

**New York Part B FFY 2008 SPP/APR Response Table**

<b>Monitoring Priorities and Indicators</b>	<b>Status of APR Data/SPP Revision Issues</b>	<b>OSEP Analysis/Next Steps</b>
<p>1. Percent of youth with IEPs graduating from high school with a regular diploma. [Results Indicator]</p>	<p>The State revised the indicator and measurement language (consistent with revisions in the Indicator Measurement Table) and improvement activities for this indicator and OSEP accepts those revisions.</p> <p>The State's FFY 2008 reported data for this indicator are 43.6%. These data are recalculated from the FFY 2007 reported data and represent progress from the FFY 2006 recalculated data of 41.2%. The State met its FFY 2008 target of 44%.</p> <p>The State provided a narrative that describes the conditions youth must meet to graduate with a regular diploma.</p> <p>The State reported the required graduation rate calculation and timeline established by the Department under the Elementary and Secondary Education Act (ESEA). This means that the State submitted the most recent graduation data that the State reported to the Department as part of its Consolidated State Performance Report (CSPR). In its APR submitted February 1, 2010, the State reported FFY 2007 data for this indicator.</p>	<p>OSEP appreciates the State's efforts to improve performance.</p>
<p>2. Percent of youth with IEPs dropping out of high school. [Results Indicator]</p>	<p>The State revised the indicator and measurement language (consistent with revisions in the Indicator Measurement Table) and improvement activities for this indicator and OSEP accepts those revisions.</p> <p>The State's FFY 2008 reported data for this indicator are 16%. These data are recalculated from the FFY 2007 reported data and represent progress from the FFY 2006 recalculated data of 16.9%. The State met its FFY 2008 target of 19%.</p> <p>The State provided a narrative that describes what counts as dropping out for all youth and, if different, what counts as dropping out for youth with IEPs.</p> <p>The State reported the required dropout rate calculation and timeline established by the Department under the ESEA. This means that the State submitted the most recent dropout data that the State reported to the Department as part of its CSPR. In its APR submitted February 1, 2010, the State reported FFY 2007 data for this indicator.</p>	<p>OSEP appreciates the State's efforts to improve performance.</p>
<p>3. Participation and performance</p>	<p>The State's FFY 2008 reported data for this indicator are 82.7%. These data</p>	<p>OSEP appreciates the State's efforts to</p>

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<b>Monitoring Priorities and Indicators</b>	<b>Status of APR Data/SPP Revision Issues</b>	<b>OSEP Analysis/Next Steps</b>																												
<p>of children with IEPs on statewide assessments:</p> <p>A. Percent of the districts with a disability subgroup that meets the State’s minimum “n” size that meet the State’s AYP targets for the disability subgroup.</p> <p>[Results Indicator]</p>	<p>represent progress from the FFY 2007 data of 71.3%. The State met its FFY 2008 target of 59%.</p>	<p>improve performance.</p>																												
<p>3. Participation and performance of children with IEPs on statewide assessments:</p> <p>B. Participation rate for children with IEPs.</p> <p>[Results Indicator]</p>	<p>The State revised the indicator and measurement language (consistent with revisions in the Indicator Measurement Table) for this indicator and OSEP accepts those revisions.</p> <p>The State’s FFY 2008 reported data for this indicator are:</p> <table border="1" data-bbox="550 764 1419 1011"> <thead> <tr> <th>Grade</th> <th>FFY 2007 Data</th> <th>FFY 2008 Data</th> <th>FFY 2008 Target</th> <th>FFY 2007 Data</th> <th>FFY 2008 Data</th> <th>FFY 2008 Target</th> </tr> </thead> <tbody> <tr> <td></td> <td colspan="3">Reading</td> <td colspan="3">Math</td> </tr> <tr> <td>3-8</td> <td>96.9%</td> <td>98%</td> <td>95%</td> <td>96.9%</td> <td>98%</td> <td>95%</td> </tr> <tr> <td>HS</td> <td>94.4%</td> <td>95%</td> <td>95%</td> <td>95%</td> <td>96%</td> <td>95%</td> </tr> </tbody> </table> <p>These data represent progress from the FFY 2007 data. The State met its FFY 2008 targets.</p> <p>The State provided a web link to 2008 publicly-reported assessment results.  <a href="http://www.emsc.nysed.gov/irts/reportcard">http://www.emsc.nysed.gov/irts/reportcard</a></p>	Grade	FFY 2007 Data	FFY 2008 Data	FFY 2008 Target	FFY 2007 Data	FFY 2008 Data	FFY 2008 Target		Reading			Math			3-8	96.9%	98%	95%	96.9%	98%	95%	HS	94.4%	95%	95%	95%	96%	95%	<p>OSEP appreciates the State’s efforts to improve performance.</p>
Grade	FFY 2007 Data	FFY 2008 Data	FFY 2008 Target	FFY 2007 Data	FFY 2008 Data	FFY 2008 Target																								
	Reading			Math																										
3-8	96.9%	98%	95%	96.9%	98%	95%																								
HS	94.4%	95%	95%	95%	96%	95%																								
<p>3. Participation and performance of children with disabilities on statewide assessments:</p> <p>C. Proficiency rate for children with IEPs against grade level, modified and alternate academic achievement standards.</p>	<p>The State revised the indicator and measurement language (consistent with revisions in the Indicator Measurement Table) for this indicator and OSEP accepts those revisions.</p> <p>The State’s FFY 2008 reported data for this indicator are:</p> <table border="1" data-bbox="550 1393 1467 1446"> <thead> <tr> <th>Grade Level &amp;</th> <th>Performance</th> <th>Performance</th> <th>Performance</th> </tr> </thead> <tbody> <tr> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table>	Grade Level &	Performance	Performance	Performance					<p>OSEP appreciates the State’s efforts to improve performance and looks forward to the State’s data demonstrating improvement in performance in the FFY 2009 APR, due February 1, 2011.</p>																				
Grade Level &	Performance	Performance	Performance																											

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Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues				OSEP Analysis/Next Steps
[Results Indicator]	Subject	Index FFY 2007	Index FFY 2008	Index FFY 2008 Target	
	3-8 ELA	115	133	106	
	3-8 Math	133	149	115	
	High School ELA	118	123	129	
	High School Math	125	128	139	
	<p>These data represent progress from the FFY 2007 data. The State met part of its FFY 2008 targets.</p> <p>The State provided a web link to 2008 publicly-reported assessment results.  <a href="http://www.emsc.nysed.gov/irts/reportcard">http://www.emsc.nysed.gov/irts/reportcard</a></p>				
<p>4. Rates of suspension and expulsion:</p> <p>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</p> <p>[Results Indicator]</p>	<p>The State’s FFY 2007 reported data for this indicator are 9.4%. Because the State’s actual target data for this indicator are from the same year as the data reported for this indicator in the State’s FFY 2007 APR, OSEP cannot comment on whether there is progress or slippage. The State did not meet its FFY 2007 target of 2.7%.</p> <p>The State reported its definition of “significant discrepancy.”</p> <p>The State reported that it reviewed the LEA’s policies, procedures, and practices relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards to ensure compliance with the IDEA, as required by 34 CFR §300.170(b) for the LEAs identified with significant discrepancies for FFY 2007.</p> <p>The State reported that it revised (or required the affected LEAs to revise), the LEA’s policies, procedures, and practices relating to the development and</p>				<p>OSEP looks forward to the State’s data demonstrating improvement in performance in the FFY 2009 APR.</p> <p>The State reported that noncompliance identified in FFY 2007 and FFY 2006 as a result of the review it conducted pursuant to 34 CFR §300.170(b) was partially corrected. When reporting on the correction of noncompliance, the State must demonstrate, in the FFY 2009 APR, that it has verified that each LEA with remaining noncompliance identified in FFY 2007 and FFY 2006 is correctly implementing the specific regulatory</p>

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<b>Monitoring Priorities and Indicators</b>	<b>Status of APR Data/SPP Revision Issues</b>	<b>OSEP Analysis/Next Steps</b>
	<p>implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards to ensure compliance with the IDEA for the LEAs identified with significant discrepancies for FFY 2007.</p> <p>The State reported that noncompliance identified in FFY 2007 and FFY 2006 through the review of policies, procedures, and practices, pursuant to 34 CFR §300.170(b), was partially corrected. For the remaining districts that have not corrected noncompliance, the State reported on the actions it took to address the uncorrected noncompliance.</p> <p>The State reported that the written findings based on FFY 2005 data were not issued until FFY 2006, therefore the correction of FFY 2005 noncompliance is reported in the FFY 2006 correction data.</p>	<p>requirement(s).</p> <p>The State's failure to correct longstanding noncompliance raises serious questions about the effectiveness of the State's general supervision system. The State must take the steps necessary to ensure that it can report, in the FFY 2009 APR, that it has corrected this noncompliance.</p>
<p>4. Rates of suspension and expulsion:</p> <p>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.</p> <p>[Compliance Indicator; New for FFY 2009]</p>	<p>The State is not required to report on this indicator in the FFY 2008 APR.</p>	<p>Indicator 4B is new for FFY 2009. Baseline data from 2008-2009, targets (0%), and improvement activities must be submitted with the FFY 2009 APR.</p>
<p>5. Percent of children with IEPs aged 6 through 21 served:</p> <p>A. Inside the regular class 80% or</p>	<p>The State revised the indicator and measurement language (consistent with revisions in the Indicator Measurement Table) for this indicator and OSEP accepts those revisions.</p>	<p>OSEP appreciates the State's efforts to improve performance.</p>

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<b>Monitoring Priorities and Indicators</b>	<b>Status of APR Data/SPP Revision Issues</b>	<b>OSEP Analysis/Next Steps</b>																				
<p>more of the day;                      B. Inside the regular class less than 40% of the day; or                      C. In separate schools, residential facilities, or homebound/hospital placements.                      [Results Indicator]</p>	<p>The State's reported data for this indicator are:</p> <table border="1" data-bbox="548 316 1467 784"> <thead> <tr> <th></th> <th>FFY 2007 Data</th> <th>FFY 2008 Data</th> <th>FFY 2008 Target</th> <th>Progress</th> </tr> </thead> <tbody> <tr> <td>A. % Inside the regular class 80% or more of the day</td> <td>54.2</td> <td>55.4</td> <td>53.2</td> <td>1.2%</td> </tr> <tr> <td>B. % Inside the regular class less than 40% of the day</td> <td>24.1</td> <td>23.6</td> <td>24.5</td> <td>0.50%</td> </tr> <tr> <td>C. % In separate schools, residential facilities, or homebound/hospital placements</td> <td>6.5</td> <td>6.0</td> <td>6.7</td> <td>0.50%</td> </tr> </tbody> </table> <p>These data represent progress from the FFY 2007 data. The State met its FFY 2008 targets.</p>		FFY 2007 Data	FFY 2008 Data	FFY 2008 Target	Progress	A. % Inside the regular class 80% or more of the day	54.2	55.4	53.2	1.2%	B. % Inside the regular class less than 40% of the day	24.1	23.6	24.5	0.50%	C. % In separate schools, residential facilities, or homebound/hospital placements	6.5	6.0	6.7	0.50%	
	FFY 2007 Data	FFY 2008 Data	FFY 2008 Target	Progress																		
A. % Inside the regular class 80% or more of the day	54.2	55.4	53.2	1.2%																		
B. % Inside the regular class less than 40% of the day	24.1	23.6	24.5	0.50%																		
C. % In separate schools, residential facilities, or homebound/hospital placements	6.5	6.0	6.7	0.50%																		
<p>6. Percent of children aged 3 through 5 with IEPs 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.                      [Results Indicator; New]</p>	<p>The State is not required to report on this indicator in the FFY 2008 APR.</p>	<p>The instruction package for the FFY 2009 APR/SPP will provide guidance regarding the information that States must report for this indicator in their FFY 2009 APR.</p>																				

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<b>Monitoring Priorities and Indicators</b>	<b>Status of APR Data/SPP Revision Issues</b>	<b>OSEP Analysis/Next Steps</b>												
<p>7. Percent of preschool children aged 3 through 5 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 needs.</p> <p>[Results Indicator]</p>	<p>The State revised the measurement language (consistent with revisions in the Indicator Measurement Table) and activities for this indicator and OSEP accepts those revisions.</p> <p>The State provided FFY 2008 baseline data, targets, and improvement activities for this indicator.</p> <p>The State’s FFY 2008 reported baseline data for this indicator are:</p> <table border="1" data-bbox="548 529 1465 1060"> <thead> <tr> <th data-bbox="548 529 913 618">08-09 Preschool Outcome Baseline Data</th> <th data-bbox="913 529 1209 618"><u>Summary Statement 1</u><sup>1</sup></th> <th data-bbox="1209 529 1465 618"><u>Summary Statement 2</u><sup>2</sup></th> </tr> </thead> <tbody> <tr> <td data-bbox="548 618 913 753"><b>Outcome A:</b> Positive social-emotional skills (including social relationships) (%)</td> <td data-bbox="913 618 1209 753">83.8</td> <td data-bbox="1209 618 1465 753">55.5</td> </tr> <tr> <td data-bbox="548 753 913 922"><b>Outcome B:</b> Acquisition and use of knowledge and skills (including early language/communication) (%)</td> <td data-bbox="913 753 1209 922">85.3</td> <td data-bbox="1209 753 1465 922">55.4</td> </tr> <tr> <td data-bbox="548 922 913 1060"><b>Outcome C:</b> Use of appropriate behaviors to meet their needs (%)</td> <td data-bbox="913 922 1209 1060">82.8</td> <td data-bbox="1209 922 1465 1060">63.3</td> </tr> </tbody> </table>	08-09 Preschool Outcome Baseline Data	<u>Summary Statement 1</u> <sup>1</sup>	<u>Summary Statement 2</u> <sup>2</sup>	<b>Outcome A:</b> Positive social-emotional skills (including social relationships) (%)	83.8	55.5	<b>Outcome B:</b> Acquisition and use of knowledge and skills (including early language/communication) (%)	85.3	55.4	<b>Outcome C:</b> Use of appropriate behaviors to meet their needs (%)	82.8	63.3	<p>The State must report progress data and actual target data for FFY 2009 with the FFY 2009 APR.</p>
08-09 Preschool Outcome Baseline Data	<u>Summary Statement 1</u> <sup>1</sup>	<u>Summary Statement 2</u> <sup>2</sup>												
<b>Outcome A:</b> Positive social-emotional skills (including social relationships) (%)	83.8	55.5												
<b>Outcome B:</b> Acquisition and use of knowledge and skills (including early language/communication) (%)	85.3	55.4												
<b>Outcome C:</b> Use of appropriate behaviors to meet their needs (%)	82.8	63.3												
<p>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.</p>	<p>The State’s FFY 2008 reported data for this indicator are 91.8%. These data represent progress from the FFY 2007 data of 90.1%. The State met its FFY 2008 target of 88%.</p> <p>In its description of its FFY 2008 data, the State addressed whether the response group was representative of the population.</p>	<p>OSEP appreciates the State’s efforts to improve performance.</p>												

<sup>1</sup> Summary Statement 1: Of those preschool children who entered the preschool program below age expectations in each Outcome, the percent who substantially increased their rate of growth by the time they turned six years of age or exited the program.

<sup>2</sup> Summary Statement 2: The percentage of preschool children who were functioning within age expectations in each Outcome by the time they turned six years of age or exited the program.

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[Results Indicator]		
<p>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.</p> <p>[Compliance Indicator]</p>	<p>The State revised the improvement activities for this indicator and OSEP accepts those revisions.</p> <p>The State’s FFY 2008 reported data for this indicator are 1.2%. These data represent slippage from the FFY 2007 data of 1.0%. The State did not meet its FFY 2008 target of 0%.</p> <p>The State reported that 17 districts were identified with disproportionate representation of racial and ethnic groups in special education and related services. The State also reported that eight districts were identified with disproportionate representation of racial and ethnic groups in special education and related services that was the result of inappropriate identification.</p> <p>The State’s definition of significant disproportionality is the same as its definition of disproportionate representation.</p> <p>The State reported, consistent with 34 CFR §300.646(b), all school districts that were identified with significant disproportionality in FFY 2008 were required to reserve 15 percent of their IDEA funds for coordinated Comprehensive Early Intervening Services (CEIS).</p> <p>The State reported that districts identified with significant disproportionality in FFY 2007 were required to publicly report on the revisions of policies, practices, and procedures as required by 34 CFR §300.646(b).</p> <p>The State reported that none of the three findings of noncompliance identified in FFY 2007 were corrected in a timely manner, but that all subsequently were corrected by January 28, 2010.</p> <p>The State reported that seven of the 29 findings of noncompliance identified in FFY 2006 were corrected in a timely manner and that remaining findings subsequently were corrected by January 28, 2010.</p>	<p>OSEP appreciates the State’s efforts regarding this indicator and looks forward to reviewing data in the FFY 2009 APR demonstrating compliance.</p> <p>Because the State reported less than 100% compliance for FFY 2008 (greater than 0% actual target data for this indicator), the State must report on the status of correction of noncompliance reflected in the data the State reported for this indicator. The State must demonstrate, in the FFY 2009 APR, that the districts identified in FFY 2008 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, dated October 17, 2008 (OSEP Memo 09-02). In the FFY 2009 APR, the State must describe the specific actions that</p>

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		<p>were taken to verify the correction. If the State is unable to demonstrate compliance with those requirements in the FFY 2009 APR, the State must review its improvement activities and revise them, if necessary to ensure compliance.</p> <p>OSEP will be carefully reviewing each State's definition of disproportionate representation and will contact the State if there are questions or concerns.</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. [Compliance Indicator]</p>	<p>The State revised the improvement activities for this indicator and OSEP accepts those revisions.</p> <p>The State's FFY 2008 reported data for this indicator are 1.6%. These data represent slippage from the revised FFY 2007 data of 0.6%. The State did not meet its FFY 2008 target of 0%.</p> <p>The State reported that 18 districts were identified with disproportionate representation of racial and ethnic groups in specific disability categories. The State also reported that 11 districts were identified with disproportionate representation of racial and ethnic groups in specific disability categories that was the result of inappropriate identification.</p> <p>The State's definition of significant disproportionality is the same as its definition of disproportionate representation.</p> <p>The State reported, consistent with 34 CFR §300.646(b), all school districts that were identified with significant disproportionality in FFY 2008 were required to reserve 15 percent of their IDEA funds for coordinated CEIS.</p> <p>The State reported that districts identified with significant disproportionality in FFY 2007 were required to publicly report on the revisions of policies, practices, and procedures as required by 34 CFR §300.646(b).</p> <p>The State reported that the one finding of noncompliance identified in FFY 2007 was corrected in a timely manner.</p> <p>The State reported that 12 of the 24 findings of noncompliance identified in</p>	<p>OSEP appreciates the State's efforts regarding this indicator and looks forward to reviewing data in the FFY 2009 APR demonstrating compliance.</p> <p>Because the State reported less than 100% compliance for FFY 2008 (greater than 0% actual target data for this indicator), the State must report on the status of correction of noncompliance reflected in the data the State reported for this indicator. The State must demonstrate, in the FFY 2009 APR, that the districts identified in FFY 2008 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</p>

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	<p>FFY 2006 were corrected in a timely manner and that remaining findings subsequently were corrected by January 28, 2010.</p>	<p>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 2009 APR, the State must describe the specific actions that were taken to verify the correction. If the State is unable to demonstrate compliance with those requirements in the FFY 2009 APR, the State must review its improvement activities and revise them, if necessary to ensure compliance.</p> <p>OSEP will be carefully reviewing each State's definition of disproportionate representation and will contact the State if there are questions or concerns.</p>
<p>11. 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. [Compliance Indicator]</p>	<p>The State revised the measurement language (consistent with revisions in the Indicator Measurement Table) and improvement activities for this indicator and OSEP accepts those revisions.</p> <p>The State's FFY 2008 reported data for this indicator are 75%. These data represent progress from the FFY 2007 data of 67.4%. The State did not meet its FFY 2008 target of 100%.</p> <p>The State reported that it did not make findings of noncompliance based on FFY 2007 data until FFY 2008 and will report on correction of noncompliance in the FFY 2009 APR due in February 2011.</p> <p>The State reported that 147 of 367 findings of noncompliance identified in FFY 2007 related to this indicator based on FFY 2005 and FFY 2006 data were corrected in a timely manner and that 210 findings subsequently were corrected by January 28, 2010. The State reported on the actions it took to address the uncorrected noncompliance.</p> <p>The State was identified as being in need of assistance for two consecutive</p>	<p>The State must demonstrate, in the FFY 2009 APR, that the State is in compliance with the timely initial evaluation requirement in 34 CFR §300.301(c)(1). Because the State reported less than 100% compliance for FFY 2008, the State must report on the status of correction of noncompliance reflected in the data the State reported for this indicator.</p> <p>When reporting on the correction of noncompliance, the State must report, in its FFY 2009 APR, that it has verified that each LEA with noncompliance reflected in the FFY 2008 data the State reported for this indicator, each LEA with noncompliance reflected in the FFY 2007</p>

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	<p>years based on the State’s FFYs 2006 and 2007 APRs, was advised of available technical assistance, and was required to report, by October 1, 2009, on: (1) the technical assistance sources from which the State received assistance; and (2) the actions the State took as a result of that technical assistance. The State reported in its September 30, 2009 submission on the technical assistance sources from which the State received assistance for this indicator and reported on the actions the State took as a result of that technical assistance.</p>	<p>data the State reported for this indicator in the FFY 2007 APR, and each LEA with the remaining ten uncorrected noncompliance findings identified in FFY 2007 (based on FFY 2005 and FFY 2006 data): (1) is correctly implementing 34 CFR §300.301(c)(1) (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 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 OSEP Memo 09-02. In the FFY 2009 APR, the State must describe the specific actions that were taken to verify the correction.</p> <p>If the State does not report 100% compliance in the FFY 2009 APR, the State must review its improvement activities and revise them, if necessary.</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.</p> <p>[Compliance Indicator]</p>	<p>The State revised the measurement language (consistent with revisions in the Indicator Measurement Table) and improvement activities for this indicator and OSEP accepts those revisions.</p> <p>The State’s FFY 2008 reported data for this indicator are 75%. These data represent slippage from the FFY 2007 data of 78.2%. The State did not meet its FFY 2008 target of 100%.</p> <p>The State reported that it did not make findings of noncompliance based on FFY 2007 data until FFY 2008 and will report on the correction of noncompliance in the FFY 2009 APR due in February 2011.</p> <p>The State reported that six of 28 findings of noncompliance identified in FFY</p>	<p>The State must demonstrate, in the FFY 2009 APR, that the State is in compliance with the early childhood transition requirements in 34 CFR §300.124(b). Because the State reported less than 100% compliance for FFY 2008, the State must report on the status of correction of noncompliance reflected in the data the State reported for this indicator.</p> <p>When reporting on the correction of noncompliance, the State must report, in its</p>

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<b>Monitoring Priorities and Indicators</b>	<b>Status of APR Data/SPP Revision Issues</b>	<b>OSEP Analysis/Next Steps</b>
	<p>2007 related to this indicator based on FFY 2005 and FFY 2006 data were corrected in a timely manner and that 18 findings subsequently were corrected by January 28, 2010. The State reported on the actions it took to address the uncorrected noncompliance, including a Court Order Settlement Agreement for the timely placement of preschool children in New York City and actions under the Jose P. court case in New York City relating to timely placement of students.</p> <p>The State was identified as being in need of assistance for two consecutive years based on the State’s FFYs 2006 and 2007 APRs, was advised of available technical assistance, and was required to report, by October 1, 2009, on: (1) the technical assistance sources from which the State received assistance; and (2) the actions the State took as a result of that technical assistance. The State reported in its September 30, 2009 submission on the technical assistance sources from which the State received assistance for this indicator and reported on the actions the State took as a result of that technical assistance.</p>	<p>FFY 2009 APR, that it has verified that each LEA with noncompliance reflected in the FFY 2008 data the State reported for this indicator, each LEA with noncompliance reflected in the FFY 2007 data the State reported for this indicator in the FFY 2007 APR, and each LEA with the remaining four uncorrected noncompliance findings identified in FFY 2007 (based on FFY 2005 and FFY 2006 data): (1) is correctly implementing 34 CFR §300.124(b) (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 developed and implemented the IEP, although late, for any child for whom implementation of the IEP was not timely, unless the child is no longer within the jurisdiction of the LEA, consistent with OSEP Memo 09-02. In the FFY 2009 APR, the State must describe the specific actions that were taken to verify the correction.</p> <p>If the State does not report 100% compliance in the FFY 2009 APR, the State must review its improvement activities and revise them, if necessary.</p>
<p>13. 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</p>	<p>The State is not required to provide actual target data for FFY 2008 for this indicator.</p> <p>The State reported that 247 of 391 findings of noncompliance identified in FFY 2007 were corrected in a timely manner and that 123 findings subsequently were corrected by January 28, 2010. The State reported on the actions it took to address the uncorrected noncompliance.</p>	<p>In the FFY 2009 APR, the State must provide a revised baseline using data from 2009-2010. Targets must remain 100%.</p> <p>The State must demonstrate, in the FFY 2009 APR that the remaining 21 uncorrected noncompliance findings</p>

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<b>Monitoring Priorities and Indicators</b>	<b>Status of APR Data/SPP Revision Issues</b>	<b>OSEP Analysis/Next Steps</b>
<p>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.</p> <p>[Compliance Indicator]</p>	<p>The State was identified as being in need of assistance for two consecutive years based on the State’s FFYs 2006 and 2007 APRs, was advised of available technical assistance, and was required to report, by October 1, 2009, on: (1) the technical assistance sources from which the State received assistance; and (2) the actions the State took as a result of that technical assistance. The State reported in its September 30, 2009 submission on the technical assistance sources from which the State received assistance for this indicator and reported on the actions the State took as a result of that technical assistance.</p>	<p>identified in FFY 2007 were corrected. When reporting on the correction of noncompliance, the State must report in its FFY 2009 APR, that it has verified that each LEA with the remaining 21 findings of noncompliance identified in FFY 2007: (1) is correctly implementing 34 CFR §300.320(b) (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 2009 APR, the State must describe the specific actions that were taken to verify the correction.</p>
<p>14. Percent of youth who are no longer in secondary school, had IEPs in effect at the time they left school, and were:</p> <p>A. Enrolled in higher education within one year of leaving high school.</p> <p>B. Enrolled in higher education or competitively employed within one year of leaving high school.</p> <p>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.</p>	<p>The State is not required to provide actual target data, targets or improvement activities for FFY 2008 for this indicator.</p>	<p>In the FFY 2009 APR, the State must report a new baseline, targets, and, as needed, improvement activities.</p>

**New York Part B FFY 2008 SPP/APR Response Table**

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
[Results Indicator]		
<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>[Compliance Indicator]</p>	<p>The State revised the improvement activities for this indicator and OSEP accepts those revisions.</p> <p>The State's FFY 2008 reported data for this indicator are 72.5%. These data represent progress from the FFY 2007 data of 62.25%. The State did not meet its FFY 2008 target of 100%.</p> <p>The State reported that 1,932 of 2,665 findings of noncompliance identified in FFY 2007 were corrected in a timely manner and that 585 findings subsequently were corrected by January 28, 2010. For the remaining 148 findings of noncompliance that were not corrected, the State reported on actions it took to address the uncorrected noncompliance.</p> <p>The State reported that 128 of 174 findings of noncompliance identified in FFY 2006 were corrected and that four of 21 findings identified in FFY 2005 and FFY 2004 were corrected. For the uncorrected noncompliance, the State reported on the actions it took to address the uncorrected noncompliance.</p> <p>The State was identified as being in need of assistance for two consecutive years based on the State's FFYs 2006 and 2007 APRs, was advised of available technical assistance, and was required to report, by October 1, 2009, on: (1) the technical assistance sources from which the State received assistance; and (2) the actions the State took as a result of that technical assistance. The State reported in its September 30, 2009 submission on the technical assistance sources from which the State received assistance for this indicator and reported on the actions the State took as a result of that technical assistance.</p>	<p>The State must review its improvement activities and revise them, if appropriate, to ensure they will enable the State to provide data in the FFY 2009 APR demonstrating that the State timely corrected noncompliance identified by the State in FFY 2008 in accordance with 20 U.S.C. 1232d(b)(3)(E), 34 CFR §§300.149 and 300.600(e), and OSEP Memo 09-02.</p> <p>In reporting on correction of noncompliance in the FFY 2009 APR, the State must report that it verified that each LEA with noncompliance identified in FFY 2008: (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 2009 APR, the State must describe the specific actions that were taken to verify the correction.</p> <p>The State must demonstrate, in the FFY 2009 APR that the remaining 148 findings of noncompliance identified in FFY 2007, the remaining 46 findings of noncompliance identified in FFY 2006, and the remaining 17 findings of noncompliance identified in FFYs 2005</p>

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<b>Monitoring Priorities and Indicators</b>	<b>Status of APR Data/SPP Revision Issues</b>	<b>OSEP Analysis/Next Steps</b>
		<p>and 2004 that were not reported as corrected in the FFY 2008 APR were corrected.</p> <p>In the February 13, 2009 verification letter, the State was required to provide documentation demonstrating that any remaining findings from FFYs 2004, 2005, and 2006 were corrected. As noted above, the State has not yet provided that documentation. The State's failure to correct longstanding noncompliance raises serious questions about the effectiveness of the State's general supervision system. The State must take the steps necessary to ensure that it can report, in the FFY 2009 APR, that it has corrected this noncompliance.</p> <p>In responding to Indicators 4A, 9, 10, 11, and 12 in the FFY 2009, the State must report on correction of the noncompliance described in this table under those indicators.</p> <p>In addition, in reporting on Indicator 15 in the FFY 2009 APR, the State must use the Indicator 15 Worksheet.</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, or because the parent (or individual or organization) and the public agency agree to extend the time to engage</p>	<p>The State revised the improvement activities for this indicator and OSEP accepts those revisions.</p> <p>The State's FFY 2008 reported data for this indicator are 96.5%. The State's FFY 2007 reported data were 96.8%. The State did not meet its FFY 2008 target of 100%.</p>	<p>OSEP appreciates the State's efforts and looks forward to reviewing in the FFY 2009 APR, the State's data demonstrating that it is in compliance with the timely complaint resolution requirements in 34 CFR §300.152.</p> <p>If the State does not report 100% compliance in the FFY 2009 APR, the</p>

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<b>Monitoring Priorities and Indicators</b>	<b>Status of APR Data/SPP Revision Issues</b>	<b>OSEP Analysis/Next Steps</b>
<p>in mediation or other alternative means of dispute resolution, if available in the State.</p> <p>[Compliance Indicator]</p>		<p>State must review its improvement activities and revise them, if necessary.</p>
<p>17. Percent of adjudicated due process hearing requests that were adjudicated within the 45-day timeline or a timeline that is properly extended by the hearing officer at the request of either party or in the case of an expedited hearing, within the required timelines.</p> <p>[Compliance Indicator]</p>	<p>The State revised the improvement activities for this indicator and OSEP accepts those revisions.</p> <p>The State's FFY 2008 reported data for this indicator are 81.16%. These data represent progress from the FFY 2007 data of 80.91%. The State did not meet its FFY 2008 target of 100%.</p> <p>The State was identified as being in need of assistance for two consecutive years based on the State's FFYs 2006 and 2007 APRs, was advised of available technical assistance, and was required to report, by October 1, 2009, on: (1) the technical assistance sources from which the State received assistance; and (2) the actions the State took as a result of that technical assistance. The State reported in its September 30, 2009 submission on the technical assistance sources from which the State received assistance for this indicator and reported on the actions the State took as a result of that technical assistance.</p>	<p>The State must review its improvement activities and revise them, if necessary, to ensure they will enable the State to provide data in the FFY 2009 APR demonstrating that the State is in compliance with the due process hearing timeline requirements in 34 CFR §300.515.</p> <p>In the February 13, 2009 verification letter, the State was required to review its improvement activities and revise them, if appropriate to ensure that the State would be able to provide data in the FFY 2008 APR that demonstrates compliance. As the data reported for this indicator demonstrate, the State is still not ensuring compliance with the timely due process hearing decisions requirements.</p>
<p>18. Percent of hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements.</p> <p>[Results Indicator]</p>	<p>The State revised the improvement activities for this indicator and OSEP accepts those revisions.</p> <p>The State's FFY 2008 reported data for this indicator are 13.13%. These data represent progress from the FFY 2007 data of 11.52%. The State did not meet its FFY 2008 target to increase by 2%.</p>	<p>OSEP looks forward to reviewing the State's data in the FFY 2009 APR.</p>
<p>19. Percent of mediations held that resulted in mediation agreements.</p> <p>[Results Indicator]</p>	<p>The State revised the improvement activities for this indicator and OSEP accepts those revisions.</p> <p>The State's FFY 2008 reported data for this indicator are 88.03%. These data represent slippage from the State's FFY 2007 data of 89.9%. The State did not meet its FFY 2008 target of 96%.</p>	<p>OSEP looks forward to reviewing the State's data in the FFY 2009 APR.</p>

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<b>Monitoring Priorities and Indicators</b>	<b>Status of APR Data/SPP Revision Issues</b>	<b>OSEP Analysis/Next Steps</b>
<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 State revised the improvement activities for this indicator and OSEP accepts those revisions.</p> <p>The State's FFY 2008 reported data for this indicator are 100%. These data represent progress from the FFY 2007 data of 93%. The State met its FFY 2008 target of 100%.</p> <p>The State was identified as being in need of assistance for two consecutive years based on the State's FFYs 2006 and 2007 APRs, was advised of available technical assistance, and was required to report, by October 1, 2009, on: (1) the technical assistance sources from which the State received assistance; and (2) the actions the State took as a result of that technical assistance. The State reported in its September 30, 2009 submission on the technical assistance sources from which the State received assistance for this indicator and reported on the actions the State took as a result of that technical assistance.</p>	<p>OSEP appreciates the State's efforts in achieving compliance with the timely and accurate data reporting requirements in IDEA sections 616 and 618 and 34 CFR §§76.720 and 300.601(b).</p> <p>In reporting on Indicator 20 in the FFY 2009 APR, the State must use the Indicator 20 Data Rubric.</p>