data and information that demonstrates that the LEAs identified in the FFY 2005 APR as having disproportionate representation that was the result of inappropriate identification are in compliance with the child find, evaluation, and eligibility requirements in 34 CFR §§300.111, 300.201 and 300.301 through 300.311.</p>
<p>10. Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.</p> <p>[Compliance Indicator; New]</p>	<p>Using data from FFY 2004, the NYSED reported 0.9%.</p>	<p>The NYSED provided baseline data, targets and improvement activities and OSEP accepts the SPP for this indicator.</p> <p>The State reported based on FFY 2004 data, instead of FFY 2005 data. The State must provide, in its FFY 2006 APR, baseline data from FFY 2005 on the percent of districts identified with disproportionate representation of racial and ethnic groups in specific disability categories that was the result of inappropriate identification, and progress data on the percent of districts identified, using data from FFY 2006, with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification, even if the determination of whether the disproportionate representation was the result of inappropriate identification occurs in the fall of 2007.</p> <p>The State's definition of disproportionate representation indicated that it was only evaluating data to identify overidentification of racial and ethnic groups in specific disability categories. Indicator 10, pursuant to 34 CFR §300.600(d)(3), requires States to identify disproportionate representation, both overrepresentation and underrepresentation, of races and ethnicities in specific disability categories. Therefore, we conclude that the State is not complying with 34 CFR §300.600(d)(3). To correct this noncompliance, the State must provide, in its FFY 2006 APR, information demonstrating that it has examined data for FFY 2005 and FFY 2006 for both overrepresentation and underrepresentation of races and ethnicities in specific disability categories.</p> <p>The State reported the percent of districts with significant disproportionality</p>

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		<p>of racial and ethnic groups in specific disability categories that is the result of inappropriate identification. Indicator 10 requires that States report on the percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification. It is not clear from the State's submission whether the State is defining disproportionate representation to be the same as it defines significant disproportionality. The State must clarify, in its FFY 2006 APR, whether it is defining disproportionate representation to be the same as significant disproportionality. (The State may choose, but is not required, to define disproportionate representation to be the same as significant disproportionality.)</p> <p>The State indicated that it based the determination of whether disproportionality was the result of inappropriate identification on a self-review by identified districts of their policies, practices and procedures. It further indicated that if the State determines that the district's policies, practices and procedures are compliant with IDEA it does not require another review of those policies, practices and procedures for the remainder of the SPP. Thus, the State's process, as described, does not provide for annual determinations of whether disproportionate representation is the result of inappropriate identification, as required by section 616(a)(3)(C) and (b)(2)(C) of the IDEA. (It also does not satisfy the requirements regarding significant disproportionality in 34 CFR §300.646, which requires a review of policies, practices and procedures when significant disproportionality is identified.) Because the State provided information in its FFY 2005 APR that indicates noncompliance with section 616 (a)(3)(C) and (b)(2)(C) of the IDEA and 34 CFR §300.646, the State must demonstrate in its FFY 2006 APR that this noncompliance has been corrected. To correct this noncompliance the State must demonstrate, in its FFY 2006 APR, that it makes an annual determination of whether disproportionate representation based on race and ethnicity is the result of inappropriate identification and that it is providing for the review and if appropriate revision, of policies, practices and procedures in each case in which it identified significant disproportionality based on race or ethnicity.</p> <p>The NYSED identified 13 school districts with significant disproportionate representation in specific disability categories as the result of inappropriate policies, practices and procedures. Six of those 13 were found to have disproportionate representation that was the result of inappropriate policies,</p>

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		<p>practices and procedures. The NYSED indicated that it has already initiated corrective actions in the identified districts. OSEP looks forward to reviewing data and information in the FFY 2006 APR, due February 1, 2008, that demonstrates that the State has in effect policies and procedures that prevent the inappropriate overidentification or disproportionate representation by race or ethnicity of children as children with disabilities, as required by 34 CFR §300.173. Additionally, the State must include data and information that demonstrates that the LEAs identified in the FFY 2005 APR as having disproportionate representation that was the result of inappropriate identification are in compliance with the child find, evaluation, and eligibility requirements in 34 CFR §§300.111, 300.201 and 300.301 through 300.311.</p>
<p>Monitoring Priority: Effective General Supervision</p>		
<p>11. Percent of children with parental consent to evaluate, who were evaluated within 60 days (or State-established timeline). [Compliance Indicator; New]</p>	<p>The NYSED provided FFY 2005 baseline data of 67.6%.</p>	<p>The NYSED provided baseline data, targets and improvement activities and OSEP accepts the SPP for this indicator. The NYSED indicated it would update its baseline data in the 2006-2007 APR to reflect the change in measurement to that of days from parental consent to completion of evaluation. The State reported monitoring data based on a State-established timeframe within which an evaluation must be conducted.</p> <p>OSEP looks forward to reviewing data in the FFY 2006 APR, due February 1, 2008, that demonstrate compliance with the requirements of 34 CFR §300.301(c)(1), including correction of the noncompliance identified in FFY 2005.</p>
<p>12. Percent of children referred by Part C prior to age 3, who are found eligible for Part B, and who have an IEP developed and implemented by their third birthdays. [Compliance Indicator]</p>	<p>The NYSED's FFY 2005 reported data for this indicator are 26.9% (The State did not report data for this indicator in FFY 2004.) The NYSED did not meet its FFY 2005 target of 100%.</p>	<p>The NYSED revised its target and improvement activities for this indicator in its SPP to incorporate State requirements. OSEP accepts those revisions, however, the NYSED must review and revise the language in the SPP to comply with the language of the requirements at 34 CFR §§300.101(b), 300.124(b) and 300.323(b). Additionally, the NYSED must ensure that the NYSED's policies and procedures reflect the requirements at 34 CFR §§300.101(b), 300.124(b) and 300.323(b).</p> <p>Although the State's reported data, using the required measurement, are low, the State identified a large number of children who did not have IEPs in place by their third birthday for reasons that it described as 'in compliance' with State requirements. For example, the State identified 1172 children</p>

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		<p>(out of the total of 3, 096 referred from Part C to Part B) whose “parents chose to continue their children in EI and transition to preschool after the child became three years of age.” The State reported that by including in the calculation the children for whom delays were ‘in compliance’ with State requirements, its baseline would be 86.5%.</p> <p>The NYSED must review its improvement activities and revise them, if appropriate, to ensure they will enable the NYSED to include data in the FFY 2006 APR, due February 1, 2008, that demonstrate compliance with the requirements in 34 CFR §300.124(b), including correction of the noncompliance identified in FFY 2005.</p>
<p>13. Percent of youth aged 16 and above with an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals.</p> <p>[Compliance Indicator; New]</p>	<p>The NYSED provided FFY 2005 baseline data of 33.3%.</p>	<p>The NYSED provided baseline data, targets and improvement activities and OSEP accepts the SPP for this indicator.</p> <p>The baseline data presented by the NYSED indicated that 33.3% of youth, ages 15 and above had IEPs that included the requirements. However, NYSED stated that in most cases, when it reviewed school districts’ compliance status, it appeared that districts often are providing appropriate transition programs and services but not accurately documenting this information on the students’ IEPs.</p> <p>OSEP looks forward to reviewing data in the FFY 2006 APR, due February 1, 2008, that demonstrate compliance with the requirements of 34 CFR §300.320(b), including correction of the noncompliance identified in FFY 2005.</p>
<p>14. Percent of youth who had IEPs, are no longer in secondary school and who have been competitively employed, enrolled in some type of post-secondary school, or both, within one year of leaving high school.</p> <p>[Results Indicator; New]</p>	<p>The NYSED submitted a plan that describes how data will be collected.</p>	<p>The NYSED provided the required plan. The NYSED must provide baseline data, targets, and improvement activities with the FFY 2006 APR, due February 1, 2008.</p>
<p>15. General supervision system (including monitoring, complaints, hearings, etc.) identifies and corrects noncompliance as soon as possible but in no case later than one year from identification.</p>	<p>The NYSED’s FFY 2005 reported data for this indicator are 83.7%. This represents progress from the State’s FFY 2004 reported data of 81.2%.</p>	<p>The NYSED revised the improvement activities for this indicator in its SPP and OSEP accepts those revisions.</p> <p>In its FFY 2004 SPP the NYSED reported a 76.59% level of compliance with the requirements at 34 CFR §300.660. In OSEP’s March 20, 2006, FFY 2004 SPP response letter the NYSED was required to include data in</p>

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[Compliance Indicator]	However, the NYSED did not meet its FFY 2005 target of 100%.	<p>the February 1, 2007 APR demonstrating correction and compliance with the requirements at 34 CFR §300.660.</p> <p>The State discussed follow-up steps for districts that were not in compliance within one year of identification, but did not provide data indicating that noncompliance was subsequently corrected.</p> <p>The State must review its improvement activities and revise them, if appropriate, to ensure they will enable the State to include data in the FFY 2006 APR, due February 1, 2008, that demonstrate compliance with the requirements of 20 U.S.C. 1232d(b)(3)(E), and 34 CFR §§300.149 and 300.600, including correction of the outstanding noncompliance identified in FFY 2004. In its response to Indicator 15 in the FFY 2006 APR, due February 1, 2008, the State must disaggregate by APR indicator the status of timely correction of the noncompliance findings identified by the State during FFY 2005. In addition, the State must, in responding to Indicators 9, 10, 11, 12, and 13 specifically identify and address the noncompliance identified in this table under those indicators.</p>
<p>16. Percent of signed written complaints with reports issued that were resolved within 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint.</p> <p>[Compliance Indicator]</p>	<p>The NYSED's FFY 2005 reported data for this indicator are 95.34%. This represents progress from the State's FFY 2004 reported data of 94.8% However, the NYSED did not meet its FFY 2005 target of 100%.</p>	<p>The NYSED revised the activities for this indicator in its SPP and OSEP accepts those revisions.</p> <p>The State must review its improvement activities and revise them, if appropriate, to ensure that they will enable the State to include data in the FFY 2006 APR, due February 1, 2008, that demonstrate compliance with the requirements of 34 CFR §300.152.</p>
<p>17. Percent of fully adjudicated due process hearing requests that were fully adjudicated within the 45-day timeline or a timeline that is properly extended by the hearing officer at the request of either party.</p> <p>[Compliance Indicator]</p>	<p>The NYSED's FFY 2005 reported data for this indicator are 83.39%. This represents slippage from the State's FFY 2004 reported data of 83.5%. The NYSED did not meet its FFY 2005 target of 100%.</p>	<p>In its FFY 2004 SPP the NYSED reported an 83.5% level of compliance with the requirements at 34 CFR §300.511 (now 34 CFR §300.515). In OSEP's March 20, 2006, FFY 2004 SPP response letter, the NYSED was required to include data in the February 1, 2007 APR demonstrating correction and compliance with the requirements at 34 CFR §300.511. The State reported on its efforts to improve the efficiency of the hearing system, including increased monitoring of the timelines for hearings.</p> <p>The NYSED must review its improvement activities and revise them, if appropriate, to ensure they will enable the NYSED to include data in the FFY 2006 APR, due February 1, 2008, that demonstrate compliance with</p>

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		the requirements of 34 CFR §300.515.
<p>18. Percent of hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements.</p> <p>[Results Indicator; New]</p>	<p>The NYSED submitted FFY 2005 baseline data of 17.73%, using data from the last quarter of FFY 2005.</p> <p>The State's data are not valid because the State did not provide data for the entire FFY 2005 year.</p>	<p>The NYSED provided baseline data, targets and improvement activities and OSEP accepts the SPP for this indicator.</p> <p>The State reported data for the last quarter of FFY 2005 and noted that last quarter data generally is not representative of the number of hearings requests in a year. The State must provide complete year data in the FFY 2006 APR, due February 1, 2008.</p>
<p>19. Percent of mediations held that resulted in mediation agreements.</p> <p>[Results Indicator]</p>	<p>The NYSED's FFY 2005 reported data for this indicator are 94.98%. This represents slippage from FFY 2004 data of 95.5%. The NYSED did not meet its FFY 2005 target of 95%.</p>	<p>The NYSED revised its targets and improvement activities for this indicator in its SPP and OSEP accepts those revisions.</p> <p>OSEP appreciates the NYSED's efforts to improve performance and looks forward to data in the FFY 2006 APR, due February 1, 2008, that demonstrate improved performance.</p>
<p>20. State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate.</p> <p>[Compliance Indicator]</p>	<p>The NYSED's FFY 2005 reported data for this indicator are 100%. However, the information in the FFY 2005 APR demonstrates that the NYSED did not meet its FFY 2005 target of 100%.</p>	<p>The NYSED revised the improvement activities for this indicator in its SPP and OSEP accepts those revisions.</p> <p>The NYSED did not submit FFY 2005 data for Indicators 1, 2, and 3, and reported data for Indicator 18 based only on one quarter of FFY 2005. Although the State's APR was timely, the State must consider whether the data were for the correct year and the accuracy of its APR data when reporting data for this indicator.</p> <p>The NYSED must review its improvement activities and revise them, if appropriate, to ensure they will enable the NYSED to include data in the FFY 2006 APR, due February 1, 2008, that demonstrate compliance with the requirements in IDEA section 618 and 34 CFR §§76.720 and 300.601(b).</p>