

New York Part B FFY 2009 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
<p>1. Percent of youth with IEPs graduating from high school with a regular diploma. [Results Indicator]</p>	<p>The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions. The State revised the FFY 2009 improvement activities for this indicator and OSEP accepts those revisions.</p> <p>The State's FFY 2009 reported data for this indicator are 43.6%. 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 2008 APR, OSEP cannot comment on whether there is progress or slippage. The State did not meet its FFY 2009 target of 49%.</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).</p>	<p>OSEP looks forward to the State's data demonstrating improvement in performance in the FFY 2010 APR, due February 1, 2012.</p>
<p>2. Percent of youth with IEPs dropping out of high school. [Results Indicator]</p>	<p>The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions. The State indicated that stakeholders were provided an opportunity to comment on the targets for FFY 2011 and FFY 2012. The State revised the FFY 2009 improvement activities for this indicator and OSEP accepts those revisions.</p> <p>The State's FFY 2009 reported data for this indicator are 16%. 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 2008 APR, OSEP cannot comment on whether there is progress or slippage. The State met its FFY 2009 target of 16%.</p>	<p>OSEP appreciates the State's efforts to improve performance.</p>
<p>3. Participation and performance of children with IEPs on statewide assessments: 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. [Results Indicator]</p>	<p>The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions. The State revised the baseline for FFY 2009, targets and improvement activities for FFY 2010 for this indicator and OSEP accepts those revisions. The State indicated that stakeholders were provided an opportunity to comment on the targets for FFY 2010, FFY 2011, and FFY 2012.</p> <p>The State's FFY 2009 reported revised baseline data for this indicator are 30.8%. The State provided revised baseline data, using FFY 2009 data. Therefore, OSEP is not comparing the FFY 2009 data to the FFY 2008 data. The State did not meet its FFY 2009 target of 61%.</p>	<p>OSEP looks forward to the State's data demonstrating improvement in performance in the FFY 2010 APR, due February 1, 2012.</p>
<p>3. Participation and performance of</p>	<p>The State provided targets for FFY 2011 and FFY 2012, and improvement activities</p>	<p>OSEP appreciates the State's</p>

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<p>children with IEPs on statewide assessments:</p> <p>B. Participation rate for children with IEPs.</p> <p>[Results Indicator]</p>	<p>through FFY 2012, and OSEP accepts those revisions. The State indicated that stakeholders were provided an opportunity to comment on the targets for FFY 2011 and FFY 2012.</p> <p>The State's FFY 2009 reported data for this indicator are:</p> <table border="1" data-bbox="550 431 1583 662"> <thead> <tr> <th><u>Grade</u></th> <th><u>FFY 2008 Data</u></th> <th><u>FFY 2009 Data</u></th> <th><u>FFY 2009 Target</u></th> <th><u>FFY 2008 Data</u></th> <th><u>FFY 2009 Data</u></th> <th><u>FFY 2009 Target</u></th> </tr> </thead> <tbody> <tr> <td></td> <td align="center" colspan="3"><u>Reading</u></td> <td align="center" colspan="3"><u>Math</u></td> </tr> <tr> <td align="center">3-8</td> <td align="center">98%</td> <td align="center">98%</td> <td align="center">95%</td> <td align="center">98%</td> <td align="center">98%</td> <td align="center">95%</td> </tr> <tr> <td align="center">HS</td> <td align="center">95%</td> <td align="center">96%</td> <td align="center">95%</td> <td align="center">96%</td> <td align="center">97%</td> <td align="center">95%</td> </tr> </tbody> </table> <p>These data represent progress in High School English and High School Math from the FFY 2008 data. The State met its FFY 2009 targets.</p> <p>The State provided a Web link to 2009 publicly-reported assessment results.</p>	<u>Grade</u>	<u>FFY 2008 Data</u>	<u>FFY 2009 Data</u>	<u>FFY 2009 Target</u>	<u>FFY 2008 Data</u>	<u>FFY 2009 Data</u>	<u>FFY 2009 Target</u>		<u>Reading</u>			<u>Math</u>			3-8	98%	98%	95%	98%	98%	95%	HS	95%	96%	95%	96%	97%	95%	<p>efforts to improve performance.</p>
<u>Grade</u>	<u>FFY 2008 Data</u>	<u>FFY 2009 Data</u>	<u>FFY 2009 Target</u>	<u>FFY 2008 Data</u>	<u>FFY 2009 Data</u>	<u>FFY 2009 Target</u>																								
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HS	95%	96%	95%	96%	97%	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>[Results Indicator]</p>	<p>The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions. The State indicated that stakeholders were provided an opportunity to comment on the targets for FFY 2011 and FFY 2012.</p> <p>The State's FFY 2009 reported data for this indicator are:</p> <table border="1" data-bbox="550 1029 1575 1282"> <thead> <tr> <th><u>Grade Level & Subject</u></th> <th><u>Performance Index FFY 2008</u></th> <th><u>Performance Index FFY 2009</u></th> <th><u>FFY 2009 Target</u></th> </tr> </thead> <tbody> <tr> <td align="center">3-8 ELA</td> <td align="center">133</td> <td align="center">133</td> <td align="center">140</td> </tr> <tr> <td align="center">3-8 Math</td> <td align="center">149</td> <td align="center">152</td> <td align="center">134</td> </tr> <tr> <td align="center">High School ELA</td> <td align="center">123</td> <td align="center">132</td> <td align="center">131</td> </tr> <tr> <td align="center">High School Math</td> <td align="center">128</td> <td align="center">136</td> <td align="center">135</td> </tr> </tbody> </table> <p>These data represent progress in Grade 3-8 Math, High School ELA, and High School Math, from the FFY 2008 data. The State met part of its FFY 2009 targets.</p> <p>The State provided a Web link to 2009 publicly-reported assessment results.</p>	<u>Grade Level & Subject</u>	<u>Performance Index FFY 2008</u>	<u>Performance Index FFY 2009</u>	<u>FFY 2009 Target</u>	3-8 ELA	133	133	140	3-8 Math	149	152	134	High School ELA	123	132	131	High School Math	128	136	135	<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 2010 APR, due February 1, 2012.</p>								
<u>Grade Level & Subject</u>	<u>Performance Index FFY 2008</u>	<u>Performance Index FFY 2009</u>	<u>FFY 2009 Target</u>																											
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High School Math	128	136	135																											
<p>4. Rates of suspension and</p>	<p>The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions. The State indicated that</p>	<p>OSEP looks forward to the State's data demonstrating</p>																												

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<p>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 [Results Indicator]</p>	<p>stakeholders were provided an opportunity to comment on the targets for FFY 2011 and FFY 2012. The State revised the FFY 2009 improvement activities for this indicator and OSEP accepts those revisions.</p> <p>The State’s FFY 2009 reported data for this indicator are 6.0%. These data represent progress from the FFY 2008 data of 9.4%. The State did not meet its FFY 2009 target of 2%.</p> <p>The State reported its definition of “significant discrepancy.”</p> <p>The State reported that 108 of 682 districts did not meet the State-established minimum “n” size requirement of at least 75 students with disabilities enrolled. The State reported that it reviewed the LEAs’ 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 based on FFY 2008 data. The State identified noncompliance through this review.</p> <p>The State reported that it revised (or required the affected LEAs to revise), the LEAs’ 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, pursuant to 34 CFR §300.170(b) for the LEAs identified with significant discrepancies based on FFY 2008 data.</p> <p>The State reported that noncompliance identified in FFY 2008 based on FFY 2007 data through the review of policies, procedures, and practices, pursuant to 34 CFR §300.170(b), was partially corrected. The State reported on the actions it took to address the uncorrected noncompliance. The State also 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 corrected.</p>	<p>improvement in performance in the FFY 2010 APR, due February 1, 2012.</p> <p>The State must report, in its FFY 2010 APR, on the correction of noncompliance that the State identified in FFY 2009 based on FFY 2008 data 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 LEA with noncompliance identified by the State: (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 Memorandum 09-02, dated October 17, 2008 (OSEP Memo 09-02). In the FFY 2010 APR, the State must describe the specific actions that were taken to verify the correction.</p> <p>The State reported that noncompliance identified in FFY 2008 based on FFY 2007 data as</p>

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		<p>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 2010 APR, that it has verified that each district with remaining noncompliance identified based on FFY 2007 data is correctly implementing the specific regulatory requirements. If the State is unable to demonstrate compliance with those requirements in the FFY 2010 APR, the State must review its improvement activities and revise them, if necessary to ensure compliance.</p>
<p>4. Rates of suspension and expulsion: 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>The State provided FFY 2009 baseline data, targets for FFY 2010, FFY 2011, and FFY 2012, and improvement activities through FFY 2012 for this indicator, and OSEP accepts the State’s submission for this indicator.</p> <p>The State reported that its FFY 2009 baseline data are 2.2%.</p> <p>The State reported that 17 districts were identified as having a significant discrepancy, by race or ethnicity, in the rate of suspensions and expulsions of greater than ten days in a school year for children with IEPs. The State also reported that 15 districts were identified as having 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>The State reported its definition of “significant discrepancy.”</p> <p>The State reported that 108 of 682 districts did not meet the State-established minimum “n” size requirement of 75 children with disabilities enrolled and were excluded from the calculation.</p>	<p>OSEP appreciates the State’s efforts regarding this indicator and looks forward to data in the FFY 2010 APR demonstrating compliance.</p> <p>Because the State reported less than 100% compliance for FFY 2009 (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 2010 APR, due February 1, 2012, that the districts identified with noncompliance based on</p>

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Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
[Compliance Indicator]	<p>The State reported that it reviewed the LEAs’ 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 based on FFY 2008 data. The State identified noncompliance through this review.</p> <p>The State reported that it revised (or required the affected LEAs to revise), the LEAs’ 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, pursuant to 34 CFR §300.170(b) for the LEAs identified with significant discrepancies based on FFY 2008 data.</p>	<p>FFY 2008 data 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 2010 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 2010 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 methodology for identifying “significant discrepancy” and will contact the State if there are questions or concerns.</p>
5. Percent of children with IEPs aged 6 through 21 served:	The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions. The State indicated that stakeholders were provided an opportunity to comment on the targets for FFY 2011 and	OSEP appreciates the State’s efforts to improve performance.

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<p>A. Inside the regular class 80% or 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>FFY 2012. The State's FFY 2009 reported data for this indicator are:</p> <table border="1" data-bbox="552 363 1583 837"> <thead> <tr> <th></th> <th><u>FFY 2008 Data</u></th> <th><u>FFY 2009 Data</u></th> <th><u>FFY 2009 Target</u></th> <th><u>Progress</u></th> </tr> </thead> <tbody> <tr> <td>A. % Inside the regular class 80% or more of the day</td> <td align="center">55.4</td> <td align="center">55.2</td> <td align="center">>53.3</td> <td align="center">-0.20%</td> </tr> <tr> <td>B. % Inside the regular class less than 40% of the day</td> <td align="center">23.6</td> <td align="center">23.0</td> <td align="center"><24.4</td> <td align="center">0.60%</td> </tr> <tr> <td>C. % In separate schools, residential facilities, or homebound/hospital placements</td> <td align="center">6.0</td> <td align="center">6.4</td> <td align="center"><6.6</td> <td align="center">0.30%</td> </tr> </tbody> </table> <p>These data represent progress for 5B and 5C from the FFY 2008 data. The State met its FFY 2009 targets for this indicator.</p>		<u>FFY 2008 Data</u>	<u>FFY 2009 Data</u>	<u>FFY 2009 Target</u>	<u>Progress</u>	A. % Inside the regular class 80% or more of the day	55.4	55.2	>53.3	-0.20%	B. % Inside the regular class less than 40% of the day	23.6	23.0	<24.4	0.60%	C. % In separate schools, residential facilities, or homebound/hospital placements	6.0	6.4	<6.6	0.30%	
	<u>FFY 2008 Data</u>	<u>FFY 2009 Data</u>	<u>FFY 2009 Target</u>	<u>Progress</u>																		
A. % Inside the regular class 80% or more of the day	55.4	55.2	>53.3	-0.20%																		
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C. % In separate schools, residential facilities, or homebound/hospital placements	6.0	6.4	<6.6	0.30%																		
<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 2009 APR.</p>	<p>The State is not required to report on this indicator in the FFY 2010 APR, due February 1, 2012.</p>																				
<p>7. Percent of preschool children age 3 through 5 with IEPs who demonstrate improved:</p>	<p>The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions. The State indicated that stakeholders were provided an opportunity to comment on the targets for FFY 2011 and FFY 2012.</p>	<p>OSEP appreciates the State's efforts to improve performance and looks forward to the State's data demonstrating improvement</p>																				

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<p>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. [Results Indicator]</p>	<p>The State's FFY 2009 reported data for this indicator are:</p> <table border="1" data-bbox="548 315 1583 1328"> <thead> <tr> <th data-bbox="554 315 959 412"><u>Summary Statement 1</u></th> <th data-bbox="959 315 1163 412"><u>FFY 2008 Data</u></th> <th data-bbox="1163 315 1373 412"><u>FFY 2009 Data</u></th> <th data-bbox="1373 315 1583 412"><u>FFY 2009 Target</u></th> </tr> </thead> <tbody> <tr> <td data-bbox="554 412 959 553">Outcome A: Positive social-emotional skills (including social relationships) (%)</td> <td align="center" data-bbox="959 412 1163 553">83.8</td> <td align="center" data-bbox="1163 412 1373 553">86.3</td> <td align="center" data-bbox="1373 412 1583 553">84</td> </tr> <tr> <td data-bbox="554 553 959 716">Outcome B: Acquisition and use of knowledge and skills (including early language/ communication) (%)</td> <td align="center" data-bbox="959 553 1163 716">85.3</td> <td align="center" data-bbox="1163 553 1373 716">86.7</td> <td align="center" data-bbox="1373 553 1583 716">85.5</td> </tr> <tr> <td data-bbox="554 716 959 821">Outcome C: Use of appropriate behaviors to meet their needs (%)</td> <td align="center" data-bbox="959 716 1163 821">82.8</td> <td align="center" data-bbox="1163 716 1373 821">84.1</td> <td align="center" data-bbox="1373 716 1583 821">83</td> </tr> <tr> <th data-bbox="554 821 959 919"><u>Summary Statement 2</u></th> <th data-bbox="959 821 1163 919"><u>FFY 2008 Data</u></th> <th data-bbox="1163 821 1373 919"><u>FFY 2009 Data</u></th> <th data-bbox="1373 821 1583 919"><u>FFY 2009 Target</u></th> </tr> <tr> <td data-bbox="554 919 959 1057">Outcome A: Positive social-emotional skills (including social relationships) (%)</td> <td align="center" data-bbox="959 919 1163 1057">55.5</td> <td align="center" data-bbox="1163 919 1373 1057">55.1</td> <td align="center" data-bbox="1373 919 1583 1057">55.4</td> </tr> <tr> <td data-bbox="554 1057 959 1219">Outcome B: Acquisition and use of knowledge and skills (including early language/ communication) (%)</td> <td align="center" data-bbox="959 1057 1163 1219">55.4</td> <td align="center" data-bbox="1163 1057 1373 1219">52.9</td> <td align="center" data-bbox="1373 1057 1583 1219">55.3</td> </tr> <tr> <td data-bbox="554 1219 959 1328">Outcome C: Use of appropriate behaviors to meet their needs (%)</td> <td align="center" data-bbox="959 1219 1163 1328">63.3</td> <td align="center" data-bbox="1163 1219 1373 1328">58.3</td> <td align="center" data-bbox="1373 1219 1583 1328">63.2</td> </tr> </tbody> </table> <p>The State's FFY 2009 data for this indicator represent progress and slippage from the FFY 2008 data. The State met part of its FFY 2009 targets for this indicator.</p>	<u>Summary Statement 1</u>	<u>FFY 2008 Data</u>	<u>FFY 2009 Data</u>	<u>FFY 2009 Target</u>	Outcome A: Positive social-emotional skills (including social relationships) (%)	83.8	86.3	84	Outcome B: Acquisition and use of knowledge and skills (including early language/ communication) (%)	85.3	86.7	85.5	Outcome C: Use of appropriate behaviors to meet their needs (%)	82.8	84.1	83	<u>Summary Statement 2</u>	<u>FFY 2008 Data</u>	<u>FFY 2009 Data</u>	<u>FFY 2009 Target</u>	Outcome A: Positive social-emotional skills (including social relationships) (%)	55.5	55.1	55.4	Outcome B: Acquisition and use of knowledge and skills (including early language/ communication) (%)	55.4	52.9	55.3	Outcome C: Use of appropriate behaviors to meet their needs (%)	63.3	58.3	63.2	<p>in performance in the FFY 2010 APR, due February 1, 2012. The State must report progress data and actual target data for FFY 2010 with the FFY 2010 APR</p>
<u>Summary Statement 1</u>	<u>FFY 2008 Data</u>	<u>FFY 2009 Data</u>	<u>FFY 2009 Target</u>																															
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<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>[Results Indicator]</p>	<p>The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions. The State indicated that stakeholders were provided an opportunity to comment on the targets for FFY 2011 and 2012.</p> <p>The State's FFY 2009 reported data for this indicator are 91.7%. The State's FFY 2008 data for this indicator were 91.8%. The State met its FFY 2009 target of 89%.</p> <p>In its description of its FFY 2009 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>
<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 provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions. The State revised the FFY 2009 improvement activities for this indicator and OSEP accepts those revisions.</p> <p>The State's FFY 2009 reported data for this indicator are 1%. These data represent progress from the FFY 2008 data of 1.2%. The State did not meet its FFY 2009 target of 0%.</p> <p>The State reported that 12 districts were identified with disproportionate representation of racial and ethnic groups in special education and related services. The State also reported that seven 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 disproportionate representation is the same as its definition of significant disproportionality. The State reported, consistent with 34 CFR §300.646(b), all school districts that were identified with "significant disproportionality in FFY 2009 were required to reserve 15 percent of their IDEA funds for Coordinated Early Intervening Services (CEIS). The State also reported that districts identified with significant disproportionality in FFY 2008 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 108 of 682 districts did not meet the State-established minimum "n" size requirement of at least 75 students with disabilities enrolled.</p> <p>The State reported that 22 of 28 findings of noncompliance identified in FFY 2008 were corrected in a timely manner and that five findings were subsequently corrected by February 1, 2011. The State reported on the actions it took to address the uncorrected noncompliance.</p>	<p>OSEP appreciates the State's efforts and looks forward to reviewing data in the FFY 2010 APR, due February 1, 2012 demonstrating compliance.</p> <p>Because the State reported less than 100% compliance for FFY 2009 (greater than 0% actual target data for this indicator), the State must report on the status of correction of noncompliance reflected in the FFY 2009 data the State reported for this indicator. The State must demonstrate, in the FFY 2010 APR, that the districts identified in FFY 2009 and 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</p>

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Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
		<p>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 2010 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 2010 APR, the State must review its improvement activities and revise them, if necessary to ensure compliance.</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 provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions. The State revised the FFY 2009 improvement activities for this indicator and OSEP accepts those revisions.</p> <p>The State's FFY 2009 reported data for this indicator are 1.2%. These data represent progress from the FFY 2008 data of 1.6%. The State did not meet its FFY 2009 target of 0%.</p> <p>The State reported that 11 districts were identified with disproportionate representation of racial and ethnic groups in specific disability categories. The State also reported that eight districts were identified with disproportionate representation of racial and ethnic groups in specific disability categories that was the result of inappropriate identification</p>	<p>OSEP appreciates the State's efforts and looks forward to reviewing data in the FFY 2010 APR, due February 1, 2012, demonstrating compliance.</p> <p>Because the State reported less than 100% compliance for FFY 2009 (greater than 0% actual target data for this indicator), the State must report on the status of correction of noncompliance</p>

New York Part B FFY 2009 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
	<p>The State’s definition of disproportionate representation is the same as its definition of significant disproportionality. The State reported, consistent with 34 CFR §300.646(b), all school districts that were identified with significant disproportionality in FFY 2009 were required to reserve 15 percent of their IDEA funds for CEIS. The State also reported that districts identified with significant disproportionality in FFY 2008 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 108 of 682 districts did not meet the State-established minimum “n” size requirement of at least 75 students with disabilities enrolled.</p> <p>The State reported that 19 of 23 findings of noncompliance identified in FFY 2008 were corrected in a timely manner and that three findings were subsequently corrected by February 1, 2011. The State reported on the actions it took to address the uncorrected noncompliance.</p>	<p>reflected in the data the State reported for this indicator. The State must demonstrate, in the FFY 2010 APR, that the districts identified in FFY 2009 and the remaining district with noncompliance identified in FFY 2008 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 2010 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 2010 APR, the State must review its improvement activities and revise them, if necessary to ensure compliance.</p>

New York Part B FFY 2009 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
<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.</p> <p>[Compliance Indicator]</p>	<p>The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions. The State revised the FFY 2009 improvement activities for this indicator and OSEP accepts those revisions.</p> <p>The State's FFY 2009 reported data for this indicator are 77%. These data represent progress from the FFY 2008 data of 75%. The State did not meet its FFY 2009 target of 100%.</p> <p>The State reported that 114 of 165 findings of noncompliance identified in FFY 2008 were corrected in a timely manner and that 45 findings were subsequently corrected by April 12, 2011. The State reported on the actions it took to address the uncorrected noncompliance, including Court Order Settlement actions under the D.D. et. al. and Jose P. court cases relating to timely evaluations and placements of students with disabilities in New York City.</p> <p>The State reported that 363 of 365 findings of noncompliance identified in FFY 2007 were corrected. The State reported on the actions it took to address the uncorrected noncompliance, including Court Order Settlement actions under the D.D. et. al. and Jose P. court cases relating to timely evaluations and placements of students with disabilities in New York City.</p> <p>The State was identified as being in need of assistance for two consecutive years based on the State's FFY 2007 and FFY 2008 APRs, was advised of available technical assistance, and was required to report, with the FFY 2009 APR, 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 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 was also identified as being in need of assistance based on its FFY 2006 APR. In addition to reporting with the FFY 2009 APR on its use of technical assistance, the State was also required to report to OSEP by October 1, 2010 how the technical assistance selected by the State is addressing the factors contributing to the ongoing noncompliance. The State submitted the required information on September 24, 2010.</p>	<p>The State must demonstrate, in the FFY 2010 APR, due February 1, 2012, 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 2009, the State must report on the status of correction of noncompliance reflected in the data the State reported for this indicator.</p> <p>The State must demonstrate, in the FFY 2010 APR that the remaining six uncorrected noncompliance findings identified in FFY 2008 and the remaining two uncorrected noncompliance findings identified in FFY 2007 were corrected.</p> <p>When reporting on the correction of noncompliance, the State must report, in its FFY 2010 APR, that it has verified that each LEA with noncompliance reflected in the FFY 2009 data and each LEA with remaining noncompliance identified in FFY 2008 and FFY 2007 the State reported for this indicator: (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</p>

New York Part B FFY 2009 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
		<p>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 2010 APR, the State must describe the specific actions that were taken to verify the correction.</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 2010 APR, that it has corrected this noncompliance.</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 provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions. The State revised the FFY 2009 improvement activities for this indicator and OSEP accepts those revisions.</p> <p>The State's FFY 2009 reported data for this indicator are 64.5%. These data represent slippage from the FFY 2008 data of 75%. The State did not meet its FFY 2009 target of 100%.</p> <p>The State reported that ten of 17 findings of noncompliance identified in FFY 2008 were corrected in a timely manner and that six findings were subsequently corrected by February 1, 2011. The State reported on the actions it took to address the uncorrected noncompliance, including Court Order Settlement actions under the Jose P. court case, relating to timely evaluations and placement of students and the availability of professionals in personnel shortage areas, and under D.D. et. al., relating to the timely evaluation and placement of preschool children, in New York City.</p>	<p>The State must demonstrate, in the FFY 2010 APR, due February 1, 2012, 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 2009, the State must report on the status of correction of noncompliance reflected in the FFY 2009 data the State reported for this indicator.</p> <p>The State must demonstrate, in the FFY 2010 APR, that the</p>

New York Part B FFY 2009 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
	<p>The State reported that 26 of 28 findings of noncompliance identified in FFY 2007 were corrected. The State reported on the actions it took to address the uncorrected noncompliance, including Court Order Settlement actions under the Jose P. court case, relating to timely evaluations and placement of students and the availability of professionals in personnel shortage areas, and under D.D. et. al., relating to the timely evaluation and placement of preschool children, in New York City.</p> <p>The State was identified as being in need of assistance for two consecutive years based on the State’s FFY 2007 and FFY 2008 APRs, was advised of available technical assistance, and was required to report, with the FFY 2009 APR, 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 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 was also identified as being in need of assistance based on its FFY 2006 APR. In addition to reporting with the FFY 2009 APR on its use of technical assistance, the State was also required to report to OSEP by October 1, 2010 how the technical assistance selected by the State is addressing the factors contributing to the ongoing noncompliance. The State submitted the required information on September 24, 2010.</p>	<p>remaining one uncorrected noncompliance finding identified in FFY 2008 and the remaining two uncorrected noncompliance findings identified in FFY 2007 were corrected.</p> <p>When reporting on the correction of noncompliance, the State must report, in its FFY 2010 APR, that it has verified that each LEA with noncompliance reflected in the FFY 2009 data and each LEA with remaining noncompliance identified in FFY 2008 and FFY 2007 the State reported for this indicator: (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 2010 APR, the State must describe the specific actions that were taken to verify the correction.</p> <p>The State’s failure to correct longstanding noncompliance raises serious questions about the</p>

New York Part B FFY 2009 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
		effectiveness of the State’s general supervision system. The State must take the steps necessary to ensure that it can report, in the FFY 2010 APR, that it has corrected this noncompliance.
<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 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 provided FFY 2009 baseline data, targets for FFY 2010, FFY 2011, and FFY 2012, and improvement activities through FFY 2012 for this indicator, and OSEP accepts the State’s submission for this indicator. The State revised the FFY 2009 improvement activities for this indicator and OSEP accepts those revisions.</p> <p>The State’s FFY 2009 reported baseline data for this indicator are 67.2%.</p> <p>The State reported that 382 of 391 findings of noncompliance identified in FFY 2007 were corrected. The State reported on the actions it took to address the uncorrected noncompliance. The State also reported that 518 of 525 findings of noncompliance identified in FFY 2006 were corrected. The State reported on the actions it took to address the uncorrected noncompliance.</p>	<p>Although OSEP did not consider data for Indicator 13 in its determinations for FFY 2009, OSEP is concerned about the State’s very low FFY 2009 data (below 75%) for this indicator. In 2012, OSEP will consider the State’s FFY 2010 data for Indicator 13 in determinations.</p> <p>The State must demonstrate, in the FFY 2010 APR, due February 1, 2012, that the State is in compliance with the secondary transition requirements in 34 CFR §§300.320(b) and 300.321(b). Because the State reported less than 100% compliance for FFY 2009, the State must report on the status of correction of noncompliance reflected in the data the State reported for this indicator.</p> <p>The State must demonstrate, in the FFY 2010 APR, that the remaining nine uncorrected noncompliance findings identified in FFY 2007 were corrected.</p> <p>When reporting on the correction</p>

New York Part B FFY 2009 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
		<p>of noncompliance, the State must report, in its FFY 2010 APR, that it has verified that each LEA with noncompliance reflected in the FFY 2009 data and each LEA with remaining noncompliance identified in FFY 2007 the State reported for this indicator: (1) is correctly implementing 34 CFR §§300.320(b) and 300.321(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 2010 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 2010 APR, the State must review its improvement activities and revise them, if necessary.</p> <p>The State also must demonstrate, in the FFY 2010 APR that the remaining seven uncorrected noncompliance findings identified in FFY 2006, were corrected.</p> <p>The State's failure to correct longstanding noncompliance</p>

New York Part B FFY 2009 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
		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 2010 APR, that it has corrected this noncompliance.
<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>[Results Indicator]</p>	<p>The State provided FFY 2009 baseline data, targets for FFY 2010, FFY 2011, and FFY 2012, and improvement activities through FFY 2012 for this indicator, and OSEP accepts the State's submission for this indicator. The State indicated that stakeholders were provided an opportunity to comment on the targets for FFY 2011 and FFY 2012.</p> <p>The State's reported FFY 2009 baseline data for this indicator are:</p> <p>A. 43% enrolled in higher education within one year of leaving high school;</p> <p>B. 64% enrolled in higher education or competitively employed within one year of leaving high school; and</p> <p>C. 77% 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 must report actual target data for FFY 2010 with the FFY 2010 APR, due February 1, 2012.</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>[Compliance Indicator]</p>	<p>The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions. The State revised the FFY 2009 improvement activities for this indicator and OSEP accepts those revisions.</p> <p>The State's FFY 2009 reported data for this indicator are 75.1%. These data represent progress from the FFY 2008 data of 72.5%. The State did not meet its FFY 2009 target of 100%.</p> <p>The State reported that 1995 of 2664 findings of noncompliance identified in FFY 2008 were corrected in a timely manner and that 452 findings were subsequently corrected by</p>	<p>The State must demonstrate, in the FFY 2010 APR, due February 1, 2012, that the remaining 217 findings of noncompliance identified in FFY 2008, the remaining 49 findings of noncompliance identified in FFY 2007, and the remaining 15 findings of noncompliance</p>

New York Part B FFY 2009 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
	<p>April 12, 2011. The State reported on the actions it took to address the uncorrected noncompliance including implementation of D.D, Ray M., and Jose P., Court Order Settlement Agreements for timely evaluation and placement of preschool children.</p> <p>The State reported that 2616 of 2665 findings of noncompliance identified in FFY 2007 were corrected. The State reported on the actions it took to address the uncorrected noncompliance including implementation of D.D, Ray M., and Jose P., Court Order Settlement Agreements for timely evaluation and placement of preschool children.</p> <p>The State reported that 31 of 46 findings of noncompliance identified in FFY 2006 were corrected. The State reported on the actions it took to address the uncorrected noncompliance. The State also reported that 17 findings of noncompliance identified in FFY 2005 and FFY 2004 were corrected.</p> <p>The State was identified as being in need of assistance for two consecutive years based on the State’s FFY 2007 and FFY 2008 APRs, was advised of available technical assistance, and was required to report, with the FFY 2009 APR, 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 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 was also identified as being in need of assistance based on its FFY 2006 APR. In addition to reporting with the FFY 2009 APR on its use of technical assistance, the State was also required to report to OSEP by October 1, 2010 how the technical assistance selected by the State is addressing the factors contributing to the ongoing noncompliance. The State submitted the required information on September 24, 2010.</p>	<p>identified in FFY 2006 that were not reported as corrected in the FFY 2009 APR were corrected.</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 2010 APR demonstrating that the State timely corrected noncompliance identified by the State in FFY 2009 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 findings of noncompliance identified in FFY 2009 in the FFY 2010 APR, the State must report that it verified that each LEA with noncompliance identified in FFY 2009: (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 2010 APR, the State must describe the</p>

New York Part B FFY 2009 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
		<p>specific actions that were taken to verify the correction. In addition, in reporting on Indicator 15 in the FFY 2010 APR, the State must use the Indicator 15 Worksheet.</p> <p>In responding to Indicators 4a, 4b, 9, 10, 11, 12, and 13 in the FFY 2010 APR due February 1, 2012, the State must report on correction of the noncompliance described in this table under those indicators.</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 2010 APR, that it has corrected this noncompliance.</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 in mediation or other alternative means of dispute resolution, if available in the State.</p>	<p>The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions. The State revised the FFY 2009 improvement activities for this indicator and OSEP accepts those revisions.</p> <p>The State’s FFY 2009 reported data for this indicator are 99.53%. However, the State’s original data reported under 618 for this indicator are 95.6%. OSEP notes that the State submitted an explanation for this discrepancy, and revised 618 Table 7 data, on January 10, 2011. OSEP further notes that the data included in that resubmission is consistent with the data submitted by the State on the FFY 2009 APR. However, the resubmission was sent subsequent to the November 1, 2010 due date for dispute resolution data. These data represent progress from the FFY 2008 data of 96%. The State did not meet its FFY 2009 target of 100%.</p>	<p>OSEP appreciates the State’s efforts and looks forward to reviewing in the FFY 2010 APR, due February 1, 2012, the State’s data demonstrating that it is in compliance with the timely complaint resolution requirements in 34 CFR §300.152. If the State does not report 100% compliance in the FFY 2010 APR, the State must review its improvement activities and revise them, if necessary.</p>

New York Part B FFY 2009 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
[Compliance Indicator]		
<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 provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions. The State revised the FFY 2009 improvement activities for this indicator and OSEP accepts those revisions.</p> <p>The State's FFY 2009 reported data for this indicator are 84%. These data represent progress from the FFY 2008 data of 81%. The State did not meet its FFY 2009 target of 100%.</p> <p>The State was identified as being in need of assistance for two consecutive years based on the State's FFY 2007 and FFY 2008 APRs, was advised of available technical assistance, and was required to report, with the FFY 2009 APR, 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 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 was also identified as being in need of assistance based on its FFY 2006 APR. In addition to reporting with the FFY 2009 APR on its use of technical assistance, the State was also required to report to OSEP by October 1, 2010 how the technical assistance selected by the State is addressing the factors contributing to the ongoing noncompliance. The State submitted the required information on September 24, 2010.</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 2010 APR, due February 1, 2012, demonstrating that the State is in compliance with the due process hearing timeline requirements in 34 CFR §300.515.</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 provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions. The State indicated that stakeholders were provided an opportunity to comment on the targets for FFY 2011 and FFY 2012.</p> <p>The State's FFY 2009 reported data for this indicator are 10.25%. These data represent slippage from the FFY 2008 data of 13.13%. The State did not meet its FFY 2009 target of 15.13%.</p>	<p>OSEP looks forward to reviewing the State's data in the FFY 2010 APR, due February 1, 2012.</p>
<p>19. Percent of mediations held that resulted in mediation agreements.</p> <p>[Results Indicator]</p>	<p>The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions. The State indicated that stakeholders were provided an opportunity to comment on the targets for FFY 2011 and FFY 2012.</p> <p>The State's FFY 2009 reported data for this indicator are 88.3%. These data represent progress from the FFY 2008 data of 88%. The State did not meet its FFY 2009 target of</p>	<p>OSEP looks forward to reviewing the State's data in the FFY 2010 APR, due February 1, 2012.</p>

New York Part B FFY 2009 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
	96.5%.	
<p>20. State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate. [Compliance Indicator]</p>	<p>The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions.</p> <p>The State's FFY 2009 reported data for this indicator are 100%. However, OSEP's calculation of the data for this indicator is 97.62%. These data represent slippage from the FFY 2008 data of 100%. The State did not meet its FFY 2009 target of 100%.</p>	<p>OSEP appreciates the State's efforts and looks forward to reviewing in the FFY 2010 APR, due February 1, 2012, the State's data demonstrating that it is in compliance with the timely and accurate data reporting requirements in IDEA sections 616 and 618 and 34 CFR §§76.720 and 300.601(b). In reporting on Indicator 20 in the FFY 2010 APR, the State must use the Indicator 20 Data Rubric. If the State does not report 100% compliance in the FFY 2010 APR, the State must review its improvement activities and revise them, if necessary.</p>