

**New York C FFY 2007 SPP/APR Response Table**

<b>Monitoring Priorities and Indicators</b>	<b>Status of APR Data/SPP Revision Issues</b>	<b>OSEP Analysis/Next Steps</b>
<p>1. Percent of infants and toddlers with IFSPs who receive the early intervention services on their IFSPs in a timely manner.</p> <p>[Compliance Indicator]</p>	<p>The State revised its standard for reporting data under this indicator regarding the timely initiation of Part C services. OSEP accepts this revision.</p> <p>The State's FFY 2007 reported data for this indicator are 76.3%. These data represent progress from the FFY 2006 data of 68%.</p> <p>The State did not meet its FFY 2007 target of 100%.</p> <p>The State reported that all three of its findings of noncompliance identified in FFY 2006 related to this indicator were corrected in a timely manner.</p>	<p>The State reported that noncompliance identified in FFY 2006 with the timely service provision requirements in CFR §§303.340(c), 303.342(e) and 303.344(f)(1) was corrected in a timely manner.</p> <p>The State must demonstrate, in the FFY 2008 APR due February 1, 2010, that the State is in compliance with the requirements in CFR §§303.340(c), 303.342(e) and 303.344(f)(1), including correction of the noncompliance the State reported under this indicator in the FFY 2007 APR.</p> <p>In reporting on correction, the State must report, in its FFY 2008 APR due February 1, 2010, that it has verified that each EIS program with noncompliance reported by the State under this indicator in the FFY 2007 APR: (1) is correctly implementing the specific regulatory requirements; and (2) has initiated services for each child, although late, unless the child is no longer within the jurisdiction of the EIS program, consistent with OSEP Memorandum 09-02, dated October 17, 2008 (OSEP Memo 09-02).</p> <p>If the State is unable to demonstrate compliance in the FFY 2008 APR, the State must review its improvement activities and revise them, if necessary to ensure compliance.</p>
<p>2. Percent of infants and toddlers with IFSPs who primarily receive early intervention services in the home or programs for typically</p>	<p>The State's FFY 2007 reported data for this indicator are 91.2%. The State's FFY 2006 reported data are 91.5%.</p> <p>The State met its FFY 2007 target of 89.76%.</p>	<p>OSEP appreciates the State's efforts to improve performance.</p>

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<p>developing children. [Results Indicator]</p>																														
<p>2. Percent of infants and toddlers with IFSPs who demonstrate improved: A. Positive social-emotional skills (including social relationships); B. Acquisition and use of knowledge and skills (including early language/ communication); and C. Use of appropriate behaviors to meet their needs. [Results Indicator]</p>	<p>The State's FFY 2007 reported progress data for this indicator are:</p> <table border="1" data-bbox="548 329 1446 1157"> <thead> <tr> <th data-bbox="548 329 1075 513">07-08 Infant and Toddler Outcome Progress Data</th> <th data-bbox="1075 329 1199 513">Social Emotional</th> <th data-bbox="1199 329 1323 513">Knowledge &amp; Skills</th> <th data-bbox="1323 329 1446 513">Appropriate Behavior</th> </tr> </thead> <tbody> <tr> <td data-bbox="548 513 1075 586">a. % of infants &amp; toddlers who did not improve functioning.</td> <td data-bbox="1075 513 1199 586">5</td> <td data-bbox="1199 513 1323 586">3</td> <td data-bbox="1323 513 1446 586">2</td> </tr> <tr> <td data-bbox="548 586 1075 727">b. % of infants &amp; toddlers who improved but not sufficient to move nearer to functioning comparable to same-aged peers.</td> <td data-bbox="1075 586 1199 727">24</td> <td data-bbox="1199 586 1323 727">21</td> <td data-bbox="1323 586 1446 727">23</td> </tr> <tr> <td data-bbox="548 727 1075 833">c. % of infants &amp; toddlers who improved to a level nearer to same-aged peers but did not reach it.</td> <td data-bbox="1075 727 1199 833">24</td> <td data-bbox="1199 727 1323 833">33</td> <td data-bbox="1323 727 1446 833">34</td> </tr> <tr> <td data-bbox="548 833 1075 938">d. % of infants &amp; toddlers who improved functioning to reach a level comparable to same-aged peers.</td> <td data-bbox="1075 833 1199 938">22</td> <td data-bbox="1199 833 1323 938">28</td> <td data-bbox="1323 833 1446 938">30</td> </tr> <tr> <td data-bbox="548 938 1075 1044">e. % of infants &amp; toddlers who maintained functioning at a level comparable to same-aged peers.</td> <td data-bbox="1075 938 1199 1044">24</td> <td data-bbox="1199 938 1323 1044">15</td> <td data-bbox="1323 938 1446 1044">11</td> </tr> <tr> <td data-bbox="548 1044 1075 1157">Total (approx. 100%)</td> <td data-bbox="1075 1044 1199 1157">99.00%</td> <td data-bbox="1199 1044 1323 1157">100.00%</td> <td data-bbox="1323 1044 1446 1157">100.00%</td> </tr> </tbody> </table> <p data-bbox="548 1179 1402 1239">The State revised the improvement activities for this indicator and OSEP accepts those revisions.</p> <p data-bbox="548 1260 1465 1390">The State submitted a revised sampling plan for this indicator in its FFY 2007 APR. An evaluation of the sampling plan indicated that it will yield valid and reliable data for this indicator as long as New York continues to ensure representativeness by over-sampling.</p>	07-08 Infant and Toddler Outcome Progress Data	Social Emotional	Knowledge & Skills	Appropriate Behavior	a. % of infants & toddlers who did not improve functioning.	5	3	2	b. % of infants & toddlers who improved but not sufficient to move nearer to functioning comparable to same-aged peers.	24	21	23	c. % of infants & toddlers who improved to a level nearer to same-aged peers but did not reach it.	24	33	34	d. % of infants & toddlers who improved functioning to reach a level comparable to same-aged peers.	22	28	30	e. % of infants & toddlers who maintained functioning at a level comparable to same-aged peers.	24	15	11	Total (approx. 100%)	99.00%	100.00%	100.00%	<p>The State reported the required progress data and improvement activities. The State must provide baseline data, targets and improvement activities with the FFY 2008 APR, due February 1, 2010.</p>
07-08 Infant and Toddler Outcome Progress Data	Social Emotional	Knowledge & Skills	Appropriate Behavior																											
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<p>4. Percent of families participating in Part C who report that early intervention services have helped the family:</p> <p>A. Know their rights; B. Effectively communicate their children's needs; and C. Help their children develop and learn.</p> <p>[Results Indicator]</p>	<p>The State's reported data for this indicator are:</p> <table border="1" data-bbox="548 245 1480 639"> <thead> <tr> <th></th> <th>FFY 2006 Data</th> <th>FFY 2007 Data</th> <th>FFY 2007 Target</th> <th>Progress</th> </tr> </thead> <tbody> <tr> <td>A. Know their rights. (%)</td> <td>73.78</td> <td>71</td> <td>73.2</td> <td>-2.49%</td> </tr> <tr> <td>B. Effectively communicate their children's needs. (%)</td> <td>68.08</td> <td>66.09</td> <td>67.69</td> <td>-1.99%</td> </tr> <tr> <td>C. Help their children develop and learn. (%)</td> <td>83.83</td> <td>80.53</td> <td>84.41</td> <td>-3.88%</td> </tr> </tbody> </table> <p>The State revised the improvement activities for this indicator and OSEP accepts those revisions.</p> <p>These data represent slippage for 4A, 4B and 4C from the FFY 2006 data.</p> <p>The State did not meet its FFY 2007 targets for 4A, 4B, or 4C.</p> <p>The State reported that the data for this indicator were collected from a response group that was not representative of the population. The State indicated that it will conduct additional data analyses to determine why the parent survey response group was not representative and will develop training, technical assistance, and outreach strategies to improve the response rate among those subpopulations with low response rates.</p>		FFY 2006 Data	FFY 2007 Data	FFY 2007 Target	Progress	A. Know their rights. (%)	73.78	71	73.2	-2.49%	B. Effectively communicate their children's needs. (%)	68.08	66.09	67.69	-1.99%	C. Help their children develop and learn. (%)	83.83	80.53	84.41	-3.88%	<p>OSEP looks forward to the State's data demonstrating improvement in performance in the FFY 2008 APR, due February 1, 2010.</p> <p>The State reported that the FFY 2007 data for this indicator were based on a parent survey response group that is not representative of the State's population. In the FFY 2008 APR, due February 1, 2010, the State must continue to indicate whether its response group is representative of the State's population and, if not, the actions the State has taken to address this issue.</p>
	FFY 2006 Data	FFY 2007 Data	FFY 2007 Target	Progress																		
A. Know their rights. (%)	73.78	71	73.2	-2.49%																		
B. Effectively communicate their children's needs. (%)	68.08	66.09	67.69	-1.99%																		
C. Help their children develop and learn. (%)	83.83	80.53	84.41	-3.88%																		
<p>5. Percent of infants and toddlers birth to 1 with IFSPs compared to:</p> <p>A. Other States with similar eligibility definitions; and B. National data.</p> <p>[Results Indicator]</p>	<p>The State's FFY 2007 reported data for this indicator are 1.04%. The State's FFY 2006 reported data for this indicator were 1.09%</p> <p>The State did not meet its FFY 2007 target of 1.16%.</p>	<p>OSEP looks forward to the State's data demonstrating improvement in performance in the FFY 2008 APR, due February 1, 2010.</p>																				
<p>6. Percent of infants and toddlers birth to 3 with IFSPs compared to:</p> <p>A. Other States with similar eligibility definitions; and</p>	<p>The State's FFY 2007 reported data for this indicator are 4.11%. These data represent slippage from the FFY 2006 data of 4.24%.</p> <p>The State met its FFY 2007 target of 4.095%.</p>	<p>OSEP appreciates the State's efforts to improve performance.</p>																				

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<p>B. National data. [Results Indicator]</p>		
<p>7. Percent of eligible infants and toddlers with IFSPs for whom an evaluation and assessment and an initial IFSP meeting were conducted within Part C's 45-day timeline. [Compliance Indicator]</p>	<p>The State's FFY 2007 reported data for this indicator are 77.5%. These data represent progress from the FFY 2006 data of 71.3%.</p> <p>The State did not meet its FFY 2007 target of 100%.</p> <p>The State reported that the one finding of noncompliance identified in FFY 2006 related to this indicator was corrected in a timely manner.</p>	<p>The State reported that noncompliance identified in FFY 2006 with the 45-day timeline requirements in 34 CFR §§303.321(e)(2), 303.322(e)(1), and 303.342(a) was corrected in a timely manner.</p> <p>The State must demonstrate, in the FFY 2008 APR due February 1, 2010, that the State is in compliance with the requirements in 34 CFR §§303.321(e)(2), 303.322(e)(1), and 303.342(a), including correction of the noncompliance the State reported under this indicator in the FFY 2007 APR.</p> <p>In reporting on correction, the State must report, in its FFY 2008 APR due February 1, 2010, that it has verified that each EIS program with noncompliance reported by the State under this indicator in the FFY 2007 APR: (1) is correctly implementing the specific regulatory requirement(s); and (2) has conducted the initial evaluation, assessment and IFSP meeting, although late, unless the child is no longer within the jurisdiction of the EIS program, consistent with OSEP Memo 09-02.</p> <p>If the State is unable to demonstrate compliance in the FFY 2008 APR, the State must review its improvement activities and revise them, if necessary to ensure compliance.</p>
<p>8. Percent of all children exiting Part C who received timely transition planning to support the</p>	<p>The State's FFY 2007 reported data for this indicator are 81.1%. These data represent slippage from the FFY 2006 data of 87.1%.</p>	<p>The State must demonstrate, in the FFY 2008 APR due February 1, 2010, that the State is in compliance with the IFSP</p>

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<p>child's transition to preschool and other appropriate community services by their third birthday including:</p> <p>A. IFSPs with transition steps and services;</p> <p>[Compliance Indicator]</p>	<p>The State did not meet its FFY 2007 target of 100%.</p> <p>OSEP's June 6, 2008 FFY 2006 SPP/APR response table required the State to include in the FFY 2007 APR, due February 2, 2009, actual numbers when reporting on this indicator. The State included the actual numbers.</p> <p>Although the State reported less than 100% compliance for this indicator for FFY 2006, the State reported that it made no FFY 2006 findings of noncompliance related to this indicator.</p>	<p>transition content requirements in 34 CFR §§303.148(b)(4) and 303.344(h), including correction of the noncompliance the State reported under this indicator in the FFY 2007 APR.</p> <p>In reporting on correction, the State must report, in its FFY 2008 APR due February 1, 2010, that it has verified that each EIS program with noncompliance reported by the State under this indicator in the FFY 2007 APR: (1) is correctly implementing the specific regulatory requirement(s); and (2) has developed an IFSP with transition steps and services, unless the child is no longer within the jurisdiction of the EIS program, consistent with OSEP Memo 09-02.</p> <p>If the State is unable to demonstrate compliance in the FFY 2008 APR, the State must review its improvement activities and revise them, if necessary to ensure compliance.</p>
<p>8. Percent of all children exiting Part C who received timely transition planning to support the child's transition to preschool and other appropriate community services by their third birthday including:</p> <p>B. Notification to LEA, if child potentially eligible for Part B; and</p> <p>[Compliance Indicator]</p>	<p>The State's FFY 2007 reported data for this indicator are 90.1%. These data represent slippage from the FFY 2006 data of 97.8%.</p> <p>The State did not meet its FFY 2007 target of 100%.</p> <p>Under IDEA section 637(a)(9)(A)(ii)(I), 34 CFR §303.148(b)(1) and OSEP's 2004 <i>Letter to Elder</i>, the lead agency must disclose to the LEA where the child resides limited child find information unless the lead agency has adopted an opt-out policy and the parent opts out; the lead agency may not require affirmative parental consent for this limited disclosure. The State submitted an opt-out policy and OSEP has provided its analysis in a separate memo.</p> <p>OSEP's June 6, 2008 FFY 2006 SPP/APR response table required the State to include in the FFY 2007 APR, due February 2, 2009 actual numbers when reporting on this indicator. The State included the actual numbers.</p> <p>Although the State reported less than 100% compliance for this indicator for FFY 2006, the State reported that it made no FFY 2006 findings of</p>	<p>The State must demonstrate, in the FFY 2008 APR due February 1, 2010, that the State is in compliance with the requirements in 34 CFR §303.148(b)(1), including correction of the noncompliance the State reported under this indicator in the FFY 2007 APR.</p> <p>In reporting on correction, the State must report, in its FFY 2008 APR due February 1, 2010, that it has verified that each EIS program with noncompliance reported by the State under this indicator in the FFY 2007 APR: (1) is correctly implementing the specific regulatory requirement(s); and (2) has provided notification to the LEA, unless the child is no longer within the</p>

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	<p>noncompliance related to this indicator.</p>	<p>jurisdiction of the EIS program, consistent with OSEP Memo 09-02.</p> <p>If the State is unable to demonstrate compliance in the FFY 2008 APR, the State must review its improvement activities and revise them, if necessary to ensure compliance.</p> <p>Under IDEA section 637(a)(9)(A)(ii)(I), 34 CFR §303.148(b)(1) and OSEP’s 2004 <i>Letter to Elder</i>, the lead agency must disclose limited child find information to the LEA where the child resides unless the lead agency has adopted an opt-out policy and the parent opts out; the lead agency may not require affirmative parental consent for this limited disclosure. It appears from the State’s FFY 2007 APR that the State may require parental consent prior to notifying the LEA under 34 CFR §303.148(b)(1). With its Part C FFY 2009 Application, the State must submit its revised transition policy with the parental consent requirement deleted and any opt-out policy if the State elects to adopt one as part of, or an amendment to, Section II of the State’s Part C Application. Unless the lead agency has adopted an opt-out policy that is on file with OSEP and the parent opts out, the lead agency must provide the notification required by 34 CFR §303.148(b)(1) and OSEP’s 2004 <i>Letter to Elder</i> for all children served in Part C who will shortly reach the age of eligibility for preschool services under Part B.</p>
<p>8. Percent of all children exiting Part C who received timely transition planning to support the child’s transition to preschool and</p>	<p>The State’s FFY 2007 reported data for this indicator are 78.9%. These data represent progress from the FFY 2006 data of 53.7%.</p> <p>The State did not meet its FFY 2007 target of 100%. The State included a discussion of the actual numbers used to calculate this indicator, however the</p>	<p>The State must demonstrate, in the FFY 2008 APR due February 1, 2010, that the State is in compliance with the requirements in 34 CFR §303.148(b)(2)(i)</p>

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<p>other appropriate community services by their third birthday including:</p> <p>C. Transition conference, if child potentially eligible for Part B.</p> <p>[Compliance Indicator]</p>	<p>State also included a paragraph on exceptional family cases that is inconsistent with its initial discussion. OSEP assumes that the State meant to remove the paragraph discussing exceptional family cases. If that assumption is incorrect, in the FFY 2008 APR, due February 1, 2010, the State must clarify how the State calculated this indicator.</p> <p>OSEP's June 6, 2008 FFY 2006 SPP/APR response table required the State to include in the FFY 2007 APR, due February 2, 2009 actual numbers when reporting on this indicator and a report on the correction of the noncompliance identified in FFY 2005 that was not corrected in a timely manner. The State included the actual numbers, and reported on the correction of the noncompliance identified in FFY 2005 that was not corrected in a timely manner.</p> <p>Although the State reported less than 100% compliance for this indicator for FFY 2006, the State reported that it made no FFY 2006 findings of noncompliance related to this indicator.</p> <p>The State was identified as being in need of assistance for two consecutive years based on the State's FFY 2005 and 2006 APRs, was advised of available technical assistance, and was required to report, with the FFY 2007 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>(as modified by IDEA section 637(a)(9)(A)(ii)(II)), including correction of the noncompliance the State reported under this indicator in the FFY 2007 APR.</p> <p>The State must report, in its FFY 2008 APR due February 1, 2010, that it has verified that each EIS program with noncompliance reported by the State under this indicator in the FFY 2007 APR: (1) is correctly implementing the specific regulatory requirement(s); and (2) has conducted a transition conference for each child potentially eligible for Part B, although late, unless the child is no longer within the jurisdiction of the EIS program, consistent with OSEP Memo 09-02.</p> <p>If the State is unable to demonstrate compliance in the FFY 2008 APR, the State must review its improvement activities and revise them, if necessary to ensure compliance.</p>
<p>9. 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's FFY 2007 reported data for this indicator are 91%. These data represent progress from the FFY 2006 data of 75%.</p> <p>The State did not meet its FFY 2007 target of 100%.</p> <p>OSEP's June 6, 2008 FFY 2006 SPP/APR response table required the State to demonstrate in the FFY 2007 APR, due February 2, 2009, that the State has corrected the remaining noncompliance identified in Indicator 9 from FFY 2005. The State did provide this information in Indicator 8C.</p> <p>The State was identified as being in need of assistance for two consecutive years based on the State's FFY 2005 and 2006 APRs, was advised of available technical assistance, and was required to report, with the FFY 2007 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</p>	<p>The State must demonstrate, in the FFY 2008 APR, due February 1, 2010, that the State has corrected the remaining FFY 2005 and FFY 2006 findings of noncompliance. The State's failure to correct longstanding noncompliance raises serious questions about the effectiveness of the State's general supervision systems. The State must take the steps necessary to ensure that it can report, in the FFY 2008 APR, due February 1, 2010, that it has corrected this noncompliance.</p> <p>The State must review its improvement activities and revise them, if appropriate, to</p>

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	<p>received assistance for this indicator and reported on the actions the State took as a result of that technical assistance.</p>	<p>ensure they will enable the State to provide data in the FFY 2008 APR, due February 1, 2010, demonstrating that the State timely corrected noncompliance identified by the State in FFY 2007, in accordance with IDEA section 635(a)(10)(A) and 34 CFR §303.501(b) and OSEP Memo 09-02</p> <p>In reporting on correction of noncompliance, the State must report that it has: (1) corrected all instances of noncompliance (including noncompliance identified through the State’s monitoring system, through the State’s data system and by the Department); and (2) verified that each EIS program with identified noncompliance is correctly implementing the specific regulatory requirements, consistent with OSEP Memo 09-02.</p> <p>In addition, in responding to Indicators 1, 7, 8A, 8B and 8C in the FFY 2008 APR due February 1, 2010, the State must report on correction of the noncompliance described in this table under those indicators.</p> <p>In reporting on Indicator 9 in the FFY 2008 APR, the State must use the Indicator 9 Worksheet.</p>
<p>10. 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. [Compliance Indicator]</p>	<p>The State’s FFY 2007 reported data for this indicator are 96% based on the resolution of 23 complaints. These data represent progress from the FFY 2006 data of 82%.</p> <p>The State did not meet its FFY 2007 target of 100%.</p>	<p>OSEP appreciates the State’s efforts and looks forward to reviewing in the FFY 2008 APR, due February 1, 2010, the State’s data demonstrating that it is in compliance with the timely complaint resolution requirements in 34 CFR §§303.510 through 303.512.</p>
<p>11. Percent of fully adjudicated due</p>	<p>The State’s FFY 2007 reported data for this indicator are 100%. These data</p>	<p>OSEP appreciates the State’s efforts in</p>

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<p>process hearing requests that were fully adjudicated within the applicable timeline. [Compliance Indicator]</p>	<p>are based on one fully adjudicated due process hearing. The State reported no fully adjudicated due process hearing requests in FFY 2006.</p>	<p>achieving compliance with the due process hearing timelines requirements in 34 CFR §§303.420 and 303.423(b).</p>
<p>12. Percent of hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements (applicable if Part B due process procedures are adopted). [Results Indicator]</p>	<p>Not applicable.</p>	<p>This indicator does not apply to the State because the State has not adopted the Part B due process procedures to resolve Part C due process hearing requests.</p>
<p>13. Percent of mediations held that resulted in mediation agreements. [Results Indicator]</p>	<p>The State's FFY 2007 reported data for this indicator are 97%. These data represent progress from the FFY 2006 data of 96%. The State met its FFY 2007 target of 82%.</p>	<p>OSEP appreciates the State's efforts to improve performance.</p>
<p>14. State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate. [Compliance Indicator]</p>	<p>The State's FFY 2007 reported data for this indicator are 100%. These data remain unchanged from the FFY 2006 data of 100%. The State met its FFY 2007 target of 100%.</p>	<p>OSEP appreciates the State's efforts in achieving compliance with the data reporting requirements in IDEA sections 616, 618, and 642 and 34 CFR §§76.720 and 303.540.  In reporting on Indicator 14 in the FFY 2008 APR, the State must use the Indicator 14 Data Rubric.</p>