

New York Part B FFY 2010 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 revised the improvement activities for FFY 2010 for this indicator and OSEP accepts those revisions.</p> <p>The State's FFY 2010 reported data for this indicator are 44.4%. These data represent progress from the FFY 2009 data of 43.6%. The State did not meet its FFY 2010 target of 52%.</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 2011 APR, due February 1, 2013.</p> <p>In reporting data for this indicator in the FFY 2011 APR, States must use the same data they used for reporting to the Department under Title I of the ESEA, using the adjusted cohort graduation rate required under the ESEA.</p>
<p>2. Percent of youth with IEPs dropping out of high school. [Results Indicator]</p>	<p>The State revised the improvement activities for FFY 2010 for this indicator and OSEP accepts those revisions.</p> <p>The State's FFY 2010 reported data for this indicator are 16.7%. The State's FFY 2009 data for this indicator were 16%. The State did not meet its FFY 2010 target of 15%.</p>	<p>OSEP looks forward to the State's data demonstrating improvement in performance in the FFY 2011 APR.</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 revised the improvement activities for FFY 2010 for this indicator and OSEP accepts those revisions.</p> <p>The State's FFY 2010 reported data for this indicator are 17.2%. These data represent slippage from the FFY 2009 data of 30.8%. The State did not meet its FFY 2010 target of 31%.</p>	<p>OSEP looks forward to the State's data demonstrating improvement in performance in the FFY 2011 APR.</p>
<p>3. Participation and performance of children with IEPs on statewide assessments: B. Participation rate for children with IEPs.</p>	<p>The State revised the improvement activities for FFY 2010 for this indicator and OSEP accepts those revisions.</p> <p>The State's reported data for this indicator are:</p>	<p>OSEP appreciates the State's efforts to improve performance.</p>

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Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps																												
<p>[Results Indicator]</p>	<table border="1" data-bbox="548 315 1583 548"> <thead> <tr> <th><u>Grade</u></th> <th><u>FFY 2009 Data</u></th> <th><u>FFY 2010 Data</u></th> <th><u>FFY 2010 Target</u></th> <th><u>FFY 2009 Data</u></th> <th><u>FFY 2010 Data</u></th> <th><u>FFY 2010 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">96%</td> <td align="center">97%</td> <td align="center">95%</td> <td align="center">97%</td> <td align="center">97%</td> <td align="center">95%</td> </tr> </tbody> </table> <p>These data remain unchanged from the FFY 2009 data except for progress in High School reading. The State met its FFY 2010 targets for this indicator.</p> <p>The State provided a Web link to 2010 publicly-reported assessment results.</p>	<u>Grade</u>	<u>FFY 2009 Data</u>	<u>FFY 2010 Data</u>	<u>FFY 2010 Target</u>	<u>FFY 2009 Data</u>	<u>FFY 2010 Data</u>	<u>FFY 2010 Target</u>		<u>Reading</u>			<u>Math</u>			3-8	98%	98%	95%	98%	98%	95%	HS	96%	97%	95%	97%	97%	95%	
<u>Grade</u>	<u>FFY 2009 Data</u>	<u>FFY 2010 Data</u>	<u>FFY 2010 Target</u>	<u>FFY 2009 Data</u>	<u>FFY 2010 Data</u>	<u>FFY 2010 Target</u>																								
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<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 revised the improvement activities for FFY 2010 for this indicator and OSEP accepts those revisions.</p> <p>The State's reported data for this indicator are:</p> <table border="1" data-bbox="548 846 1583 1101"> <thead> <tr> <th>Grade Level & Subject</th> <th>Performance Index FFY 2009</th> <th>Performance Index FFY 2010</th> <th>FFY 2010 Target</th> </tr> </thead> <tbody> <tr> <td align="center">3-8 ELA</td> <td align="center">133</td> <td align="center">89</td> <td align="center">100</td> </tr> <tr> <td align="center">3-8 Math</td> <td align="center">152</td> <td align="center">110</td> <td align="center">119</td> </tr> <tr> <td align="center">High School ELA</td> <td align="center">132</td> <td align="center">135</td> <td align="center">142</td> </tr> <tr> <td align="center">High School Math</td> <td align="center">136</td> <td align="center">137</td> <td align="center">143</td> </tr> </tbody> </table> <p>These data represent progress and slippage from the FFY 2009 data. The State did not meet its FFY 2010 targets.</p> <p>The State provided a Web link to 2010 publicly-reported assessment results.</p>	Grade Level & Subject	Performance Index FFY 2009	Performance Index FFY 2010	FFY 2010 Target	3-8 ELA	133	89	100	3-8 Math	152	110	119	High School ELA	132	135	142	High School Math	136	137	143	<p>OSEP looks forward to the State's data demonstrating improvement in performance in the FFY 2011 APR.</p>								
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3-8 Math	152	110	119																											
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High School Math	136	137	143																											
<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</p>	<p>The State's FFY 2010 reported data for this indicator are 6.0%. The State's FFY 2009 data were 5.9%. The State did not meet its FFY 2010 target of no more than 2% of districts will suspend students with IEPs at a rate of 2.7% or higher.</p> <p>The State reported its definition of "significant discrepancy."</p> <p>The State reported that 41 districts were identified as having a significant discrepancy, in the rate of suspensions and expulsions of greater than 10 days in a school year for</p>	<p>OSEP looks forward to the State's data demonstrating improvement in performance in the FFY 2011 APR.</p> <p>The State must report, in its FFY 2011 APR, on the correction of noncompliance that the State</p>																												

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<p>for children with IEPs; and [Results Indicator]</p>	<p>children with IEPs.</p> <p>The State reported that 108 of 682 districts did not meet the State-established minimum “n” size requirement of a minimum of 75 students with disabilities.</p> <p>The State reported that it reviewed the districts’ 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 districts identified with significant discrepancies in FFY 2010. The State identified noncompliance through this review.</p> <p>The State reported that it revised (or required the affected districts to revise), the districts’ 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 districts identified with significant discrepancies in FFY 2010.</p> <p>The State reported that noncompliance identified in FFY 2009 and FFY 2008 through the review of policies, procedures, and practices, pursuant to 34 CFR §300.170(b), was corrected.</p>	<p>identified in FFY 2010 as a result of the review it conducted pursuant to 34 CFR §300.170(b).</p> <p>When reporting on the correction of the noncompliance identified in FFY 2010, the State must report that it has verified that each LEA with noncompliance identified by the State: (1) is correctly implementing the specific regulatory requirements (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the LEA, consistent with OSEP Memorandum 09-02, dated October 17, 2008 (OSEP Memo 09-02). In the FFY 2011 APR, the State must describe the specific actions that were taken to verify the correction.</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,</p>	<p>The State reported its definition of “significant discrepancy.”</p> <p>The State’s reported FFY 2010 data for this indicator are 1.3%. OSEP was unable to determine whether there was progress or slippage because the State changed its calculation methodology for this indicator. The State did not meet its FFY 2010 target of 0%.</p> <p>The State reported that 12 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</p>	<p>OSEP appreciates the State’s efforts regarding this indicator and looks forward to data in the FFY 2011 APR demonstrating compliance.</p> <p>Because the State reported less than 100% compliance for FFY 2010 (greater than 0% actual</p>

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<p>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]</p>	<p>a school year for children with IEPs.</p> <p>The State also reported that nine 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 that 108 of 574 districts did not meet the State-established minimum “n” size requirement of 75 students with disabilities.</p> <p>The State reported that 141 of 199 findings of noncompliance identified in FFY 2009 were corrected in a timely manner and that 22 findings were subsequently corrected by February 1, 2010. The State reported on the actions it took to address the uncorrected noncompliance.</p>	<p>target data for this indicator), the State must report on the status of the correction of noncompliance that the State identified in FFY 2010 as a result of the review it conducted pursuant to 34 CFR §300.170(b) for districts identified with a significant discrepancy. The State must also report on the status of correction of noncompliance identified in FFY 2009 as a result of the review it conducted pursuant to 34 CFR §300.170(b) for districts identified with a significant discrepancy based upon FFY 2008 data.</p> <p>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 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 2011 APR, the State must describe the</p>

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		<p>specific actions that were taken to verify the correction.</p> <p>If the State is unable to demonstrate compliance with those requirements in the FFY 2011 APR, the State must review its improvement activities and revise them, if necessary to ensure compliance.</p>																				
<p>5. Percent of children with IEPs aged 6 through 21 served:</p> <p>A. Inside the regular class 80% or more of the day;</p> <p>B. Inside the regular class less than 40% of the day; or</p> <p>C. In separate schools, residential facilities, or homebound/hospital placements.</p> <p>[Results Indicator]</p>	<p>The State's reported data for this indicator are:</p> <table border="1" data-bbox="550 662 1583 1138"> <thead> <tr> <th></th> <th><u>FFY 2009 Data</u></th> <th><u>FFY 2010 Data</u></th> <th><u>FFY 2010 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">55.2</td> <td align="center">55.9</td> <td align="center">>53.4</td> <td align="center">0.70%</td> </tr> <tr> <td>B. % Inside the regular class less than 40% of the day</td> <td align="center">23.0</td> <td align="center">22.9</td> <td align="center"><24.3</td> <td align="center">0.10%</td> </tr> <tr> <td>C. % In separate schools, residential facilities, or homebound/hospital placements</td> <td align="center">6.4</td> <td align="center">6.4</td> <td align="center"><6.5</td> <td align="center">0.00%</td> </tr> </tbody> </table> <p>These data represent progress for 5A and 5B and remain unchanged for 5C from the FFY 2009 data. The State met its FFY 2010 targets.</p>		<u>FFY 2009 Data</u>	<u>FFY 2010 Data</u>	<u>FFY 2010 Target</u>	<u>Progress</u>	A. % Inside the regular class 80% or more of the day	55.2	55.9	>53.4	0.70%	B. % Inside the regular class less than 40% of the day	23.0	22.9	<24.3	0.10%	C. % In separate schools, residential facilities, or homebound/hospital placements	6.4	6.4	<6.5	0.00%	<p>OSEP appreciates the State's efforts to improve performance.</p>
	<u>FFY 2009 Data</u>	<u>FFY 2010 Data</u>	<u>FFY 2010 Target</u>	<u>Progress</u>																		
A. % Inside the regular class 80% or more of the day	55.2	55.9	>53.4	0.70%																		
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C. % In separate schools, residential facilities, or homebound/hospital placements	6.4	6.4	<6.5	0.00%																		
<p>6. Percent of children aged 3 through 5 with IEPs attending a:</p> <p>A. Regular early childhood program and receiving the majority of special education and related services in the regular early childhood program; and</p>	<p>The State is not required to report on this indicator in the FFY 2010 APR.</p>	<p>The State must provide FFY 2011 baseline data, an FFY 2012 target, and improvement activities through FFY 2012 in the SPP that it submits with the FFY 2011 APR.</p>																				

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<p>B. Separate special education class, separate school or residential facility.</p> <p>[Results Indicator; New]</p>																																		
<p>7. Percent of preschool children age 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's reported data for this indicator are:</p> <table border="1" data-bbox="548 496 1583 1500"> <thead> <tr> <th data-bbox="548 496 959 597"><u>Summary Statement 1</u></th> <th data-bbox="959 496 1163 597"><u>FFY 2009 Data</u></th> <th data-bbox="1163 496 1373 597"><u>FFY 2010 Data</u></th> <th data-bbox="1373 496 1583 597"><u>FFY 2010 Target</u></th> </tr> </thead> <tbody> <tr> <td data-bbox="548 597 959 732">Outcome A: Positive social-emotional skills (including social relationships) (%)</td> <td align="center" data-bbox="959 597 1163 732">86.3</td> <td align="center" data-bbox="1163 597 1373 732">87.5</td> <td align="center" data-bbox="1373 597 1583 732">84.5</td> </tr> <tr> <td data-bbox="548 732 959 899">Outcome B: Acquisition and use of knowledge and skills (including early language/ communication) (%)</td> <td align="center" data-bbox="959 732 1163 899">86.7</td> <td align="center" data-bbox="1163 732 1373 899">89</td> <td align="center" data-bbox="1373 732 1583 899">86</td> </tr> <tr> <td data-bbox="548 899 959 1003">Outcome C: Use of appropriate behaviors to meet their needs (%)</td> <td align="center" data-bbox="959 899 1163 1003">84.1</td> <td align="center" data-bbox="1163 899 1373 1003">87.3</td> <td align="center" data-bbox="1373 899 1583 1003">83.5</td> </tr> <tr> <th data-bbox="548 1003 959 1104"><u>Summary Statement 2</u></th> <th data-bbox="959 1003 1163 1104"><u>FFY 2009 Data</u></th> <th data-bbox="1163 1003 1373 1104"><u>FFY 2010 Data</u></th> <th data-bbox="1373 1003 1583 1104"><u>FFY 2010 Target</u></th> </tr> <tr> <td data-bbox="548 1104 959 1239">Outcome A: Positive social-emotional skills (including social relationships) (%)</td> <td align="center" data-bbox="959 1104 1163 1239">55.1</td> <td align="center" data-bbox="1163 1104 1373 1239">50.8</td> <td align="center" data-bbox="1373 1104 1583 1239">55.5</td> </tr> <tr> <td data-bbox="548 1239 959 1406">Outcome B: Acquisition and use of knowledge and skills (including early language/ communication) (%)</td> <td align="center" data-bbox="959 1239 1163 1406">52.9</td> <td align="center" data-bbox="1163 1239 1373 1406">50.5</td> <td align="center" data-bbox="1373 1239 1583 1406">55.4</td> </tr> <tr> <td data-bbox="548 1406 959 1500">Outcome C: Use of appropriate behaviors to meet their needs (%)</td> <td align="center" data-bbox="959 1406 1163 1500">58.3</td> <td align="center" data-bbox="1163 1406 1373 1500">56.2</td> <td align="center" data-bbox="1373 1406 1583 1500">63.3</td> </tr> </tbody> </table>	<u>Summary Statement 1</u>	<u>FFY 2009 Data</u>	<u>FFY 2010 Data</u>	<u>FFY 2010 Target</u>	Outcome A: Positive social-emotional skills (including social relationships) (%)	86.3	87.5	84.5	Outcome B: Acquisition and use of knowledge and skills (including early language/ communication) (%)	86.7	89	86	Outcome C: Use of appropriate behaviors to meet their needs (%)	84.1	87.3	83.5	<u>Summary Statement 2</u>	<u>FFY 2009 Data</u>	<u>FFY 2010 Data</u>	<u>FFY 2010 Target</u>	Outcome A: Positive social-emotional skills (including social relationships) (%)	55.1	50.8	55.5	Outcome B: Acquisition and use of knowledge and skills (including early language/ communication) (%)	52.9	50.5	55.4	Outcome C: Use of appropriate behaviors to meet their needs (%)	58.3	56.2	63.3	<p>OSEP looks forward to the State's data demonstrating improvement in performance in the FFY 2011 APR.</p> <p>The State must report progress data and actual target data for FFY 2011 with the FFY 2011 APR.</p>
<u>Summary Statement 1</u>	<u>FFY 2009 Data</u>	<u>FFY 2010 Data</u>	<u>FFY 2010 Target</u>																															
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Outcome A: Positive social-emotional skills (including social relationships) (%)	55.1	50.8	55.5																															
Outcome B: Acquisition and use of knowledge and skills (including early language/ communication) (%)	52.9	50.5	55.4																															
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	<p>These data represent progress and slippage from the FFY 2009 data. The State met part of its FFY 2010 targets for this indicator.</p>	
<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. [Results Indicator]</p>	<p>The State’s FFY 2010 reported data for this indicator are 92.6%. These data represent progress from the FFY 2009 data of 91.7%. The State met its FFY 2010 target of 90%. In its description of its FFY 2010 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. [Compliance Indicator]</p>	<p>The State’s FFY 2010 reported data for this indicator are 0.9%. These data represent progress from the FFY 2009 data of 1.0%. The State did not meet its FFY 2010 target of 0%.</p> <p>The State reported that 14 districts were identified with disproportionate representation of racial and ethnic groups in special education and related services. The State also reported that six 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 provided its definition of “disproportionate representation.”</p> <p>The State reported that 108 of 682 districts did not meet the State-established minimum “n” size requirement of 75 students with disabilities enrolled; 30 students of a particular race/ethnicity enrolled; 75 students of all other race/ethnicities enrolled; and 10 students with disabilities of a particular race/ethnicity enrolled.</p> <p>The State reported that 27 of 29 findings of noncompliance identified in FFY 2009 were corrected in a timely manner and that one finding was subsequently corrected by February 1, 2012. The State reported on the actions it took to address the uncorrected noncompliance.</p> <p>The State reported that the one remaining finding of noncompliance identified in FFY 2008 was not corrected. 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 2011 APR demonstrating compliance.</p> <p>Because the State reported less than 100% compliance for FFY 2010 (greater than 0% actual target data for this indicator), the State must report on the status of correction of noncompliance reflected in the FFY 2010 data the State reported for this indicator. The State must demonstrate, in the FFY 2011 APR, that the districts identified in FFY 2010, 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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		<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 2011 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 2011 APR, the State must review its improvement activities and revise them, if necessary to ensure compliance.</p> <p>OSEP is concerned about the State's failure to correct longstanding noncompliance from FFY 2008. The State must take the steps necessary to ensure that it can report, in the FFY 2011 APR that it has corrected the remaining finding identified in FFY 2008. If the State cannot report in the FFY 2011 APR that this noncompliance has been corrected, the State must report in</p>

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		<p>the FFY 2011 APR: (1) the specific nature of the noncompliance; (2) the State’s explanation as to why the noncompliance has persisted; (3) the steps that the State has taken to ensure the correction of each finding of the remaining findings of noncompliance, and any new or different actions the State has taken, since the submission of its FFY 2010 APR, to ensure such correction; and (4) any new or different actions the State will take to ensure such correction.</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’s FFY 2010 reported data for this indicator are 0.9%. These data represent progress from the FFY 2009 data of 1.2%. The State did not meet its FFY 2010 target of 0%.</p> <p>The State reported that 16 districts were identified with disproportionate representation of racial and ethnic groups in specific disability categories. The State also reported that six 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 provided its definition of “disproportionate representation.”</p> <p>The State reported that 108 of 682 districts did not meet the State-established minimum “n” size requirement of 75 students with disabilities enrolled; 30 students of a particular race/ethnicity enrolled; 75 students of all other race/ethnicities enrolled; and 10 students with disabilities of a particular race/ethnicity enrolled.</p> <p>The State reported that 49 of 53 findings of noncompliance identified in FFY 2009 were corrected in a timely manner. The State reported on the actions it took to address the uncorrected noncompliance.</p> <p>The State reported that the four findings of noncompliance identified in FFY 2008 for this indicator were corrected.</p>	<p>OSEP appreciates the State’s efforts and looks forward to reviewing data in the FFY 2011 APR demonstrating compliance.</p> <p>Because the State reported less than 100% compliance for FFY 2010 (greater than 0% actual target data for this indicator), the State must report on the status of correction of noncompliance reflected in the FFY 2010 data the State reported for this indicator.</p> <p>The State must demonstrate, in the FFY 2011 APR, that the districts identified in FFY 2010 and FFY 2009 with disproportionate representation of racial and ethnic groups in specific disability categories that was the result of inappropriate</p>

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Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
		<p>identification are in compliance with the requirements in 34 CFR §§300.111, 300.201, and 300.301 through 300.311, including that the State verified that each district with noncompliance: (1) is correctly implementing the specific regulatory requirement(s) (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the district, consistent with OSEP Memo 09-02. In the FFY 2011 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 2011 APR, the State must review its improvement activities and revise them, if necessary to ensure compliance.</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.</p>	<p>The State revised the improvement activities for FFY 2010 for this indicator and OSEP accepts those revisions.</p> <p>The State's FFY 2010 reported data for this indicator are 84%. These data represent progress from the FFY 2009 data of 77%. The State did not meet its FFY 2010 target of 100%.</p> <p>The State reported that 114 of 165 findings of noncompliance identified in FFY 2009</p>	<p>The State must demonstrate, in the FFY 2011 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 2010, the</p>

New York Part B FFY 2010 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
[Compliance Indicator]	<p>were corrected in a timely manner and that 51 findings subsequently were corrected by February 1, 2012.</p> <p>The State reported that the six findings of noncompliance identified in FFY 2008 and the two findings identified in FFY 2007 for this indicator were corrected.</p> <p>The State was identified as being in need of assistance for two consecutive years based on the State’s FFY 2008 and FFY 2009 APRs, was advised of available technical assistance, and was required to report, with the FFY 2010 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>State must report on the status of correction of noncompliance identified in FFY 2010 for this indicator.</p> <p>When reporting on the correction of noncompliance, the State must report, in its FFY 2011 APR, that it has verified that each LEA with noncompliance identified in FFY 2010 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 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 2011 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 2011 APR, the State must review its improvement activities and revise them, if necessary to ensure compliance.</p>
12. Percent of children referred by Part C prior to age 3, who are	The State revised the improvement activities for FFY 2010 for this indicator and OSEP accepts those revisions.	The State must demonstrate, in the FFY 2011 APR, that the State

New York Part B FFY 2010 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
<p>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's FFY 2010 reported data for this indicator are 70.3%. These data represent progress from the FFY 2009 data of 64.5%. The State did not meet its FFY 2010 target of 100%.</p> <p>The State reported that all 20 findings of noncompliance identified in FFY 2009 were corrected in a timely manner.</p> <p>The State reported that one finding of noncompliance identified in FFY 2008 was corrected.</p> <p>The State reported that one of two findings of noncompliance identified in FFY 2007 was corrected. The State reported on the actions it took to address the uncorrected noncompliance including implementing court settlement actions under the Jose P. court case relating to the availability of professionals in personnel shortage areas.</p> <p>The State was identified as being in need of assistance for two consecutive years based on the State's FFY 2008 and FFY 2009 APRs, was advised of available technical assistance, and was required to report, with the FFY 2010 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>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 2010, the State must report on the status of correction of noncompliance identified in FFY 2010 for this indicator.</p> <p>The State must demonstrate, in the FFY 2011 APR that the one remaining uncorrected noncompliance finding identified in FFY 2007 is corrected.</p> <p>When reporting on the correction of noncompliance, the State must report, in its FFY 2011 APR, that it has verified that each LEA with noncompliance identified in FFY 2010 and FFY 2007 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 2011 APR, the State must describe the</p>

New York Part B FFY 2010 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.</p> <p>If the State does not report 100% compliance in the FFY 2011 APR, the State must review its improvement activities and revise them, if necessary to ensure compliance.</p> <p>OSEP is concerned about the State's failure to correct longstanding noncompliance from FFY 2007. The State must take the steps necessary to ensure that it can report, in the FFY 2011 APR, that it has corrected the remaining finding identified in FFY 2007. If the State cannot report in the FFY 2011 APR that this noncompliance has been corrected, the State must report in the FFY 2011 APR: (1) the specific nature of the noncompliance; (2) the State's explanation as to why the noncompliance has persisted; (3) the steps that the State has taken to ensure the correction of each finding of the remaining findings of noncompliance, and any new or different actions the State has taken, since the submission of its FFY 2010 APR, to ensure such correction; and (4) any new or different actions the State will take to ensure such correction.</p>

New York Part B FFY 2010 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
<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 revised the improvement activities for FFY 2010 for this indicator and OSEP accepts those revisions.</p> <p>The State's FFY 2010 reported data for this indicator are 79%. These data represent progress from the FFY 2009 data of 67.2%. The State did not meet its FFY 2010 target of 100%.</p> <p>The State reported that 398 of 425 findings of noncompliance identified in FFY 2009 were corrected in a timely manner and that 22 findings were subsequently corrected by February 1, 2012. The State reported on the actions it took to address the uncorrected noncompliance.</p> <p>The State reported that four of nine findings of noncompliance identified in FFY 2008 and seven of nine findings of noncompliance identified in FFY 2007 were corrected. The State reported on the actions it took to address the uncorrected noncompliance.</p> <p>The State reported that all seven findings of noncompliance identified in FFY 2006 were corrected.</p>	<p>The State must demonstrate, in the FFY 2011 APR, 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 2010, the State must report on the status of correction of noncompliance identified in FFY 2010 for this indicator.</p> <p>The State must demonstrate, in the FFY 2011 APR, that the five remaining findings of noncompliance identified in FFY 2008, and the two remaining findings of noncompliance identified in FFY 2007 are corrected.</p> <p>When reporting on the correction of noncompliance, the State must report, in its FFY 2011 APR, that it has verified that each LEA with noncompliance identified in FFY 2010, FFY 2008, and FFY 2007 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,</p>

New York Part B FFY 2010 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
		<p>unless the child is no longer within the jurisdiction of the LEA, consistent with OSEP Memo 09-02. In the FFY 2011 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 2011 APR, the State must review its improvement activities and revise them, if necessary to ensure compliance.</p> <p>OSEP is concerned about the State's failure to correct longstanding noncompliance from FFY 2008 and FFY 2007. The State must take the steps necessary to ensure that it can report, in the FFY 2011 APR, that it has corrected the remaining five findings identified in FFY 2008 and the remaining two findings identified in FFY 2007. If the State cannot report in the FFY 2011 APR that this noncompliance has been corrected, the State must report in the FFY 2011 APR: (1) the specific nature of the noncompliance; (2) the State's explanation as to why the noncompliance has persisted; (3) the steps that the State has taken to ensure the correction of each finding of the remaining findings</p>

New York Part B FFY 2010 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps																				
		of noncompliance, and any new or different actions the State has taken, since the submission of its FFY 2010 APR, to ensure such correction; and (4) any new or different actions the State will take to ensure such correction.																				
<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's reported data for this indicator are:</p> <table border="1" data-bbox="548 581 1583 1122"> <thead> <tr> <th></th> <th><u>FFY 2009 Data</u></th> <th><u>FFY 2010 Data</u></th> <th><u>FFY 2010 Target</u></th> <th><u>Progress</u></th> </tr> </thead> <tbody> <tr> <td>A. % Enrolled in higher education</td> <td align="center">43</td> <td align="center">42</td> <td align="center">43</td> <td align="center">-1.00%</td> </tr> <tr> <td>B. % Enrolled in higher education or competitively employed</td> <td align="center">64</td> <td align="center">67</td> <td align="center">64</td> <td align="center">3.00%</td> </tr> <tr> <td>C. % Enrolled in higher education or in some other postsecondary education or training program; or competitively employed</td> <td align="center">77</td> <td align="center">78</td> <td align="center">77</td> <td align="center">1.00%</td> </tr> </tbody> </table> <p>These data represent progress for 14B and 14C from the FFY 2009 data. The State met its FFY 2010 targets for 14B and 14C, but did not meet its FFY 2010 target for 14A.</p> <p>In its description of its FFY 2010 data, the State addressed whether the response group was representative of the population.</p>		<u>FFY 2009 Data</u>	<u>FFY 2010 Data</u>	<u>FFY 2010 Target</u>	<u>Progress</u>	A. % Enrolled in higher education	43	42	43	-1.00%	B. % Enrolled in higher education or competitively employed	64	67	64	3.00%	C. % Enrolled in higher education or in some other postsecondary education or training program; or competitively employed	77	78	77	1.00%	<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 2011 APR.</p>
	<u>FFY 2009 Data</u>	<u>FFY 2010 Data</u>	<u>FFY 2010 Target</u>	<u>Progress</u>																		
A. % Enrolled in higher education	43	42	43	-1.00%																		
B. % Enrolled in higher education or competitively employed	64	67	64	3.00%																		
C. % Enrolled in higher education or in some other postsecondary education or training program; or competitively employed	77	78	77	1.00%																		
<p>15. General supervision system (including monitoring, complaints, hearings, etc.) identifies and corrects noncompliance as soon as possible but in no case later than</p>	<p>The State revised the improvement activities for FFY 2010 for this indicator and OSEP accepts those revisions.</p> <p>The State's FFY 2010 reported data for this indicator are 87%. These data represent progress from the FFY 2009 data of 75.1%. The State did not meet its FFY 2010 target of 100%.</p>	<p>The State must demonstrate, in the FFY 2011 APR that the remaining 73 findings identified in FFY 2009, 103 findings of noncompliance identified in FFY 2008, 24 findings of</p>																				

New York Part B FFY 2010 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
<p>one year from identification. [Compliance Indicator]</p>	<p>The State reported that 2,591 of 2,981 findings of noncompliance identified in FFY 2009 were corrected in a timely manner and that 317 findings were subsequently corrected by February 1, 2012. The State reported on the actions it took to address the uncorrected noncompliance.</p> <p>The State reported that 114 of 217 findings of noncompliance identified in FFY 2008 and 25 of 49 findings of noncompliance identified in FFY 2007 were corrected. The State reported on the actions it took to address the uncorrected noncompliance.</p> <p>The State reported that seven of 15 findings of noncompliance identified in FFY 2006 were corrected. The State reported on the actions it took to address the uncorrected noncompliance including implementing court settlement actions under the Jose P. court case.</p> <p>The State was identified as being in need of assistance for two consecutive years based on the State’s FFY 2008 and FFY 2009 APRs, was advised of available technical assistance, and was required to report, with the FFY 2010 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>noncompliance identified in FFY 2007, and eight findings of noncompliance identified in FFY 2006, that were not reported as corrected in the FFY 2010 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 2011 APR, demonstrating that the State timely corrected noncompliance identified by the State in FFY 2010 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>OSEP is concerned about the State’s failure to correct longstanding noncompliance from FFY 2008, FFY 2007, and FFY 2006. The State must take the steps necessary to ensure that it can report, in the FFY 2011 APR, that it has corrected the remaining 103 findings of noncompliance identified in FFY 2008, 24 findings of noncompliance identified in FFY 2007, and eight findings of noncompliance identified in FFY 2006. If the State cannot report in the FFY 2011 APR that this noncompliance has been corrected, the State must report in</p>

New York Part B FFY 2010 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
		<p>the FFY 2011 APR: (1) the specific nature of the noncompliance; (2) the State’s explanation as to why the noncompliance has persisted; (3) the steps that the State has taken to ensure the correction of each finding of the remaining findings of noncompliance, and any new or different actions the State has taken, since the submission of its FFY 2010 APR, to ensure such correction; and (4) any new or different actions the State will take to ensure such correction.</p> <p>When reporting on correction of findings of noncompliance in the FFY 2011 APR, the State must report that it verified that each LEA with noncompliance identified in FFY 2010 and 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 2011 APR, the State must describe the specific actions that were taken to</p>

New York Part B FFY 2010 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
		<p>verify the correction. In addition, in reporting on Indicator 15 in the FFY 2011 APR, the State must use the Indicator 15 Worksheet.</p> <p>In addition, in responding to Indicators 4A, 4B, 9, 10, 11, 12, and 13 in the FFY 2011 APR, the State must report on correction of the noncompliance described in this table under those indicators.</p>
<p>16. Percent of signed written complaints with reports issued that were resolved within 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint, 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>[Compliance Indicator]</p>	<p>The State’s FFY 2010 reported data for this indicator, as of January 31, 2012, are 100%. These data represent progress from the FFY 2009 recalculated data of 95.6%. The State met its FFY 2010 target of 100%.</p> <p>Note that States are allowed to amend their FFY 2010 IDEA section 618 Dispute Resolution data until July 2012.</p>	<p>OSEP appreciates the State’s efforts in achieving compliance with the timely complaint resolution requirements in 34 CFR §300.152.</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 FFY 2010 for this indicator and OSEP accepts those revisions.</p> <p>The State’s FFY 2010 reported data for this indicator, as of January 31, 2012, are 84.2%. These data represent progress from the FFY 2009 data of 84%. The State did not meet its FFY 2010 target of 100%.</p> <p>Note that States are allowed to amend their FFY 2010 IDEA section 618 Dispute Resolution data until July 2012.</p> <p>The State was identified as being in need of assistance for two consecutive years based on the State’s FFY 2008 and FFY 2009 APRs, was advised of available technical assistance, and was required to report, with the FFY 2010 APR, on: (1) the technical</p>	<p>OSEP looks forward to reviewing the State’s FFY 2011 IDEA section 618 data, demonstrating that it is in compliance with the due process hearing timeline requirements in 34 CFR §300.515.</p>

New York Part B FFY 2010 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
	<p>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>18. Percent of hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements. [Results Indicator]</p>	<p>The State revised the improvement activities for FFY 2010 for this indicator and OSEP accepts those revisions.</p> <p>The State's FFY 2010 reported data for this indicator, as of January 31, 2012, are 9.17%. These data represent slippage from the FFY 2009 data of 10.25%. The State did not meet its FFY 2010 target of 12.25%.</p> <p>Note that States are allowed to amend their FFY 2010 IDEA section 618 Dispute Resolution data until July 2012.</p>	<p>OSEP looks forward to reviewing the State's data in the FFY 2011 APR.</p>
<p>19. Percent of mediations held that resulted in mediation agreements. [Results Indicator]</p>	<p>The State revised the improvement activities for FFY 2010 for this indicator and OSEP accepts those revisions.</p> <p>The State's FFY 2010 reported data for this indicator, as of January 31, 2012, are 88.3%. These data remain unchanged from the FFY 2009 data of 88.3%. The State did not meet its FFY 2010 target of 97%.</p> <p>Note that States are allowed to amend their FFY 2010 IDEA section 618 Dispute Resolution data until July 2012.</p>	<p>OSEP looks forward to reviewing the State's data in the FFY 2011 APR.</p>
<p>20. State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate. [Compliance Indicator]</p>	<p>The State's FFY 2010 reported data for this indicator are 97.73%. These data represent progress from the FFY 2009 data of 97.62%. The State did not meet its FFY 2010 target of 100%.</p>	<p>OSEP appreciates the State's efforts and looks forward to reviewing in the FFY 2011 APR, 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). If the State does not report 100% compliance in the FFY 2011 APR, the State must review its improvement activities and revise them, if necessary to ensure</p>

New York Part B FFY 2010 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
		compliance. In reporting on Indicator 20 in the FFY 2011 APR, the State must use the Indicator 20 Data Rubric.