

New York Part C FFY 2011 SPP/APR Response Table

Part C SPP/APR Indicators

1. Percent of infants and toddlers with IFSPs who receive the early intervention services on their IFSPs in a timely manner. [Compliance Indicator]
2. Percent of infants and toddlers with IFSPs who primarily receive early intervention services in the home or community-based settings. [Results Indicator]
3. Percent of infants and toddlers with IFSPs who demonstrate improved: <ul style="list-style-type: none"> A. Positive social-emotional skills (including social relationship); B. Acquisition and use of knowledge and skills (including early language/communication); and C. Use of appropriate behaviors to meet their needs. [Results Indicator]
4. Percent of families participating in Part C who report that early intervention services have helped the family: <ul style="list-style-type: none"> A. Know their rights; B. Effectively communicate their children's needs; and C. Help their children develop and learn. [Results Indicator]
5. Percent of infants and toddlers birth to 1 with IFSPs compared to national data. [Results Indicator]
6. Percent of infants and toddlers birth to 3 with IFSPs compared to national data. [Results Indicator]
7. Percent of eligible infants and toddlers with IFSPs for whom an initial evaluation and initial assessment and an initial IFSP meeting were conducted within Part C's 45-day timeline. [Compliance Indicator]
8. Percent of toddlers with disabilities exiting Part C with timely transition planning for whom the Lead Agency has: <ul style="list-style-type: none"> A. Developed an IFSP with transition steps and services at least 90 days, and at the discretion of all parties, not more than nine months, prior to the toddler's third birthday; [Compliance Indicator]
8. Percent of toddlers with disabilities exiting Part C with timely transition planning for whom the Lead Agency has: <ul style="list-style-type: none"> B. Notified (consistent with any opt-out policy adopted by the State) the SEA and the LEA where the toddler resides at least 90 days prior to the toddler's third birthday for toddlers potentially eligible for Part B preschool services; and [Compliance Indicator]
8. Percent of toddlers with disabilities exiting Part C with timely transition planning for whom the Lead Agency has: <ul style="list-style-type: none"> C. Conducted the transition conference held with the approval of the family at least 90 days, and at the discretion of all parties, not more than nine months, prior to the toddler's birthday for toddlers potentially eligible for Part B preschool services. [Compliance Indicator]
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. [Compliance Indicator]
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]
13. Percent of mediations held that resulted in mediation agreements. [Results Indicator]
14. State-reported data (IDEA Section 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.

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

INDICATOR	FFY 2010 DATA	FFY 2011 DATA	FFY 2011 TARGET
2. Infants and Toddlers Served in Natural Environments	93.4%	93.3%	≥ 89.97% ¹
3. Early Childhood Outcomes Data	See Attached Table	See Attached Table	See Attached Table
4. Percent of families participating in Part C who report that early intervention services have helped the family:			
A. Know their rights;	77.02%	75.2%	≥ 77.2%
B. Effectively communicate their children's needs; and	72.63%	70.0%	≥ 71.69%
C. Help their children develop and learn.	84.04%	83.0%	≥ 88.4%
5. Infants and Toddlers Served Birth to One	1.16%	1.1%	≥ 1.22%
6. Infants and Toddlers Served Birth to Three	4.47%	4.09%	≥ 4.095%
12. Hearing Requests Resolved through Resolution Session Agreements	Not applicable	Not applicable	Not applicable
13. Mediations Held that Resulted in Mediation Agreements	94.89%	92.1%	≥ 82%

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.

3. Percent of Infants and Toddlers with IFSPs Who Demonstrate Improved Outcomes

Summary Statement 1²	FFY 2010 Data	FFY 2011 Data	FFY 2011 Target
Outcome A: Positive social-emotional skills (including social relationships)	64%	65%	≥ 63.5%
Outcome B: Acquisition and use of knowledge and skills (including early language/ communication)	71%	69%	≥ 73.4%
Outcome C: Use of appropriate behaviors to meet their needs	73%	75%	≥ 68.6%
Summary Statement 2³	FFY 2010 Data	FFY 2011 Data	FFY 2011 Target
Outcome A: Positive social-emotional skills (including social relationships)	52%	48%	≥ 54.4%
Outcome B: Acquisition and use of knowledge and skills (including early language/ communication)	50%	44%	≥ 51.7%
Outcome C: Use of appropriate behaviors to meet their needs	49%	41%	≥ 45.7%

² **Summary Statement 1:** Of those infants and toddlers who entered or exited early intervention below age expectations in each Outcome, the percent who substantially increased their rate of growth by the time they turned 3 years of age or exited the program.

³ **Summary Statement 2:** The percent of infants and toddlers who were functioning within age expectations in each Outcome by the time they turned 3 years of age or exited the program.

New York Part C FFY 2011 Results Data Summary Notes

INDICATOR 3: 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.

INDICATOR 4A, 4B, and 4C: The State revised the improvement activities for FFY 2012 for this indicator and OSEP accepts those revisions.

OSEP's June 2012 FFY 2010 SPP/APR Response Table required the State to include in the FFY 2011 APR whether its FFY 2011 data are based on a response group that is representative of its population, and if not, the actions the State is taking to address this issue. The State provided all of the required information.

New York Part C FFY 2011 SPP/APR Compliance Data Summary

INDICATOR	FFY 2010 DATA	FFY 2011 DATA	FFY 2011 TARGET	CORRECTION OF FINDINGS OF NONCOMPLIANCE IDENTIFIED IN FFY 2010
1. Timely provision of early intervention services	76%	63.0%	100%	The State reported that three of four findings of noncompliance identified in FFY 2010 were corrected in a timely manner and that the one remaining finding was subsequently corrected by March 1, 2013.
7. 45-day timeline for evaluation and assessment and initial IFSP meeting	85.2%	82.9%	100%	The State reported that all six of its findings of noncompliance identified in FFY 2010 were corrected in a timely manner.
8.A. IFSPs with transition steps and services	89.6%	90.8%	100%	The State reported that all four of its findings of noncompliance identified in FFY 2010 were corrected in a timely manner.
8.B. Notification to LEA and SEA, if child potentially eligible for Part B	95.0%	90.0%	100%	The State reported that it did not identify any findings of noncompliance in FFY 2010.
8.C. Transition conference, if child potentially eligible for Part B	77.5%	80%	100%	The State reported that it did not identify any findings of noncompliance in FFY 2010.
9. Timely correction	96.5%	98.3%	100%	The State reported that 399 of 406 findings of noncompliance identified in FFY 2010 were corrected in a timely manner and that the seven remaining findings were subsequently corrected by March 1, 2013.
14. Timely and accurate data	100%	96.4%	100%	

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

REQUIREMENT	FFY 2010 DATA	FFY 2011 DATA
Timely resolution of complaints	91.6%	100%
Timely adjudication of due process hearing requests	No fully adjudicated due process hearings during the reporting period.	No fully adjudicated due process hearings during the reporting period.

New York Part C FFY 2011 Compliance Data Summary Notes

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

The State reported that its FFY 2010 data of 85.1% for this indicator, as reported in the FFY 2010 APR, were not based on the correct measurement. The State recalculated its data based on the correct measurement and reported FFY 2010 data of 76%.

The State reported that 43 of 54 findings of noncompliance identified in FFY 2008, and 43 of 54 findings of noncompliance identified in FFY 2007, 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 for FFY 2011, the State must report on the status of correction of noncompliance identified in FFY 2011 for this indicator. In addition, the State must demonstrate in the FFY 2012 APR that the remaining 11 uncorrected noncompliance findings identified in FFY 2008 and the remaining 11 uncorrected noncompliance findings identified in FFY 2007 were corrected. When reporting on the correction of noncompliance, the State must report in its FFY 2012 APR that it has verified that each EIS program or provider with findings of noncompliance identified in FFY 2011 and each EIS program or provider with remaining findings of noncompliance identified in FFY 2008 and FFY 2007: (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 EIS program or provider, consistent with OSEP Memo 09-02.⁴ In the FFY 2012 APR, the State must describe the specific actions that were taken to verify the correction.

⁴ OSEP Memorandum 09-02 (OSEP Memo 09-02), dated October 17, 2008, requires that the State report that it verified that each EIS program or provider 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 EIS program or provider.

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

OSEP's June 2012 FFY 2010 SPP/APR Response Table required the State to include in the FFY 2011 APR, due March 1, 2013, a revised SPP that includes the correct measurement language for this indicator. The State provided all of the required information.

The State reported that 27 of 30 findings of noncompliance identified in FFY 2008, and 26 of 29 findings of noncompliance identified in FFY 2007, 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 for FFY 2011, the State must report on the status of correction of noncompliance identified in FFY 2011 for this indicator. In addition, the State must demonstrate, in the FFY 2012 APR that the remaining three uncorrected noncompliance findings identified in FFY 2008 and the remaining three uncorrected noncompliance findings identified in FFY 2007 were corrected. When reporting on the correction of noncompliance, the State must report, in its FFY 2012 APR, that it has verified that each EIS program or provider with findings of noncompliance identified in FFY 2011 and each EIS program or provider with remaining findings of noncompliance identified in FFY 2008 and FFY 2007: (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 EIS program or provider, 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 8A: The State revised the improvement activities for FFY 2012 for this indicator and OSEP accepts those revisions.

The State reported that two findings of noncompliance identified in FFY 2008 and three findings of noncompliance identified in FFY 2007 were 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 EIS program or provider 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 EIS program or provider, 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 8B: The State revised the improvement activities for FFY 2012 for this indicator and OSEP accepts those revisions.

The State reported that the one remaining finding of noncompliance identified in FFY 2007 has not been corrected. The State reported on the actions it took to address the uncorrected noncompliance.

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. In addition, the State must demonstrate, in the FFY 2012 APR that the remaining one uncorrected noncompliance finding identified in FFY 2007 was corrected. When reporting on the correction of noncompliance, the State must report, in its FFY 2012 APR, that it has verified that each EIS program or provider with findings of noncompliance identified in FFY 2011 and each EIS program or provider with remaining findings of noncompliance identified in FFY 2007: (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 EIS program or provider, 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 8C: The State revised the improvement activities for FFY 2012 for this indicator and OSEP accepts those revisions.

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.

The State reported that none of the two findings of noncompliance identified in FFY 2008, and none of the three findings of noncompliance identified in FFY 2007, were corrected. The State reported on the actions it took to address the uncorrected noncompliance.

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. In addition, the State must demonstrate, in the FFY 2012 APR that the remaining two uncorrected noncompliance findings identified in FFY 2008 and the remaining three uncorrected noncompliance findings identified in FFY 2007 were corrected. When reporting on the correction of noncompliance, the State must report, in its FFY 2012 APR, that it has verified that each EIS program or provider with findings of noncompliance identified in FFY 2011 and each EIS program or provider with remaining findings of noncompliance identified in FFY 2008 and FFY 2007: (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 EIS program or provider, 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 three findings of noncompliance identified in FFY 2009 were corrected.

The State reported that 72 of 88 findings of noncompliance identified in FFY 2008 were corrected. For the uncorrected noncompliance, the State reported on the actions it took to address the uncorrected noncompliance.

The State reported that 72 of 90 findings of noncompliance identified in FFY 2007 were corrected. For the uncorrected noncompliance, the State reported on the actions it took to address the uncorrected noncompliance.

REQUIRED ACTIONS

The State must demonstrate, in the FFY 2012 APR, that the remaining 16 findings of noncompliance identified in FFY 2008 and the remaining 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 EIS program or provider with findings of noncompliance identified in FFY 2011, FFY 2008, and FFY 2007: (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 EIS program, 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 9 in the FFY 2012 APR, the State must use and submit the Indicator 9 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 1, 7, 8A, 8B, and 8C in the FFY 2012 APR, the State must report on correction of the noncompliance described in this table under those indicators.

OTHER ISSUES: Timely Resolution of Complaints: 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 timely resolution of complaints and reported on the actions the State took as a result of that technical assistance.