

New York Part B FFY 2011 SPP/APR Response Table

Part B SPP/APR Indicators

1. Percent of youth with IEPs graduating from high school with a regular diploma. [Results Indicator]
2. Percent of youth with IEPs dropping out of high school. [Results Indicator]
3. 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/AMO targets for the disability subgroup. [Results Indicator] B. Participation rate for children with IEPs on statewide assessments. [Results Indicator] C. Proficiency rate for children with IEPs against grade level, modified and alternate academic achievement standards. [Results Indicator]
4. Rates of suspension and expulsion A. Percent of districts that have a significant discrepancy in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs; [Results Indicator] 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. [Compliance Indicator]
5. Percent of children with IEPs aged 6 through 21 served: A. Inside the regular class 80% or more of the day; B. Inside the regular class less than 40% of the day; or C. In separate schools, residential facilities, or homebound/hospital placements. [Results Indicator]
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]
7. Percent of preschool children age 3 through 5 with IEPs who demonstrate improved: A. Positive social-emotional skills (including social relationships); B. Acquisition and use of knowledge and skills (including early language/communication and early literacy); and C. Use of appropriate behaviors to meet their needs. [Results Indicator]
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]
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]

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]
11. Percent of children who were evaluated within 60 days of receiving parental consent for initial evaluation or, if the State establishes a timeframe within which the evaluation must be conducted, within that timeframe. [Compliance Indicator]
12. Percent of children referred by Part C prior to age 3, who are found eligible for Part B, and who have an IEP developed and implemented by their third birthdays. [Compliance Indicator]
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. [Compliance Indicator]
14. Percent of youth who are no longer in secondary school, had IEPs in effect at the time they left school, and were: A. Enrolled in higher education within one year of leaving high school; B. Enrolled in higher education or competitively employed within one year of leaving high school; C. Enrolled in higher education or in some other postsecondary education or training program; or competitively employed or in some other employment within one year of leaving high school. [Results Indicator]
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. [Compliance Indicator]
18. Percent of hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements. [Results Indicator]
19. Percent of mediations held that resulted in mediation agreements. [Results Indicator]
20. State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate. [Compliance Indicator]

Timeliness of State Complaint and Due Process Hearing Decisions
(Collected as Part of IDEA Section 618 Data rather than through an SPP/APR Indicator)

Timely Resolution of State Complaints: 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.

Timely Adjudication of Due Process Hearing Requests: Percent of adjudicated due process hearing requests that were adjudicated within the 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.

New York Part B FFY 2011 SPP/APR Results Data Summary

INDICATOR	FFY 2010 DATA	FFY 2011 DATA	FFY 2011 TARGET
1. Graduation	44.4%	46.4%	≥ 53% ¹
2. Drop Out	16.7%	16.0%	≤ 14% ²
3. A. Percent of Districts Meeting AYP for Disability Subgroup		44.3%	≥ 31 %
B. Statewide Assessment Participation Rate – Reading (3-8)	98%	98%	≥ 95%
B. Statewide Assessment Participation Rate – Reading (HS)	98%	98%	≥ 95%
B. Statewide Assessment Participation Rate – Math (3-8)	97%	97%	≥ 95%
B. Statewide Assessment Participation Rate – Math (HS)	97%	97%	≥ 95%
C. Proficiency Rate - Reading	See Attached Table	See Attached Table	See Attached Table
C. Proficiency Rate- Math	See Attached Table	See Attached Table	See Attached Table
4. A. Percent of Districts with Significant Discrepancy in Suspension/Expulsion	6.0%	4.8%	≤ 2% of districts with suspension rate for students with disabilities of ≥ 2.7%
5. Educational Environment for Children with IEPs 6-21			
A. In Regular Education 80% or More of Day	55.9%	56.9%	≥ 57%
B. In Regular Education Less than 40% of Day	22.9%	22%	≤ 22%
C. In Separate Schools, Residential Facilities, or Homebound/Hospitals	6.4%	6.4%	≤ 6%
6. Percent of children aged 3 through 5 with IEPs attending:			
A. Regular early childhood program and receiving majority of special education and related services in regular early childhood program;		42.2%	Baseline
B. Separate special education class, separate school or residential facility.		26.8%	Baseline
7. Preschool Outcomes	See Attached Table	See Attached Table	See Attached Table

¹ As used in this table, the symbol “≥” means that, to meet the target, the State’s data must be greater than or equal to the established target.

² As used in this table, the symbol “≤” means that, to meet the target, the State’s data must be less than or equal to the established target.

INDICATOR	FFY 2010 DATA	FFY 2011 DATA	FFY 2011 TARGET
8. Parents Reporting Schools Facilitated Parent Involvement	92.6%	93.2%	≥ 90%
14. Percent of Youth No Longer in School, within One Year of Leaving High School:			
A. Enrolled in Higher Education	42%	42%	≥ 44%
B. Enrolled in Higher Education or Competitively Employed	67%	68%	≥ 65%
C. Enrolled in Higher Education or Other Postsecondary Education or Training or Competitively Employed or in Some Other Employment	78%	79%	≥ 78%
18. Hearing Requests Resolved through Resolution Session Agreements	9.17%	8.78%	≥ 11.17%
19. Mediations Held that Resulted in Mediation Agreements	88.3%	86%	≥ 97%

3.C Statewide Assessments:

Proficiency rate for children with IEPs against grade level, modified and alternate academic achievement standards.

Grade Level & Subject	Performance Index ³ FFY 2010	Performance Index FFY 2011	FFY 2011 Target
3-8 ELA		97	101
3-8 Math		100	122
High School ELA		116	97
High School Math		77	82

³ The State reports its data and targets for Indicator 3.C as performance indices, rather than percentages.

7. Percent of Preschool Children Age 3 through 5 with IEPs Who Demonstrate Improved Outcomes

Summary Statement 1⁴	FFY 2010 Data	FFY 2011 Data	FFY 2011 Target
Outcome A: Positive social-emotional skills (including social relationships)	87.5%	88.5%	≥ 85%
Outcome B: Acquisition and use of knowledge and skills (including early language/ communication)	89.0%	88.3%	≥ 86%
Outcome C: Use of appropriate behaviors to meet their needs	87.3%	86.7%	≥ 84%
Summary Statement 2⁵	FFY 2010 Data	FFY 2011 Data	FFY 2011 Target
Outcome A: Positive social-emotional skills (including social relationships)	50.8%	48.5%	≥ 55.6%
Outcome B: Acquisition and use of knowledge and skills (including early language/ communication)	50.5%	49.2%	≥ 55.5%
Outcome C: Use of appropriate behaviors to meet their needs	56.2%	55.5%	≥ 63.4%

⁴ **Summary Statement 1:** Of those preschool children who entered or exited the preschool program below age expectations in each Outcome, the percent who substantially increased their rate of growth by the time they turned 6 years of age or exited the program.

⁵ **Summary Statement 2:** The percent of preschool children who were functioning within age expectations in each Outcome by the time they turned 6 years of age or exited the program.

New York Part B FFY 2011 Results Data Summary Notes

INDICATOR 1: The State revised the improvement activities for FFY 2012 for this indicator and OSEP accepts those revisions.

INDICATOR 3A: The State revised the targets for FFY 2012 for this indicator and OSEP accepts those revisions.

The State indicated that stakeholders were provided an opportunity to comment on the revised targets. The revised targets are more rigorous than the previously-established targets.

The State has chosen to continue to report AYP data based on targets established under the No Child Left Behind Act. However, the State has changed the way in it calculates AYP based upon its approved flexibility waiver under Title I of the Elementary and Secondary Education Act (ESEA). Therefore, it is not appropriate to compare the FFY 2010 data to FFY 2011 data.

INDICATOR 3B: The State provided a Web link to 2011 publicly-reported assessment results.

INDICATOR 3C: The State has changed the way it calculates proficiency levels based upon its approved flexibility waiver under Title I of the Elementary and Secondary Education Act (ESEA), and provided new FFY 2011 baseline data for this indicator. OSEP accepts those revisions. Therefore, it is not appropriate to compare the FFY 2010 data to the FFY 2011 data.

The State provided a Web link to 2011 publicly-reported assessment results.

INDICATOR 4A: The State reported its definition of “significant discrepancy.”

The State reported that 33 districts were identified as having a significant discrepancy in the rate of suspensions and expulsions of greater than ten days in a school year for children with IEPs.

The State reported that 112 of 682 districts did not meet the State-established minimum “n” size requirement of a minimum of 75 students with disabilities.

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 2011 (using 2010-2011 data). The State identified noncompliance through this review.

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 2011.

The State reported that noncompliance identified in FFY 2010 through the review of policies, procedures, and practices, pursuant to 34 CFR §300.170(b), was corrected.

REQUIRED ACTIONS:

The State must report, in its FFY 2012 APR, on the correction of noncompliance that the State identified in FFY 2011 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 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 09-02.⁶ In the FFY 2012 APR, the State must describe the specific actions that were taken to verify the correction.

INDICATOR 6: The State provided FFY 2011 baseline data, targets for 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 2012.

⁶ OSEP Memorandum 09-02 (OSEP Memo 09-02), dated October 17, 2008, requires that the State report that it verified that each LEA with noncompliance: (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.

INDICATOR 7: The State revised the improvement activities for FFY 2012 for this indicator and OSEP accepts those revisions.

REQUIRED ACTION:

The State must report progress data and actual target data for FFY 2012 in the FFY 2012 APR.

New York Part B FFY 2011 SPP/APR Compliance Summary

INDICATOR	FFY 2010 DATA	FFY 2011 DATA	FFY 2011 TARGET	CORRECTION OF FINDINGS OF NONCOMPLIANCE IDENTIFIED IN 2010
4B. Significant discrepancy in suspension/expulsion by race/ethnicity, and policies, procedures or practices that contribute to the significant discrepancy and do not comply with specified requirements.	1.3%	2.2%	0%	The State reported that 170 of 209 findings of noncompliance identified in FFY 2010 were corrected in a timely manner and that the 39 remaining findings were subsequently corrected by January 2013.
9. Disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification.	0.9%	0.4%	0%	The State reported that all seven of its findings of noncompliance identified in FFY 2010 were corrected in a timely manner.
10. Disproportionate representation by disability of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.	0.9%	0.9%	0%	The State reported that 15 of 17 findings of noncompliance identified in FFY 2010 were corrected in a timely manner. The State reported on the actions it took to address the uncorrected noncompliance.
11. Timely Initial Evaluation	84%	90%	100%	The State reported that all 112 of its findings of noncompliance identified in FFY 2010 were corrected in a timely manner.
12. Early Childhood Transition	70.3%	87.5%	100%	The State reported that nine of ten findings of noncompliance identified in FFY 2010 were corrected in a timely manner. 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.

INDICATOR	FFY 2010 DATA	FFY 2011 DATA	FFY 2011 TARGET	CORRECTION OF FINDINGS OF NONCOMPLIANCE IDENTIFIED IN 2010
13. Secondary Transition	79.0%	89.4%	100%	The State reported that 95 of 99 findings of noncompliance identified in FFY 2010 were corrected in a timely manner and that four findings were subsequently corrected by January 2013.
15. Timely Correction	87%	93.5%	100%	The State reported that 1,646 of 1,761 findings of noncompliance identified in FFY 2010 were corrected in a timely manner, and that 89 of 115 remaining findings of noncompliance were subsequently corrected by January 2013.
20. Timely and Accurate Data	96.61%	95.65	100%	

New York Part B FFY 2011 State Complaint and Hearing Data from IDEA Section 618 Data Reports

REQUIREMENT	FFY 2010 DATA	FFY 2011 DATA
Timely resolution of complaints	100%	100%
Timely adjudication of due process hearing requests	84.2%	85.7%

New York Part B FFY 2011 Compliance Data Summary Notes

INDICATOR 4B: The State reported its definition of “significant discrepancy.”

The State reported that 22 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 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 2011 (using 2009-2010 data).

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.

The State reported that 112 of 682 districts did not meet the State-established minimum “n” size requirement of 75 students with disabilities enrolled.

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 2011.

The State reported that 12 of 36 findings of noncompliance identified in FFY 2009 were corrected. For the uncorrected noncompliance, the State reported on the actions it took to address the uncorrected noncompliance.

REQUIRED ACTIONS:

Because the State reported less than 100% compliance (greater than 0% actual target data for this indicator) for FFY 2011, the State must report on the status of correction of noncompliance identified in FFY 2011 for this indicator. The State must demonstrate, in the FFY 2012 APR, that the districts identified with noncompliance in FFY 2011 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 2012 APR, the State must describe the specific actions that were taken to verify the correction.

The State reported that noncompliance identified in FFY 2009 as a result of the review it conducted pursuant to 34 CFR §300.170(b) was partially corrected. When reporting on the correction of noncompliance, the State must demonstrate, in the FFY 2012 APR, that it has verified that each district with remaining noncompliance identified in FFY 2009: (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 2012 APR, the State must describe the specific actions that were taken to verify the correction.

INDICATOR 9: The State reported that ten districts were identified with disproportionate representation of racial and ethnic groups in special education and related services. The State also reported that three districts were identified with disproportionate representation of racial and ethnic groups in special education and related services that was the result of inappropriate identification.

The State provided its definition of “disproportionate representation.”

The State reported that 112 of 682 districts did not meet the State-established minimum “n” size requirement of at least 75 students with disabilities enrolled, a minimum of 30 students of a particular race/ethnicity enrolled, at least 75 students of all other race/ethnicities enrolled, and at least 10 students with disabilities of a particular race/ethnicity enrolled, and were excluded from the calculation.

The State reported that two findings of noncompliance identified in FFY 2009, and one finding of noncompliance identified in FFY 2008 were corrected.

REQUIRED ACTIONS:

Because the State reported less than 100% compliance for FFY 2011 (greater than 0% actual target data for this indicator), the State must report on the status of correction of noncompliance identified in FFY 2011 for this indicator. The State must demonstrate, in the FFY 2012 APR, that the districts identified in FFY 2011 with disproportionate representation of racial and ethnic groups in special education and related services that was the result of inappropriate identification [is/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 2012 APR, the State must describe the specific actions that were taken to verify the correction.

INDICATOR 10: The State reported that 17 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.

The State provided its definition of “disproportionate representation.”

The State reported that 112 of 682 districts did not meet the State-established minimum “n” size requirement of at least 75 students with disabilities enrolled, a minimum of 30 students of a particular race/ethnicity enrolled, at least 75 students of all other race/ethnicities enrolled, and at least 10 student with disabilities of a particular race/ethnicity and disability enrolled, and were excluded from the calculation.

The State reported that four findings of noncompliance identified in FFY 2009 were corrected.

REQUIRED ACTIONS:

Because the State reported less than 100% compliance for FFY 2011 (greater than 0% actual target data for this indicator), the State must report on the status of correction of noncompliance identified in FFY 2011 for this indicator. The State must demonstrate, in the FFY 2012 APR, that the [district/districts] identified in FFY 2011 [OR if applicable: identified in FFY 2012 based on FFY 2011 data] with disproportionate representation of racial and ethnic groups in specific disability categories that was the result of inappropriate identification [is/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 2012 APR, the State must describe the specific actions that were taken to verify the correction.

INDICATOR 11: The State revised the improvement activities for FFY 2012 for this indicator and OSEP accepts those revisions.

REQUIRED ACTIONS:

Because the State reported less than 100% compliance for FFY 2011, the State must report on the status of correction of noncompliance identified in FFY 2011 for this indicator. When reporting on the correction of noncompliance, the State must report, in its FFY 2012 APR, that it has verified that each LEA with noncompliance identified in FFY 2011 for this indicator: (1) is correctly implementing the specific regulatory requirements (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the LEA, consistent with OSEP Memo 09-02. In the FFY 2012 APR, the State must describe the specific actions that were taken to verify the correction.

INDICATOR 12:

The State revised the improvement activities for FFY 2012 for this indicator and OSEP accepts those revisions.

The State reported that the one finding of noncompliance identified in FFY 2007 was corrected.

REQUIRED ACTIONS:

Because the State reported less than 100% compliance for FFY 2011, the State must report on the status of correction of noncompliance identified in FFY 2011 for this indicator. When reporting on the correction of noncompliance, the State must report, in its FFY 2012 APR, that it has verified that each LEA with noncompliance identified in FFY 2011 for this indicator: (1) is correctly implementing the specific regulatory requirements (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the LEA, consistent with OSEP Memo 09-02. In the FFY 2012 APR, the State must describe the specific actions that were taken to verify the correction.

INDICATOR 13: The State reported that five findings of noncompliance identified in FFY 2009, five findings of noncompliance identified in FFY 2008, and two findings of noncompliance identified in FFY 2007 were corrected.

The State was identified as being in need of assistance for two consecutive years based on the State's FFY 2009 and FFY 2010 APRs, was advised of available technical assistance, and was required to report, with the FFY 2011 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.

REQUIRED ACTIONS:

Because the State reported less than 100% compliance for FFY 2011, the State must report on the status of correction of noncompliance identified in FFY 2011 for this indicator. When reporting on the correction of noncompliance, the State must report, in its FFY 2012 APR, that it has verified that each LEA with noncompliance identified in FFY 2011 for this indicator: (1) is correctly implementing the specific regulatory requirements (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the LEA, consistent with OSEP Memo 09-02. In the FFY 2012 APR, the State must describe the specific actions that were taken to verify the correction.

INDICATOR 15:

The State reported that 46 of 73 findings of noncompliance identified in FFY 2009, 52 of 103 findings of noncompliance identified in FFY 2008, four of 22 findings of noncompliance identified in FFY 2007, and the eight findings of noncompliance identified in FFY 2006, were corrected. For the uncorrected noncompliance, the State reported on the actions it took to address the uncorrected noncompliance.

The State was identified as being in need of assistance for two consecutive years based on the State's FFY 2009 and FFY 2010 APRs, was advised of available technical assistance, and was required to report, with the FFY 2011 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.

REQUIRED ACTIONS:

The State must demonstrate, in the FFY 2012 APR, that the remaining 27 findings of noncompliance identified in FFY 2009, 51 findings of noncompliance identified in FFY 2008, and 18 findings of noncompliance identified in FFY 2007 that were not reported as corrected in the FFY 2011 APR were corrected.

When reporting in the FFY 2012 APR on the correction of findings of noncompliance, the State must report that it verified that each LEA with findings of noncompliance identified in FFY 2011 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 2012 APR, the State must describe the specific actions that were taken to verify the correction. In addition, in reporting on Indicator 15 in the FFY 2012 APR, the State must use and submit the Indicator 15 Worksheet.

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 2012 APR, that it has corrected this noncompliance.

Further, in responding to Indicators 4A, 4B, 9, 10, 11, 12, and 13 in the FFY 2012 APR, the State must report on correction of the noncompliance described in this table under those indicators.