



NEW YORK STATE EDUCATION DEPARTMENT

Annual Performance Report for 2007-08

**IDEA PART B STATE PERFORMANCE PLAN
2005-2010**

**OFFICE OF VOCATIONAL AND EDUCATIONAL
SERVICES FOR INDIVIDUALS WITH DISABILITIES**

FEBRUARY 2009



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OVERVIEW

Public Law 108-446, the Individuals with Disabilities Education Act (IDEA) 2004, required the State Education Department (SED) to develop and submit a six-year State Performance Plan (SPP) to the Office of Special Education Programs (OSEP) at the U.S. Education Department (USED), spanning the years 2005-2010. OSEP identified three monitoring priorities and 20 indicators relating to the priority areas that must be tracked and reported. The Annual Performance Report (APR) is required to be submitted every year as a report to the Secretary of Education and to the public on the State's performance under the SPP, describing overall progress and slippage in meeting the targets found in the SPP. This APR is the third report, due February 1, 2009. It references the SPP dated December 2005, as amended in June 2007. It covers the academic year 2007-08, referenced in the report as "FFY 2007."

As required under section 616 of IDEA, the State is making available a public report of each school district's performance on indicators one through fourteen of the indicators against the State's targets. This report is found at <http://eservices.nysed.gov/sepubrep/>. Data in the individual school district report will be updated annually, following the submission and acceptance of each year's APR.

The three priority areas and their corresponding indicators are as follows:

Priority: Free Appropriate Public Education (FAPE) in the Least Restrictive Environment (LRE)

1. Percent of youth with individualized education programs (IEPs) graduating from high school with a regular diploma.
2. Percent of youth with IEPs dropping out of high school.
3. Participation and performance of students with disabilities on statewide assessments:
 - Percent of districts meeting the State's Adequate Yearly Progress (AYP) objectives for progress for disability subgroup.
 - Participation rate for students with IEPs in a regular assessment with no accommodations; regular assessment with accommodations; alternate assessment against grade level standards; alternate assessment against alternate achievement standards.
 - Proficiency rate for students with IEPs against grade level standards and alternate achievement standards.
4. Rates of suspension and expulsion:
 - Percent of districts identified by the State as having a significant discrepancy in the rate of suspensions and expulsions of children with disabilities for greater than 10 days in a school year.
5. Percent of students with IEPs ages 6 through 21:
 - Removed from regular class less than 21 percent of the day;
 - Removed from regular class greater than 60 percent of the day; or
 - Served in either public/private separate schools, residential placements or in homebound or hospital placements.

6. Percent of preschool children with IEPs who receive special education and related services in settings with typically developing peers (e.g., early childhood settings, home, and part-time early childhood/part-time early childhood special education settings).
7. Percent of preschool children with IEPs who demonstrate improved:
 - positive social-emotional skills (including social relationships);
 - acquisition and use of knowledge and skills (including early language/communication and early literacy); and
 - use of appropriate behaviors to meet their needs.
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.

Priority: Disproportionality

9. Percent of districts identified with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification.
10. Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.

Priority: Effective General Supervision Part B

Child Find and Effective Transitions (district-level indicators)

11. Percent of children with parental consent to evaluate, who were evaluated within State required timelines.
12. Percent of children referred by Part C (Early Intervention services) prior to age three (3), who are found eligible for Part B (preschool special education), and who have an IEP developed and implemented by their third birthdays.
13. Percent of youth aged 15 and above with an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals.
14. Percent of youth who had IEPs, are no longer in secondary school and who have been competitively employed, enrolled in some type of post-secondary school, or both, within one year of leaving high school.

General Supervision (state-level indicators)

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.
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.
17. Percent of fully adjudicated due process hearing requests that were fully adjudicated within the 45-day timeline (or 30-day timeline for preschool students)

or a timeline that is properly extended by the hearing officer at the request of either party.

18. Percent of hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements.
19. Percent of mediations held that resulted in mediation agreements.
20. State reported data (618) and SPP and APR are timely and accurate.

Overview of February 2009 Annual Performance Report Development

The process for developing New York State's (NYS) Part B SPP can be found at <http://www.vesid.nysed.gov/specialed/spp/partb1106.html>. The APR was developed by a workgroup formed in 2005 from among managers and staff of the Office of Vocational and Educational Services for Individuals with Disabilities (VESID). This group includes representatives from the Special Education Offices of Policy, Quality Assurance, Program Development and Data Collection and Reporting, and serves as the Cabinet to guide the development of the SPP and APR. Regular monthly meetings are held of this group to continuously address issues relating to the State's SPP and APR and the development of the APR.

Stakeholder input from the Commissioner's Advisory Panel (CAP) for Special Education Services, which is comprised of educators, parents, administrators and individuals with disabilities, was sought regarding creation of the SPP in baseline measures, targets and improvement strategies. CAP is kept continuously apprised regarding progress and issues reflected in the SPP in order to obtain their insights and input in determining implementation strategies and need for revisions. At the January 2009 meeting, data results from this year's APR were presented and recommendations for revisions to improvement activities were discussed.

The development of the APR is an ongoing process throughout the year. Annually, the results of the APR are shared with VESID's technical assistance centers (including, but not limited to Early Childhood Direction Centers (ECDCs), Special Education Parent Centers, Transition Coordination Sites (TCSs), Special Education Training and Resource Center (SETRC) professional development specialists, and the Technical Assistance Center on Disproportionality (TAC-D)). The technical assistance providers discuss the results to further inform their work and provide recommendations to the State for revisions to its improvement activities to improve results. Results and improvement activities are discussed with the New York State Board of Regents annually. The State's Special Education Quality Assurance (SEQA) Regional Offices consider APR results in their work with individual school districts and approved private schools. The APR is also considered by the Special Education Policy and Program Development Support Services Units to make recommendations for targeted changes in State policy and improvement activities to promote improved results.

The SPP and APR are posted on SED's website at <http://www.vesid.nysed.gov/specialed/spp/home.html>, along with additional guidance information that explains the criteria for monitoring indicators. Announcements of the availability of these and related documents are provided through the list serve and through memoranda to school district administrators, school boards, parent organizations and others interested in the

education of students with disabilities. Press announcements are released to newspapers regarding the availability of information, as new information is added. Questions regarding the SPP and APR may be directed to the New York State Education Department, VESID, Special Education Services at 518-473-2878. For more information on the federal requirements see: www.ed.gov/policy/speced/guid/idea/bapr/index.html.

Overview of the Annual Performance Report Development:

See Overview of the Development of the Annual Performance Report (APR) in the Introduction section, page 1.

Monitoring Priority: FAPE in the LRE

Indicator 1: Percent of youth with individualized education programs (IEPs) graduating from high school with a regular diploma.

(20 U.S.C. 1416 (a)(3)(A))

Measurement:

Measurement for youth with IEPs should be the same measurement as for all youth. Explain calculation.

New York State's (NYS) Measurement:

Percent of "total cohort" of students with disabilities who graduate with a high school diploma (Regents or local diploma) as of June 30 after four years of first entering 9th grade or for ungraded students with disabilities, after four years of becoming 17 years of age. NYS will begin using the performance of the 2004 total cohort for accountability under the No Child Left Behind (NCLB) Act.

NYS' Calculation:

NYS has set its targets based on the performance of the "total cohort". See below for the definition of the 2004 total district cohort.

The 2004 district total cohort consists of all students, regardless of their current grade level, who met one of the following conditions:

- first entered grade 9 (anywhere) during the 2004-05 school year (July 1, 2004 through June 30, 2005); or
- in the case of ungraded students with disabilities, reached their seventeenth birthday during the 2004–05 school year. Ungraded students are included in the 2004 cohort if their birth date is between July 1, 1987 and June 30, 1988 (inclusive).

Students who have spent at least five months in district schools or out-of-district placements during year 1, 2, 3, or 4 of high school are included in the district total cohort unless they transferred to another diploma-granting program outside the district. For the 2004 Total Cohort, Year 1, 2, 3, and 4 are the 2004-05, 2005-06, 2006-07, and 2007-08 school years, respectively.

A student will be included in the district total cohort if the student's enrollment record in the district shows that the student was enrolled for:

- at least five continuous (not including July and August) months *and* the Reason for Ending Enrollment in the district was not one of the following: transferred to a school

in another district, a nonpublic school, or a school outside New York; died; transferred by court order; or left the US.

- less than five months *and* has an ending reason indicating that the student dropped out or transferred to an Alternative High School Education Preparation Program (AHSEPP) or High School Equivalency Preparation Program (HSEPP) program *and* the student's previous enrollment record in that district (assuming one exists) indicates that the student:
 - was enrolled in the district for at least five months (not including July and August); and
 - dropped out or transferred to a AHSEPP or HSEPP program.

FFY	Measurable and Rigorous Target
FFY 2007 (2007-08 school year) (2004 total cohort)	The percent of youth with IEPs graduating from high school with a regular high school diploma within four years, as of June, will be 38 percent.

Actual Target Data for FFY 2007:

The percent of youth with IEPs graduating from high school with a regular high school diploma within four years, as of June 2008, was **41.3** percent.

Total Cohort, As of June 30, Four Years Later				
Cohort Year	All Students		Students with Disabilities	
	# in Cohort	Graduation Rate	# in Cohort	Graduation Rate
2000	199,312	67%	21,262	46%
2001 (new baseline data)	212,135	66%	26,281	38%
2002	210,910	67%	27,453	37%
2003	220,332	68.6%	28,528	39.3%
2004	223,953	70.4%	31,304	41.3%

Total Cohort Analysis of Students with Disabilities' (SWD) Graduation Rates for New York City, Large Four Cities Combined and Rest of School Districts								
Need/Resource Capacity Category	2001 Total Cohort of SWD		2002 Total Cohort of SWD		2003 Total Cohort of SWD		2004 Total Cohort of SWD	
	# in Cohort	Grad. Rate						
New York City	7,627	17.6%	7,587	18.6%	8,407	19.8%	10,112	22.6%
Large Four Cities	1,784	21.7%	1,862	20.5%	1,536	22.5%	1,612	26.3%
Urban/Suburban High Need Districts	2,487	30.4%	2,619	28.8%	2,778	31.7%	2,633	34.8%

Total Cohort Analysis of Students with Disabilities' (SWD) Graduation Rates for New York City, Large Four Cities Combined and Rest of School Districts								
	2001 Total Cohort of SWD		2002 Total Cohort of SWD		2003 Total Cohort of SWD		2004 Total Cohort of SWD	
	Rural High Need Districts	2,165	32.5%	2,240	31.2%	2,323	35.9%	2,408
Average Need Districts	8,733	48.1%	9,366	45.6%	9,563	49.0%	10,221	51.7%
Low Need Districts	3,459	74.0%	3,740	74.1%	3,873	72.4%	4,102	74.4%
Charter Schools	11	15.4%	39	15.9%	48	6.3%	127	37.0%
Total State	26,266	37.9%	27,453	37.5%	28,528	39.3%	31,304	41.3%

Total Cohort Analysis of Students with Disabilities (SWD) Graduation Rate by Need/Resource Capacity Category of School Districts								
Group of School Districts	2001 Total Cohort of SWD		2002 Total Cohort of SWD		2003 Total Cohort of SWD		2004 Total Cohort of SWD	
	# in Cohort	Grad. Rate						
Big Five Cities	9,411	18.4%	9,449	19.0%	9,943	20.2%	11,724	22.9%
Rest of State	16,855	48.7%	18,004	44.7%	18,585	49.6%	19,580	52.2%
Total State	26,266	37.9%	27,453	37.5%	28,528	39.3%	31,304	41.3%

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2007:

Explanation of Progress or Slippage

- Graduation rate of students with disabilities for the 2004 total cohort after four years as of June 30, 2008 improved by two percentage points compared to the 2003 total cohort rate, from 39.3 percent to 41.3 percent.
- The total number of students with disabilities in the total cohort has continued to increase each year, primarily as a result of improved accuracy in data reporting. There were 2,776 more students with disabilities in the 2004 total cohort compared to the previous cohort.
- The graduation rate for the 2004 total cohort improved in every Need/Resource category of school districts.
- The range of graduation rates for the 2004 total cohort by Need/Resource Category of school districts was between 22.6 percent in NYC to 74.4 percent in the low need school districts.

Improvement Activities Completed during 2007-08¹

The Office of Vocational and Educational Services for Individuals with Disabilities (VESID) accessed technical assistance to further inform their activities to improve the graduation rates of students with disabilities. This included a review of Information and resources, including but not limited to information available through the Federal Resource Center for Special Education (FRC), Academy for Educational Development, Northeast Regional Resource Center (NERRC), Learning Innovations at WestEd, National Center for Culturally Responsive Educational Systems (NCCRESt), and the Access Center: Improving Outcomes for All Students K-8. In addition, VESID staff participated in various State and national meetings, conferences and webinars.

The State Education Department (SED) worked with the New York Comprehensive Center, funded by the United States Education Department (USED), to develop the capacity of SED and its networks and agencies to assist districts and schools in improving achievement outcomes for all students - see <http://nycomprehensivecenter.org/events/>.

Activities Completed:

1. NYS' criteria for identifying school districts as needing assistance or intervention under the Individuals with Disabilities Education Act (IDEA) includes a measure of graduation rates for students with disabilities in relation to the State's graduation target for that school year.
 - Through a regional planning process, resources were directed to these identified school districts including focused monitoring reviews by the Special Education Quality Assurance (SEQA) Regional Office and/or quality improvement technical assistance provided by Special Education Training and Resource Center (SETRC) professional development specialists or other technical assistance networks funded with IDEA discretionary funds.
 - In September 2006, based on 2004-05 data, 58 school districts were identified as needing assistance and 17 districts were identified as needing intervention. VESID continued to provide technical assistance to these identified school districts throughout the 2007-08 school year.
 - In June 2007, based on 2005-06 data, 69 school districts were identified as needing assistance and 31 districts were identified as needing intervention. As a result, 45 school districts that received VESID monitoring and/or technical assistance services in the 2006-07 school year improved their graduation rates of students with disabilities, dropout rates of students with disabilities and/or performance of students with disabilities on State assessments. Thirty-six of the 45 school districts that received such assistance were no longer identified in the

¹ See <http://www.vesid.nysed.gov/specialed/spp/2007plan/graduation.htm> for SPP improvement activities targeted for Indicator 1.

2007-08 school year as at risk of identification or as needing assistance or intervention.

- In September 2008, based on 2006-07 data, 57 school districts were identified as needing assistance and 26 districts were identified as needing intervention. Of the 83 school districts identified as needing assistance or intervention based on 2006-07 data, 56 were identified as a direct result of their graduation rates for students with disabilities (38 as needing assistance and 18 as needing intervention). Directed work with these school districts was initiated in the fall of 2008.
2. VESID substantially increased the amount of its IDEA discretionary funds available for Quality Improvement Implementation grant awards to school districts identified as needing assistance or intervention. In January 2009, VESID provided approximately 65 school districts with grant awards to implement activities focused on improvement in instruction for students with disabilities and to address compliance issues identified through the focused review monitoring process. Many of the activities were directed to improve graduation rates of students with disabilities.
 3. VESID's *Quality Indicator Review and Resource Guides*² were further developed to guide the work of SETRC in school districts identified as needing assistance or intervention to improve the district's instructional programs in the areas of literacy instruction, behavioral supports and interventions and/or special education instructional practices.
 4. Professional development to enhance the expertise of SETRC to inform their school improvement work was provided to the SETRC network during the VESID statewide meetings with a focus on:
 - small group and intensive behavioral interventions for students with serious social-emotional/behavioral difficulties;
 - explicit strategy instruction – research based strategies in special education;
 - formative assessment, including data and progress monitoring; and
 - school quality improvement strategies.
 5. The focused monitoring review process was further refined to specifically focus on compliance issues most directly relating to graduation rates for students with disabilities.
 - In addition to focused reviews in school districts identified as needing assistance or intervention, slightly more than 10 percent of Boards of Cooperative Educational Services' (BOCES) special education programs were reviewed in 2008.
 - IEP educational benefit reviews were added to the monitoring review process.

² <http://www.vesid.nysed.gov/specialed/techassist/QLcover.htm>

- In 2007-08, New York City (NYC) SEQA conducted 63 High School Graduation Rate Focused Reviews, which were designed to evaluate the interventions implemented in low performing secondary-level schools and their impact on the rate that students with disabilities earn Regents or local diplomas. This newly developed focused review was also used in other regions of the State with eight focused reviews regarding graduation rates initiated, completed or planned during the year with school districts whose student graduations were farthest from performance targets.
6. Seven new regional positions were created through VESID's federally funded State Personnel Development Grant (SPDG) to identify a cadre of "Effective Practices Schools" throughout NYS. These regional staff will document the practices in successful schools to promote the sharing of identified practices with low performing school districts.
 7. The Board of Regents approved new regulations on integrated co-teaching (a special education teacher and general education teacher providing instruction together) to promote greater access and participation in regular classes for students with disabilities.
 8. NYS regulations were amended, effective July 2008, to provide autism specific requirements for special education teacher preparation programs; to establish standards under which SED will approve providers of this training; and to require that all teachers applying for certification in special education titles on or after September 2, 2009, complete course work or training in the needs of children with autism. NYS Education Law also requires that school administrators and supervisors assigned on or after September 2, 2009 to serve as special education administrators must complete training in the needs of children with autism as soon as practicable after their assignment, and certified school administrators/supervisors assigned to serve as special education administrators prior to September 2, 2009 are required to have enhanced training in the needs of children with autism by such date.
 9. Representatives from 72 NYS institutions of higher education (IHEs) met on a statewide and regional basis to discuss personnel preparation issues and research-based instructional practices to improve results for students with disabilities. Seven summer symposia were sponsored by VESID funded Higher Education Support Center (HESC) on literacy instruction, behavioral supports and/or special education instructional practices. With HESC funds supporting their work, IHEs worked directly with school districts to address low performance issues through improved instructional practices. In addition, HESC formed three study groups with IHE representatives from across the State to align personnel preparation programs for special education teachers with the research-based instructional practices identified in VESID's *Quality Indicator Review and Resource Guides*.

Examples of Effect of VESID interventions:

- In 2008 as a result of SEQA reviews, Oswego County has taken on several initiatives to increase graduation rates for student with disabilities including:

destination diplomas to help all students achieve a Regents or Local Diploma; staff training for teachers in conjunction with State University of New York (SUNY) Oswego; writing prioritized curriculum; and establishing credit-bearing special classes in districts as well as in the BOCES.

- As a result of participation in the High School Graduation Rate Focused Reviews, in 2007-08 the New York City Department of Education (NYCDOE) received IDEA discretionary funds to assist in implementation of activities to improve instructional practices in the targeted high schools. Schools were required to use existing data systems to track student attendance and academic achievement. In addition, NYCDOE implemented a Special Education Lead Teacher Program in low performing high schools to foster mentoring relationships within a school and draw upon the skill and competence of experienced special education teachers to help improve instruction.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2007:

Revision to Improvement Activities:

1. VESID substantially increased the amount of its IDEA discretionary funds targeted for grant awards to school districts to implement systemic improvements to their instructional programs and behavioral supports for students with disabilities. These awards will be available annually from 2009-14 to school districts identified in that year as needing assistance or intervention and those at risk of such determinations directed by VESID to receive technical assistance.
2. Chapter 57 of the Laws of 2007 was enacted to enhance SED's accountability system for all students. These laws require SED to develop an interim, modified accountability system for schools and districts that is based on a growth model; and to require certain school districts to enter into Contracts for Excellence and spend a portion of their Foundation Aid increase for school year 2007-08 on certain allowable programs and activities. Each Contract for Excellence requires performance targets for students impacted, particularly for its neediest students including students with disabilities, to reduce the percentage of students in specific populations who are not proficient in the major subjects. The contracts allow spending that is targeted at class size reduction, longer school day measures, improved teacher and principal quality, middle and high school restructuring, and full-day prekindergarten and kindergarten. Fifteen percent of the spending can be targeted at research-based experimental programs.

Overview of the Annual Performance Report Development:

See Overview of the Development of the Annual Performance Report (APR) in the Introduction section, page 1.

Monitoring Priority: FAPE in the LRE

Indicator 2: Percent of youth with individualized education programs (IEPs) dropping out of high school.

(20 U.S.C. 1416 (a)(3)(A))

Measurement:

Measurement for youth with IEPs should be the same measurement as for all youth. Explain calculation.

New York State's (NYS) Measurement:

Percent of "total cohort" of students with disabilities who dropout as of June 30 after four years of first entering 9th grade or for ungraded students with disabilities, after four years of becoming 17 years of age.

NYS' Calculation:

NYS has set its targets based on the performance of the "total cohort". See below for the definition of the 2004 total district cohort.

The 2004 district total cohort consists of all students, regardless of their current grade level, who met one of the following conditions:

- first entered grade 9 (anywhere) during the 2004-05 school year (July 1, 2004 through June 30, 2005); or
- in the case of ungraded students with disabilities, reached their seventeenth birthday during the 2004-05 school year. Ungraded students are included in the 2004 cohort if their birth date is between July 1, 1987 and June 30, 1988 (inclusive).

Students who have spent at least five months in district schools or out-of-district placements during year 1, 2, 3, or 4 of high school are included in the district total cohort unless they transferred to another diploma-granting program outside the district. For the 2004 Total Cohort, Year 1, 2, 3, and 4 are the 2004-05, 2005-06, 2006-07, and 2007-08 school years, respectively.

A student will be included in the district total cohort if the student's enrollment record in the district shows that the student was enrolled for:

- at least five continuous (not including July and August) months *and* the Reason for Ending Enrollment in the district was not one of the following: transferred to a school in another district, a nonpublic school, or a school outside New York; died; transferred by court order; or left the US.

- less than five months *and* has an ending reason indicating that the student dropped out or transferred to an Alternative High School Education Preparation Program (AHSEPP) or High School Equivalency Preparation Program (HSEPP) program *and* the student's previous enrollment record in that district (assuming one exists) indicates that the student:
 - a) was enrolled in the district for at least five months (not including July and August); and
 - b) dropped out or transferred to a AHSEPP or HSEPP program.

FFY	Measurable and Rigorous Target
FFY 2007 (2007-08 school year) (2004 total cohort)	No more than 19 percent of students with disabilities will drop out of school.

Actual Target Data for FFY 2007:

16 percent of students with disabilities in the 2004 cohort dropped out of school.

Total Cohort, As of June 30, Four Years Later				
Cohort Year	All Students		Students with Disabilities	
	# in Cohort	Drop-Out Rate	# in Cohort	Drop-Out Rate
2000	199,312	11.9%	21,262	13.0%
2001 (New Baseline Data)	212,135	15.4%	26,281	25.5%
2002	216,910	14.0%	27,453	22.2%
2003	220,332	11.5%	28,528	16.9%
2004	223,953	10.0%	31,304	16.0%

Total Cohort Analysis of Students with Disabilities (SWD) Drop-Out Rate by Need/Resource Capacity Category of School District								
Need/Resource Capacity Category	2001 Total Cohort of SWD		2002 Total Cohort of SWD		2003 Total Cohort of SWD		2004 Total Cohort of SWD	
	# in Cohort	Drop-Out Rate						
New York City	7,627	37.8%	7,587	30.4%	8,407	22.0%	10,112	21.6%
Large Four Cities	1,784	42.8%	1,862	39.7%	1,536	38.9%	1,612	31.5%

Total Cohort Analysis of Students with Disabilities (SWD) Drop-Out Rate by Need/Resource Capacity Category of School District								
Need/ Resource Capacity Category	2001 Total Cohort of SWD		2002 Total Cohort of SWD		2003 Total Cohort of SWD		2004 Total Cohort of SWD	
	# in Cohort	Drop-Out Rate						
Urban/ Suburban High Need Districts	2,487	25.5%	2,619	26.2%	2,778	20.0%	2,633	16.6%
Rural High Need Districts	2,165	25.1%	2,240	26.1%	2,323	19.9%	2,408	19.2%
Average Need Districts	8,733	18.3%	9,366	16.6%	9,563	12.5%	10,221	12.1%
Low Need Districts	3,459	7.5%	3,740	5.6%	3,873	4.0%	4,102	3.8%
Charter Schools	11	42.3%	39	30.8%	48	31.3%	127	23.6%
Total State	26,281	25.5%	27,453	22.2%	28,528	16.9%	31,304	16.0%

Total Cohort Analysis of Students with Disabilities (SWD) Drop-Out Rate for Big Five Cities combined and Rest of State								
Group of School Districts	2001 Total Cohort of SWD		2002 Total Cohort of SWD		2003 Total Cohort of SWD		2004 Total Cohort of SWD	
	# in Cohort	Drop-Out Rate						
Big Five Cities	9,411	38.8%	9,449	38.8%	9,943	24.6%	11,724	22.9%
Rest of State	17,496	18.1%	19,866	18.8%	18,585	12.8%	19,580	11.9%
Total State	26,281	25.5%	27,453	22.2%	28,528	16.9%	31,304	16.0%

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2007:

Explanation of Progress or Slippage

- The dropout rate of students with disabilities for the 2004 total cohort after four years as of June 30, 2008 improved by 0.9 percentage points compared to the 2003 total cohort rate, from 16.9 percent to 16.0 percent. The State exceeded its 2007 target of 19 percent by 3.0 percentage points.
- The number of students with disabilities in the total cohort has continued to increase each year, primarily as a result of improved accuracy in data reporting. There were 2,776 more students with disabilities in the 2004 total cohort compared to the previous year's cohort.

- The dropout rate for the 2004 total cohort improved in every Need/Resource Capacity category of school districts.
- The range of dropout rates for the 2004 total cohort by Need/Resource Capacity category of school districts was between 31.5 percent in the large four cities to 3.8 percent in the low need school districts.

Improvement Activities Completed during 2007-08

The Office of Vocational and Educational Services for Individuals with Disabilities (VESID) obtained and utilized technical assistance resources and materials from the National Dropout Prevention Center for Students with Disabilities (NDPC-SD). Also see technical assistance resources accessed as identified for Indicator 1 (improving graduation rates).

Activities completed:

1. See graduation *Improvement Activities Completed* # 1-4 reported for Indicator 1.
2. See transition *Improvement Activities Completed* reported for Indicator 13.
3. See Indicator 1 *Improvement Activities Completed* #1 - Of the 83 school districts identified as needing assistance or intervention based on 2006-07 data, 63 school districts were identified as a direct result of their dropout rates for students with disabilities (54 as needing assistance and 9 as needing intervention).
 - VESID funded Transition Coordination Sites (TCS) prepared and disseminated professional development materials and resources for school districts that identify research-based practices for engaging students in their high school programs with an emphasis on transition planning, supports and services, that encourage students to stay in school. These professional development materials draw connections among school district's graduation, dropout, transition planning, post-school outcomes and parent involvement results.
 - A webinar for school districts was conducted by TransQUAL on January 15, 2009 featuring resources for a systemic approach to dropout prevention analysis and intervention based on the Dropout Prevention Intervention Framework phases and components advanced by NDPC-SD.
 - In 2007-08, TCS networks distributed information cards, specific evidence-based practice descriptions, and other handouts to VESID's other technical assistance networks and school districts. These materials were obtained from NDPC-SD and National Secondary Transition Technical Assistance Center (NSTTAC).

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2007 [If applicable]

See Indicator 1

Overview of the Annual Performance Report Development:

See Overview of the Development of the Annual Performance Report (APR) in the Introduction section, page 1.

Monitoring Priority: FAPE in the LRE

Indicator 3: Participation and performance of children with disabilities on statewide assessments:

- A. Percent of districts that have a disability subgroup that meets the State's minimum "n" size meeting the State's Adequate Yearly Progress (AYP) objectives for progress for disability subgroup.
- B. Participation rate for children with individualized education programs (IEPs) in a regular assessment with no accommodations; regular assessment with accommodations; alternate assessment against grade level standards; alternate assessment against alternate achievement standards.
- C. Proficiency rate for children with IEPs against grade level standards and alternate achievement standards.

(20 U.S.C. 1416 (a)(3)(A))

Measurement:

- A. Percent = $[(\# \text{ of districts meeting the State's AYP objectives for progress for the disability subgroup (children with IEPs)}) \text{ divided by the (total \# of districts that have a disability subgroup that meets the State's minimum "n" size in the State)}] \text{ times } 100.$
- B. Participation rate =
 - a. # of children with IEPs in assessed grades;
 - b. # of children with IEPs in regular assessment with no accommodations (percent = $[(b) \text{ divided by } (a)] \text{ times } 100$);
 - c. # of children with IEPs in regular assessment with accommodations (percent = $[(c) \text{ divided by } (a)] \text{ times } 100$);
 - d. # of children with IEPs in alternate assessment against grade level achievement standards (percent = $[(d) \text{ divided by } (a)] \text{ times } 100$); and
 - e. # of children with IEPs in alternate assessment against alternate achievement standards (percent = $[(e) \text{ divided by } (a)] \text{ times } 100$).

Account for any children included in a, but not included in b, c, d, or e above.

Overall Percent = $[(b + c + d + e) \text{ divided by } (a)].$

- C. Proficiency rate =
 - a. # of children with IEPs in assessed grades;
 - b. # of children with IEPs in assessed grades who are proficient or above as

measured by the regular assessment with no accommodations (percent = [(b) divided by (a)] times 100);

- c. # of children with IEPs in assessed grades who are proficient or above as measured by the regular assessment with accommodations (percent = [(c) divided by (a)] times 100);
- d. # of children with IEPs in assessed grades who are proficient or above as measured by the alternate assessment against grade level achievement standards (percent = [(d) divided by (a)] times 100); and
- e. # of children with IEPs in assessed grades who are proficient or above as measured against alternate achievement standards (percent = [(e) divided by (a)] times 100).

Account for any children included in a but not included in b, c, d, or e above.

Overall Percent = [(b + c + d + e) divided by (a)].

New York State's (NYS) Notes:

- NYS is not using data reported under section 618 in Office of Special Education Programs (OSEP) Table 6 for this indicator because Table 6 data are not consistent with how NYS calculates participation, proficiency and AYP under the No Child Left Behind Act (NCLB). Since school, district and State report cards contain data that are calculated to determine accountability under NCLB, the same data that are used in the State report card are presented in this APR.
- One of the reasons that NYS is not using section 618 data from Table 6 in this APR is that in Table 6 there is no differentiation between the enrollment of students in each grade that is used as the basis for computing the participation rate and the proficiency rate. In NYS, there is a difference. The participation rate is computed based on total enrollment of students in a grade, or, for high school, it is computed based on enrollment of "seniors". However, the proficiency rate is based on the enrollment of "continuously enrolled" students in a grade or at the high school, the number of students in the accountability cohort.
- Another reason that NYS does not use section 618 data is that for measures of proficiency, NYS uses a Performance Index (PI) for each grade and assessment, which consists of the percent of continuously enrolled tested students at "basic proficiency" and above (which is Level 2 and above) plus the percent of such students "at or above proficiency" (which is Levels 3-4). For the 2004-05 school year, NYS had six performance indices (grade 4 English language Arts (ELA), grade 4 math, grade 8 ELA, grade 8 math, high school ELA, and high school math). Beginning with the 2005-06 school year, NYS has four indices (grades 3-8 ELA, grades 3-8 math, high school ELA and high school math).
- NYS is not able to provide data disaggregated for students with disabilities who received testing accommodations and those who did not at the high school level. We plan to collect testing accommodations for high school students beginning with

the cohort of students who will enter ninth grade in the 2008-09 school year. Four years later when we report results for the 2011-12 school year, we plan to report results achieved with accommodations and results achieved without accommodations.

NYS does not currently administer an “alternate assessment against grade level standards” as described in measurement d. NYS has an alternate assessment against alternate achievement standards that is aligned to grade level standards.

FFY	Measurable and Rigorous Target
FFY 2007 (2007-08 school year)	<p>AYP: 58 percent of school districts that are required to make AYP for the students with disabilities subgroup will make AYP in grades 3-8 ELA, grades 3-8 math, high school ELA and high school math.</p> <p>Participation: 95 percent in grades 3-8 and high school in ELA and math.</p> <p>Performance: The State’s average performance on the performance indices (PI) which represent the percent of students with disabilities performing at Level 2 (basic proficiency) and above plus the percent of students with disabilities performing at Level 3 (proficiency) and above will be as follows: Grades 3-8 ELA: 101 Grades 3-8 Math: 110 High School ELA: 124 High School Math: 134</p>

Actual Target Data for FFY 2007:

AYP

71.3 percent of school districts (including Charter Schools) that were required to make AYP made AYP in every grade and subject in which they had sufficient number of students with disabilities. The State exceeded its 2007-08 target of 58 percent of school districts making AYP.

Participation Rate

The participation rate of students with disabilities in 2007-08 school year was as follows:

- Grades 3-8 ELA: **96.9** percent
- Grades 3-8 Math: **96.9** percent
- High School ELA: **94.1** percent
- High School Math: **95.0** percent.

The State met its target of 95 percent participation rate for students with disabilities in grades 3-8 in ELA and Math and in high school math, but not in high school ELA.

Performance

The State has four PIs. The PIs represent the percent of students scoring at Levels 3-4 plus the percent of students scoring at Levels 2-4. In the 2007-08 school year, the State's average performance for the students with disabilities subgroup on these indices was as follows:

- Grades 3-8 ELA: **115**
- Grades 3-8 Math: **133**
- High School ELA: **118**
- High School Math: **125**

The State exceeded its 2007 targets on performance indices for grades 3-8 ELA and Math, but fell short on high school ELA and Math.

AYP for Students with Disabilities Subgroup		
FFY	Number of School Districts Required to Make AYP (had minimum of 40 students for participation and 30 students for performance)	Percent of School Districts that made AYP in all the Subjects they were Required to
2004 (2004-05)	290	48.3%
2005 (2005-06)	675 (includes 5 Charter Schools)	57.2%
2006 (2006-07)	648 (includes 12 Charter Schools)	75.5%
2007 (2007-08)	655 (includes 19 Charter Schools)	71.3%

AYP for Students with Disabilities Subgroup by Need/Resource Capacity Category of School Districts				
Need/Resource Capacity Category of School Districts	2006-07		2007-08	
	Number of School Districts Required to Make AYP (minimum 40 students for participation and 30 students for performance)	Percent of School Districts that made AYP in all the Subjects they were Required to	Number of School Districts Required to Make AYP (minimum 40 students for participation and 30 students for performance)	Percent of School Districts that made AYP in all the Subjects they were Required to
New York City	32	3.1%	32	6.3%
Large Four Cities	4	0.0%	4	0.0%
Urban-Suburban High Need Districts	44	45.5%	43	48.8%
Rural High Need Districts	133	79.7%	123	69.1%
Average Need Districts	309	79.6%	316	74.7%
Low Need Districts	114	92.1%	118	88.1%
Charter Schools	12	91.7%	19	100.0%

Participation Rates for Students with Disabilities Subgroup						
Assessment	2005-06		2006-07		2007-08	
	Enrollment	Participation Rate	Enrollment	Participation Rate	Enrollment	Participation Rate
Grade 3-8 ELA	198,410	95%	196,434	96.8%	211,495	96.9%
Grade 3-8 Math	198,074	96%	196,252	96.9%	211,104	96.9%
High School ELA (seniors)	17,321	90%	16,262	92.7%	19,080	94.1%
High School Math (seniors)	17,321	91%	16,262	94.0%	19,080	95.0%

Performance Index for the Students with Disabilities Subgroup							
Assessment	2007-08 Performance		2007-08 Standard			Students with Disabilities Made AYP in 2007-08	2008-09 AMO or Safe-Harbor Target
	Continuously Enrolled Students with Disabilities in Grades 3-8 and in 2004 Accountability Cohort in High School (HS)	NYS PI	Effective AMO*	Safe-Harbor Target	Met Third Indicator for Safe Harbor		
Grades 3-8 ELA	199,559	115	132	113	Yes	Yes	124
Grades 3-8 Math	197,054	133	101	--	Yes	Yes	119
HS ELA 2004 accountability cohort	24,600	118	164	125	No	No	127
HS Math 2004 accountability cohort	24,600	125	158	134	No	No	133

* Annual measurable objective (AMO)

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2007:

Explanation of Progress or Slippage

The State far exceeded its 2007 target for the percentage of school districts that would make AYP in all subjects in which they were required to. In the 2006-07 school year, 75.5 percent of the required school districts (including Charter Schools) made AYP and in the 2007-08 school year, 71.3 percent of school districts (including Charter Schools) made AYP. The target for the 2007-08 school year was 58 percent.

The State met or exceeded the participation target of 95 percent in grades 3-8 ELA and math and for the first time for a high school subject, high school math; however, the State did not achieve 95 percent participation rate in high school ELA. Compared to two previous years, the 2007 participation rate either remained the same or improved in all subjects and grades.

The State exceeded its performance target in 2007 in grades 3-8 ELA and math by improving by more than five points on the PI. In grades 3-8 ELA, the score on the PI improved by 12 points and by 18 points in grades 3-8 math. The State did not meet its target to improve by five points in high school ELA and math. Instead, the scores on the PIs in high school ELA improved by one point and math declined by two points.

The data provided above indicates a significant difference in the percent of school districts that made AYP for the students with disabilities subgroup in the Big Five Cities and the urban-suburban high need school districts compared with other school districts in the State. For example, two community school districts in New York City (NYC) made AYP, none of the large four cities made AYP, and less than half of the urban-suburban high need districts made AYP compared to 69 percent of rural high need districts, 75 percent of average need school districts and 88 percent of low need school districts and 100 percent of Charter schools.

Improvement Activities³ Completed during 2007-08

The Office of Vocational and Educational Services for Individuals with Disabilities (VESID) obtained technical assistance from the OSEP National Technical Assistance Center on Response to Intervention (RtI), the National Instructional Materials Accessibility Standards (NIMAS) Technical Assistance Center, the National Center on Student Progress Monitoring and the New York Comprehensive Center to further inform and advance the State's initiatives in this area.

Also see technical assistance obtained as noted under indicator 1.

Activities Completed:

1. See activities reported as completed under Indicator 1.
2. In 2007, NYS adopted regulations that establish the State's policy on RtI processes. In April 2008, a State memorandum was issued to school districts, parents and others to provide guidance on RtI programs.
<http://www.vesid.nysed.gov/specialed/publications/policy/RTIfinal.pdf>.
3. To further promote the development of RtI in NYS, a request for proposals was issued and a contractor selected to operate a State Technical Assistance Center (TAC) on RtI. This Center will collaborate with the National Center on RtI. RFP identified the Statewide TAC provider, who will begin in January 2009. VESID served on an advisory board to guide New York City Department of Education's (NYCDOE) initiation of RtI programs in three of its elementary schools. NYCDOE developed a standard protocol for literacy for Kindergarten through second grade for the next school year cohort of schools to use as a guide. Preliminary results indicate that the majority of students that participated are now performing above the benchmarks for their grade in reading.
4. In 2007-08, VESID initiated, completed or planned Individuals with Disabilities Education Act (IDEA) Effective Instructional Practices focused monitoring reviews for 82 school districts (including school districts in NYC) whose State assessment results were farthest from State targets.

³ See New York State Performance Plan Indicator 3 at
<http://www.vesid.nysed.gov/specialed/spp/plan/assessment.htm>

5. The redesign of the New York State Alternate Assessment (NYSAA), including technical specifications in 2006-07, was completed and implemented in spring 2008 in its new form. In 2007-08, the redesigned NYSA was administered to 15,425 students with severe cognitive disabilities, enabling their participation in the State assessment program. Professional development and technical documentation were provided continuously throughout 2007-08.
6. In 2007-08, the Helen Keller Services for the Blind downloaded NIMAS files and produced Braille materials. The 2007-08 contract year reflected a greater demand for large print than did the previous two years.
7. During 2007-08, the Technology Resource Center (TRE), which provides technical assistance expertise on providing assistive technology and universal design, provided an electronic newsletter, individual student consultations, an internet web page, a library loan program, and Local Area Technology certificates to Special Education Training and Resource Center (SETRC). TRE also provided staff development to the NYC Special Education Quality Assurance (SEQA) staff and to other school districts on request. The TRE contract is scheduled for completion on June 30, 2009.
8. In 2007-08, funding from a grant obtained through the Center for Applied Special Technologies enabled the installation of a Keystone Library Automation System (KLAS). The card catalog for the Braille and large print collection at the NYS Resource Center for the Blind will be automated through the implementation of KLAS. Installation of the KLAS system has begun, and it will provide faster service, better management, and an on-line catalog for teachers.
9. In 2007-08, five (5) regional planning forums were conducted for school leaders from large urban districts (Yonkers, Syracuse, NYC, Rochester, and Buffalo) to identify strategies for improving student achievement and performance.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2007 [If applicable]

See revisions to improvement activities under Indicator 1.

Overview of the Annual Performance Report Development:

See Overview of the Development of the Annual Performance Report (APR) in the Introduction section, page 1.

Monitoring Priority: FAPE in the LRE

Indicator 4: Rates of suspension and expulsion:

- A. Percent of districts identified by the State as having a significant discrepancy in the rates of suspensions and expulsions of children with disabilities for greater than 10 days in a school year; and
- B. Percent of districts identified by the State as having a significant discrepancy in the rates of suspensions and expulsions of greater than 10 days in a school year of children with disabilities by race and ethnicity.

(20 U.S.C. 1416(a)(3)(A); 1412(a)(22))

Measurement:

- A. Percent = [(# of districts identified by the State as having significant discrepancies in the rates of suspensions and expulsions of children with disabilities for greater than 10 days in a school year) divided by the (# of districts in the State)] times 100.
- B. Percent = [(# of districts identified by the State as having significant discrepancies in the rates of suspensions and expulsions for greater than 10 days in a school year of children with disabilities by race ethnicity) divided by the (# of districts in the State)] times 100.

Include State's definition of "significant discrepancy."

New York State's (NYS) Notes:

NYS collects data on the number of students with disabilities suspended or expelled out of school for more than 10 days in a school year on the PD-8 report. This report is available at <http://www.vesid.nysed.gov/sedcar/forms/pdforms/0809/08pdf/08pd8.pdf>.

Section 618 data was used to analyze the discrepancy in the rates of out-of-school suspensions of students with disabilities for greater than 10 days in a school year among school districts. Suspension rates were calculated for all school districts. The rates were computed by dividing the number of students with disabilities suspended out-of-school for more than 10 days during the school year by the December 1 count of school-age students with disabilities and the result expressed as a percent. The 2004-05 baseline statewide average suspension rate was 1.34 percent. School districts with at least 75 school-age students with disabilities that had a suspension rate of 4.0 percent or higher were identified as having significant discrepancy in their rate among

school districts. (A minimum number of 75 students with disabilities was used, since small numbers of students with disabilities may distort percentages.)

NYS' Definition of Significant Discrepancy in Suspension Rate:

- For the baseline year and through the 2006-07 school year, significant discrepancy is defined as a suspension rate of greater than three times the baseline statewide average (i.e., a rate of 4.0 percent or higher).
- Beginning in 2007-08 through 2010-11 school years, significant discrepancy is defined as a suspension rate of greater than two times the baseline statewide average, (i.e., a rate of 2.7 percent or higher).

FFY	Measurable and Rigorous Target
FFY 2007 (School Year 2007-08)	<p>4.A. No more than 2 percent of the school districts in the State will suspend students with disabilities for more than 10 days at a rate of 2.7 percent or higher. (This rate is two times the baseline average)</p> <p>4.B. Reporting this indicator by race and ethnicity is not required for the FFY 2007 APR due February 1, 2009.</p>

Actual Target Data for FFY 2007:

9.4 percent of school districts in the State suspended students with disabilities for more than 10 days at a rate of 2.7 percent or higher.

State Average Suspension Rates of Students with Disabilities for Greater Than 10 Days in a School Year					
School Year	Number of Students with Disabilities Suspended for More than 10 Days in the School Year	Number of School-Age Students with Disabilities Receiving Special Education Services on December 1	Suspension Rate	Significant Discrepancy in Suspension Rate	Percent of School Districts with Significant Discrepancy in Suspension Rate
2004-05 (baseline data)	5,502	409,791	1.34%	Three times the State baseline average	2.9%
2005-06	5,294	407,000	1.30%	Three times the State baseline average.	2.5%
2006-07	5,622	409,149	1.37%	Three times the State baseline average	2.3%

State Average Suspension Rates of Students with Disabilities for Greater Than 10 Days in a School Year					
School Year	Number of Students with Disabilities Suspended for More than 10 Days in the School Year	Number of School-Age Students with Disabilities Receiving Special Education Services on December 1	Suspension Rate	Significant Discrepancy in Suspension Rate	Percent of School Districts with Significant Discrepancy in Suspension Rate
2007-08	5,173	409,856	1.26%	Two times the State baseline average	9.4%

Number of School Districts with their Suspension Rates and Percent of all Suspensions Comparing the 2006-07 to 2007-08 School Year							
% of students with disabilities suspended for greater than 10 days	Comparison to statewide baseline average	2006-07			2007-08		
		# of districts in 2006-07 School Year	% of 684 districts in 2006-07	% of total 10-day out-of-school suspensions in 2006-07	# of districts in 2007-08 School Year	% of 683 districts in 2007-08	% of total 10-day out-of-school suspensions in 2007-08
Not applicable	Districts with less than 75 students with disabilities enrolled on December 1	100	14.6%	0.8%	104	15.2%	0.6%
0% to <1.3%	Below the baseline Statewide average	415	60.7%	43.1%	400	58.6%	45.3%
≥ 1.3% but <2.7%	Between baseline and 2 times the baseline statewide average	109	15.9%	14.6%	115	16.8%	16.5%
≥ 2.7% but < 4.0%	Between 2 and 3 times the baseline statewide average	44	6.4%	15.2%	45	6.6%	16.4%

Number of School Districts with their Suspension Rates and Percent of all Suspensions Comparing the 2006-07 to 2007-08 School Year							
% of students with disabilities suspended for greater than 10 days	Comparison to statewide baseline average	2006-07			2007-08		
		# of districts in 2006-07 School Year	% of 684 districts in 2006-07	% of total 10-day out-of-school suspensions in 2006-07	# of districts in 2007-08 School Year	% of 683 districts in 2007-08	% of total 10-day out-of-school suspensions in 2007-08
≥ 4.0%	Three times or more than the baseline statewide average	16	2.3%	26.4%	19	2.8%	21.1%

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2007:

Explanation of Progress or Slippage

The State did not achieve its 2007-08 target that no more than two percent of the school districts in the State would suspend students with disabilities for more than 10 days at a rate of 2.7 percent or higher (i.e., at a rate of two times the baseline average). In the 2007-08 school year, 64 school districts (9.4 percent) had a suspension rate of 2.7 percent or higher. This rate is the percent of students with disabilities who are suspended out-of-school for more than 10 days during the school year. Please note that beginning in 2007-08, NYS' target for this indicator became more rigorous than in prior years. School districts are now identified as having a significant discrepancy in their rate if they suspend 2.7 percent or more students with disabilities during the year compared to school districts with a rate of 4.0 percent or higher in previous years.

The State did demonstrate progress in the average suspension rate of students with disabilities, which was lower in 2007-08 compared to previous years. In the 2004-05 school year the Statewide suspension rate was 1.34 percent, in 2005-06 it was 1.30 percent, in 2006-07 it was 1.37 percent and in 2007-08 it was 1.26 percent.

The table below provides a history of notifications that required school districts to review their policies, practices and procedures related to discipline of students with disabilities and to correct their reported noncompliance within one year from notification. Out of 40 school districts that have completed these self-reviews, 10 remain with some noncompliance; however four of these school districts still have time remaining (within one year from notification) to report on their corrections.

Data Year	Monitoring Year	Number of Districts Identified Based on Their Data	Number of Districts Reporting Noncompliance	Number of Districts Correcting Noncompliance Within one Year	Number of Districts Correcting Noncompliance After one Year	Number of Districts that have not Corrected Noncompliance to Date
2004-05	2005-06	18	18	0	16	2
2005-06	2006-07	17 (4 identified in the previous year)	13	8	1	4
2006-07	2007-08	16 (7 identified in the previous year)	7 (possibly two more after verification review)	3		4*
2007-08	2008-09	64 (16 identified in the previous year)	These data will be reported in the next APR.			
*Time is still remaining for these districts to report correction of noncompliance within one year.						

During the 2005-06 school year based on 2004-05 school year data, 18 school districts were notified that they had a suspension rate that was significantly greater than the suspension rate in other school districts.

- Based on a review of each of these district's policies, practices and procedures, all 18 districts were notified that they had noncompliance with one or more regulatory citations related to discipline of students with disabilities.
- To date, 16 of the 18 school districts have corrected their noncompliance. The State provided additional technical assistance by telephone and on site, conducted follow-up monitoring activities and prescribed corrective actions with the remaining two school districts reflected in the last column in the above table.

During the 2006-07 school year, based on 2005-06 school year data, 17 school districts were notified that they had a suspension rate that was significantly greater than the suspension rate in other school districts.

- Four of the 17 school districts were also identified based on 2004-05 school year data and completed the State-developed self-review monitoring protocol during the 2005-06 school year to evaluate their compliance with selected regulatory requirements, policies, practices and procedures related to discipline procedures for students with disabilities.

- Thirteen school districts completed the self-review monitoring protocol review during the 2006-07 school year and all thirteen school districts reported some noncompliance.
- To date, eight of these school districts have corrected their noncompliance within one year from the date of identification and one school district corrected its noncompliance after one year.
- Four school districts' noncompliance is still not corrected.
 - The State provided additional technical assistance by telephone and on-site, conducted follow-up monitoring visits and prescribed corrective actions with these four school districts.
 - For two of the above, Special Education Quality Assurance (SEQA) conducted regular meetings with key administrators to monitor their plan for correction of noncompliance.
- Three of the four school districts identified for a consecutive year received a focused review of their discipline-related policies by SEQA in the fall of 2008. The remaining school district was not reviewed because the school district's data did not identify it as having significant discrepancy in the suspension of students with disabilities in the subsequent school year.

During the 2007-08 school year, based on 2006-07 school year data, 16 school districts were notified that they had a suspension rate that was significantly greater than the suspension rate in other school districts.

- Seven of these 16 school districts were also identified based on 2005-06 school year data in the 2006-07 school year. These seven school districts identified for a consecutive year received a focused review of their discipline-related policies in the fall of 2008.
- Nine school districts completed the State-developed self-review monitoring protocol, and seven of these school districts reported some noncompliance. The State will verify the report submitted by the two districts that reported 100 percent compliance.
- Three of the seven districts that reported noncompliance have corrected their noncompliance.
- The correction of noncompliance in the other four school districts are reported as pending in the above table as they still have time to report their correction of noncompliance within one year from notification.
 - SEQA conducted regular meetings with key administrators in large city school districts to monitor their plan for correction of noncompliance.

During the 2008-09 school year, based on 2007-08 school year data, 64 school districts will be notified that they have a suspension rate that is significantly greater than the suspension rate in other school districts.

- Sixteen of the 64 school districts were also identified based on 2006-07 school year data in the 2007-08 school year.
- These 16 school districts will receive a focused review of their discipline-related policies if identified for a consecutive second year and an onsite review if identified for a third consecutive year.
- Those districts identified for the first time will complete the State-developed self-review monitoring protocol to evaluate their compliance with selected regulatory requirements, policies, practices and procedures related to discipline procedures for students with disabilities.

The number of school districts identified based on 2007-08 data is much larger than in previous years because the State's target for 2007-08 and subsequent years data is much more rigorous. School districts with two or more times the baseline Statewide average suspension rate (2.7 percent or higher) are being identified, compared to school districts with three or more times the baseline Statewide average (4.0 percent or higher) in previous years.

- Results of these school districts' self-review of policies, procedures and practices relating to discipline will be reported in next year's APR.
- For any school district for which the data indicates significant discrepancy for two or more consecutive years, the State will conduct a review to determine if the district's findings through the self-review process were valid, regardless of whether the school district reported it had corrected all issues of noncompliance. This monitoring review, at a minimum, examines whether there have been changes to the policies and procedures since the last review; and, if so, whether those changes comply with federal and State regulatory requirements regarding the development and implementation of individualized education programs (IEPs), the use of positive behavioral interventions and supports, and procedural safeguards; and whether practices in these areas continue to comply with applicable requirements.

The table below provides the number and percentage of school districts reporting compliance by regulatory issue, comparing the data from 2006-07 to 2007-08.

Results of Suspension Self-Reviews					
Regulatory Citation 8 NYCRR		2006-07 Number and Percent out of 13 School Districts Reporting Compliance		2007-08 Number and Percent out of 9 School Districts Reporting Compliance	
		#	%	#	%
§200.4(b)(1)(v)	Initial evaluations of students with disabilities include a functional behavioral assessment (FBA) for students whose behaviors impede their learning or that of others.	4	30.8%	6	66.7%
§200.4(b)(4)	The reevaluation is sufficient to determine the student's individual needs.	8	61.5%	7	77.8%
§200.1(r)	FBAs identify the problem behavior, define the behavior in concrete terms, identify contextual factors that contribute to the behavior and formulate a hypothesis regarding the general conditions under which a behavior usually occurs and the probable consequences that serve to maintain it.	7	53.8%	5	55.6%
§200.22(a)(3)*	FBAs are based on multiple sources of data, including but not limited to, information obtained from direct observation of the student, information from the student, the student's teacher(s) and/or related service provider(s), a review of available data and information from the student's record and other sources including any relevant information provided by the student's parent. The FBA is not based solely on the student's history of presenting problem behaviors.	7	53.8%	5	55.6%
§200.22(a)(3)*	The FBA provides a baseline of the student's problem behaviors with regard to frequency, duration, intensity, and/or latency across activities, settings, people and times of the day and includes information in sufficient detail to form the basis for a behavioral intervention plan (BIP) for the student that addresses antecedent behaviors, reinforces consequences of the behavior, recommendations for teaching alternative skills or behaviors and an assessment of student references for reinforcement.	5	38.5%	5	55.6%

Results of Suspension Self-Reviews					
Regulatory Citation 8 NYCRR		2006-07 Number and Percent out of 13 School Districts Reporting Compliance		2007-08 Number and Percent out of 9 School Districts Reporting Compliance	
		#	%	#	%
§201.3(a)	FBA's are conducted when students are suspended for behaviors determined to be related to their disabilities.	6	46.2%	6	66.7%
§200.4(d)(3)	For students whose behaviors impede their learning or that of others, the IEPs include positive behavioral interventions and supports and other strategies to address the behaviors.	5	38.5%	7	77.8%
§200.3(d)(1)	The general education teacher participated in the Committee on Special Education (CSE) meeting to identify appropriate positive behavioral interventions and strategies for the student.	7	53.8%	8	88.9%
§201.4(e)	The IEP was revised as a result of any deficiencies noted during a manifestation determination review.	8	61.5%	8	88.9%
§201.2(a)	BIPs are based on the results of the FBA and, at a minimum, include a description of the problem behavior, global and specific hypotheses as to why the problem behavior occurs and intervention strategies to address the behavior.	7	53.8%	5	55.6%
§200.22(b)(4)(i)**	BIPs identify the baseline measure of the problem behavior, including the frequency, duration, intensity and/or latency of the targeted behaviors. Such baseline, to the extent practicable include data taken across activities, settings, people and time of the day.	4	30.8%	5	55.6%
§200.22(b)(4)(ii)**	BIPs identify the intervention strategies to be used to alter antecedent events to prevent the occurrence of the behavior, teach individual alternative and adaptive behavior to the student, and provide consequences for the targeted inappropriate behavior(s) and alternative acceptable behaviors.	8	61.5%	5	55.6%

Results of Suspension Self-Reviews					
Regulatory Citation 8 NYCRR		2006-07 Number and Percent out of 13 School Districts Reporting Compliance		2007-08 Number and Percent out of 9 School Districts Reporting Compliance	
		#	%	#	%
§200.22(b)(4)(iii)**	BIPs include a schedule to measure the effectiveness of the interventions, including the frequency, duration and intensity of the targeted behaviors at scheduled intervals.	6	48.2%	5	55.6%
§200.22(b)(5)**	The implementation of a student's BIP includes regular progress monitoring of the frequency, duration and intensity of the behavioral interventions at scheduled intervals. The results of the progress monitoring are documented and reported to the student's parents and to the CSE and are considered in any determination to revise the student's BIP or IEP.	5	38.5%	4	44.4%
§201.3(a)	When a student has been removed for more than 10 days and the student's conduct was determined to be a manifestation of the student's disability, the CSE conducted a FBA and implements a behavioral intervention plan for that student.	6	46.2%	7	77.8%
§201.3(b)	If the student already has a behavioral intervention plan, the CSE meets to review the plan and its implementation and modifies the plan and its implementation, as necessary, to address the behavior that resulted in the disciplinary change of placement.	7	53.8%	5	55.6%
§200.4(e)	Behavioral intervention plans are implemented, monitored and progress documented.	6	46.2%	5	55.6%
§201.4(a)	The manifestation review is conducted immediately, but not later than 10 days after the decision to remove or suspend the student.	8	61.5%	7	77.8%

Results of Suspension Self-Reviews					
Regulatory Citation 8 NYCRR		2006-07 Number and Percent out of 13 School Districts Reporting Compliance		2007-08 Number and Percent out of 9 School Districts Reporting Compliance	
		#	%	#	%
§201.4(b)	A team that includes the student's parent, an individual knowledgeable about the student and the interpretation of behavior and other relevant members of the CSE as determined by the parent and the school district conducts the manifestation review. Parents are notified in writing of the meeting.	10	76.9%	8	88.9%
§201.4(c)	All relevant information in the student's file, including the student's IEP, any teacher observations and relevant information provided by the parent is reviewed.	8	61.5%	8	88.9%
§201.4(d)(2)	The manifestation determination is made based on whether the conduct was caused by or had a direct and substantial relationship to the student's disability or was a direct result of the school district's failure to implement the IEP.	10	76.9%	8	88.9%
§201.4(d) (2)(ii)	If the conduct was determined to be related to the student's disability, the student is returned to the placement from which the student was removed (except drugs, weapons or serious bodily injury removals).	9	69.2%	9	100%
§201.7(a)	The parent is notified and provided a copy of the procedural safeguards notice within 10 days of the decision to suspend the student for more than 10 days.	11	84.6%	7	77.8%
§201.7(b)	Suspensions of students with disabilities do not exceed the amount of time that a nondisabled student would be subject to suspension for the same behavior.	13	100%	9	100%
§201.7(c)	A manifestation determination has been made prior to the removal of a student with a disability for more than 10 school days. If the behavior is a manifestation of the disability, the penalty phase of a superintendent's hearing is dismissed.	10	76.9%	8	88.9%

Results of Suspension Self-Reviews					
Regulatory Citation 8 NYCRR		2006-07 Number and Percent out of 13 School Districts Reporting Compliance		2007-08 Number and Percent out of 9 School Districts Reporting Compliance	
		#	%	#	%
§201.7(d)	Short-term suspensions are reviewed to determine if they constitute a pattern of removals.	7	53.8%	7	77.8%
§201.7(f)	School personnel consider unique circumstances on a case-by-case basis when determining whether to suspend a student with a disability.	13	100%	8	88.9%
§201.10(b)	Students with disabilities of compulsory school age are provided with alternative instruction for short-term suspensions (10 days or less in the school year).	13	100%	7	77.8%
§201.10(c) and (d)	During suspensions of more than 10 days in a school year, regardless of the manifestation determination, students with disabilities receive services to enable them to participate in the general curriculum and to continue to progress toward IEP goals.	12	92.3%	8	88.9%
§ 201.10(e)	Interim alternative educational setting (IAES) and the services to be provided to a student are determined by the CSE	10	76.9%	9	100%
* FBAs conducted after July 1, 2006.			**For BIPs developed after July 1, 2006		

*Note that in 2006, new NYS regulations were amended to establish new standards for functional behavioral assessments (FBA) and behavioral intervention plans (BIP) (noted in the above chart with * and **).*

As shown in the table above, there was a greater percentage of school districts that reported compliance with most regulatory citations in 2007-08 compared to school districts in 2006-07 school year. Five school districts out of nine in the 2007-08 school year reported being in compliance with 29 of the 30 regulatory requirements.

NYS will use the above information to focus technical assistance and professional development to school districts through the State's Policy, SEQA and technical assistance networks.

Improvement Activities⁴ Completed in 2007-08

The Office of Vocational and Educational Services for Individuals with Disabilities (VESID) accessed technical assistance to further inform its activities to address suspension rates of students with disabilities and to promote positive behavioral supports and interventions in NYS' public and private schools from the Center for Positive Behavioral Interventions and Supports (PBIS).

Also see technical assistance resources accessed as identified for Indicator 1.

Activities completed:

1. See graduation rates Improvement Activities Completed - Indicator 1
2. VESID's *Behavioral Supports and Interventions Quality Indicator Review and Resource Guide*⁵ was completed to guide the school improvement support work of VESID funded Special Education Training and Resource Center (SETRC) professional development specialists with school districts identified by VESID as needing assistance or intervention. This guide was used to assess a school district's system of behavioral supports and to provide research-based technical assistance to school personnel on school-wide positive behavioral supports, classroom management, targeted small group behavioral interventions and intensive individualized behavioral interventions.
3. SETRC regional trainers provided regional professional development sessions across NYS on NYS standards and quality indicators for FBAs and BIPs.
4. VESID conducted regular meetings with the New York City Department of Education (NYCDOE) special education central office administration to monitor NYCDOE's implementation of its school improvement plan relating to special education. Since the 2006-07 review of NYC high schools with high suspension rates, NYC has made changes to their policies and practices to address implementation of FBAs, BIPs, manifestation determination reviews (MDR) and provision of special education services during suspensions. A suspension manual, including forms for notifying parents, conducting MDRs and developing suspension plans, was developed. NYC initiated PBIS in 34 schools based on data that indicated high need in regard to suspensions of students with disabilities, in particular those schools disproportionately suspending male minority students. In addition, training continues to be provided on PBIS.

⁴ See New York SPP Indicator 4 improvement activities at <http://www.vesid.nysed.gov/specialed/spp/plan/suspension.htm>

⁵ <http://www.vesid.nysed.gov/specialed/techassist/QIcover.htm>

5. SEQA conducted regular meetings with key administrators in the Big 4 City School Districts to address any and all noncompliance including that which was identified for high level of suspension of students with disabilities.
6. The State Performance Plan (SPP) web page for Indicator 4 was updated during 2007-08 adding links for additional technical assistance resources for school districts, including national technical assistance centers and resources.
7. NYS-PBIS regional technical assistance centers provided training to approximately 4500 school personnel during 2007-08, through more than 27 distinct trainings encompassing approximately 165 training events. NYS-PBIS Regional Specialists attended and/or presented in more than 165 professional development training events and meetings within NYS and at national PBIS events during 2007-08; and attended 70 different professional development and training events featuring approximately 20 nationally-recognized PBIS figures, including United States Education Department (USED), Office of Special Education Programs (OSEP) PBIS Technical Assistance Centers (TAC) co-directors George Sugai and Robert Horner, OSEP Associate for NYS Independent Living (IL) PBIS Network Statewide Director Dr. Lucille Eber, and Dr. Dean Fixsen. At the current time, 414 schools are actively implementing PBIS through NYS-PBIS Regional TAC training and technical assistance efforts.
8. VESID presented to approximately 100 individuals at a statewide meeting of the New York State Association of Behavior Analysis on the State's standards on positive behavioral supports and interventions.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2007 [If applicable]

Consistent with the proposed targets in NYS' SPP, beginning in the 2007-08 through 2010-11 school years, significant discrepancy is defined as a suspension rate of greater than two times the baseline statewide average, (i.e., a rate of 2.7 percent or higher).

Overview of the Annual Performance Report Development:

See Overview of the Development of the Annual Performance Report (APR) in the Introduction section, page 1.

Monitoring Priority: FAPE in the LRE

Indicator 5: Percent of children with individualized education programs (IEPs) aged 6 through 21:

- A. Removed from regular class less than 21% of the day;
- B. Removed from regular class greater than 60% of the day; or
- C. Served in public or private separate schools, residential placements, or homebound or hospital placements.

(20 U.S.C. 1416(a)(3)(A))

Measurement:

- | |
|---|
| <ul style="list-style-type: none"> A. Percent = [(# of children with IEPs removed from regular class less than 21% of the day) divided by the (total # of students aged 6 through 21 with IEPs)] times 100. B. Percent = [(# of children with IEPs removed from regular class greater than 60% of the day) divided by the (total # of students aged 6 through 21 with IEPs)] times 100. C. Percent = [(# of children with IEPs served in public or private separate schools, residential placements, or homebound or hospital placements) divided by the (total # of students aged 6 through 21 with IEPs)] times 100. |
|---|

FFY	Measurable and Rigorous Target
FFY 2007 (School Year 2007-08)	The statewide percent of students with disabilities, ages 6-21, removed from regular class less than 21 percent of the day will be greater than 53.1 percent. The statewide percent of students with disabilities, ages 6-21, removed from regular class greater than 60 percent of the day will be less than 24.6 percent. The statewide percent of students with disabilities, ages 6-21, served in public or private separate schools, residential placements, or homebound or hospital placements will be less than 6.8 percent.

Note: Following United States Education Department (USED) changes in LRE reporting categories effective for the 2006-07 school year; New York State (NYS) revised its targets for Indicator #5, beginning with school year 2007-08. See APR February 2008.

Actual Target Data for FFY 2007:

The statewide percent of students with disabilities, ages 6-21, removed from regular class less than 21 percent of the day was **54.2** percent.

The statewide percent of students with disabilities, ages 6-21, removed from regular class greater than 60 percent of the day was **24.1** percent.

The statewide percent of students with disabilities, ages 6-21, served in public or private separate schools, residential placements, or homebound or hospital placements was **6.5** percent.

Statewide Trend Data: LRE for School-Age Students with Disabilities						
School Year	Number of Students Ages 6-21, on December 1 of the School year	Percent of Day Students are Removed from Regular Classes			Percent of Students in Separate Settings	Percent of Students in Other Specific Settings*
		Less than 21%	21% to 60%	Greater than 60%		
1997-98	372,716	43.2%	12.9%	34.8%	9.1%	
1998-99	381,342	44.7%	12.9%	33.5%	8.9%	
1999-00	384,352	47.6%	13.2%	30.7%	8.5%	
2000-01	389,668	49.5%	12.9%	29.8%	7.7%	
2001-02	387,014	51.1%	12.9%	28.6%	7.4%	
2002-03	386,082	51.8%	13.9%	27.0%	7.4%	
2003-04	387,633	53.4%	12.4%	27.0%	7.3%	
2004-05 (Baseline Year for APR)	391,595	53.6%	12.0%	27.3%	7.0%	
2005-06	389,125	54.5%	13.1%	25.5%	6.9%	
2006-07	391,773	53.1%	12.9%	24.6%	6.8%	2.6%
2007-08	390,550	54.2%	12.4%	24.1%	6.5%	2.7%

*Other specific settings include students who are home-schooled, parentally placed in nonpublic schools or incarcerated.

Big Five Cities' Combined Trend Data: LRE for School-Age Students with Disabilities						
School Year	Number of Students Ages 6-21, on December 1 of the School year	Percent of Day Students Removed from Regular Classes			Percent of Students in Separate Settings	Percent of Students in Other Specific Settings*
		Less than 21%	21% to 60%	Greater than 60%		
2002-03	160,410	47.9%	5.4%	38.1%	8.6%	
2003-04	161,347	49.5%	2.5%	39.0%	9.0%	
2004-05	165,795	49.9%	2.1%	39.3%	8.8%	
2005-06	164,462	51.3%	4.8%	35.2%	8.7%	
2006-07	169,394	49.7%	4.8%	33.5%	9.0%	3.1%
2007-08	172,979	51.5%	4.5%	31.9%	8.5%	3.6%

*Other specific settings include students who are home-schooled, parentally placed in nonpublic schools or incarcerated.

2007-08 LRE Data for Students with Disabilities by Need Resource Capacity Category of School Districts						
Need Resource Capacity	Number of Students Ages 6-21, on December 1 of the School year	Percent of Day Students are Removed from Regular Classes			Percent of Students in Separate Settings	Percent of Students in Other Specific Settings*
		Less than 21%	21% to 60%	Greater than 60%		
NYC	151,287	50.9%	3.8%	32.6%	8.9%	3.9%
Large 4 Cities	21,692	55.7%	9.4%	27.2%	6.1%	1.5%
Urban-Suburban High Need School Districts	31,054	47.6%	16.4%	27.0%	6.3%	2.7%
Rural High Need School Districts	24,289	54.2%	22.7%	21.1%	1.7%	0.4%
Average Need School Districts	109,620	56.9%	19.8%	17.7%	3.9%	1.7%
Low Need School Districts	48,941	63.9%	17.1%	11.9%	4.8%	2.3%

*Other specific settings include students who are home-schooled, parentally placed in nonpublic schools or incarcerated.

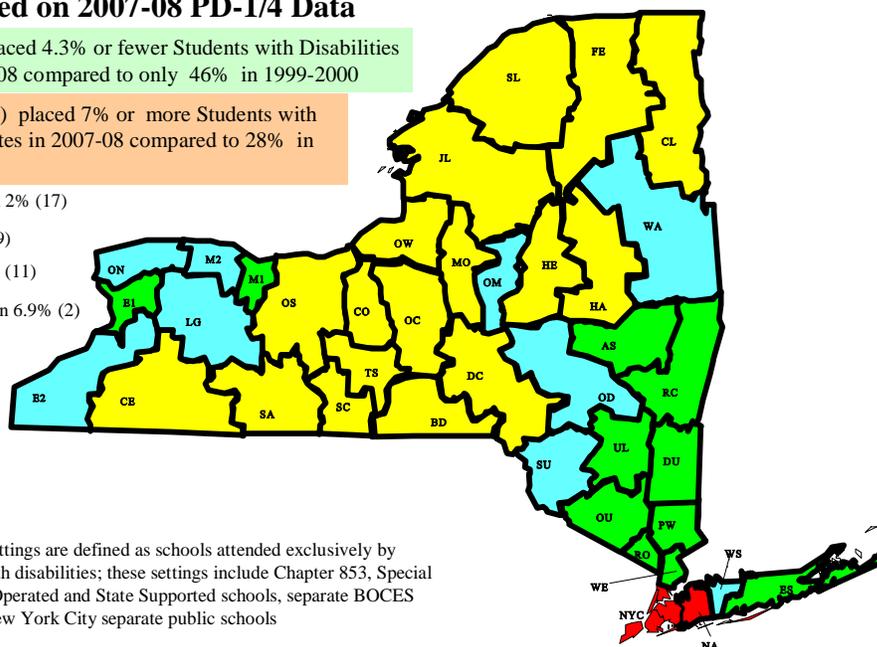
2007-08 LRE Data by Board of Cooperative Educational Services (BOCES) Regions for Separate Settings:

**Students with Disabilities (Ages 4-21) in Separate Settings
By BOCES Region and New York City
Based on 2007-08 PD-1/4 Data**

26 of 39 regions (67%) placed 4.3% or fewer Students with Disabilities in Separate Sites in 2007-08 compared to only 46% in 1999-2000

Only 2 of 39 regions (5%) placed 7% or more Students with Disabilities in Separate Sites in 2007-08 compared to 28% in 1999-2000

- Less than 2% (17)
- 2-4.3% (9)
- 4.4-6.9% (11)
- More than 6.9% (2)



7/8/08

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2007:

Explanation of Progress or Slippage

NYS met its targets in all three settings:

- The percentage of students with disabilities who are removed from regular classes for less than 21 percent of the day increased from 53.1 percent in the 2006-07 school year to 54.2 percent in the 2007-08 school year. The State target was to increase this percentage to more than 53.1 percent.
- The percent of students with disabilities who are removed from regular classes for more than 60 percent of the day decreased from 24.6 percent in 2006-07 to 24.1 percent in 2007-08. The State met its target, which was to be below 24.6 percent in 2007-08.
- The percent of students with disabilities who are educated in separate settings decreased from 6.8 percent in 2006-07 to 6.5 percent in 2007-08. The State met its target, which was to be below 6.8 percent in 2007-08.

- New York City (NYC) reduced the percentage of students who are removed from regular classes for more than 60 percent of the day from 34.5 to 32.6 percent.
- NYC reduced the percentage of students in separate settings from 9.4 to 8.9 percent, however, it continues to place more students in these settings compared to other need/resource categories of school districts.
- The high need school districts tend to use the removed from regular classes for more than 60 percent of the day setting for significantly greater percentages of students with disabilities compared to average or low-need school districts.

Improvement Activities Completed in 2007-08

The Office of Vocational and Educational Services for Individuals with Disabilities (VESID) accessed technical assistance information and resources to inform its policy development of integrated co-teaching (see activities completed #4 below) through the USED-funded *Access Center: Improving Outcomes for All Students K-8*.

Also see technical assistance information identified in indicator 1.

Activities Completed:

1. In the 2007-08 school year focused reviews using the *Least Restrictive Environment (LRE)* and/or the *Effective Instruction* Protocols were conducted to review policies, procedures and practices in school districts whose data showed LRE data below the State's targets and who were also designated as having data for graduation rate, suspensions, or Adequate Yearly Progress significantly below NY's State Performance Plan (SPP) targets.
2. In 2007-08, the regional space plans were reviewed to assure availability of space for students with disabilities to be educated in age-appropriate settings and to the maximum extent possible with students who are not disabled. NYS required documentation of regional needs prior to expansion and/or approval of new private school programs to serve students with disabilities in separate settings.
3. In 2007-08, regional space plans were analyzed to determine if the percentage of students in separate settings was below the national average of 4.2 percent. Boards of Cooperative Educational Services (BOCES) District Superintendents were required to formulate a plan to reduce the percentage below 3.8 percent by the end of this cycle of the APR.
4. NYS regulations were amended, effective October 4, 2007, to add options to the continuum of special education services to promote the delivery of specially designed instruction in a general education classroom by adding integrated co-teaching services and the combination of resource room and consultant teacher services to meet the minimum level of service requirements. Field guidance was

issued in April 2008 – “*Continuum of Special Education Services for School-Age Students with Disabilities*”. This memorandum can be found at <http://www.vesid.nysed.gov/specialed/publications/policy/schoolagecontinuum.html>.

5. Field guidance was issued in September 2008 – “*Coordinated Early Intervening Services (CEIS) Under Part B of the Individuals with Disabilities Education Act (IDEA..)*” See <http://www.vesid.nysed.gov/specialed/publications/policy/ceis908.htm>. The CEIS application process is described in this document and the funding application can be found at www.vesid.nysed.gov/spedfin.
6. In 2007-08, the Nondistrict Unit (NDU) provided technical assistance to school districts that sought to place students in approved private schools, both in-State and out-of-State, to facilitate placements of students in the least restrictive environment.
7. Through enhanced oversight of out-of-state residential placements of students with disabilities and the implementation of an interagency plan for in-state residential development, the number of students served out-of-state during the 2007-08 school year (655) shows a reduction of 38 percent from the number served during the 2005-06 school year (1,050).
8. In 2007-08, VESID identified school districts with effective instructional practices for students with disabilities. One of the factors considered included evidence that effective schools have practices that have reduced the numbers of students receiving services in separate sites.
9. In 2007-08, VESID funded the New York University (NYU) Metro Center Technical Assistance Center on Disproportionality (TAC-D) to provide technical assistance to 13 targeted districts and 7 regions (for a total of 78 sessions). The majority of districts showed variable reductions in disproportionate rates in the special education placements of students with disabilities by race/ethnicity.
10. VESID conducted regular meetings with the New York City Department of Education (NYCDOE) special education central office administration to monitor NYCDOE's implementation of its school improvement plan relating to special education. To address issues of LRE placements, NYC expanded the collaborative team teaching model (integrated co-teaching) for the 2007-08 school year by more than 300 classrooms to increase access to the general education curriculum and improve instruction for students with disabilities.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2007 [If applicable]

None.

Overview of the Annual Performance Report Development:

See Overview of the Development of the Annual Performance Report (APR) in the Introduction section, page 1.

Monitoring Priority: FAPE in the LRE

Indicator 6: Percent of preschool children with individualized education programs (IEPs) who received special education and related services in settings with typically developing peers (i.e., early childhood settings, home, and part-time early childhood/part-time early childhood special education settings).

(20 U.S.C. 1416(a)(3)(A))

Measurement:

Percent = [(# of preschool children with IEPs who received special education services in settings with typically developing peers) divided by the (total # of preschool children with IEPs)] times 100.

FFY	Measurable and Rigorous Target
FFY 2007 (School Year 2007-08)	New York State (NYS) will need to set new targets based on changes that are being made in the federal measure for this indicator.

Actual Target Data for FFY 2007:

Not applicable.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2007:

Improvement Activities Completed in 2007-08

1. In 2007-08, Early Childhood Direction Centers (ECDCs) developed and conducted training for families and professionals on the least restrictive environment (LRE), the continuum of service options for preschoolers with disabilities and the benefits of inclusive education. ECDCs provided information and technical assistance to local Committees on Preschool Special Education (CPSE) and professionals providing care for typically developing preschoolers and preschoolers with disabilities in early childhood settings.
2. All initial preschool applications and preschool modifications requesting changes in an already approved program (adding one or more classes, decreasing instructional hours of full-day program, change in class ratio, or adding bilingual language) were required to include an assessment of regional need for separate setting preschool programs before approval could be granted. The number of preschool modification

applications logged in the preschool tracking log as “received” between September 2007 and December 2008 was 238. The number of preschool initial applications logged in the preschool tracking log as “received” during this same time period was 83.

3. In 2007-08, the NYS Board of Regents policy paper on early childhood education included a recommendation for the expansion of universal pre-kindergarten programs and increased collaborative early education and preschool special education programs.
4. During 2007-08, the Governor's Temporary Task Force on Preschool Special Education, which was co-chaired by the Deputy Commissioner of the Office of Vocational and Educational Services for Individuals with Disabilities (VESID), submitted its report to the legislature. The report included recommendations to increase integrated opportunities and develop consistent early education learning standards for preschool students with disabilities.
5. In 2007-08, an action plan for collaboration with the State Education Department's (SED) Team of Early Education and Reading Initiatives (EERI) was prepared in consultation with internal and external stakeholders. The plan was designed to expand integrated universal pre-kindergarten and other early education programs (including Head Start and day care settings). Related activities that were implemented included planned presentations and conference calls with school districts and preschool special education providers.
6. In 2007-08, a Memorandum of Understanding (MOU) was developed with the U.S. Department of Health and Human Services for Children and Families, representing Head Start programs, to support collaborations and maximize the availability of integrated services.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2007 [If applicable]

Not applicable. Reporting on this indicator is not required for the FFY 2007 APR due February 1, 2009. This is because changes were made recently by the United States Education Department (USED) in the 618 State-reported data collection requirements, affecting the data gathered for FFY 2007.

Overview of the Annual Performance Report Development:

See Overview of the Development of the Annual Performance Report (APR) in the Introduction section, page 1.

Monitoring Priority: FAPE in the LRE

Indicator 7: Percent of preschool children with individualized education programs (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

(20 U.S.C. 1416 (a)(3)(A))

Measurement:

- A. Positive social-emotional skills (including social relationships):
 - a. Percent of preschool children who did not improve functioning = $[(\# \text{ of preschool children who did not improve functioning}) \div (\# \text{ of preschool children with IEPs assessed})] \times 100$.
 - b. Percent of preschool children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers = $[(\# \text{ of preschool children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers}) \div (\# \text{ of preschool children with IEPs assessed})] \times 100$.
 - c. Percent of preschool children who improved functioning to a level nearer to same-aged peers but did not reach it = $[(\# \text{ of preschool children who improved functioning to a level nearer to same-aged peers but did not reach it}) \div (\# \text{ of preschool children with IEPs assessed})] \times 100$.
 - d. Percent of preschool children who improved functioning to reach a level comparable to same-aged peers = $[(\# \text{ of preschool children who improved functioning to reach a level comparable to same-aged peers}) \div (\# \text{ of preschool children with IEPs assessed})] \times 100$.
 - e. Percent of preschool children who maintained functioning at a level comparable to same-aged peers = $[(\# \text{ of preschool children who maintained functioning at a level comparable to same-aged peers}) \div (\# \text{ of preschool children with IEPs assessed})] \times 100$.

If $a + b + c + d + e$ does not sum to 100%, explain the difference.

- B. Acquisition and use of knowledge and skills (including early language/communication and early literacy):

- a. Percent of preschool children who did not improve functioning = $\left[\frac{\text{(\# of preschool children who did not improve functioning)}}{\text{(\# of preschool children with IEPs assessed)}}\right]$ times 100.
- b. Percent of preschool children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers = $\left[\frac{\text{(\# of preschool children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers)}}{\text{(\# of preschool children with IEPs assessed)}}\right]$ times 100.
- c. Percent of preschool children who improved functioning to a level nearer to same-aged peers but did not reach it = $\left[\frac{\text{(\# of preschool children who improved functioning to a level nearer to same-aged peers but did not reach it)}}{\text{(\# of preschool children with IEPs assessed)}}\right]$ times 100.
- d. Percent of preschool children who improved functioning to reach a level comparable to same-aged peers = $\left[\frac{\text{(\# of preschool children who improved functioning to reach a level comparable to same-aged peers)}}{\text{(\# of preschool children with IEPs assessed)}}\right]$ times 100.
- e. Percent of preschool children who maintained functioning at a level comparable to same-aged peers = $\left[\frac{\text{(\# of preschool children who maintained functioning at a level comparable to same-aged peers)}}{\text{(\# of preschool children with IEPs assessed)}}\right]$ times 100.

If a + b + c + d + e does not sum to 100%, explain the difference.

C. Use of appropriate behaviors to meet their needs:

- a. Percent of preschool children who did not improve functioning = $\left[\frac{\text{(\# of preschool children who did not improve functioning)}}{\text{(\# of preschool children with IEPs assessed)}}\right]$ times 100.
- b. Percent of preschool children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers = $\left[\frac{\text{(\# of preschool children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers)}}{\text{(\# of preschool children with IEPs assessed)}}\right]$ times 100.
- c. Percent of preschool children who improved functioning to a level nearer to same-aged peers but did not reach it = $\left[\frac{\text{(\# of preschool children who improved functioning to a level nearer to same-aged peers but did not reach it)}}{\text{(\# of preschool children with IEPs assessed)}}\right]$ times 100.
- d. Percent of preschool children who improved functioning to reach a level comparable to same-aged peers = $\left[\frac{\text{(\# of preschool children who improved functioning to reach a level comparable to same-aged peers)}}{\text{(\# of preschool children with IEPs assessed)}}\right]$ times 100.
- e. Percent of preschool children who maintained functioning at a level comparable to same-aged peers = $\left[\frac{\text{(\# of preschool children who maintained functioning at a level comparable to same-aged peers)}}{\text{(\# of preschool children with IEPs assessed)}}\right]$ times 100.

If a + b + c + d + e does not sum to 100%, explain the difference.

FFY	Measurable and Rigorous Target
FFY 2007 (School Year 2007-08)	None this year. Only progress data and improvement activities are required this year. States are not required to report baseline and targets until February 2010. See Appendix A of this APR for State Performance Plan (SPP) Indicator 7 for discussion of progress data and improvement activities.

Actual Target Data for FFY 2007:

Progress data are provided in the SPP Indicator 7 chapter in Appendix A of this APR.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2007:

Improvement activities are reported in the SPP Indicator 7 in Appendix A of this APR.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2007 [If applicable]

Not applicable.

Overview of the Annual Performance Report Development:

See Overview of the Development of the Annual Performance Report (APR) in the Introduction section, page 1.

Monitoring Priority: FAPE in the LRE

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.

(20 U.S.C. 1416(a)(3)(A))

Measurement:

Percent = [(# of respondent parents who report schools facilitated parent involvement as a means of improving services and results for children with disabilities) divided by the (total # of respondent parents of children with disabilities)] times 100.

New York State's (NYS) calculation:

NYS' parent survey contains 25 questions. All surveys returned with at least 15 of the 25 questions answered are the denominator for the calculation. The numerator is the number of surveys with an overall positive parental involvement rating. These are surveys in which parents indicated that they "agree", "strongly agree" or "very strongly agree" with at least 51% of the questions.

NYS' Statewide calculation will use a weighted average to control for the required minimum sample size response from every school district. This is necessary because many school districts received a response that was well above the minimum sample size required; and in other school districts, the minimum response required was not achieved. In order to give each school district's positive response rate a proportional weight relative to their sample size in the State's average, the percent of positive responses was weighted by the sample size of each school district. For example in one school district, with a minimum sample size of 53, 30 surveys were returned with at least 15 questions answered with 18 of the 30 questions answered positively. This district's weighting in the State's average is $18/30 \times 53$ or 31.8 surveys with positive parental response. As another example, in another school district with minimum sample size was 87, 172 surveys were returned with at least 15 questions answered with 148 of the 172 questions answered positively. This district's weighting in the State's average is $148/172 \times 87$ or 74.8 surveys with positive parental response. The weighting helps to achieve an equal contribution from every school district of their positive parental response rate.

Note: When NYS reports school district data on this indicator as part of the public reporting requirement, weightings will not be used. A school district's actual data will be displayed.

FFY	Measurable and Rigorous Target
FFY 2007 (School year 2007-08)	87.5 percent of parents with a child receiving special education services will report that schools facilitated parent involvement as a means of improving services and results for children with disabilities.

Actual Target Data for FFY 2007:

86.9 percent of parents with a child receiving special education services reported that schools facilitated parent involvement as a means of improving services and results for children with disabilities.

During the 2007-08 school year, 114 school districts, including New York City (NYC) as a single district, conducted a parent survey. The number of surveys returned was 8,617, with 8,333 surveys responding to at least 15 questions out of 25 questions on the survey. Of the surveys that responded to at least 15 questions, 7,512 surveys provided a positive response on at least 51 percent of the questions. This represents an unweighted positive response rate of 90.1 percent and a weighted positive response rate of 86.8 percent. NYS uses a weighted average to control for the required minimum sample size response from every school district. This is necessary because many school districts received a response that was well above the minimum sample size required and, in other school districts, the minimum sample size required was not achieved. In order to give each school district's positive response rate a proportional weight relative to their sample size in the State's average, the percent of positive responses was weighted by the sample size of each school district.

The 114 school districts are representative of NYS. See the State Performance Plan (SPP) for a discussion of how NYS assigned all school districts in the State into six representative samples for the purposes of collecting data on this Indicator. Each group of school districts is required to submit data on one indicator each year such that within six years, all school districts will have submitted data on all six indicators. NYC is the only school district with a total enrollment of over 50,000 students and is required to submit data on every indicator every year.

See <http://www.vesid.nysed.gov/specialed/spp/home.html> for a schedule of the school years in which school districts must submit data on these indicators. The State has also developed a schedule of the years in which selected school districts are required to re-submit data on some indicators to document improvement in compliance rates or to achieve a sufficient response rate for this Indicator. The schedule of re-submissions is also posted at the same website as the schedule.

The parent survey that was used in the 2007-08 school year was the same as was used in the 2006-07 school year and is included in New York's SPP. Each school district was required to over sample and send the survey to all the parents of preschool and school-age students with disabilities or to send the survey to ten times the required minimum sample size. See the sampling calculator to determine the minimum sample size at <http://eservices.nysed.gov/pdsystem/samplesizecalculator.jsp>.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2007:

Explanation of Progress or Slippage

The Statewide weighted result of the survey in the 2007-08 school year was that 86.8 percent of parents reported that schools facilitated parent involvement as a means of improving services and results for children with disabilities. This is essentially the same result (0.1 percentage point below) achieved in the 2005-06 and 2006-07 school years, which was 86.9 percent. The State did not achieve its established target of 87.5 percent. However, the unweighted result in 2007-08 was 90.1 percent, which exceeds the established target.

More school districts achieved a sufficient response rate in 2007-08 (66 percent) compared to 46 percent in 2006-07. In most cases, school districts that do not achieve a sufficient response rate in the year in which they are assigned to conduct this survey are required to conduct the survey again in the next school year. This is to ensure there are valid results on this indicator from all school districts during the SPP time period.

Improvement Activities Completed in 2007-08

The Office of Vocational and Educational Services for Individuals with Disabilities (VESID) met with representatives of New York's federally funded Parent Training and Information Centers (PTI) to review new policy development and to discuss strategies by which PTIs and the State could work more collaboratively to improve results across the SPP indicators.

- VESID issued a Request for Proposals to expand the number of Parent Centers from five to 13 so that every region of the State would have a Special Education Parent Center.
- Early Childhood Direction Centers (ECDCs) provided information and training to families to facilitate parental involvement in their child's special education program and to provide them with information on due process, federal and State laws and regulation, transition planning, least restrictive environment (LRE) and other issues related to preschool children with disabilities.
- The "Committee on Special Education (CSE)/Committee on Preschool Special Education (CPSE) Training" curriculum was developed and piloted with key personnel and Special Education Training and Resource Center (SETRC) members on November 19-21, 2008. The training is targeted to help new CPSE/CSE chairpersons to manage the process effectively. One of the major themes running throughout all modules is working effectively with parents in planning for their children's educational programs and services, and strategies for resolving parent concerns when they arise.

- Six regional Parent Roundtable discussions were held (NYC, Syracuse, Buffalo, Rochester, Long Island, and Albany). Approximately 600 individuals attended, including parents who expressed concerns related to issues such as CPSE recommendations, availability of bilingual services, service coordination for students transitioning from the Early Intervention Program to preschool, services for students with autism, and increased professional development for CPSE members.
- Meetings with the State and federally funded parent centers were held to facilitate improved communication and collaboration regarding key policy improvement activities. Parents, parent center staff, and the State Education Department (SED) employees met on October 2, 2008, to listen to suggestions made by the parents and advocates present. On October 3, 2008, the five parent centers from across NYS participated in their first statewide VESID meeting.
- VESID leadership staff continued to participate in the Individuals with Disabilities Education Act (IDEA) Learning Community monthly teleconferences during 2007-08. Discussions focused on concerns and current issues being faced by parents and advocates. Topics included: updating information on new regulations and laws; the new individualized education program (IEP) format; use of Response to Intervention (RtI) strategies in school districts across NYS; discipline in public schools; advocacy for parents and students with special needs. Approximately 20 individuals participated in these teleconferences on a regular basis.
- Special Education Quality Assurance (SEQA) reviewed the policies, procedures and practices of school districts engaged in focused review monitoring processes to ensure that school districts were facilitating the involvement of parents as a means to improve results for students with disabilities. Parent interviews and/or forums were also conducted as part of the Quality Assurance process.
- School districts were provided the web link to the resource, *“Educating our Children Together: A Sourcebook for Effective Family-School-Community Partnerships”* which is available at <http://www.vesid.nysed.gov/specialed/resources.htm>.
- In addition to making policy guidelines publicly available on the web page, VESID reached out to individuals, families, school districts and others to make them aware of opportunities for input into policies that are under development and to be sure they directly receive copies of final guidance and other information. Of the 4,465 subscribers to the automatic e-mail alert system, 8.7 percent registered in the “parents” category. Among the organizations, advocates, and municipalities included in the “Others” category, are statewide parent organizations serving families with developmental, physical and emotional disabilities, who forward the notices to their members.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2007 [If applicable]

None.

Overview of the Annual Performance Report Development:

See Overview of the Development of the Annual Performance Report (APR) in the Introduction section, page 1.

Monitoring Priority: Disproportionality

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.

(20 U.S.C. 1416(a)(3)(C))

Measurement:

Percent = [(# of districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification) divided by the (# of districts in the State)] times 100.

Include State's definition of "disproportionate representation."

Describe how the State determined that disproportionate representation of racial and ethnic groups in special education and related services was the result of inappropriate identification, e.g., monitoring data, review of policies, practices and procedures under 618(d), etc.

New York State's (NYS) Measurement:

NYS will compare the percent of total enrollment of each race/ethnic group in special education with the percent of total enrollment of all other race/ethnic groups in special education combined. For notifications of school districts during the 2006-07 and 2007-08 school years based on 2005-06 and 2006-07 school year data, respectively, NYS will use the following **definition of "disproportionate representation"** and in subsequent years may revise the definition by lowering the relative risk ratio, weighted relative risk ratio as well as the minimum numbers of students. (The State's definition of significant disproportion is the same as the definition of disproportion.)

For Over-representation in special education:

- 75 students with disabilities enrolled on 12/03/07;
- A minimum of 30 students (disabled and nondisabled) of particular race/ethnicity enrolled on first Wednesday in October 2007;
- At least 75 students (disabled and nondisabled) of all other race/ethnicities enrolled on first Wednesday in October 2007;
- At least 10 students with disabilities of particular race/ethnicity enrolled in district on 12/03/07; and
- Either:
 - Both the relative risk ratio and weighted relative risk ratio for any race/ethnic

- group is 2.5 or higher; or
- o All students with disabilities in special education are of only one race/ethnic group regardless of the size of the relative risk ratio and weighted relative risk ratio.

For Under-representation in special education:

A district must meet the following criteria for three consecutive years (2005-06, 2006-07 and 2007-08):

- At least 75 students with disabilities enrolled in the district on child count date;
- Both the relative risk ratio and weighted relative risk ratio for minority group is less than or equal to 0.25;
- ([District enrollment of race] times [Risk of Other Races]) divided by 2.5 is greater than or equal to 10; and
- Minimum district enrollment of other races is 75.
- A district's risk of race is less than 50% of the Statewide risk of race.

FFY	Measurable and Rigorous Target
FFY 2007 (School year 2007-08)	The percent of districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification will be 0.

Actual Target Data for FFY 2007:

The percent of districts with disproportionate representation of racial and ethnic groups in special education and related services that was the result of inappropriate identification for 2006-07 was **0.3** percent. Data for 2007-08 will be reported in April 2009.

Below are summary data on the number of school districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification and the status of making corrections to policies, practices, procedures.

School Year Data	Monitoring Year	Number of Districts Identified Based on Their Data	Number and Percent of Districts Reporting Inappropriate Policies, Practices, Procedures	Number of Districts that Corrected their Policies, Practices and Procedures Within One Year of Notification	Number of Districts that Corrected their Policies, Practices and Procedures After One Year	Number of Districts that have not Corrected their Policies, Practices and Procedures to Date
2004-05	2005-06	10	8 (1.2%)	2	6	0

School Year Data	Monitoring Year	Number of Districts Identified Based on Their Data	Number and Percent of Districts Reporting Inappropriate Policies, Practices, Procedures	Number of Districts that Corrected their Policies, Practices and Procedures Within One Year of Notification	Number of Districts that Corrected their Policies, Practices and Procedures After One Year	Number of Districts that have not Corrected their Policies, Practices and Procedures to Date
2005-06	2006-07	7 (5 identified in previous year)	1 (0.1%) Possibly one more after verification review.	0	1	0
2006-07	2007-08	5 (2 identified the previous year)	2 (0.3%) Possibly one more after verification review	1	0	1*
2007-08**	2008-09	5 (1 identified the previous year)	These data will be reported in this APR in April 2009		These data will be reported in the next APR	
<p>*This district still has time remaining within one year from notification to report correction of its noncompliance.</p> <p>** The State Education Department (SED) began collecting special education data at the individual student level for the first time during the 2007-08 school year. The United States Education Department (USED) was notified that NYS' 12/3/07 child count and educational environments data would be submitted late (by July 1, 2008). These data were submitted to the Office of Special Education Programs (OSEP) on July 2, 2008. Disproportionality calculations (including under-representation for three years - 2005-06, 2006-07 and 2007-08) were completed and notifications sent to school districts in November 2008. Four school districts are expected to report results of their self-review monitoring reviews by the end of February 2009, which is not in time to be included in this APR by February 2, 2009.</p> <p>Please note: SED has informed USED in writing that it will change its child count date from December 1 to the first Wednesday in October beginning in the 2008-09 school year. This was done in order for the State to be able to complete disproportionality calculations sooner and conduct a review of school district's policies, procedures and practices in the same year and report in the next APR whether the finding of disproportionality by race/ethnicity in data is the result of inappropriate policies, practices and procedures.</p>						

Based on 2004-05 school year data, NYS identified ten school districts as having data with significant disproportionate over-representation of students in special education by race/ethnicity. In compliance with 34 Code of Federal Regulations (CFR) §300.646(b), all 10 school districts were required to reserve 15 percent of their Individuals with Disabilities Education Act (IDEA) funds for coordinated Comprehensive Early Intervening Services (CEIS). They also completed the State-developed self-review monitoring protocol.

- Eight of these school districts reported having inappropriate policies, practices and procedures related to evaluation and identification of students for special education.
- All eight school districts have reported corrections to their policies, practices and procedures in the areas in which they initially reported noncompliance.
- While six of the eight school districts reported correction of noncompliance after one year, this was due, in part, to the State's delay in developing its computer systems to allow school districts to report compliance in those areas in which they initially reported noncompliance.

Based on 2005-06 school year data, NYS identified seven school districts as having data with significant disproportionate over-representation of students in special education by race/ethnicity. In compliance with 34 CFR §300.646(b), all seven school districts were required to reserve 15 percent of their IDEA funds for coordinated CEIS.

- Five of these districts had been identified in the previous school year. These five school districts were reviewed by Special Education Quality Assurance (SEQA) in the fall of 2008.
- Two school districts identified for the first time for this issue completed the State-developed self-review monitoring protocol.
- One district reported having inappropriate policies, practices and procedures related to evaluation and identification of students for special education. This district has reported correction of its noncompliance.
- NYS will conduct a verification review of one district's report of 100 percent compliance.

Based on 2006-07 school year data, NYS identified five school districts as having data with significant disproportionate over-representation of students in special education by race/ethnicity. In compliance with 34 CFR §300.646(b), all five school districts were required to reserve 15 percent of their IDEA funds for coordinated CEIS.

- Two of the five districts were identified for the same issue in the previous year. These school districts were reviewed by SEQA in the fall of 2008.
- Three districts identified for the first time for this issue completed the State-developed self-review monitoring protocol.
- Two districts reported having inappropriate policies, practices and procedures related to evaluation and identification of students for special education. One of the two districts has reported correction of its noncompliance. There is still time remaining (within one-year from notification) for one district to report its correction of noncompliance.

- NYS will conduct a verification review of one district's report of 100 percent compliance.

NYS completed its analysis of 2005-06, 2006-07, and 2007-08 school year data to determine under representation of students in special education by race/ethnicity. The criteria, which are explained under the measurement section of this indicator, were developed in-house after a lengthy review of our State's data. No school districts met the criteria to be identified for under-representation in special education for any race/ethnicity category.

The review of 2007-08 data for over-representation resulted in identification of five school districts, one of which was also identified in the previous year for the same issue. SEQA will conduct a review of this district. In compliance with 34 CFR §300.646(b), all five school districts were required to reserve 15 percent of their IDEA funds for coordinated CEIS.

- Four school districts identified for the first time for this issue will complete the State-developed monitoring protocol to determine if their disproportionality is the result of inappropriate policies, practices and procedures. NYS will update this APR in April, 2009 to report these results in this APR. Please see the note in the above table for an explanation regarding why the State could not report these results in this APR by February 2, 2009.
- Beginning in 2008-09 school year, the State has changed its annual child count date from December 1 to the first Wednesday in October so that it can complete the required data analysis of 2008-09 school year data earlier and collect the results of the review of policies, practices and procedures in time to report results in the next APR, due on February 1, 2010. NYS will report in the next APR how many school districts have significant disproportionality based on 2008-09 school year data (under representation will be based on 2008-09, 2007-08 and 2006-07 data) and how many report having inappropriate policies, practices and procedures.
- School districts that have data that indicates significant discrepancy for two or more consecutive years will receive a monitoring review conducted by SEQA, even though they are reported in the above table as having corrected all noncompliance reported in their self-reviews. This monitoring review, at a minimum, examines whether there have been changes to the policies and procedures since the last review; and, if so, whether those changes comply with federal and State regulatory requirements regarding school-wide approaches and prereferral interventions, referral of students to the Committee on Special Education (CSE) and individual evaluations and eligibility determinations; and whether practices in these areas continue to comply with applicable requirements.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2007:

Explanation of Progress or Slippage

As the data above indicate, NYS did not achieve its target of 0 districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification; however, we track the correction of noncompliance for all school districts that report having inappropriate policies, practices and procedures until compliance is achieved. As shown in the above table, one school district remains with some outstanding noncompliance out of 11 that have reported some noncompliance in the past three years and this school district still has time remaining within one year from notification to report correction of its noncompliance.

Improvement Activities Completed in 2007-08

The Office of Vocational and Educational Services for Individuals with Disabilities (VESID) accessed technical assistance to further inform its activities relating to disproportionality by race/ethnicity. This included a review of information and resources, including but not limited to information available through the National Center for Culturally Responsive Educational Systems (NCCRESt).

Also see technical assistance obtained for indicators 1, 2, 3 and 4.

- In February 2008, additional funding was provided to increase the capacity of the Technical Assistance Center on Disproportionality (TAC-D) at New York University (NYU) Metro Center (<http://steinhardt.nyu.edu/metrocenter/tacd.html>) technical assistance project for disproportionality in special education to address the in-depth needs of six more school districts, bringing the total to 13 school districts and seven regions working intensively with TAC-D (a total of 78 sessions provided). The majority of districts showed variable reductions in disproportionate classification and placement of students in special education by race and ethnicity.
- Special Education Training and Resource Center (SETRC) and other funded TAC networks were trained by the NYU Metro Center to provide technical assistance to districts whose data show disproportionate classification rates by race/ethnicity.
- The NYU Metro Center TAC-D developed training modules and other resource materials regarding disproportionality and effective practices that are now available on line at <http://steinhardt.nyu.edu/metrocenter/programs/TACD/resources.html>.
- NYU Metro Center's Summer Institute held in July 2008 provided 20 workshops for approximately 200 educators from NYS school districts plus other states in the Northeast region:
<http://steinhardt.nyu.edu/metrocenter/programs/TACD/Summer%20Institute/Summer%20Institute%202008/SI2008archive.html>.

- VESID conducted a lengthy analysis of its 2005-06, 2006-07 and 2007-08 data and developed its criteria to determine a valid and reliable process to determine under-representation. VESID considered the resources of NCCRESt, but selected criteria that would factor in NYS statistics related to identification of students for special education.
- To address staffing shortages that impact special education classifications and service delivery, the Speech-Language Pathology Consortium provided scholarships for graduate students enrolled in full-time programs leading to certification in teaching students with speech and language disabilities and licensure in speech-language pathology. Six institutions of higher education (IHEs) in the NYC area joined the consortium, bringing the total to 16 IHEs. An additional 38 students were accepted at participating IHEs due to support provided for hiring additional clinical faculty. Through outreach activities contact was made with 1,800 prospective applicants.
- The following six projects are funded through IDEA discretionary funds to address shortages of special education personnel who are bilingual.
 - The Bilingual Paraprofessional Certification/Interagency Council of NYC provided training on cultural and linguistic diversity and English as a second language for 419 professionals and paraprofessionals working in approved preschool special education programs with “Interim Alternate Bilingual” placements. The project also provided scholarships for coursework leading to a bachelor’s degree in bilingual special education for 16 paraprofessionals working in these programs.
 - As of November 2008, the Intensive Teacher Institute in Bilingual Special Education (ITI-BSE) had assisted 35 paraprofessionals, employed in 28 school districts and six preschool programs, to receive tuition assistance and earn bachelor’s degrees in bilingual special education. During the 2007-08 school year, 42 paraprofessionals received tuition assistance and eight completed their bachelor’s degrees.
 - In 2007-08, 22 new ITI-BSE programs leading to certification in Teaching English to Speakers of Other Languages (TESOL) and bilingual extensions to certification in special education, speech and school psychology were registered with SED. During this time period, the project provided tuition assistance in return for a service commitment to 172 graduate students and 51 undergraduates seeking bilingual and TESOL certification. All graduate students and all but one of the undergraduates were employed in school districts and approved preschool special education programs.
 - The Bilingual Personnel Development Center (Bilingual Special Education University Improvement Project) received responses to the 2007 SED 2H-1 Survey, *Personnel Development for Special Education and Related Services in Selected Areas*, from 102 IHEs. Data were used to predict shortages, target

support, and inform policy decisions regarding certification, licensure, and preparation of special education and related service personnel.

- The Bilingual School Psychology Support Center provided in-service training on assessment and services for limited English proficient (LEP) students to bilingual and monolingual school psychologists, social workers, interpreters, and parent coordinators in NYC schools. It also provided information for individuals seeking certification in bilingual school psychology and employment in NYC schools, as well as referrals to SED and the New York City Department of Education (NYCDOE) for further assistance with certification and licensure.
- The Bilingual Speech Support Center provided workshops for speech providers in NYC schools to improve clinicians' Spanish skills, provide clinical supervision needed to complete master's degrees and obtain NYS certification and licensure, and ensure that speech providers pass exams needed for certification and licensure. Through a collaborative effort with Western Kentucky University, 29 speech teachers (13 bilingual) completed an online master's degree and graduated in January 2008. Seventy-nine students (33 bilingual) received graduate courses and clinical supervision in speech-language pathology and 26 students (nine bilingual) received prerequisite courses needed for acceptance into the master's program.
- The Self-Review Monitoring Protocol for Indicator 9 was revised to address under representation.
- VESID conducted follow up reviews of school district reports of correction of noncompliance when a district was identified by their data in consecutive years as having a significant discrepancy by race/ethnicity.
- The State Performance Plan (SPP) web page for Indicator 9 Self-Review Protocol <http://www.vesid.nysed.gov/specialed/spp/indicators/9> was updated. Links for technical assistance resources are provided, including NCCRESt (<http://www.nccrest.org/>).

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2007 [If applicable]:

Beginning in the 2008-09 school year, the State has changed its annual child count date from December 1 to the first Wednesday in October just so we can complete the required data analysis of 2008-09 school year data earlier and collect the results of the review of policies, practices and procedures in time to report results in the next APR, due on February 1, 2010.

Overview of the Annual Performance Report Development:

See Overview of the Development of the Annual Performance Report (APR) in the Introduction section, page 1.

Monitoring Priority: Disproportionality

Indicator 10: Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that are the result of inappropriate identification.

(20 U.S.C. 1416(a)(3)(C))

Measurement:

Percent = [(# of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification) divided by the (# of districts in the State)] times 100.

Include State's definition of "disproportionate representation."

Describe how the State determined that disproportionate representation of racial and ethnic groups in specific disability categories was the result of inappropriate identification, e.g., monitoring data, review of policies, practices and procedures under 618(d), etc.

New York State's (NYS) Measurement:

NYS will compare the percent of total enrollment of each race/ethnic group that is identified by particular disabilities compared to other race/ethnic groups combined. NYS uses the following **definition of "disproportionate representation"** and in subsequent years may revise the definition by lowering the relative risk ratio, weighted relative risk ratio as well as the minimum numbers of students. (The State's definition of significant disproportion is the same as the definition of disproportion.)

For Over-identification of race/ethnic groups in specific disabilities:

- At least 75 students with disabilities enrolled on 12/1/07;
- A minimum of 30 students (disabled and nondisabled) of particular race/ethnicity enrolled on first Wednesday in October 2007;
- At least 75 students (disabled and nondisabled) of all other race/ethnicities enrolled on first Wednesday in October 2007;
- At least 10 students with disabilities of particular race/ethnicity and disability enrolled in district on 12/1/07; and
- Either:
 - Both the relative risk ratio and weighted relative risk ratio for any minority group is 4.0 or higher; or

- o All students with disabilities in a specific disability category are of only one race/ethnic group regardless of the size of the relative risk ratio and weighted relative risk ratio.

For Under-identification of race/ethnic groups in specific disabilities:

A district must meet the following criteria for three consecutive years (2005-06, 2006-07 and 2007-08):

- At least 75 students with disabilities enrolled in the district on child count date;
- Both the relative risk ratio and weighted relative risk ratio for minority group is less than or equal to 0.25;
- $([\text{District enrollment of race}] \times [\text{Risk of Other Races}])$ divided by 4 is greater than or equal to 10;
- Minimum district enrollment of other races is 75; and
- District's risk of disability by race is less than 50 percent of the Statewide risk of disability by race.

NYS will evaluate disproportionality in the identification of students by the following particular disabilities: learning disability; emotional disturbance; mental retardation, speech and language impairment; autism; and other health impairment.

FFY	Measurable and Rigorous Target
FFY 2007 (School year 2007-08)	The percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate policies, procedures and/or practices will be 0.
<p>Note: As reported in the February 2008 APR, beginning with 2006-07 school year data, NYS eliminated Indicator #10B from its State Performance Plan (SPP) since this indicator is not required by the United States Education Department (USED). However, NYS still implements its responsibilities described in the Individuals with Disabilities Education Act (IDEA) related to disproportionate placement based on race/ethnicity, of students with disabilities, in particular the least restrictive environment (LRE) settings. NYS continues to require school districts to reserve up to 15 percent of IDEA funds for coordinated early intervening services when data indicate significant disproportionality in placement of students in particular settings.</p>	

Actual Target Data for FFY 2007:

The percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that was the result of inappropriate policies, procedures and/or practices was **0.3** percent for 2006-07. Data for 2007-08 will be provided in April 2009.

Below are summary data on the number of school districts with significant disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification and the status of making corrections to policies, practices, and procedures.

Data Year	Monitoring Year	Number of School Districts Identified Based on Their Data	Number and Percent of Districts Reporting Inappropriate Policies, Practices, Procedures	Number of Districts that Corrected their Policies, Practices and Procedures Within One Year of Notification	Number of Districts that Corrected their Policies, Practices and Procedures After One Year	Number of Districts that have not Corrected their Policies, Practices and Procedures to Date
2004-05	2005-06	13	12 (1.8%)	3	9	0
2005-06	2006-07	7 (6 identified in previous year)	1 (0.1%)	1	0	0
2006-07	2007-08	12 (5 identified in previous year)	2 (0.3%) (Possibly 4 more after verification review and possibly one more after data collection)			2*
2007-08	2008-09	15 (5 identified in previous year)	These data will be provided in 2009	These data will be reported in the next APR		

*These two districts are required to report on corrections to their noncompliance within one year of notification. There is time remaining within the year.

** SED began collecting special education data at the individual student level for the first time during the 2007-08 school year. USED was notified that NYS' 12/3/07 child count and educational environments data would be submitted late (by July 1, 2008). These data were submitted to OSEP on July 2, 2008. Disproportionality calculations (including under-representation for three years (2005-06, 2006-07 and 2007-08) were completed and notifications sent to school districts in November 2008. Fourteen school districts are expected to report results of their self-review monitoring reviews by the end of February 2009, which is not in time to be included in this APR by February 2, 2009.

Please note: SED has informed USED in writing that it will change its child count date from December 1 to the first Wednesday in October beginning in the 2008-09 school year. This was done in order for the State to be able to complete disproportionality calculations sooner and conduct a review of school district's policies, procedures and practices in the same year and report in the next APR whether the finding of disproportionality by race/ethnicity in data is the result of inappropriate policies, practices and procedures.

Based on 2004-05 school year data, NYS identified 13 school districts as having significant disproportionality in data by race/ethnicity in the identification of students by specific disability. In compliance with 34 Code of Federal Regulations (CFR) §300.646(b), all of these school districts were required to reserve 15 percent of their IDEA funds for coordinated Comprehensive Early Intervening Services (CEIS).

- 12 school districts reported having inappropriate policies, practices and procedures related to identification of students by disability.
- Nine school districts reported correction of noncompliance after one year, partly as a result of the State's delay in developing its computer systems to allow school districts to report compliance in those areas in which they initially reported noncompliance.

Based on 2005-06 school year data, NYS identified seven school districts as having significant disproportionality in data in the identification of students by specific disability by race/ethnicity (six of these school districts were identified in the previous year). In compliance with 34 CFR §300.646(b), all of these school districts were required to reserve 15 percent of their IDEA funds for coordinated CEIS. School districts that were identified for the first time for these issues completed the State-developed self-review monitoring protocol.

- The one school district that completed the self-review monitoring protocol reported some inappropriate policy, practice or procedure. This school district has corrected its noncompliance within one year from notification of noncompliance.
- The school districts that were identified for a consecutive year were reviewed by Special Education Quality Assurance (SEQA) in the fall of 2008.

Based on 2006-07 school year data, NYS identified 12 school districts with significant disproportionality in their data for over-identification of students by specific disability (five of these districts were also identified in the previous year). In compliance with 34 CFR §300.646(b), all of these school districts were required to reserve 15 percent of their IDEA funds for coordinated CEIS.

- Two of the seven school districts that were identified for the first time reported some noncompliance. They have time remaining within one year from notification to correct their noncompliance.
- Four of the seven school districts reported 100 percent compliance. NYS will conduct a verification review of these four school districts.
- NYS will also conduct a verification review of one school district that did not complete the required self review monitoring and reporting process.
- SEQA will conduct the review of policies, procedures and practices in those school districts that were identified by data for a consecutive year.

NYS completed its analysis of 2005-06, 2006-07, and 2007-08 school year data to determine under representation of students in specific disability categories by race/ethnicity. The criteria, which are explained under the measurement section of this indicator, were developed by the State after a lengthy review of our State's data. No

school districts met the criteria to be identified for under-representation in specific disability for any race/ethnicity category in any of the above years.

The review of 2007-08 data for over-representation in specific disability resulted in identification of 15 school districts, five of which were also identified in the previous year for the same issue. In compliance with 34 CFR §300.646(b), all of these school districts were required to reserve 15 percent of their IDEA funds for coordinated CEIS. All school districts identified for the first time for these issues will complete the State-developed monitoring protocol to determine if their disproportionality is the result of inappropriate policies, practices and procedures. NYS will update this APR in April, 2009 to report these results in this APR. Please see the note in the above table for an explanation regarding why the State could not report these results in this APR by February 2, 2009.

Beginning in 2008-09 school year, the State has changed its annual child count date from December 1 to the first Wednesday in October so that the State can complete the required data analysis of 2008-09 school year data earlier and collect the results of the review of policies, practices and procedures in time to report results in the next APR, due on February 1, 2010. NYS will report in the next APR how many school districts have significant disproportionality in specific disability categories based on 2008-09 school year data (under representation in specific disability categories will be based on 2008-09, 2007-08 and 2006-07 data) and how many report having inappropriate policies, practices and procedures.

School districts that have data that indicates significant discrepancy for two or more consecutive years will be monitored by SEQA, regardless of whether they are reported in the above table as having corrected all noncompliance reported in their self-reviews. This monitoring review, at a minimum, examines whether there have been changes to the policies and procedures since the last review; and, if so, whether those changes comply with federal and State regulatory requirements; and whether practices in these areas continue to comply with applicable requirements.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2007:

Explanation of Progress or Slippage

As the data above indicates, NYS did not achieve its target of 0 districts with disproportionate representation of racial and ethnic groups in specific disabilities that is the result of inappropriate identification; however, we track the correction of noncompliance for all school districts that report having inappropriate policies, practices and procedures until full compliance is achieved. As shown in the above table, two school districts remain (out of 15 in the past three years) with some outstanding noncompliance, and both of these districts have time remaining (within one year from notification) to report on correction of their noncompliance.

Improvement Activities Completed in 2007-08

See Indicator 9.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2007 [If applicable] - see Indicator 9

Beginning in 2008-09 school year, the State has changed its annual child count date from December 1 to the first Wednesday in October so that we can complete the required data analysis of 2008-09 school year data earlier and collect the results of the review of policies, practices and procedures in time to report results in the next APR, due on February 1, 2010.

Overview of the Annual Performance Report Development:

See Overview of the Development of the Annual Performance Report (APR) in the Introduction section, page 1.

Monitoring Priority: Effective General Supervision Part B / Child Find

Indicator 11: Percent of children with parental consent to evaluate, who were evaluated within 60 days (or State established timeline).

(20 U.S.C. 1416(a)(3)(B))

Measurement:

- a. # of children for whom parental consent to evaluate was received.
- b. # determined not eligible whose evaluations were completed within 60 days (or State established timeline).
- c. # determined eligible whose evaluations were completed within 60 days (or State established timeline).

Account for children included in *a* but not included in *b* or *c*. Indicate the range of days beyond the timeline when the evaluation was completed and any reasons for the delays.

Percent = [(b + c) divided by (a)] times 100.

New York State's (NYS) Measurement in the 2007-08 School Year:

NYS' established timeline to complete the initial evaluation is 30 school days for preschool students and 60 calendar days for school-age students.

In the 2007-08 school year, NYS collected data for this indicator via the Student Information Repository System (SIRS) and verified these data by displaying them in a VR11 report, which was developed in the PD Data System. SIRS is an individual student reporting data system.

New York's formula for 2007-08 school year to calculate results for this indicator is as follows:

- a. # of children for whom parental consent to evaluate was received. (Does not include students whose evaluations were completed past the State established timelines for reasons that are in compliance with State requirements.)
- b. # of children whose evaluations were completed within 30 school days for preschool children and 60 calendar days for school-age students.

Percent = [b divided by a] times 100.

FFY	Measurable and Rigorous Target
FFY 2007 (School year 2007-08)	100 percent of children with parental consent to evaluate will be evaluated and eligibility determined within State required timelines.

Actual Target Data for FFY 2007:

67.4 percent of children with parental consent to evaluate were evaluated and eligibility determined within State required timelines.

The two tables below provide Statewide and regional data for NYS' compliance rates on this indicator for two years. Data from the 2006-07 school year was NYS' new baseline data and 2007-08 school year data is the first year of data providing progress towards reaching the goal of 100 percent compliance. As displayed below, greater percentages of school-age students have their initial evaluations completed within the State required time lines compared to preschool children. In the 2007-08 school year, 81.2 percent of school-age students were evaluated within State timelines compared to 48.5 percent of preschool children. The overall percentage of timely evaluations for all students was 67.4 percent, a slight increase from the baseline rate of 64.2 percent.

Annually, one sixth of the school districts in the State are required to report data for this indicator. The data provided below represents data from these samples for 2006-07 (the baseline year) and 2007-08 (the current reporting year). All school districts except New York City (NYC) provided data on all eligible children. NYC provided data for a representative sample.

Category of Students	Evaluations within State Established Timelines					
	2006-07 (Baseline) 113 school districts			2007-08 113* school districts		
	A	B	C	A	B	C
	Number of Students for Whom Parental Consent to Evaluate Was Received	Number of Students Whose Evaluations were Completed Within State Timelines	Percent = [B divided by A] times 100	Number of Students for Whom Parental Consent to Evaluate Was Received	Number of Students Whose Evaluations were Completed Within State Timelines	Percent = [B divided by A] times 100
Preschool Children	4,836	2,139	44.2%	4,945	2,399	48.5%
School-Age Students	6,815	5,342	78.4%	6,769	5,496	81.2%
Total All Students	11,651	7,481	64.2%	11,714	7,895	67.4%

*In 2007-08, 10 school districts had not certified their data by the time this report was prepared.

The following data is presented by the Special Education Quality Assurance (SEQA) regions of the State to inform needed regional improvement activities.

Evaluations within State Established Timelines by SEQA Regions						
Category of Students	2006-07 (Baseline)			2007-08		
	A	B	C	A	B	C
	Number of Students for Whom Parental Consent to Evaluate Was Received	Number of Students Whose Evaluations were Completed Within State Timelines	Percent = [B divided by A] times 100	Number of Students for Whom Parental Consent to Evaluate Was Received	Number of Students Whose Evaluations were Completed Within State Timelines	Percent = [B divided by A] times 100
Central Region						
Preschool Children	580	134	23.1%	580	201	34.7%
School-Age Students	877	639	72.9%	837	691	82.6%
Total for All Students	1,457	773	53.1%	1,417	892	63.0%
Eastern Region						
Preschool Children	409	155	37.9%	392	209	53.3%
School-Age Students	499	385	77.2%	533	468	87.8%
Total for All Students	908	540	59.5%	925	677	73.2%
Hudson Valley Region						
Preschool Children	438	115	26.3%	1,122	573	51.1%
School-Age Students	592	489	82.6%	1,191	924	77.6%
Total for All Students	1,030	604	58.6%	2,313	1,497	64.7%
Long Island Region						
Preschool Children	806	623	77.3%	682	591	86.7%
School-Age Students	836	621	74.3%	839	658	78.4%
Total for All Students	1,642	1,244	75.8%	1,521	1,249	82.1%

Evaluations within State Established Timelines by SEQA Regions						
Category of Students	2006-07 (Baseline)			2007-08		
	A	B	C	A	B	C
	Number of Students for Whom Parental Consent to Evaluate Was Received	Number of Students Whose Evaluations were Completed Within State Timelines	Percent = [B divided by A] times 100	Number of Students for Whom Parental Consent to Evaluate Was Received	Number of Students Whose Evaluations were Completed Within State Timelines	Percent = [B divided by A] times 100
New York City						
Preschool Children	1,261	501	39.7%	1,255	528	42.1%
School-Age Students	2,133	1,738	81.5%	2,130	1,678	78.8%
Total for All Students	3,394	2,239	66.0%	3,385	2,206	65.2%
Western Region						
Preschool Children	1,342	611	45.5%	914	297	32.5%
School-Age Students	1,878	1,470	78.3%	1,239	1,077	86.9%
Total for All Students	3,220	2,081	64.6%	2,153	1,374	63.8%

Reasons

Following are reasons why school districts were not able to meet the State required timeline. Reasons have been separated into two categories: those that are determined to be "in compliance" with NYS regulations and those that are determined to be "out of compliance" with NYS regulations.

As stated in NYS' measure for this indicator, the percent does not include students whose evaluations were completed past the State established timelines for reasons that are in compliance with State requirements. Some of the "in compliance" reasons for exceeding the required timeline for 1,920 preschool children and 623 school-age students were as follows:

- Parents withdrew referral or consent to evaluate.
- Student/parent moved out of school district before the evaluation was completed.
- Parents refused or repeatedly did not make the child available for the evaluation.
- Parents canceled the evaluation/selected another evaluator.
- Extended time line met for student who transferred to this district after evaluation period began.
- Student died.
- Documented delays in making contact with parents to schedule the evaluation.

Some of the “out of compliance” reasons provided by school districts exceeding the required timeline for 2,546 preschool and 1,273 school-age students were as follows:

- Shortages of personnel to conduct evaluations.
- Evaluator delays in completing the evaluations.
- Scheduling difficulties that cause untimely Committee on Preschool Special Education (CPSE) or Committee on Special Education (CSE) meetings.

Extent of Delays

In order to inform regional interventions in improving results for this indicator, the next two tables provide the number of preschool children and the number of school-age students and the extent of delays in completing their initial evaluation. These delays are displayed for students whose reasons for delays were NOT in compliance with State requirements. In previous years, the State could not distinguish between students for whom delays were caused by reasons that were in compliance with State requirements from those whose reasons were not in compliance with State requirements. Collecting these data at the individual student level has made this differentiation possible.

Number of Preschool Children with Delays in Completing Evaluations for Reasons that are NOT in Compliance with State Requirements				
SEQA Region	2007-08			
	1-10 Days of Delay	11-20 Days of Delay	21-30 Days of Delay	More than 30 Days of Delay
Central	113	122	64	80
Eastern	60	58	20	45
Hudson Valley	255	133	85	76
Long Island	57	16	10	8
New York City	284	185	121	137
Western	103	161	158	195
Total State	872	675	458	541

Number of School-age Students with Delays in Completing Evaluations for Reasons that are NOT in Compliance with State Requirements				
SEQA Region	2007-08			
	1-10 Days of Delay	11-20 Days of Delay	21-30 Days of Delay	More than 30 Days of Delay
Central	44	37	24	41
Eastern	18	15	13	19
Hudson Valley	101	58	30	78
Long Island	58	33	19	71
New York City	89	94	64	205
Western	46	28	21	67
Total State	356	265	171	481

Discussion of Target Data

- The 2007-08 school year data provided above indicate that significantly larger percentages of school-age students' eligibility determinations are made within the required timeline compared to preschool children's eligibility determinations. This is partially indicative of NYS' shorter time line for determining eligibility for preschool children. If NYS had the same time line requirement for preschool children as for school-age students, NYS' compliance rate for preschool children would be 66.1 percent compared to 48.5 percent.
- An analysis of the 2007-08 data by each SEQA region indicates that the overall rate for determination of eligibility within required timelines for preschool and school-age students combined is as follows from highest to lowest: Long Island: 82.1 percent; Eastern: 73.2 percent; NYC: 65.2 percent; Hudson Valley: 64.7 percent; Western: 63.8 percent; and Central: 63.0 percent. There were improvements in the combined rate compared to the previous year in four of the six regions: Central, Eastern, Hudson Valley and Long Island.
- The range of compliance for evaluating preschool children within State established time lines by region was from 32.5 percent to 86.7 percent. If NYS had the same time line requirement for preschool children as for school-age students, NYS' compliance range by region would be from 47.1 percent to 94.2 percent.
- The range of compliance for evaluating school-age students within State established time lines by region was from 78.8 percent to 87.8 percent.
- Of the delays in evaluating preschool children for reasons that are not in compliance with State requirements, 34.2 percent were delays of 1-10 days; 26.5 percent were delays of 11 to 20 days; 18.0 percent were delays of 21 to 30 days; and 21.2 percent were delays of more than 30 days.
- Of all the delays in evaluating school-age students for reasons that are not in compliance with State requirements, 28.0 percent were delays of 1-10 days; 20.8 percent were delays of 11 to 20 days; 13.4 percent were delays of 21-30 days; and 37.8 percent were delays of more than 30 days.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2007:

Explanation of Progress or Slippage

NYS did not meet its target of 100 percent; however there was improvement in our rate from 64.2 percent to 67.4 percent.

During the 2007-08 school year, all school districts reporting data for this indicator received electronic notices of compliance with this indicator immediately upon certifying their data.

School districts that were not 100 percent in compliance with this indicator were required to analyze the reasons for their delays in determining eligibility and to develop and or revise their processes and procedures related to ensuring timely completion of initial evaluations. School districts were required to provide a Statement of Assurance to the State once they had made the required changes. In addition to this, school districts with less than a 90 percent compliance rate have been re-assigned to report data to the State on this indicator for the 2008-09 school year in order to document full compliance. See the schedule of the school years in which school districts must resubmit data on this indicator, posted at <http://www.vesid.nysed.gov/sedcar/resubschedule.html>. The Special Education School District Data Profiles will be updated with school districts' revised compliance rates based on resubmission of data. These profiles are posted at <http://eservices.nysed.gov/sepubrep/>,

Improvement Activities Completed in 2007-08

The Office of Vocational and Educational Services for Individuals with Disabilities (VESID) accessed technical assistance to further inform its activities to improve the timeliness of completion of preschool and school-age individual evaluations from the National Early Childhood Technical Assistance Center (NECTAC) <http://www.nectac.org/>, particularly the NECTAC checklist, "Local Corrective Action Plans: Collection and Use of Valid and Reliable Data for Determining Factors Contributing to Noncompliance," which lists key questions that school districts can use to review their own process for conducting timely evaluations and eligibility determinations. This checklist can be found at: http://www.nectac.org/~pdfs/topics/transition/noncompliance_contributing_factors.pdf

Activities Completed

1. NYS collected data on this indicator in the 2007-08 school year at the individual student level through SIRS. See information contained in the SIRS 2007-08 Policy Manual and in the SIRS 2007-08 Dictionary of Reporting Data Elements posted on line at <http://www.vesid.nysed.gov/sedcar/data.htm#references>. Collecting data through the new system has improved accuracy of these data and provided the State with greater capacity for analysis.
2. NYC identified State approved preschool evaluation sites who have significant numbers of evaluations that do not meet the State's mandated timelines. VESID required of those State approved preschool evaluation sites, corrective actions to address the area of noncompliance. As a result, NYC data improved from 39.7 percent to 42.1 percent for 2007-08. VESID also provided technical assistance to preschool evaluation sites and NYC CPSE administrators to ensure compliance with timeliness of evaluations.

3. The Early Childhood Direction Centers (ECDCs) tracked the data of the districts in their service areas that have high classification rates and collaborated with SEQA and Special Education Training and Resource Centers (SETRC) to provide training and technical assistance. The technical assistance focused on evaluation, timely referral and provision of services. ECDC directors also sought out areas of culturally diverse populations to initiate outreach.
4. NYS regulations were amended effective July 2007. A field guidance memo was issued in April 2008 entitled, *Implementation of Response to Intervention Programs*. This document can be found at:
<http://www.vesid.nysed.gov/specialed/publications/policy/RTI.htm>.
5. In 2008, the SEQA Central Regional Office (CRO) approved four new approved programs to provide preschool evaluations to address one of the major reasons for delays in preschool evaluations in the Central region.
6. The Southern Tier ECDC and SEQA office worked together to develop a coalition to assist local districts with suggestions and best practices on how to improve the CPSE evaluation process.
7. The Mid-State ECDC established a website that identifies preschool evaluation sites that have availability to complete evaluations of preschool students suspected of having a disability within the required timelines. This website was shared with the regional office and at all CSE chairpersons meetings.
8. NYS regulations were adopted, effective October 4, 2007, to require districts to take action to ensure timely evaluation and placement of preschool students. A field guidance memo was released in August 2008 regarding changes – “*New Requirements for Special Education Programs and Services: Amendments to State Regulations Relating to Chapter 378 of the Laws of 2007 and the 2004 Reauthorization of the Individuals with Disabilities Education Act of 2004*”. This document can be accessed at <http://www.vesid.nysed.gov/specialed/idea/chap378-808.htm>.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2007 [If applicable]

None

Overview of the Annual Performance Report Development:

See Overview of the Development of the Annual Performance Report (APR) in the Introduction section, page 1.

Monitoring Priority: Effective General Supervision Part B / Effective Transition

Indicator 12: Percent of children referred by Part C prior to age 3, who are found eligible for Part B, and who have an individualized education program (IEP) developed and implemented by their third birthdays.

(20 U.S.C. 1416(a)(3)(B))

Measurement:

- a. # of children who have been served in Part C and referred to Part B for eligibility determination.
- b. # of those referred determined to be NOT eligible and whose eligibilities were determined prior to their third birthdays.
- c. # of those found eligible who have an IEP developed and implemented by their third birthdays.
- d. # of children for whom parent refusal to provide consent caused delays in evaluation or initial services.

Account for children included in a but not included in b, c or d. Indicate the range of days beyond the third birthday when eligibility was determined and the IEP developed and the reasons for the delays.

Percent = [(c) divided by (a – b – d)] times 100.

New York State (NYS) will use the above formula except it will add “e” to the equation as follows:

- e. # of children whose IEPs were not implemented by their third birthdays but for reasons that are “in compliance” with NYS regulations.

NYS Data = [(c) divided by (a-b-d-e)] times 100

In the 2006-07 school year, NYS used the PD-12 report to collect these data. This report is at <http://www.vesid.nysed.gov/sedcar/forms/pdfforms/0607/06pdf/06pd12.pdf>. In the 2007-08 school year, the State collected these data at the individual student level through the Student Information Repository System (SIRS) in order to be able to distinguish between students who are found eligible for special education from those who are not.

FFY	Measurable and Rigorous Target
FFY 2007 (School Year 2007-08)	100 percent of children referred by Part C prior to age 3, who are found eligible for Part B, will have an IEP developed and implemented by their third birthday or in compliance with timelines established in State law.

Actual Target Data for FFY 2007:

78.2 percent of children referred by Part C prior to age 3, who were found eligible for Part B, had an IEP developed and implemented by their third birthday or in compliance with timelines established in State law.

Based on data submitted for the 2007-08 school year by 107 school districts that are representative of the State, 78.2 percent of children, who transitioned from Early Intervention (EI) (Part C) and were found to be eligible for preschool special education services under Part B, had their IEP developed and implemented by their third birthday. An additional six school districts' data are not included in this report since they were not certified by the time this report was prepared. All children for whom there were delays in eligibility determination or who did not have their IEP implemented for reasons that are in compliance with State requirements were removed from the denominator as illustrated in the data chart below. All school districts that were required to submit data on this indicator reported data on all eligible children, except that New York City (NYC) provided data on a representative sample of students.

Region	A # of children who have been served in Part C and referred to Part B for eligibility determination	B # of those referred determined to be NOT eligible and whose eligibilities were determined prior to their third birthday	C # of those found eligible who have an IEP developed and implemented by their third birthday	D # of children for whom parent refusal to provide consent caused delays in eligibility determination or initial services	E # of children for whom delays in determination of eligibility or delays in implementing the IEP were caused by reasons that are "in compliance" with State requirements	F Compliance Rate Calculation [(C) / (A - B - D - E)] * 100
Central	117	6	11	1	95	73.3%
Eastern	135	4	12	5	102	50.0%
Hudson Valley	198	16	19	20	136	73.1%
Long Island	228	18	34	2	174	100.0%
New York City	1,656	17	131	52	1,422	79.4%
Western	450	23	37	15	364	77.1%
Total State	2,784	84	244	95	2,293	78.2%

Column E in the table above includes the following other reasons determined to be "in compliance" with NYS requirements for implementing the IEP past the child's third birthday for children included in Column A above:

- Parents chose to continue their children in EI and transition to preschool after the child became three years of age. (980 children)
- Child moved from district prior to determination of eligibility or prior to IEP implementation by age 3. (6 children)
- Delays in making contact with parents to schedule the evaluation. (There is documentation of repeated attempts to make the contact.) (768 children)
- Parents refused or repeatedly did not make the child available for the evaluation. (13 children)
- Parents provided consent to evaluate less than 30 days before their child's third birthday. (255 children).
- Child started receiving services on the recommended program's beginning date, even though it was after the child's third birthday. (104 children)
- Child's third birthday was after the date for reporting these data. (167 children)

Some of the reasons provided by school districts for implementing the child's IEP past the third birthday determined to be "out of compliance" with NYS requirements were as follows:

- Approved evaluator was not available to provide a timely evaluation (25 children)
- Evaluator delays in completing the evaluation (17 children).
- Delays in scheduling Committee on Preschool Special Education (CPSE) meeting (15 children).
- Recommended Part B programs and/or services were not available when the child turned three years of age (11 children).

Number of Days Past the Third Birthday When IEPs were Implemented - In order to inform regional interventions in improving results for this indicator, following is an analysis of the number of preschool children whose IEPs were not implemented by their third birthday. These delays were caused by reasons which are NOT in compliance with State requirements. In previous years, the State could not distinguish between children for whom delays were caused by reasons that were in compliance with State requirements from those whose reasons were not in compliance with State requirements. Collecting these data at the individual student level has made this differentiation possible.

Number of Days Past the 3rd Birthday When IEPs Were Completed for Children Whose Delays were Caused by Reasons Not In Compliance with State Requirements				
Region	2007-08			
	1 to 10 Days	11 to 20 Days	21-30 Days	More than 30 Days
Central	1	1	0	2
Eastern	0	0	0	12

Number of Days Past the 3 rd Birthday When IEPs Were Completed for Children Whose Delays were Caused by Reasons Not In Compliance with State Requirements				
Region	2007-08			
	1 to 10 Days	11 to 20 Days	21-30 Days	More than 30 Days
Hudson Valley	0	2	0	5
Long Island	0	0	0	0
New York City	2	0	2	30
Western	1	0	0	10
Total State	4	3	2	59

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2007:

Explanation of Progress or Slippage

NYS did not meet its target of 100 percent, however made progress in its compliance rate from 73.8 to 78.2 percent.

NYC made the most significant progress from 51.8 to 79.4 percent.

During the 2007-08 school year, all school districts reported data for this indicator on an individual student basis and received electronic notices of their compliance rates immediately upon certifying their data.

School districts that were not 100 percent in compliance with this indicator were required to analyze the reasons for not implementing the IEP by child's third birthday and to develop and or revise their processes and procedures related to ensuring timely implementation of IEPs. School districts were required to provide a Statement of Assurance to the State once they had made the required changes. In addition to this, school districts with less than a 90 percent compliance rate have been re-assigned to report data to the State on this indicator for the 2008-09 school year in order to document full compliance. See the schedule of the school years in which school districts must resubmit data on this indicator, posted at <http://www.vesid.nysed.gov/sedcar/resubschedule.html>. The Special Education School District Data Profiles will be updated with school districts' revised compliance rates based on resubmission of data. These profiles are posted at <http://eservices.nysed.gov/sepubrep/>.

Improvement Activities Completed in 2007-08

The Office of Vocational and Educational Services for Individuals with Disabilities (VESID) accessed technical assistance to further inform its activities to improve the timeliness of completion of preschool and school-age individual evaluations from the

National Early Childhood Technical Assistance Center (NECTAC) (<http://www.nectac.org/>). See Indicator 11.

Activities Completed:

- Special Education Quality Assurance (SEQA) approved new program applications and requests for program expansions in regions where data indicated preschool students are not receiving services by their third birthdays and where there was documented need for additional programs.
- Variances to statutory class size maximums for preschool students were provided, where appropriate, to allow additional students to be temporarily admitted to a preschool program after the start of the school year.
- The Preschool Initial Application and Modification Workgroup began work on modifying the application process to expedite the opening or expansion of preschool programs that provide services for students with disabilities. This was initiated in regions where the need for program expansions could be documented.
- VESID and the New York City Department of Education (NYCDOE) staff co-sponsored a meeting to address the data with regard to the percent of children referred by Part C prior to age 3 who are found eligible for Part B services and who did not have an IEP developed and implemented by their third birthday. CPSE administrators, State approved preschool programs and preschool evaluation sites were required to review their policies, practices and procedures, identify reasons for the noncompliance and develop strategies to address the reasons identified. VESID and NYC will reconvene to discuss and strategize to improve student outcomes.
- NYS Education Law and regulations were amended to require that preschool special education services be provided as soon as possible following development of IEP but no later than 30 days from recommendation of the CPSE.
- Early Childhood Direction Centers (ECDCs) provided technical assistance to parents regarding transition from EI to preschool. The ECDC directors attended the Local Early Intervention Coordinating Council (LEICC) meetings. The ECDC network collaborated with SEQA to provide workshops to the local CPSEs regarding transition from Part B to Part C.
- Technical assistance resources for Indicator 12 were provided in the annual determination letters sent to school districts scheduled to report on this indicator in the 2008. Recommended resources included NECTAC (<http://www.nectac.org/>).

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2007 [If applicable]

None.

Overview of the Annual Performance Report Development:

See Overview of the Development of the Annual Performance Report (APR) in the Introduction section, page 1.

Monitoring Priority: Effective General Supervision Part B / Effective Transition

Indicator 13: Percent of youth aged 15* and above with an individualized education program (IEP) that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals.

(20 U.S.C. 1416(a)(3)(B))

* The federal indicator is age 16. New York State (NYS) has elected to measure this beginning at age 15, since NYS law and regulations require that transition services be indicated on a student's IEP to be in effect when the student turns age 15.

Measurement:

Percent = [(# of youth with disabilities aged 15 and above with an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals) divided by the (# of youth with an IEP age 15 and above)] times 100.

FFY	Measurable and Rigorous Target
FFY 2007 (School year 2007-08)	100 percent of youth* aged 15 and above will have IEPs that include coordinated, measurable annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals.

*i.e., percent of youth with IEPs reviewed.

Actual Target Data for FFY 2007:

During the 2007-08 school year, 58.6 percent of youth aged 15 and above had IEPs that included coordinated, measurable, annual IEP goals and transition services that will reasonably enable the students to meet the post-secondary goals.

- The 2007-08 data is based on the monitoring review of IEPs from a representative sample of 106 school districts, including New York City (NYC).
- The total number of students with IEPs, ages 15-21 in NYS during the 2007-08 school year was 56,553.
- The determination of whether an individual student's IEP included coordinated, measurable annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals is based on an IEP that is 100 percent in compliance with all State regulatory requirements for transition planning and documentation on each student's IEP.

- The total number of IEPs reviewed from these representative school districts was 3,225.
- Of the 3,225 IEPs, 1,890 (58.6 percent) were found to have been in compliance with all IEP transition requirements.

Of the 106 school districts:

- 13 school districts reported that 0 percent of their students' IEPs that were reviewed met compliance with the IEP transition requirements.
- 30 school districts reported between 1 and 49 percent of their students' IEPs that were reviewed met the transition requirements.
- 16 school districts reported between 50 and 79 percent of their students' IEPs that were reviewed met the transition requirements.
- 47 percent reported between 80 and 100 percent of IEPs that were reviewed met the transition requirements.

Data on compliance with each of the eight regulatory citations is reported in the chart below for three years. Major findings include:

- A greater percentage of IEPs were in compliance with every regulatory citation in 2007, compared with 2006.
- The requirements reflecting lowest compliance were that the IEP includes appropriate measurable post-secondary goals based upon age appropriate transition assessments relating to training, education, employment and, where appropriate, independent living skills (62.3 percent); including a statement of the student's transition needs in the present levels of performance (64.2 percent) and including needed transition activities (65.1 percent).
- The requirement with which most IEPs (88.7 percent) were in compliance was that the IEP indicates the recommended special education program and services to advance appropriately toward meeting the annual goals relating to transition needs.

Compliance Rates for Individual Regulatory Citations – Transition Content in IEPs						
Requirement	2005-06 Number & Percent of 108 Districts in Compliance on Citation		2006-07 Number & Percent of 109 Districts in Compliance on Citation		2007-08 Number & Percent of 106* Districts in Compliance on Citation	
	#	%	#	%	#	%
When the CSE met to consider transition service needs, the school district invited the student. If the student did not attend, the district ensured that the student's preferences and interests were considered	62	57.41%	66	60.6%	79	74.5%
Under the student's present levels of performance, the IEP includes a statement of the student's needs, taking into account the student's strengths, preferences and interests, as they relate to transition from school to post-school activities.	26	24.07%	47	43.1%	68	64.2%
The IEP includes appropriate measurable post-secondary goals based upon age appropriate transition assessments relating to training, education, employment and, where appropriate, independent living skills.	25	23.15%	53	48.6%	66	62.3%
The IEP includes measurable annual goals consistent with the student's needs and abilities, including (if applicable) benchmarks or short-term objectives.	58	53.70%	72	66.1%	77	72.6%
The IEP includes a statement of the transition service needs of the student that focuses on the student's courses of study.	45	41.67%	62	56.9%	78	73.6%
The IEP indicates the recommended special education program and services to advance appropriately toward meeting the annual goals relating to transition needs.	76	70.37%	87	79.8%	94	88.7%
The IEP includes needed activities to facilitate the student's movement from school to post-school activities, including: instruction, related services, community experiences, the development of employment and other post-school adult living objectives, and when appropriate, acquisition of daily living skills and functional vocational evaluation.	35	32.41%	58	53.2%	69	65.1%

Compliance Rates for Individual Regulatory Citations – Transition Content in IEPs						
	2005-06 Number & Percent of 108 Districts in Compliance on Citation		2006-07 Number & Percent of 109 Districts in Compliance on Citation		2007-08 Number & Percent of 106* Districts in Compliance on Citation	
	The IEP includes a statement of the responsibilities of the school district and, when applicable, participating agencies, for the provision of such services and activities that promote movement from school to post-school opportunities, or both.	40	37.04%	62	56.9%	78

*In the 2007-08 school year, the sample size was 108 school districts, however, two school districts had not submitted their data for this indicator by the time this report was prepared.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2007:

Explanation of Progress or Slippage

NYS showed progress in meeting the State's target for this indicator. In 2007, 58.6 percent of youth aged 15 and above had IEPs that included coordinated, measurable, annual IEP goals and transition services that would reasonably enable the student to meet the post-secondary goals compared to 45.8 percent in 2006. This improvement is particularly significant since NYS measures its performance for this indicator each year based on a different representative group of school districts (except that NYC is included in this representative sample each year).

As displayed in the tables below, there were significant improvements in most regions of the State in that fewer school districts reported 0 IEPs out of compliance and far greater number of school districts reported having 80-100 percent of IEPs in full compliance. These regional data are used by the technical assistance networks to prioritize their work with the school districts with the lowest rates of compliance and to assist the State to identify effective improvement activities.

Indicator 13 – Numbers of School Districts and Range of Compliance by Transition Coordination Site (TCS) Region										
TCS Region	# of School Districts Reviewed	2006-07 Number of Districts By Percentage of IEPs In Compliance				# of School Districts Reviewed	2007-08 Number of Districts By Percentage of IEPs In Compliance			
		0% of IEPs	1% - 49%	50% - 79%	80 - 100%		0% of IEPs	1% - 49%	50% - 79%	80 - 100%
		Eastern	24	5	8		3	8	18	2
Hudson Valley	20	4	7	2	7	20	3	5	5	7

Indicator 13 – Numbers of School Districts and Range of Compliance by Transition Coordination Site (TCS) Region										
TCS Region	2006-07					2007-08				
	# of School Districts Reviewed	Number of Districts By Percentage of IEPs In Compliance				# of School Districts Reviewed	Number of Districts By Percentage of IEPs In Compliance			
		0% of IEPs	1% - 49%	50% - 79%	80 - 100%		0% of IEPs	1% - 49%	50% - 79%	80 - 100%
Long Island	17	5	6	5	1	19	3	3	2	11
Mid-State	13	2	4	2	5	18	2	7	2	7
Mid-West	15	2	4	4	5	17	2	3	3	9
NYC	1	0	1	0	0	1	0	1	0	0
Western	19	4	6	4	5	13	1	8	2	2
Total # of School Districts	109	22	36	20	31	106	13	30	16	47

Indicator 13 – Summary of Changes in Compliance by TCS Region				
TCS Region	2006-07		2007-08	
	Total # of School Districts Reviewed	Regional Percent of IEPs Found in 90-100% Compliance Range	Total # of School Districts Reviewed	Regional Percent of IEPs Found in 90-100% Compliance Range
Eastern	24	46.4%	18	65.2%
Hudson Valley	20	44.9%	20	54.4%
Long Island	17	31.5%	19	68.1%
Mid-State	13	62.5%	18	54.0%
Mid-West	15	56.5%	17	65.1%
NYC	1	3.0%	1	46.0%
Western	19	42.6%	13	42.6%
Total # of School Districts	109	45.8%	106	58.6%

- In 2007-08, the Mid-West, Eastern and Long Island TCS regions showed the greatest percentages of IEPs meeting the transition planning requirements at 65.1 percent, 65.2 percent and 68.1 percent, respectively.
- The regions showing the greatest overall improvement are NYC and Long Island.
 - In Long Island, the percentage improved from 31.5 percent in 2006-07 to 68.1 percent in 2007-08.
 - In NYC, the percentage improved from the percent in 2006-07 to 46 percent in 2007-08.
- The only decrease in rates of compliance occurred in the Mid-State region, which experienced a prolonged disruption in staffing at TCS. The percent of youth with

IEPs that met the transition requirements decreased in the Mid-State TCS region from 63.6 percent last year to 54 percent this year.

Technical assistance personnel from the Office of Vocational and Educational Services for Individuals with Disabilities' (VESID) funded TCSs and/or Special Education Training and Resource Center (SETRC) facilitated the self-review monitoring process in most of the school districts. The participation of TCS staff in this review process is one of the State's actions to improve compliance for this indicator, by providing technical assistance during the compliance review. TCS staff reported to the State that for many student IEPs reviewed, school districts reported to be providing transition programs and services, but not documenting the required information that reflects the Committees on Special Education (CSE) recommendations for these transition programs and services on the students' IEPs.

Since the 2005-06 school year, three representative samples of school districts in NYS have reviewed a sample of IEPs by using the State-developed self-review monitoring protocol and reported compliance with each of eight regulatory requirements related to transition IEPs. Results of the self-review and correction of noncompliance is reported through a web-based data submission system. The results of the reviews and status of compliance with regulatory requirements is displayed in the table below.

School Year	Number of School Districts				
	Conducted Reviews of IEPs	Reported Some Non Compliance	Corrected Non Compliance Within one Year from Notification	Corrected Non Compliance After one Year from Notification	Not in Compliance to Date
2005-06	108	108	15	76	17*
2006-07	109	100	54	7	39**
2007-08	106***	68	10		58****

*Of the 17 school districts, 13 made progress during the 2007-08 school year and corrected some noncompliance; however, they have not corrected compliance with all eight regulatory citations.
 **Of the 39 school districts 27 made progress during the 2007-08 school year and corrected some noncompliance; however, they have not corrected compliance with all eight regulatory citations.
 ***38 of the 106 school districts have reported having 100 percent of their IEPs in full compliance. The State will conduct a verification review of these districts and report any revisions to the number of school districts with noncompliance in the next APR.
 ****These 58 school districts must report correction of noncompliance within a year from notification. They still have time remaining within one year from notification.

Actions taken to correct noncompliance:

1. Upon submission of results of the self-review monitoring protocol where noncompliance was indicated, each school district received a written notification that it:

- must correct the noncompliance as soon as possible, but not later than 12 months of notification;
 - review a sample of student IEPs to verify correction of noncompliance;
 - report its correction of noncompliance to the State and that the State would publicly report on the school district's correction of noncompliance in the Special Education School District Data Profiles (see <http://eservices.nysed.gov/sepubrep/>); and
 - would be required to conduct another review of the district's IEPs the following year in order to verify continuing correction of noncompliance (see the schedule of the school years in which school districts must re-submit data on this indicator, posted at <http://www.vesid.nysed.gov/sedcar/resubschedule.html>).
2. The State directed its TCS to provide technical assistance to the school districts with noncompliance. 86 of the districts listed in the table above as improving their compliance did so with the provision of TCS technical assistance.
3. The New York City Department of Education's (NYCDOE) corrective actions included a requirement for a written improvement plan to include professional development and development of additional transition services. VESID provided direct technical assistance to NYCDOE to improve NYC's transition planning results. In May 2008, the State Education Department (SED) and Cornell University presented the use of TransQUAL to NYC IEP specialists, and TCS initiated the TransQUAL workgroup in NYC.

Improvement Activities Completed in 2007-08

VESID accessed federal technical assistance to further inform its activities to improve transition planning for students with disabilities. This included a review of information and resources, including but not limited to information available through the following Office of Special Education Programs (OSEP) technical assistance centers: National Post-School Outcome Center (NPSO), National Dropout Prevention Center for Students with Disabilities (NDPC-SD), and National Secondary Transition Technical Assistance Center (NSTTAC). Also see resources accessed as identified for indicator 1.

Activities Completed:

- VESID convened three meetings with its funded TCS during 2007-08 to foster communication and collaboration among these regional technical assistance providers on effective practices to improve transition planning outcomes. Data regarding regional performance was shared and strategies discussed to further inform the State's transition improvement activities. Professional development was provided to clarify questions raised by schools regarding acceptability of IEP content.
- In collaboration with VESID, NYCDOE implemented three new vocational training programs sponsored by Educational Training Institute for overage and under credited students, and began development of additional programs for 2008-09.

- In 2007-08, as part of ongoing efforts to facilitate the transition of students into appropriate post-secondary options, NYCDOE worked collaboratively with VESID and the NYS Office of Mental Retardation and Developmental Disabilities on making procedural changes to overcome barriers to services eligibility.
- The NYC Special Education Quality Assurance (SEQA) office monitoring activities focused on both intermediate and secondary-level schools, including some that were identified as having a graduation rate less than 55 percent for students with disabilities. The Academic Achievement Focused Review examined the schools' transition activities and services.
- Statewide, TCSs provided targeted technical assistance to school districts on effective transition practices, particularly related to student-focused transition planning in the IEPs. In 2007-08, the TCSs actively engaged with school districts in their regions during the self-review process and correction of noncompliance issues. This was done by providing individual technical assistance and through regional professional development sessions. 86 of the districts listed in the table above as improving their compliance did so with the provision of TCS technical assistance.
- To assist school districts to prepare for reviews during 2008-09, VESID notified school districts scheduled to report on this indicator in the 2008-09 school year of resources for technical assistance, and the State Performance Plan (SPP) web page for the Indicator 13 Self-Review Protocol was updated during 2007-08, including links to technical assistance resources (<http://www.vesid.nysed.gov/specialed/spp/indicators/13.htm>).
- 121 school district teams created work plans to improve transition planning and services using TransQUAL Online. TransQUAL Online, funded by VESID, assists school districts to develop strategic work plans to improve development and implementation of transition IEPs (<http://www.ilr.cornell.edu/edi/transqual/open-portal.cfm>). It also assists a school district to conduct a self-review of its transition IEPs. Since its inception, approximately 51percent of NYS school districts have TransQUAL work plans.
- VESID provided direct technical assistance to NYCDOE to improve their transition planning results. In May 2008, SED and Cornell University presented the use of TransQUAL to NYC IEP specialists, and TCS initiated the TransQUAL workgroup in NYC. The workgroup's goal is to gain individual high school participation with TransQUAL within the boroughs of NYC in order to facilitate the positive growth of transition policies, procedures, and practices at the individual school level. The workgroup meets almost monthly, shares ideas and problem solves, and prepares for TransQUAL trainings within the boroughs.
- Throughout 2007-08, work groups of TCSs used the resources of several national technical assistance centers to assist in development of their technical assistance and resource packets, shared with school districts, students and families. This

includes NDPC-SD, NPSO, NSTTAC and the Individuals with Disabilities Education Act (IDEA) Partnership Communities of Practice.

- Also see activities completed for Indicator 14.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2007 *[If applicable]*

- School districts will be given a due date for correction of noncompliance that is earlier than one year to provide the State an opportunity to enforce the correction of noncompliance not later than one year from the date of notification.
- Comprehensive Special Education Information System (CSEIS) will be enhanced to begin tracking correction of noncompliance for this indicator beginning with the first notification of noncompliance being issued. Close tracking through this computerized system will provide SEQA offices with information necessary to enforce correction of noncompliance in individual school districts.

Overview of the Annual Performance Report Development:

See Overview of the Development of the Annual Performance Report (APR) in the Introduction section, page 1.

Monitoring Priority: Effective General Supervision Part B / Effective Transition

Indicator 14: Percent of youth who had individualized education programs (IEPs), are no longer in secondary school and who have been competitively employed, enrolled in some type of post-secondary school, or both, within one year of leaving high school.

(20 U.S.C. 1416(a)(3)(B))

Measurement:

Percent = [(# of youth who had IEPs, are no longer in secondary school and who have been competitively employed, enrolled in some type of post-secondary school, or both, within one year of leaving high school) divided by the (# of youth assessed who had IEPs and are no longer in secondary school)] times 100.

FFY	Measurable and Rigorous Target
FFY 2007 (School Year 2007-08)	92 percent of youth with IEPs*, who exited school in 2006-07 are no longer in secondary school and who have been competitively employed**, enrolled in some type of post-secondary school, or both, within one year of leaving school (i.e., during 2007-08)

*"Percent of youth with IEPs" refers to the percent of students who could be reached for interview.

**In these targets, competitive employment excludes military service

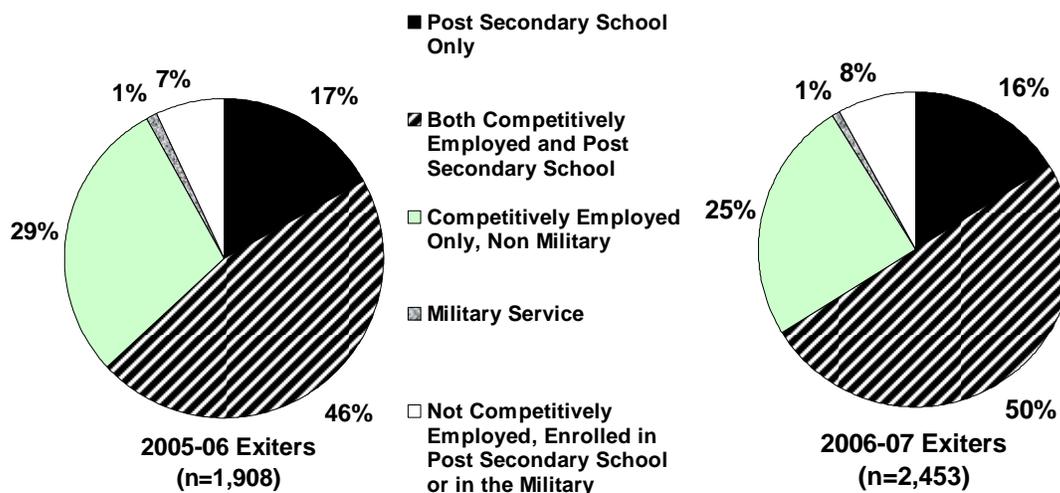
Actual Target Data for FFY 2007:

91.2 percent of youth with IEPs*, who exited school in 2006-07 and are no longer in secondary school, were competitively employed, enrolled in some type of post-secondary school, or both, within one year of leaving school.

* This percentage is based on 2,453 students interviewed from the sample of youth with IEPs, who exited school in 2006-07.

The 2007-08 target was nearly met at 91.2 percent (see pie chart). The difference between this percentage and the target of 92 percent is not statistically significant. The 0.8 percent difference represents less than 20 students. Four percent more students were both working and attending post-secondary school, with four percent fewer students working as their sole activity. (See New York's State Performance Plan (SPP) Indicator 14, reported in the February 2008 APR for definitions of outcome terms, targets and baseline data <http://www.vesid.nysed.gov/specialed/spp/apr2008/APR-1008.pdf>).

Post School Outcomes of Students with Disabilities Within One Year Of Leaving High School



Representativeness of Survey Pool

Table 1 below compares the representativeness of the survey pool with all exiters with IEPs for 2006-07. The survey pool is the group of students that the 108 sampled school districts identified for interviewing to the contractor, the Potsdam Institute for Applied Research (PIAR) at the State University of New York (SUNY) at Potsdam. The National Post-School Outcome Center (NPSO) recommends using a +/-3 percent difference to evaluate the representativeness of demographic subgroups reported in Table 1. By this criterion, students with emotional disabilities are slightly underrepresented in the survey pool at -3.1 percent. Minority students and students who dropped out of school are under represented at -6.2 percent and -10.0 percent, respectively. Underrepresentation occurred in the sampled districts represented in the non-Big Five City areas called, “Rest of State.” These rates of representation are improved compared with the baseline year, 2005-06, reported in the February 2008 APR.

Table 1: Representativeness of Survey Pool Compared to Exiters from All NYS Schools During 2006-07, as reported in PD-5 Data Reports.							
Statewide Demographic Representativeness							
Statewide	Learning Disabilities	Emotional Disabilities	Mental Retardation	All Other Disabilities	Female	Minority	Dropout
PD-5 Report*	60.7%	13.3%	4.3%	21.7%	35.9%	45.3%	28.8%
Survey Pool Representation (n=3,314)	59.9%	10.2%	3.6%	26.4%	36.0%	39.1%	18.8%
Note: positive difference indicates over-representation; negative difference indicates under-representation on the interview pool.							
Difference	-0.8%	-3.1%	-0.8%	+4.7%	+0.1%	-6.2%	-10.0%
Note: The State report of all exiters from special education from all schools is called the "PD-5" report. Totals from this report were adjusted to remove data for students who remained in school but were declassified and did not have an IEP in effect at school exit, who died, or whose reason for exit was a transfer to another school.							

The consent process influences the composition of the survey pool. The consent process requires school districts to contact potential exiters and their families prior to the student exiting school to inform them about Indicator #14 activities, to obtain contact information and to make them aware they can expect to be interviewed a year after leaving school. If a district cannot contact potential exiters or their families or if there is a refusal of consent, the student is removed from the survey pool. It is most difficult to contact students who have left by dropping out or have less stable living situations.

Representativeness of Response Pool

Table 2 below compares the representativeness of the response pool with all exiters from 2006-07. The response pool refers to the group of former students from the survey pool that could be contacted and interviewed within the year after exiting their schools. Using the NPSO criteria of +/-3 percent to compare the representativeness of subgroups to that of all exiters for the sampled school year, the response pool is representative of gender. Exiters with emotional disabilities are slightly underrepresented at -4.0 percent. Minority students and students who dropped out of school are under represented at -11.5 percent and -16.5 percent respectively. Under-representation in the survey pool by minority students and those who dropped out magnified the lower representation of these groups among those who responded. However, changes in the outreach process improved representation during 2006-07 as compared with the baseline year 2005-06 data reported in the February 2008 APR.

Table 2: Representativeness of Response Pool Compared to Total Exiters for All NYS Schools During 2006-07, as reported in PD-5 Data Reports.

Statewide Demographic Representativeness							
Statewide	Learning Disabilities	Emotional Disabilities	Mental Retardation	All Other Disabilities	Female	Minority	Dropout
Census Representation	60.7%	13.3%	4.3%	21.7%	35.9%	45.3%	28.8%
Response Pool Representation (n=2,453)	58.5%	9.3%	3.5%	28.7%	34.9%	33.9%	12.5%
Note: positive difference indicates over-representation; negative difference indicates under-representation on the interview pool.							
Difference	-2.2%	-4.0%	-0.9%	7.0%	-1.0%	-11.5%	-16.3%

Response Rates

- From the 2006-07 school exiters in the statewide survey pool, 74 percent of former students were reached for interviews within the year of leaving school. This is an improvement over the previous year, when the overall response rate was 65 percent. For this reporting year, the response rates for three demographic subgroups were notably below 74 percent: students with emotional disabilities at 68 percent; minority students at 64 percent; and students who dropped out of school at 49 percent. Despite these differences, response rates were improved over the previous year for these groups.
- For the Big Five Cities, the response rate was 59 percent, with two groups falling notably below this rate: females at 55 percent; and students who dropped out at 42 percent. The early interviewing strategy was particularly beneficial in maintaining contact with New York City (NYC) students.
- For the Rest-of-State, there was a response rate of 78 percent, with three groups falling notably below this rate: students with emotional disabilities at 70 percent; minority students at 71 percent and; and students who dropped out at 56 percent.

Data Reliability and Validity

There were improvements in representation rates and response rates over the baseline year. One strategy was to review student lists as soon as they were submitted and to follow up with school districts to request additional contact information right away when only one or two contacts were provided. In large urban districts where centralized data systems are used, contact information in the district computer is typically outdated or incomplete. This is a particular barrier in NYC, and contributes to a lower response rate in spite of increasing the sample size. Additionally, in some communities, especially high poverty areas, the contact information provided by the school district becomes outdated when families move. To help maintain contact, 2,000 former students were contacted for a preliminary survey within 6-8 months after leaving school (November to January), then interviewed in full beginning 9-14 months after leaving school (May

through August). This enabled inclusion of data on an additional 412 youth who were surveyed in the preliminary round, but could not be located by the later cycle. This strategy increased the response rate from 62 percent to 74 percent. In the baseline year last year, the response rate was 65 percent.

Implications for Interpreting and Applying the Data

Even though the representativeness of students surveyed improved over the baseline year, the percentage of former students with positive post-school outcomes is still somewhat less representative of students who dropped out of school, minority students and students with emotional disabilities. Given the relatively high numbers of students who dropped out of school and who could not be reached at all, these outcomes probably represent an overestimate of what outcomes were achieved.

Data analysis found that increasing response rates through the strategies described above did not significantly change the percentages of outcomes by category reported above, but data are more inclusive of all the exited students, especially students who had dropped out prior to June 2006. The outcomes reported reflect the outcomes for 2,453 student interviews conducted, including the results reported by the 412 pre-surveyed youth who were unavailable at the time of interview, but whose post-school status during the year after leaving school was determined during the preliminary round interviews.

Major Findings

- 91.2 percent of the 2,453 students interviewed from the sample of youth with IEPs, who exited school in 2006-07 and who were no longer in secondary school in 2007-08 reported that within one year of exiting school they were competitively employed, enrolled in some type of post-secondary school, or both, within one year of leaving school.
- If military service (n=21) is counted as “competitive employment” then the percent of students with positive post-school transitions would be higher at 92 percent.
- Data continue to show that the type of school exit makes a difference in achieving positive post-school outcomes. As shown in the following table, the percentages of positive transitions among students achieving a regular high school diploma or high school equivalency diploma (95.4 percent) far exceeds the percents of positive transitions by students receiving an IEP diploma (83.9 percent) or who dropped out (80.5 percent). There was no change between 2005-06 and 2006-07 in the percentage of positive transitions among students who exited with an IEP diploma. There was a slight increase in the percentage of positive transitions among students who dropped out, from 77.7 percent in the 2005-06 baseline year to 80.5 percent in 2006-07.

2006-07 Post-School Outcomes by Type of Exit										
2006-07 Post-School Outcome	Statewide Responses 2006-07		Regular HS Diploma (Regents, Local, HS Equivalency)		Certificate or Modified Diploma (IEP Diploma)		Dropped Out		Other Exit Reasons*	
	#	%	#	%	#	%	#	%	#	%
Total in category	2,453	100%	1,672	100%	428	100.0%	307	100.0%	46	100%
All Post-school Outcomes**	2,236	91.2%	1,595	95.4%	359	83.9%	247	80.5%	23	50.0%
Post-secondary school only	396	16.1%	249	14.9%	111	25.9%	24	7.8%	10	21.7%
Both competitively employed and post-secondary school	1,229	50.1%	1,017	60.8%	125	29.2%	74	24.1%	5	10.9%
Only competitively employed	611	24.9%	329	19.7%	123	28.7%	149	48.5%	8	17.4%
Other: military service	21	0.9%	20	1.2%	0	0%	1	.03%	1	2.2%
Neither	196	8.0%	57	3.4%	69	16.1%	59	19.2%	7	15.2%

* "Other" may include that the student reached maximum age or that reasons were not reported.
** "All" represents the sum of post-secondary school and/or competitive employment. It excludes military service.

- Of the 1,625 former students who participated in post-secondary school at any point during the year since leaving school, 1,029 (63.3 percent) participated in two- or four-year college programs. Of these college participants, nearly two-thirds (n=664) participated in two-year college programs and a little over one-third (n=365) participated in four-year college programs. This emphasis on choosing two-year colleges over four-year colleges is consistent with past findings about New York State (NYS) students with disabilities. Nine out of every ten students reporting college participation enrolled as full-time students.
- Of the 1,840 former students who worked competitively at any time within one year of leaving school, 560 were found on interview to be still employed one year later and not attending post-secondary school. Of this group for whom employment is the primary activity, two-thirds (63.8 percent) worked full-time, defined as 35 or more hours per week. The majority of these full-time workers (89.4 percent) worked at least 40 hours or more per week. The average wage for all 560 former students, full- and part-time combined, was \$7.97 per hour and the average hours worked was 33.9 hours per week.
- School characteristics make a difference in post-school transitions. Students from NYC, which has the highest resource needs, had fewer positive transitions (85.9 percent) in comparison to students from the rest-of-State (92.2 percent).

- There are no significant differences in outcomes by gender. Male students had one percent more positive transitions (91.5 percent) than did female students (90.5 percent), but this difference is not statistically significant.
- Fewer minority students had positive post-school outcomes (88.8 percent) than did white students (92.5 percent). Minority students slightly less often transitioned to post-secondary school (64 percent) than did white students (67.5 percent). Minority students slightly less often transitioned to competitive employment (72.7 percent) than did white students (76.3 percent).

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2007:

Improvement Activities Completed in 2007-08

The Office of Vocational and Educational Services for Individuals with Disabilities (VESID) accessed technical assistance to further inform its activities to improve transition planning for students with disabilities. This included a review of information and resources, including but not limited to information available through the following OSEP technical assistance centers: NPSO, National Dropout Prevention Center for Students with Disabilities (NDPC-SD) and National Secondary Transition Technical Assistance Center (NSTTAC). Also see resources accessed as identified for indicator 1.

Activities Completed:

- See Indicators 1, 2, 8 and 13.
- Workgroups of the Transition Coordination Sites (TCS) network developed reference and technical assistance materials (e.g., presentation packages, reading lists and articles that discuss dropout prevention strategies) that show how effective delivery of transition services contributes to increased graduations and reduced dropout rates. Resources accessed to compile these resources include NDPC-SD, NPSO, NSTTAC and the Individuals with Disabilities Education Act (IDEA) Partnership Communities of Practice.
- In April 2007, VESID issued revised policies regarding college and university training vocational rehabilitation services
http://www.vesid.nysed.gov/current_provider_information/vocational_rehabilitation/policies_procedures/0405_college_and_university_training/policy.htm.

In August 2008, VESID issued updated vocational rehabilitation policies regarding serving youth in school http://www.vesid.nysed.gov/current_provider_information/vocational_rehabilitation/policies_procedures/0421_youth_in_school_transition_planning_and_services/policy.htm.

Taken together these policies are designed to enhance the availability of vocational rehabilitation counseling and career development services for students two years prior to school exit and increase access to post-secondary education services and supports. Beginning in fall 2008, all 15 vocational rehabilitation District Offices began professional development on the new policies. TCS and Special Education Training and Resource Center (SETRC) Technical Assistance Center (TAC) representatives supported the training by presenting information on school policies and procedures to increase vocational rehabilitation counselors' awareness of effective ways to communicate with school districts. Through questions and answers discussions, the networks advised on strategies to work collaboratively in the secondary transition process.

- Eleven Independent Living Center (ILC) transition projects worked with students in transition, their families and school district personnel to improve student access to community based work experiences, student and parent participation in IEP meetings to discuss transition planning and identified student needs for and facilitated access to community services (e.g., vocational rehabilitation, housing, social security income (SSI) and social security disability income (SSDI) benefits, Medicaid, driver licensing). ILCs worked with TCSs on transition implementation support teams, planning informational conferences for students with disabilities transitioning to college or work settings, providing information on benefits and advocacy training, helping to prepare job coaches, and participating in career and technical education fairs. The 11 projects provided 285 training programs to 2,583 students with disabilities, 1,471 parents, 1,016 school personnel and 783 community service agency personnel.
- VESID's Model Transition Program (MTP) funded 60 collaborative projects involving more than 180 private and public high schools to develop school-wide plans, activities and programs that facilitate the transition of students with disabilities to post-secondary placements. These placements include college, vocational training programs and competitive employment with and without supports. At the end of this project, successful transition strategies will be identified and shared with high schools throughout the State. As of June 2008, a total of 9,454 students received transition services; over half of those were expected to achieve a Regents Diploma. Highlights include:
 - Sixty-five percent (6,104) of MTP students had measurable post-secondary goals in their IEPs.
 - Sixty-one percent (5,769) of students participated in career development activities.
 - Nineteen percent (1,782) of MTP students participated in paid/unpaid work experiences, most of this being part-time work.
 - Eighteen percent (1,664) of MTP students participated in activities aimed to facilitate transition to post-secondary education. Most of these were college information nights and assistance with college applications.
 - More than 3,000 referrals to vocational rehabilitation were made.

- Technical assistance resources for Indicator 14 were provided in the annual determination letters sent to school districts scheduled to report on this indicator in the 2008-09 school year. The State Performance Plan (SPP) web page for Indicator 14 was updated during 2007-08 <http://www.vesid.nysed.gov/specialed/spp/14postschool0809.htm>. Links for national technical assistance resources for improving post-school outcomes in the protocol on the web included NPSO (<http://psocenter.org/index.html>).

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2007 *[If applicable]*

None

Overview of the Annual Performance Report Development:

See Overview of the Development of the Annual Performance Report (APR) in the Introduction section, page 1.

Monitoring Priority: Effective General Supervision Part B / General Supervision

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.

(20 U.S.C. 1416 (a)(3)(B))

Measurement:

Percent of noncompliance corrected within one year of identification:

- a. # of findings of noncompliance between July 1, 2006 and June 30, 2007.
- b. # of corrections completed as soon as possible but in no case later than one year from identification.

Percent = [(b) divided by (a)] times 100.

For any noncompliance not corrected within one year of identification, describe what actions, including technical assistance and enforcement actions that the State has taken.

FFY	Measurable and Rigorous Target
FFY 2007 (2007-08)	100% of noncompliance issues identified through the State's general supervision system (including monitoring, complaints, hearings, etc.) will be corrected within one year from identification.

Actual Target Data for FFY 2007:

62.5 percent of noncompliance issues identified between July 1, 2006 and June 30, 2007 through the State's general supervision system (including monitoring, State complaints, hearings, etc.) were corrected within one year of identification. To date (as of January 26, 2009) **92.6 percent** of noncompliance issues have been corrected.

This is a decrease of 29.16 percentage points from 91.41 percent reported in the last APR and a decrease of 32.12 percentage points from the revised 2005-06 data referenced in the *Explanation of Progress or Slippage* section below. The table below displays the noncompliance identified through data collection related to the State Performance Plan (SPP) Indicators 4, 9, 10, and 13 in addition to the noncompliance identified from the other monitoring activities to highlight the significant impact of these additional compliance indicators on the State's ability to track and ensure correction of noncompliance within one year. New York State (NYS) is re-establishing its baseline for correction of noncompliance within one year and enhancing its data systems to

accurately track the correction of this additional noncompliance and ensure that all noncompliance is corrected within one year from identification

Issues of Noncompliance FY 2006-07 & Corrected Within One Year		
General Supervision System Component	(a) # of findings of noncompliance	(b) # of corrections completed within one year from identification
Monitoring Reviews	1,147	1,020
SPP Indicator Reviews 4, 9, 10, & 13	834	79
60 day complaints	379	370
Total	2,360	1,469
Percent = [1469(b) divided by 2360(a)] = .62245 times 100 = 62.25 %		

Charted below by SPP Indicator are findings of noncompliance under the general supervision components of monitoring activities and dispute resolution activities. These findings represent monitoring activities conducted in 526 school district/agency programs and dispute resolution activities in 236 school district/agency programs.

Indicator/ Indicator Clusters	General Supervision System Components	# of LEAs Issued Findings in FFY 2006 (7/1/06 to 6/30/07)	(a) # of Findings of noncompliance identified in FFY 2006 (7/1/06 to 6/30/07)	(b) # of Findings of noncompliance from (a) for which correction was verified no later than one year from identification	(c) # of Findings of noncompliance resolved in greater than 12 months	(d) # of Findings of Noncompliance Pending as of 1/26/09
1. Percent of youth with IEPs graduating from high school with a regular diploma. 2. Percent of youth with IEPs dropping out of high school.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	45	120	81	12	27
14. Percent of youth who had IEPs, are no longer in secondary school and who have been competitively employed, enrolled in some type of post-secondary school, or both, within one year of leaving high school.	Dispute Resolution: Complaints, Hearings	9	11	7	2	2
3. Participation and performance of children with disabilities on statewide assessments.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	44	44	36	3	5
7. Percent of preschool children with IEPs who demonstrated improved outcomes.	Dispute Resolution: Complaints, Hearings	6	6	6	0	0

Indicator/ Indicator Clusters	General Supervision System Components	# of LEAs Issued Findings in FFY 2006 (7/1/06 to 6/30/07)	(a) # of Findings of noncompliance identified in FFY 2006 (7/1/06 to 6/30/07)	(b) # of Findings of noncompliance from (a) for which correction was verified no later than one year from identification	(c) # of Findings of noncompliance resolved in greater than 12 months	(d) # of Findings of Noncompliance Pending as of 1/26/09
4A. Percent of districts identified as having a significant discrepancy in the rates of suspensions and expulsions of children with disabilities for greater than 10 days in a school year.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	71	304	62	219	23
	Dispute Resolution: Complaints, Hearings	14	21	18	2	1
5. Percent of children with IEPs aged 6 through 21 -educational placements.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	133	495	449	17	29
6. Percent of preschool children aged 3 through 5 – early childhood placement.	Dispute Resolution: Complaints, Hearings	106	210	208	0	2
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.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	11	12	12	0	0
	Dispute Resolution: Complaints, Hearings	32	36	36	0	0

Indicator/ Indicator Clusters	General Supervision System Components	# of LEAs Issued Findings in FFY 2006 (7/1/06 to 6/30/07)	(a) # of Findings of noncompliance identified in FFY 2006 (7/1/06 to 6/30/07)	(b) # of Findings of noncompliance from (a) for which correction was verified no later than one year from identification	(c) # of Findings of noncompliance resolved in greater than 12 months	(d) # of Findings of Noncompliance Pending as of 1/26/09
9. Percent of districts with disproportionate representation of racial and ethnic groups in special education that is the result of inappropriate identification.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	24	69	16	52	1
	Dispute Resolution: Complaints, Hearings	0	0	0	0	0
10. Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.						
11. Percent of children who were evaluated within NYS' established timeline to complete the initial evaluation	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	40 *	98	96	1	1
	Dispute Resolution: Complaints, Hearings	19	29	29	0	0
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.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	0*	--	---	---	---
	Dispute Resolution: Complaints, Hearings	---	---	---	---	---

Indicator/ Indicator Clusters	General Supervision System Components	# of LEAs Issued Findings in FFY 2006 (7/1/06 to 6/30/07)	(a) # of Findings of noncompliance identified in FFY 2006 (7/1/06 to 6/30/07)	(b) # of Findings of noncompliance from (a) for which correction was verified no later than one year from identification	(c) # of Findings of noncompliance resolved in greater than 12 months	(d) # of Findings of Noncompliance Pending as of 1/26/09
13. Percent of youth aged 15 and above with IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable student to meet the post-secondary goals.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	158	601	129	402	70
	Dispute Resolution: Complaints, Hearings	7	12	12	0	0
Other areas of noncompliance:	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	99	238	218	8	12
	Dispute Resolution: Complaints, Hearings	43	54	54	0	0
Sum the numbers down Column a and Column b			2360	1469	717	174
Percent of noncompliance corrected within one year of identification = (column (b) sum divided by column (a) sum) times 100. 1469(b) / 2360(a) = .62245 X 100 = 62.25			(b) / (a) X 100 =	62.25%		
* Notifications of noncompliance for SPP Indicators 11 and 12 based on 2005-06 and 2006-07 data did not occur until July 17, 2007 and December 14, 2007, respectively. The correction of this noncompliance will be reported in the next APR.						

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2007:

Explanation of Progress or Slippage

NYS did not reach the target of 100 percent, for the percent of identified noncompliance issues that were corrected within one year of identification. When comparing the same general supervision components (special education monitoring reviews and State complaints) the 91.09 percent of noncompliance issues corrected within one year of identification is only 0.32 percentage points lower than the 91.41 percent reported in the 2008 APR and 2.96 percentage points lower than the revised data identified below.

The 62.25 percent of noncompliance issues corrected within one year of identification reported in this APR includes the general supervision components reported in 2008 and the additional findings of noncompliance identified through data collection and other monitoring activities related to SPP Indicators 4, 9, 10, and 13. The additional noncompliance added as a result of SPP Indicators resulted in a decrease in the percentage of noncompliance corrected within one year of notification of 32.12 percentage points.

The slippage was caused primarily by the Office of Vocational and Educational Services for Individuals with Disabilities' (VESID) resource limitations to respond to a significant increase in data management and general supervision responsibilities, specifically:

1. new responsibilities associated with SPP reviews for Indicators 4, 9, 10, and 13, which required development, implementation and revision of monitoring and follow-up procedures for noncompliance identified through the self-review and self-reporting processes; the development of procedures for monitoring activities for districts whose subsequent year data required further oversight;
2. a significant increase in the number of monitoring reviews during 2006-07 (144 reviews were conducted in 2005-06 and 318 reviews were conducted in 2006-07, an increase of 174 reviews), resulting in a significant increase in follow-up related to identified noncompliance; and
3. a significant increase in the number of complaint investigations conducted by Special Education Quality Assurance (SEQA) staff during 2007-08 (380 complaints received in 2007-08, compared to 210 received in 2006-07).

Slippage is also explained in part by the increasing complexity of data reporting and general supervision requirements and their impact on the ability of districts and agencies to efficiently and effectively correct noncompliance in a timely manner, as well as its impact on the ability of the State Education Department (SED) to fully implement procedures for ensuring resolution of noncompliance that include meaningful and effective consequences when compliance is not achieved.

One hundred sixty-six school districts or agencies had instances of noncompliance identified in 2006-07 that continued beyond 12 months, resulting from special education monitoring reviews, complaint investigations, and/or SPP reviews of Indicators 4, 9, 10 and 13. This represents an increase of 121 more institutions (e.g., school districts, approved private schools) requiring follow-up, compared to 36 institutions last year.

As of January 26, 2009, 2,186 (92.62 percent) of the 2,360 noncompliant issues identified during 2006-07 were brought into compliance.

- Of the remaining 174 noncompliant issues, approximately half were identified through special education monitoring reviews and State complaints, while the remaining issues resulted from SPP reviews of Indicators 4, 9 and 13.
- Of the 86 remaining issues resulting from special education monitoring reviews and State complaints:
 - four issues were found in three State complaints;
 - 40 issues were found in approved private school programs with more than half of those issues associated with staff certification; and
 - 42 issues were found in New York City (NYC) school programs.
- Of the 88 remaining issues resulting from SPP reviews, all of which were found in school districts outside NYC, 21 issues pertain to Indicator 4, 2 issues pertain to Indicator 9, and 65 issues pertain to Indicator 13.

The Comprehensive Special Education Information System (CSEIS) was implemented during the 2006-07 school year. As the system has been fine tuned and SEQA staff have worked to verify the accuracy of the transferred data, there have been adjustments to the compliance data for noncompliance identified in 2005-06. The table below displays the adjustment of the data. The most current data shows that the rate for correction of noncompliance for 2005-06 was actually 94.37 percent rather than the 91.41 percent reported in the February 2008 APR.

Issues of Noncompliance FY 2005-06 & Corrected Within One Year		
General Supervision System Component	(a) # of findings of noncompliance	(b) # of corrections completed within one year from identification
Monitoring Reviews	1,375	1,266
60 day complaints	596	594
Total	1,971	1,860
Percent = [1860(b) divided by 1971(a)] = .94368 times 100 = 94.37 %		

For any noncompliance not corrected within one year of identification, actions, including technical assistance and enforcement actions that the State has taken:

For all school districts and agencies with noncompliance resulting from special education monitoring reviews and State complaint investigations, follow-up monitoring activities were conducted by SEQA staff, including: phone calls, written communication, off-site review of materials, on-site visits, and/or technical assistance. In addition, where technical assistance resources were available, they were directed to school districts to assist them in the correction of noncompliance.

As of January 26, 2009, 1,952 (99.04 percent) of the 1,971 noncompliant issues identified during 2005-06 were brought into compliance or resolved:

- 15 issues of noncompliance were resolved through the revocation of approval of two private school programs; and
- the remaining 19 noncompliant issues were found in one public school district and 18 private school programs.

As of January 26, 2009 1,770 (99.89 percent) of the 1,772 noncompliant issues identified during 2004-05 were brought into compliance. The remaining noncompliant issues were found in one preschool program and are both related to staff certification issues.

For actions taken for continuing noncompliance beyond 12 months identified through data collection and self-review monitoring processes, see the APR sections for Indicators 4, 9 and 10. There were no instances of continuing noncompliance beyond 12 months for Indicators 11 and 12 identified in 2006-07.

Improvement Activities Completed in 2007-08

Activities Completed:

- A new computer data system, CSEIS was activated in January 2007. SEQA staff were trained on the application during February, March and April 2007. The on-line system and training dramatically improved the compliance rate by assisting staff to more closely monitor districts' compliance.
- CSEIS is regularly updated to reflect changes in the quality assurance monitoring processes. As revisions to the system are made technical assistance bulletins are provided to all staff and training sessions have been provided in regional offices. As the system is fine tuned the data from previous years continues to be updated to reflect the SEQA activities, as noted above the changes to the 2008 APR SPP Indicator 15 compliance rate.
- Focused review monitoring protocols undergo a cycle of continuous updating and revision in response to monitoring needs and priorities. The Quality Assurance

monitoring review protocols were reviewed and updated by the Policy Unit in September 2008. These protocol changes were added to CSEIS.

- Procedures for the Resolution of Noncompliance were revised to include shorter timelines and a succession of consequences. Staff has been trained on these procedures and supervisors are monitoring district and agency progress in resolving noncompliance. These procedures have been applied to noncompliance identified in the spring of 2008 and districts are being notified if they have failed to resolve noncompliance or to demonstrate substantial progress at regular intervals prior to the required 12 month compliance date.
- The protocol for development of Compliance Assurance Plans was revised and monitoring staff were provided workshops on streamlining the identification and correction of noncompliance and the specific evidence that needs to be observed or documented that verifies that noncompliance has been corrected.
- A systemic monitoring plan has been developed that provides for every school district with data that indicates significant disproportionality in the first year to be monitored through a self-review process, any school district whose data indicates significant disproportionality for two or more consecutive years is to be reviewed by SEQA, regardless of whether they are reported in the above table as having corrected all noncompliance, reported in their self-reviews within one year from identification or after one year. These procedures address all findings of noncompliance regardless if it is triggered by a SPP compliance indicator, a monitoring review or a complaint investigation.
- Technical assistance was obtained from the Northeast Regional Resource Center (NERRC) regarding compliant investigation procedures and training resources.
- The system to manage the investigation of State Complaints has been revised. A three-day training program delivered by a national expert was required for all SEQA Regional Associates to provide professional development on the complaint process, investigation and development of findings. Additional professional development is scheduled through 2009.
- In 2007-08, the following NYS special education policy memoranda were issued to the field:
 - *Procedural Safeguards Notice*
 - *Guidance on Parentally Placed Nonpublic Elementary and Secondary School Students with Disabilities Pursuant to the Individuals with Disabilities Education Act (IDEA) 2004 and New York State (NYS) Education Law Section 3602-c*
 - *National Instructional Materials Accessibility Standard (NIMAS) and National Instructional Materials Access Center (NIMAC) [Additional Assurance Required for IDEA Part B Grant]*
 - *Important Information Regarding Amendments to the Regulations Relating to Behavioral Interventions, including Aversive Interventions*

- *Continuum of Special Education Services for School-Age Students with Disabilities*
 - *Coordinated Early Intervening Services (CEIS) Under Part B of the Individuals with Disabilities Education Act (IDEA)*
 - *New Requirements for the Provision of Special Education Services to Home-Instructed (“Home-Schooled”) Students*
 - *New Requirements for Special Education Programs and Services: Amendments to State Regulations Relating to Chapter 378 of the Laws of 2007 and the 2004 Reauthorization of the Individuals with Disabilities Education Act of 2004*
 - *Burden of Proof for an Appeal in an Impartial Due Process Hearing*
 - *Sample Form to Request Mediation*
 - *Parental Consent for the Use of Public Benefits or Insurance Pursuant to the Individuals with Disabilities Education Act*
 - *Addition of Section 177.2 of the Regulations of the Commissioner of Education Relating to Disputes of Reimbursement Claims for Special Education Services Provided to Nonresident Parentally-Placed Nonpublic School Students with Disabilities*
 - *Guidance on Reimbursement Claims for the Cost of Providing Special Education Services to Parentally-Placed Nonresident Students Pursuant to Education Law Section 3602-c*
 - *Chapter 378 of the Laws of 2007 - Guidance on Parentally Placed Nonpublic Elementary and Secondary School Students with Disabilities Pursuant to the Individuals with Disabilities Education Act (IDEA) 2004 and New York State (NYS) Education Law Section 3602-c*
 - *For Parents of Parentally Placed Students with Disabilities in Elementary and Secondary Nonpublic Schools: Important New Information Affecting How Your Child Will Receive Special Education Services*
 - *Provision of Special Education Services to a Five-Six Year Old Child with a Disability Not Subject to Compulsory Attendance Requirements and Not on a Regular School Attendance Register*
 - *Child-Specific Allowance to Temporarily Exceed an Approved Special Class Size for Preschool Students with Disabilities – Revised 8/07*
 - *Special Education Itinerant Teacher (SEIT) Services and Related Services for Preschool Students with Disabilities*
 - *Chapter 323 of the Laws of 2008 - Child Abuse and Neglect in Residential Settings*
 - *Implementation of Response to Intervention Programs*
 - *New Requirements for Special Education Programs and Services: Amendments to Federal Regulations to Implement the Individuals with Disabilities Education Act (IDEA 2004)*
 - *October 2008 - State Regulations Parts 200 and 201*
 - *Guidance regarding the requirements for students with disabilities who are homeless*
- NYS Regulations were revised to require individualized education programs (IEPs) developed for, and meeting notices and prior written notices (notices of

recommendation) issued during the 2011-12 school year, and thereafter, must be on forms prescribed by the Commissioner. These State forms will assist districts to be in compliance with important IEP and parent notification requirements.

- The Nondistrict Unit (NDU) continued to provide compliance data to the in-State residential programs and the organizations that represent them, by identifying the frequency of compliance deficiencies by issue and by region. This allowed the providers to proactively plan for and address the most common deficiencies. All compliance issues with residential programs have been corrected, with the exception of continued outstanding compliance issues related to teacher certification. This continues to be a serious problem because of relatively low salaries at these schools, and in some cases, the continuing State-wide shortage of qualified professionals.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2007 *[If applicable]*

None

Overview of the Annual Performance Report Development:

See Overview of the Development of the Annual Performance Report (APR) in the Introduction section, page 1.

Monitoring Priority: Effective General Supervision Part B / General Supervision

Indicator 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.

(20 U.S.C. 1416(a)(3)(B))

Measurement:

Percent = [(1.1(b) + 1.1(c)) divided by 1.1] times 100.

FFY	Measurable and Rigorous Target
FFY 2007 (2007-08)	100 percent of signed written complaints will be resolved within the 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint.

Actual Target Data for FFY 2007:

96.755 percent of signed written complaints were resolved within the 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint.

7/1/2007 - 6/30/2008	
Table 7: Section A, Written Signed Complaints	
(1) Signed, written complaints total	380
(1.1) Complaints with reports issued	339
(a) Reports with findings	219
(b) Reports within timeline	321
(c) Reports within extended timelines	7
(1.2) Complaints withdrawn or dismissed	41
(1.3) Complaints pending	0
(a) Complaint pending a due process hearing	0
Percent = 321 [1.1(b)] + 7[1.1(c)] = 328 divided by 339 [1.1] times 100 = 96.755%.	

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2007:

Explanation of Progress

- The percentage of signed written complaints resolved within the 60-day timeline or an extended timeline improved from 82.82 percent in 2006-07 to 96.755 percent in 2007-08. This was achieved in spite of a significant increase from a total of 210 signed complaints in 2006-07 to 380 in 2007-08.
- In 2007-08, five of the seven Special Education Quality Assurance (SEQA) Regional Offices completed the investigation of complaints at a 95 or higher percentage rate. The two regional offices where the percentage of timely complaints was less than 95 percent have fewer than ten complaints a year. A single late complaint in these offices significantly affects their performance percentage.
- Staff have been trained on the use of the Comprehensive Special Education Information System (CSEIS) to calculate and monitor the 60-day timeline. SEQA supervisors have been trained on the use of 60-day timeliness reports and have consistently used the reports in supervision with staff.

Improvement Activities Completed

1. In 2007-08, SEQA Managers and Regional Associates were trained on the implementation of CSEIS and strategies to improve timely completion of complaint investigations. Strategies were developed and implemented as follows:
 - New procedures for State complaints were written and distributed. A question and answer document, outlining new procedures for filing State complaints, was drafted and is scheduled to be posted on the State website.
 - New protocol for investigating State complaints was written and distributed.
 - Three-day training on investigating State complaints was provided by an outside consultant in the fall of 2008. All Vocational and Educational Services for Individuals with Disabilities (VESID) SEQA and policy staff participated in this training.
2. In 2007-08, given the complexity of the New York City (NYC) educational system and the large numbers of students served, a coordinated set of activities was undertaken, highlighted by the following:
 - NYC SEQA staff conduct regularly scheduled meetings with central office special education administrative and supervisory staff of the New York City Department of Education (NYCDOE) and Deputy Executive Directors of Special Education of

the Regional Integrated Service Centers to review and address systemic issues and individual State complaints.

- NYC SEQA staff and professional development specialists from the VESID funded Special Education Training and Resource Center (SETRC) in NYC provide technical assistance and professional development to districts/school personnel on systemic State complaint issues.
- VESID staff responsible for CSEIS conduct routine visits to the NYC SEQA regional office to address any issues/concerns regarding the Regional Associates' data entry of State complaint information into the CSEIS system.
- NYCDOE has appointed impartial hearing liaisons in each of the five Integrated Service Centers to oversee the implementation of hearing officers' decisions.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2007 [if applicable]

None.

Overview of the Annual Performance Report Development:

See Overview of the Development of the Annual Performance Report (APR) in the Introduction section, page 1.

Monitoring Priority: Effective General Supervision Part B / General Supervision

Indicator 17: Percent of fully adjudicated due process hearing requests that were fully adjudicated within the 45-day timeline (or 30-day timeline for preschool students) or a timeline that is properly extended by the hearing officer at the request of either party.

(20 U.S.C. 1416(a)(3)(B))

Measurement:

Percent = [(3.2(a) + 3.2(b)) divided by 3.2] times 100.

FFY	Measurable and Rigorous Target
FFY 2007	100 percent of impartial hearing decisions will be rendered within regulatory timelines.

Actual Target Data for FFY 2007:

80.909 percent of impartial hearing requests were fully adjudicated within the 45-day timeline (or 30-day timeline for preschool students) or a timeline was properly extended by the impartial hearing officer (IHO) at the request of either party.

7/1/2007 - 6/30/2008 SECTION C: Hearing Requests	
(3) Hearing requests total	6075
(3.2) Hearings (fully adjudicated)	550
(a) Decisions within timeline	130
(b) Decisions within extended timeline	315
(3.3) Resolved without a hearing	4633
Percent = $130[3.2(a)] + 315[3.2(b)]$ divided by $550[3.2] = .80909$ times 100 = 80.909%.	

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2007:

Explanation of Progress

In 2007-08, the percentage of adjudicated hearings completed in a timely manner increased slightly from 79.6 percent to 80.9 percent, an increase of 1.3 percentage points.

- The number of IHOs with five or more late decisions was reduced from 14 IHOs in 2006-07 to 13 in 2007-08. Based on New York State (NYS) Regulations, the State Education Department (SED) continued to investigate impartial hearing cases where the decisions were late. This resulted in the decertification of an IHO with a history of consistently late cases and individual training sessions with IHOs who were developing a pattern of late cases.
- A review of the data has identified a process issue with the increase in the number of the late adjudicated cases in the New York City (NYC) Region. Most of the IHOs serving NYC use the New York City Department of Education (NYCDOE) Impartial Hearing Office service of formatting and mailing their decision. The date on the decision is the date the IHO mails the decision to the parties and to SED. During this year, due to staffing resources in the NYC Impartial Hearing Office, the processing of decisions has been delayed by a few days, which has resulted in additional cases of late decisions.

Improvement Activities Completed in 2007-08

The Office of Vocational and Educational Services for Individuals with Disabilities (VESID) accessed technical assistance to further inform it due process hearing system through ongoing participation in the Northeast Regional Resource Center's (NERRC) Legal and Regulatory Workgroup.

Activities Completed:

1. In 2007-08, the capacity of the Impartial Hearing Reporting System (IHRS) to monitor timeliness continued to improve through the refinement of the electronic file transfer process from the NYC's impartial hearing reporting system. The nightly process provides daily access to NYC impartial hearing information and has improved the accuracy of the information.
2. Revisions to IHRS included the development of an IHO Toolbox, which includes an extension calculator for use by the IHOs. Use of the calculator ensures consistency with NYS standards including no extensions greater than 30 days and no extension granted prior to the allowable time frame. The Toolbox also includes a new report entitled the "Summary of Hearing Timelines" which provides IHO-specific information about the timeliness of closed cases in relation to the original due date or the extended due date.
3. IHOs were provided with an annual "Activity Summary" using data collected through IHRS. The activity summary includes the total number of cases to which they were

appointed and whether those cases were addressed in a timely manner. Trend information is also provided.

4. Monthly phone conferences were conducted by VESID's IHRS Office, NYC Special Education Quality Assurance (SEQA) Regional Office and the NYC Impartial Hearing Office to address data collection issues, clarify State regulations, policies and procedures, and address other issues affecting timely decisions by NYC IHOs.
5. IHRS staff provided reminders and offered school districts and IHOs technical assistance regarding cases when they are identified as five or more days late.
6. Based on NYS regulations, SED initiated 31 investigations in impartial hearing cases where the decisions appeared overdue. When a complaint was founded, IHOs were required to participate in additional training. In 2008, two NYC IHOs were required to participate in individual tutorials regarding timelines. VESID revoked the certification of one NYC IHO as a result of founded complaints.
7. A website for IHOs was established in February of 2007, which includes posting of alerts, access to applicable laws and regulations, State Review Office (SRO) information, Commissioner of Education Decisions, IHRS information, and links to the VESID publications page. It can be found at <http://www.law.buffalo.edu/IHO/>.
8. In March and April 2008, VESID provided update training to all IHOs. Both training sessions also introduced an extension calculation tool available to IHOs through the IHRS.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2007 [If applicable]

- Beginning in 2008-09, VESID will institute a noncompliance notification process for IHOs who have an overdue decision. The notifications will be monitored and data from the notification process will be used in future IHO investigations.
- VESID has entered into a Memorandum of Understanding with the University of Buffalo Law School to develop a Procedural Guide for use by all IHOs to ensure consistency in due process hearings, which is scheduled for completion in June 2009.
- Beginning in 2009-10, VESID will be requiring IHOs to attend annual training updates.

Overview of the Annual Performance Report Development:

See Overview of the Development of the Annual Performance Report (APR) in the Introduction section, page 1.

Monitoring Priority: Effective General Supervision Part B / General Supervision

Indicator 18: Percent of hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements.

(20 U.S.C. 1416(a)(3(B))

Measurement:

Percent = (3.1(a) divided by 3.1) times 100.

FFY	Measurable and Rigorous Target
FFY 2007	The percent of hearing requests that go to resolution sessions and are resolved through resolution session settlement agreements will increase by 1%.

Actual Target Data for FFY 2007:

11.524 percent of hearing requests that went to resolution sessions were resolved through resolution session settlement agreements.

7/1/2007 - 6/30/2008 Table 7 Section C: Hearing Requests	
(3) Hearing requests total	6075
(3.1) Resolution sessions	4677
(a) Settlement agreements	539
Percent = 539 [3.1(a)] divided by 4677(3.1) times 100 = 11.524%.	

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2007:

Explanation of Progress

In 2007-08, the percentage of resolution sessions ending in agreement increased from 10.63 percent to 11.52 percent. This represents a slight improvement over the last year. This is the second full year of data collection. This data more accurately reflects the activity in the field.

Improvement Activities Completed in 2007-08

- Impartial Hearing Reporting System (IHRS) staff provided ongoing technical assistance to school districts regarding the resolution session process and timelines.
- New York State (NYS) Regulations were amended, effective October 4, 2007, to conform State due process requirements to federal requirements relating to the resolution process.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2007 [If applicable]

None

Overview of the Annual Performance Report Development:

See Overview of the Development of the Annual Performance Report (APR) in the Introduction section, page 1.

Monitoring Priority: Effective General Supervision Part B / General Supervision

Indicator 19: Percent of mediations held that resulted in mediation agreements.

(20 U.S.C. 1416(a)(3)(B))

Measurement:

Percent = [(2.1(a)(i) + 2.1(b)(i)) divided by 2.1] times 100.

FFY	Measurable and Rigorous Target
FFY 2007	95.5 percent of mediations held will result in mediation agreements.

Actual Target Data for FFY 2007:

89.883 percent of mediation sessions held in 2007-08 resulted in mediation agreements to resolve the dispute.

7/1/2007 - 6/30/2008 Table 7: Section B, Mediation Requests	
(2) Mediation requests total	427
(2.1) Mediations [held]	257
(a) Mediations [held] related to due process	17
(i) Mediation agreements	12
(b) Mediations [held] not related to due process	240
(i) Mediation agreements	219
(2.2) Mediations not held (including pending)	170
Percent = $12[(2.1(a)(i))] + 219[(2.1(b)(i))] = 231$ divided by $257 [2.1] = .8988$ times 100 = 89.883%.	

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2007:

Explanation of Progress or Slippage

The percent of mediation sessions held in 2007-08 that resulted in agreement was 89.88 percent, down from 90.64 percent from the previous year. There were 427 total mediation requests in 2007-08, nine fewer than in 2006-07. There is some indication that the increasing numbers of resolution sessions is affecting the number of mediations requested as well as the number of mediations with agreements.

Improvement Activities Completed in 2007-08:

The Office of Vocational and Educational Services for Individuals with Disabilities (VESID) accessed technical assistance to further inform its special education mediation process through ongoing participation in the Northeast Regional Resource Center's (NERRC) Legal and Regulatory Workgroup.

- Forty (40) new special education mediators received initial training in December 2007. This was followed up by on-the-job learning activities to reinforce training. Of the 40 individuals who participated in the 2007 initial training, 16 completed the apprenticeship component.
- New brochures were prepared during 2007-08. The New York State Dispute Resolution Association (NYSDRA) has received a grant from a private nonprofit foundation to do an intensive outreach pilot in 2008 and will use the brochures to assist with providing information to families, advocates and school districts.
- In 2007-08, the State Education Department (SED) developed a "Sample Form to Request Mediation" in order to provide parents and schools with a consistent request process, posted it on the web and disseminated it via listserv <http://www.vesid.nysed.gov/specialed/publications/policy/mediationrequest.htm>
- SED contracts with NYSDRA to oversee the special education mediation process. In NYS, independent volunteer mediators furnished by a Community Dispute Resolution Center (CDRC) through the Office of Court Administration conduct mediation sessions. SED and NYSDRA jointly developed training programs, which NYSDRA provided to the mediators. Under a new contract, the vendor will be expected to provide greater outreach to parents and school personnel to promote the use of mediation in this State.
- In 2007-08, staff from the New York City (NYC) Special Education Quality Assurance (SEQA) Regional Office participated in a workgroup comprised of representatives from the NYC mediation centers, New York City Department of Education (NYCDOE), NYSDRA and the advocacy community. The group is

developing a standard of guidelines for special education mediation in NYC, including ways to increase the use of mediation to resolve disputes.

- The current State funded mediation contractor has maintained a link within VESID's website to provide updated information as it becomes available. Materials were also disseminated by the 24 CDRCs throughout NYS.
- See activities listed in Indicator 18.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2007 [If applicable]

- Beginning in 2009, training for special education mediators will be provided annually.
- Through a new contract with SED, beginning in 2009, NYSDRA will conduct regional professional development sessions regarding alternative dispute resolution for professionals and parents such as conflict resolution processes, parent-to-parent assistance, individualized education program (IEP) facilitation, early complaint resolution and mediation. These sessions will be conducted in collaboration with the VESID-funded Parent Centers and Regional Special Education Trainers.

Overview of the Annual Performance Report Development:

See Overview of the Development of the Annual Performance Report (APR) in the Introduction section, page 1.

Monitoring Priority: Effective General Supervision Part B / General Supervision

Indicator 20: State reported data (618 and State Performance Plan (SPP) and APR) are timely and accurate.

(20 U.S.C. 1416(a)(3)(B))

Measurement:

State reported data, including 618 data and APRs, are:

- a. Submitted on or before due dates (February 1 for child count, including race and ethnicity; placement; November 1 for exiting, discipline, personnel; and February 1 for APRs); and
- b. Accurate (describe mechanisms for ensuring error free, consistent, valid and reliable data and evidence that these standards are met).

FFY	Measurable and Rigorous Target
FFY 2007	100 percent of State reported data, including 618 data and annual performance reports, are submitted on or before due dates and are accurate.

Actual Target Data for FFY 2007:

93 percent of State-reported data, including 618 data and annual performance reports, were submitted on or before due dates and were accurate.

The following is a rubric developed by the United States Education Department (USED) to evaluate a state's performance on this indicator. The scores below represent New York State's (NYS) self evaluation on each SPP/APR indicator and in the 618 data submission requirements. A score of 1 indicates a positive score in the cell and a 0 indicates the State was not able to provide all of the required information by the federal due date. NYS' score on this rubric is 93 out of a possible 100 points.

Part B Indicator 20 - SPP/APR Data			
APR Indicator	Valid and Reliable	Correct Calculation	Total
1	1		1
2	1		1
3A	1	1	2
3B	1	1	2
3C	1	1	2
4A	1	1	2
5	1	1	2
7	1	1	2
8	1	1	2
9	0	1	1
10	0	1	1
11	1	1	2
12	1	1	2
13	1	1	2
14	1	1	2
15	1	1	2
16	1	1	2
17	1	1	2
18	1	1	2
19	1	1	2
		Subtotal	36
APR Score Calculation	Timely Submission Points (5 pts for submission of APR/SPP by February 2, 2009)		5
	Grand Total		41

Part B Indicator 20 - 618 Data					
Table	Timely	Complete Data	Passed Edit Check	Responded to Date Note Requests	Total
Table 1 – Child Count Due Date: 2/1/08	0	1	1	1	3
Table 2 – Personnel Due Date: 11/1/08	1	1	1	N/A	3
Table 3 – Ed. Environments Due Date: 2/1/08	0	1	1	1	3
Table 4 – Exiting Due Date: 11/1/08	1	1	1	N/A	3
Table 5 – Discipline Due Date: 11/1/08	1	1	1	N/A	3
Table 6 – State Assessment Due Date: 2/1/09	1	1	1	N/A	3
Table 7 – Dispute Resolution Due Date: 11/1/08	1	1	1	N/A	3
				Subtotal	21
				Weighted Total (subtotal X 1.87; round ≤.49 down and ≥ .50 up to whole number)	39
Indicator #20 Calculation					
			A. APR Total	41	
			B. 618 Total	39	
			C. Grand Total	80	
Percent of timely and accurate data = (C divided by 86 times 100)			(C) / (86) X 100 =		93

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2007:

Explanation of Progress or Slippage

- NYS did not achieve its target of 100 percent complete and accurate data submission to USED for the 2007-08 school year. The State's score based on the USED self review rubric is 93.

- All the deductions in points on the self-review rubric were caused by the same issue. For the 2007-08 school year, NYS began collecting most of the special education data required for the APR and by Section 618 of the Individuals with Disabilities Education Act (IDEA) at the individual student level, using the State's individual student information repository system (SIRS). The State experienced significant delays in completing all reasonability checks, other edit checks, verification and certification processes and could not submit the December 3, 2007 child count and educational environments data (Office of Special Education Programs (OSEP) Tables 1 and 3) by February 1, 2008. Instead Tables 1 and 3 were submitted to the Data Accountability Center (DAC) on July 2, 2008. Since these data were late being finalized, the State could not complete the required data analysis related to disproportionality and complete the review of each school district's policies, practices and procedures in time for reporting results in this APR for Indicators 9 and 10. As a result, two points were deducted for not providing valid and reliable data for Indicators 9 and 10 and two points for not providing timely data for OSEP Tables 1 and 3.
- To address this issue, the State issued a notification to all school districts that the State's child count date has been changed from December 1 to the first Wednesday in October, beginning in 2008-09 school year. This improvement activity, as well as others described below will result in the State's ability to obtain the data early enough in the school year so that the State has sufficient time to complete its review of school district policies, procedures and practices to determine if the data is the result of inappropriate policies, procedures and practices.

Improvement Activities Completed in 2007-08

- NYS accessed technical assistance related to timely and accurate data. Three representatives from NYS attended the last annual meeting of Part B data managers hosted by DAC. This meeting was useful to the data managers of the various special education data systems and ensures everyone is knowledgeable about IDEA requirements related to each indicator. These three individuals regularly peruse the various federally sponsored websites for new information and ideas. They also regularly participate in most technical assistance phone calls and webinars hosted by OSEP as well as by the Northeast Regional Resource Center (NERRC) and sometimes also by other resource centers. This ensures they remain current in their knowledge.
- In 2007-08, the Office of Vocational and Educational Services for Individuals with Disabilities (VESID) conducted a lengthy analysis of its 2005-06, 2006-07 and 2007-08 data and developed its criteria to determine a valid and reliable process to determine under-representation. VESID considered the resources of National Center for Culturally Responsive Educational Systems (NCCRESt) in our determination of a methodology for determining under-representation, but selected

criteria that would factor in NYS statistics related to identification of students for special education.

- Criteria for under-representation were applied to three years of data and criteria for over-representation were applied to 2007-08 school year data and school districts were identified if they met the criteria for significant disproportionality (Indicators 9 and 10). Identified school districts were notified and required to use the State-developed self-review monitoring protocol to review their policies, practices and procedures related to identification of students for special education or identification of students by specific disabilities and placement in particular least restrictive environment (LRE) settings.
- In order to be able to implement the requirements of Indicators 9 and 10, NYS changed the State's child count date from December 1 to the first Wednesday in October, beginning in 2008-09 school year. As a result of this change, we anticipate submitting the October 1, 2008 child count and educational environments data to the USED by February 1, 2009. As a result of finalizing these data earlier, we should be able to do the required data analysis and notifications for Indicators 9 and 10 earlier and conduct the review of policies, practices and procedures in sufficient time for reporting in the next APR, on February 1, 2010.
- NYS provided explanatory comments (data notes) in the appropriate sections of each IDEA, Section 618 Table. We also provided data notes to DAC on all significant year-to-year changes that are flagged by DAC, however, there were no specific data notes that were requested by DAC for the 2007-08 school year.
- VESID staff conducted numerous training sessions on submitting special education data through SIRS during the 2007-08 school year and enhanced the SIRS 2008-09 documentation with special education information to facilitate accurate data reporting.
- VESID staff provided ongoing technical assistance through various means to all stakeholders involved in the data collection processes for special education and are routinely engaged in meetings with our colleagues in general education data collection offices to facilitate the timely and accurate collection of special education data through SIRS.
- The Comprehensive Special Education Information System (CSEIS) reports for State complaint timeliness and 12-month compliance have been revised to reflect data identified by the Special Education Quality Assurance (SEQA) office as useful for tracking of both issues.
- CSEIS users and managers received ongoing training in the system revisions and use of reports to monitor data.

- The Impartial Hearing Reporting System (IHRS) has been revised to incorporate an Impartial Hearing Officer (IHO) Toolbox. The Tool Box includes an extension calculator to assist IHO with timeliness of extensions and a performance report that allows them to see those cases where the decision is late.
- IHRS users have received technical assistance memorandum regarding system changes and have access to technical assistance via phone and e-mail on a daily basis.

Revisions, with Justification, to Proposed Targets/ Improvement Activities / Timelines / Resources for FFY 2007 [If applicable]

The State's child count date has been changed from December 1 to the first Wednesday in October, beginning in 2008-09 school year.

Appendix:
State Performance Plan Indicators and Required Attachments
For Part B Annual Performance Report for 2007-08:

SPP Indicator 7 Progress Report, February 2009

Attachment 1: Report of Dispute Resolutions for 2007-08 (OSEP Table 7)

Attachment 2: State Assessment Data for 2007-08 (OSEP Table 6)

Overview of the State Performance Plan Development:

See Overview of the State Performance Plan (SPP) Development in the Introduction to the SPP originally submitted February 1, 2006 and revised June 2007. See also the Introduction to this Annual Performance Report (APR), page 1.

Monitoring Priority: FAPE in the LRE

Indicator 7: Percent of preschool children with individualized education programs (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.

(20 U.S.C. 1416 (a)(3)(A))

Measurement:

A. Positive social-emotional skills (including social relationships):

- a. Percent of preschool children who did not improve functioning = $[(\# \text{ of preschool children who did not improve functioning}) \div (\# \text{ of preschool children with IEPs assessed})] \times 100$.
- b. Percent of preschool children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers = $[(\# \text{ of preschool children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers}) \div (\# \text{ of preschool children with IEPs assessed})] \times 100$.
- c. Percent of preschool children who improved functioning to a level nearer to same-aged peers but did not reach it = $[(\# \text{ of preschool children who improved functioning to a level nearer to same-aged peers but did not reach it}) \div (\# \text{ of preschool children with IEPs assessed})] \times 100$.
- d. Percent of preschool children who improved functioning to reach a level comparable to same-aged peers = $[(\# \text{ of preschool children who improved functioning to reach a level comparable to same-aged peers}) \div (\# \text{ of preschool children with IEPs assessed})] \times 100$.
- e. Percent of preschool children who maintained functioning at a level comparable to same-aged peers = $[(\# \text{ of preschool children who maintained functioning at a level comparable to same-aged peers}) \div (\# \text{ of preschool children with IEPs assessed})] \times 100$.

If a + b + c + d + e does not sum to 100%, explain the difference.

B. Acquisition and use of knowledge and skills (including early language/communication and early literacy):

- a. Percent of preschool children who did not improve functioning = $\left[\frac{\text{(# of preschool children who did not improve functioning)}}{\text{(# of preschool children with IEPs assessed)}} \right] \times 100$.
- b. Percent of preschool children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers = $\left[\frac{\text{(# of preschool children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers)}}{\text{(# of preschool children with IEPs assessed)}} \right] \times 100$.
- c. Percent of preschool children who improved functioning to a level nearer to same-aged peers but did not reach it = $\left[\frac{\text{(# of preschool children who improved functioning to a level nearer to same-aged peers but did not reach it)}}{\text{(# of preschool children with IEPs assessed)}} \right] \times 100$.
- d. Percent of preschool children who improved functioning to reach a level comparable to same-aged peers = $\left[\frac{\text{(# of preschool children who improved functioning to reach a level comparable to same-aged peers)}}{\text{(# of preschool children with IEPs assessed)}} \right] \times 100$.
- e. Percent of preschool children who maintained functioning at a level comparable to same-aged peers = $\left[\frac{\text{(# of preschool children who maintained functioning at a level comparable to same-aged peers)}}{\text{(# of preschool children with IEPs assessed)}} \right] \times 100$.

If a + b + c + d + e does not sum to 100%, explain the difference.

C. Use of appropriate behaviors to meet their needs:

- a. Percent of preschool children who did not improve functioning = $\left[\frac{\text{(# of preschool children who did not improve functioning)}}{\text{(# of preschool children with IEPs assessed)}} \right] \times 100$.
- b. Percent of preschool children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers = $\left[\frac{\text{(# of preschool children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers)}}{\text{(# of preschool children with IEPs assessed)}} \right] \times 100$.
- c. Percent of preschool children who improved functioning to a level nearer to same-aged peers but did not reach it = $\left[\frac{\text{(# of preschool children who improved functioning to a level nearer to same-aged peers but did not reach it)}}{\text{(# of preschool children with IEPs assessed)}} \right] \times 100$.
- d. Percent of preschool children who improved functioning to reach a level comparable to same-aged peers = $\left[\frac{\text{(# of preschool children who improved functioning to reach a level comparable to same-aged peers)}}{\text{(# of preschool children with IEPs assessed)}} \right] \times 100$.

functioning to reach a level comparable to same-aged peers) divided by the (# of preschool children with IEPs assessed)] times 100.

- e. Percent of preschool children who maintained functioning at a level comparable to same-aged peers = [(# of preschool children who maintained functioning at a level comparable to same-aged peers) divided by the (# of preschool children with IEPs assessed)] times 100.

If a + b + c + d + e does not sum to 100%, explain the difference.

New York State's (NYS) measurement is the same as explained above.

The PD-10 report was used to collect progress data on preschool outcomes during the 2006-07 school year via a web-based data reporting system. The PD-10 report is posted at <http://www.vesid.nysed.gov/sedcar/archived/0607pdrpts.htm>. Beginning in the 2007-08 school year, these data were collected at the individual student level through the State's Student Information Repository System (SIRS). See the 2007-08 SIRS Policy Manual and 2007-08 SIRS Dictionary of Reporting Data Elements posted at <http://www.vesid.nysed.gov/sedcar/archived/0708pdrpts.htm#references>.

Overview of Issue/Description of System or Process:

In NYS, preschool children suspected of having a disability are referred to their local school districts through their district's Committee on Preschool Special Education (CPSE). In accordance with State statute, parents maintain the right to select an evaluator from a list of state-approved evaluators. If, based on the evaluation, the CPSE determines that a child is eligible for special education services, an IEP is developed that identifies the recommended special education services for the child. Preschool students with disabilities may receive related services only (RSO), services of a Special Education Itinerant Teacher (SEIT), or be placed in a special class program for either half or full day, including integrated programs with students without disabilities when appropriate. NYS' system allows for the provision of related services and SEIT within general education preschool and/or daycare environments as well as in the child's home. In NYS, most preschool children with disabilities receive their special education services from approved private preschool providers.

Identification of assessment measures in preschool outcome areas

At the request of the Office of Vocational and Educational Services for Individuals with Disabilities (VESID), a survey was conducted by the Early Childhood Direction Centers (ECDCs) of the assessment tools currently being used by special education preschool programs in NYS that measure the required indicator areas. The most frequently administered assessments used in the State for 3- and 4-year-old preschool children to assess preschool children with disabilities in the three outcome areas are provided below.

Assessment Measure Name, Edition and Publication Date of Assessment Measure	Outcome 1 Positive Social Relationships	Outcome 2 Acquire and Use Skills and Knowledge	Outcome 3 Takes Actions to Meet Needs
Adaptive Behavior Assessment System (Ages 0-5)			X
Arizona Articulation Proficiency Scale – 3 rd Revision, Western Psychological Service, 2000		X	
Battelle Developmental Inventory (BDI 2) – 2 nd Edition, 2005	X	X	X
Bayley Scales of Infant Development (BSID 2), 1993		X	
Behavior Assessment System for Children (BASC) - 2 nd Edition, 2004	X		X
Brigance Diagnostic Inventory of Development, 1 st Edition, Copyright (1978, revised 1991)	X		X
Carolina Curriculum for Preschoolers with Special Needs, 2 nd Edition, Copyright 2004	X	X	X
Child Behavior Checklist (CBCL) – 2 nd Edition, 2000	X		
Clinical Evaluation of Language Fundamentals-Preschool II (CELF), 1992 & 2004		X	
Connors' Parent & Teacher Rating Scale (CRS-R), 1997	X		
Developmental Assessment of Young Children (DAYC), 1998	X	X	X
Differential Ability Scales – Psychological Corporation, 1990		X	
Goldman-Fristoe Test of Articulation 2, American Guidance Service, Inc., 2000 Edition		X	
Hawaii Early Learning Profile (HELP), 2004		X	X
Learning Accomplishment Profile–D (LAP-D)	X	X	
Mullen Scales of Early Learning, 1995		X	
Peabody Developmental Motor Scales-2, 2002 (1983)			X
Peabody Picture Vocab. Test (PPVT) – IIIA		X	
Preschool – Kindergarten Behavior Scales – 2 nd Edition, 2002	X		

Assessment Measure Name, Edition and Publication Date of Assessment Measure	Outcome 1 Positive Social Relationships	Outcome 2 Acquire and Use Skills and Knowledge	Outcome 3 Takes Actions to Meet Needs
Preschool Evaluation Scale	X	X	X
Preschool Language Scale – (PLS-4), 2002		X	
Rossetti Infant-Toddler Language Scales, 1990	X	X	
Sensory Profile Checklist (Dunn) Psychological Corporation, 1999			X
Stanford-Binet Intelligence Scale, 2003		X	
Stuttering Severity Instrument for Children & Adults, Third Edition, 1994		X	
Vineland Social Emotional Early Childhood Scales (SEEC)	X	X	X
Wechsler Preschool and Primary Scale of Intelligence-III (WPPSI), 2002		X	
Westby Play Scale, 2000		X	

Process to collect entry and exit information

Entry assessments:

All preschool children who were initially evaluated on or after March 1, 2006 and found eligible for preschool special education programs and/or services are required to have entry assessment results. All preschool children suspected of having a disability must have entry assessments. These assessments are conducted by approved preschool evaluators. Results are reported to the CPSE, which determines if the child is eligible for preschool special education programs and services and the entry levels of functioning in three early childhood outcome areas. Approved preschool evaluators are required to include specific assessment information on the Preschool Student Evaluation Summary Report and fill out the supporting evidence for questions 1a, 2a and 3a of the Child Outcomes Summary Form. CPSEs are required to meet to determine a preschool child's eligibility for preschool special education programs and/or services and review the summary evaluation results and reports from the approved evaluator. For preschool children found to be eligible, the CPSEs rate the child's functioning across settings in each of the three outcome areas identified in questions 1a, 2a, and 3a of the Child Outcomes Summary Form. Annually, a representative sample of school districts are required to collect and submit entry and exit data to the State Education Department (SED) through SIRS for preschool children who leave preschool special education services anytime during the school year. All school districts are required to maintain entry level assessment data on all preschool children who are determined to be eligible for preschool special education programs or services.

Exit assessments:

While all preschool children who were initially evaluated on or after March 1, 2006 and found eligible for preschool special education programs and/or services are required to have entry assessment results, exit assessments only need to be conducted for preschool children with disabilities who stop receiving preschool special education services due to program completion or declassification during the school year in which the school district is required to report exit data on this indicator. The only children in sample school districts who require exit assessments are those who received an entry assessment and participated in preschool special education for at least six months prior to exiting.

In order to collect exit assessment data on the progress preschool children with disabilities have made as a result of receiving preschool special education programs and/or services, the Committee on Special Education (CSE) must arrange for exit assessment(s) in the three early childhood outcome areas to be conducted as part of the reevaluation process to determine the child's eligibility for school age special education. Whenever possible and appropriate, the exit assessment instruments should be the same assessment instruments used by the preschool evaluator for the entry assessment process. The results of these assessments must be provided to the CSE. The CSE will review the exit assessment results and determine the child's progress rating in the three identified areas. Some preschool children with disabilities may be referred to the CPSE for possible declassification prior to aging out of preschool special education programs and/or services. When considering declassification of a preschool child with a disability, the CPSE must arrange for a reevaluation by an approved evaluator selected by the parent. The reevaluation process must include conducting exit assessments that measure the child's progress in the three early childhood outcome areas. Whenever possible, the exit assessment instruments should be the same assessment instruments used by the initial approved preschool evaluator for the entry assessment process. The results of the reevaluation and exit assessments must be provided to the CPSE, including the child's parents and the person designated by the municipality in which the child resides. The CPSE must review the reevaluation and assessment results and determine the child's progress rating in each of the three identified areas.

Sampling Methodology

Annually, NYS requires a representative sample of one/sixth of the school districts in the State to report progress data on this indicator through the individual student data collection system, SIRS. The process for selecting a representative sample of school districts each year to report data on this indicator through the 2010-11 school year is described in NYS' SPP, as revised in June 2007. NYS' sampling plan is such that over the six-year SPP cycle, every school district will have submitted progress data on preschool outcomes at least once. New York City (NYC) is the only district with a total enrollment of over 50,000 students and submits data for every special education indicator every year. Every school district except NYC reported progress data on all

eligible preschool children. NYC reports progress data on a representative sample of students.

Beginning in the 2007-08 school year, NYS collected entry and exit scores on the Child Outcomes Summary Form on an individual student basis through SIRS and categorized children in the progress categories as described in the measure. Except for NYC, all school districts assigned to report data on this indicator are required to provide data on all exiting preschool children that meet the criteria (no sampling is permitted). See the 2007-08 SIRS policy manual and 2007-08 SIRS Dictionary of Reporting Data Elements posted at <http://www.vesid.nysed.gov/sedcar/archived/0708pdrpts.htm#references>. Reporting data through this new system is expected to improve the accuracy of these data. NYS collects raw data on the score each child receives on the Child Outcomes Summary Form at entry and again at exit from preschool special education programs or services. Based on the raw data, the State reports children in the correct progress category. Having data at the individual student level and the ability to track children longitudinally until they no longer attend school in NYS provides the State greater capacity for data analysis.

NYC is required to maintain documentation regarding selecting students for sampling, since they are the only school district that are allowed to report these data for a sample of eligible students. The totally random sampling methodology and required documentation should eliminate selection bias. SED will attempt to prevent missing data by first describing precisely what the State needs to collect, providing technical assistance and then following up with school districts to request missing data. The completeness of data collection will improve after the first year and will continue to improve as long as requirements remain unchanged. All issues of confidentiality are handled in accordance with the rules and procedures in the Family Educational Rights and Privacy Act (FERPA). SED guards against divulging personally identifiable information by not reporting results when there are less than five students for whom data are available or when those results can be easily calculated based on other data provided.

Progress Data

At the end of the 2007-08 school year, 112 school districts reported progress data on 1,678 preschool students with disabilities in each early childhood outcome area. Two school district's data were missing at the time this report was prepared. The 1,695 students left preschool special education programs and/or services during the 2007-08 school year after receiving special education for at least six months. The results for these students in the three early childhood outcome areas are reported below.

Early Childhood Outcome Area	Progress Category (Refer to Measurement Section for full Description of Progress Categories)	Number of Preschool Students	Percent of 1,695 students
Positive social-emotional skills (including social relationships)	a. Did not improve functioning	24	1.4%
	b. Improved-not sufficient to move nearer to same-aged peers	174	10.3%
	c. Improved-nearer to same aged peers	562	33.2%
	d. Improved-reached functioning to same-aged peers	614	36.2%
	e. Maintained functioning as same-aged peers	321	18.9%
	Total	1,695	100.0%
Acquisition and use of knowledge and skills (including early language/communication and early literacy)	a. Did not improve functioning	21	1.2%
	b. Improved-not sufficient to move nearer to same-aged peers	161	9.5%
	c. Improved- nearer to same aged peers	592	34.9%
	d. Improved-reached functioning to same-aged peers	587	34.6%
	e. Maintained functioning as same-aged peers	334	19.7%
	Total	1,695	100.0%
Use of appropriate behaviors to meet their needs	a. Did not improve functioning	29	1.7%
	b. Improved-not sufficient to move nearer to same-aged peers	134	7.9%
	c. Improved- nearer to same aged peers	477	28.1%
	d. Improved-reached functioning to same-aged peers	568	33.5%
	e. Maintained functioning as same-aged peers	487	28.7%
	Total	1,695	100.0%

Discussion of Baseline Data:

Baseline data and targets will be identified in FFY 2009 and reported in the APR February 2010.

Improvement Activities/Timelines/Resources:

Activity	Timeline	Resources
Disseminate regional preschool outcome data progress results to approved preschool providers.	2008-11	ECDCs
Provide technical assistance to preschool providers on instructional programs to improve results in positive social-emotional skills; early language/communication and literacy; and use of appropriate behaviors.	2007-11	15 ECDCs covering every county and borough in NYS Guide for Determining Eligibility and Special Education Programs and/or Services for Preschool Students with Disabilities Preschool Special Education Learning Outcomes and Indicators for Kindergarten Participation Preschool Special Education Program Self-Assessment and Quality Improvement Guide
Disseminate the results of the preschool longitudinal study, including the positive effects on social-emotional skills, early language/communication and use of appropriate behaviors of placements of preschool students in integrated versus nonintegrated settings.	2007-08	IDEA Discretionary Funds Longitudinal Study of Preschool Students
Implement Regents Policy on Early Education to increase the capacity of NYS' many child care and education services to support families and address social emotional needs of preschool children.	2007-11	University of the State of New York (USNY) Cabinet on Early Childhood Education
Improve knowledge and skills of CPSE and providers: <ul style="list-style-type: none"> • develop training curricula for CPSE chairpersons on eligibility determinations, State and federal requirements and decision making. • offer initial training for newly appointed CPSE chairpersons beginning in the summer or fall of 2008 and annually thereafter. • update and disseminate the Parent Handbook. 	2008-09 2008-09 2008	Special Education Training and Resource Center (SETRC) Regional Trainers, ECDC regional staff IDEA discretionary funds to support training VESID staff

Activity	Timeline	Resources
<ul style="list-style-type: none"> update the VESID publication, <i>Guide for Determining Eligibility and Special Education Programs and/or Services for Preschool Students with Disabilities</i> review the continuum of services options for preschool students, seek public comment, and propose a recommendation for discussion with the Board of Regents. 	<p>2009</p> <p>2009-10</p>	
<p>Improve mechanisms for tracking progress and child outcomes.</p>	<p>2008-2011</p>	<p>VESID staff</p>
<p>Encourage development of UPK for three- and four-year-olds to increase the availability of integrated settings and promote earlier connections between preschoolers with disabilities and the district setting that is most able to meet the needs of children in the least restrictive environment.</p>	<p>2008-11</p>	<p>VESID and P-16 staff</p> <p>SED guidance</p>

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2007:

Improvement Activities Completed in 2007-08

- In June 2007, the Governor’s Cabinet on Early Education was created with a priority on early learning and the impact on positive child outcomes.
- In September 2007, the Final Report of the Preschool Longitudinal Study was completed. See <http://www.vesid.nysed.gov/specialed/preschool/study/home.html>.
- In November 2007, the Temporary Task Force on Preschool Special Education finalized its recommendations. The report is published at <http://www.vesid.nysed.gov/specialed/preschool/taskforce/finalreport1107.pdf>. SED continues to follow up with implementation of five key strategies <http://www.regents.nysed.gov/meetings/2008Meetings/January2008/0108vesidd2.doc>.
- In 2007-08, updated versions of the *Parent Handbook* and the *Guide for Determining Eligibility and Special Education Programs and/or Services for Preschool Students with Disabilities* were drafted and are currently being reviewed.
- During 2007-08, the ECDCs provided technical assistance to CPSE chairpersons regarding criteria for Indicator 7. They worked in collaboration with VESID’s Special Education Quality Assurance (SEQA) Unit and SETRC to provide technical assistance to identified school districts.

- CPSE training was developed and piloted “in-house” on November 19-21, 2008. It is currently being evaluated for possible revisions.
- Regional Associates worked directly with ECDCs to enhance preschool outcomes. The mid state region helped to create integrated classes and also worked with staff and parents to insure better outcomes for students. This initiative was particularly successful in Oswego county.
- USNY Cabinet on Early Childhood Education concluded in 2007-08 with the preparation of a proposal for Public Library and Public Television Early Literacy Partnerships, “Bridging the Achievement Gap”, to support parents and caregivers to prepare children for school.
- During 2007-08, the Memorandum of Understanding between the federal Head Start program and SED was updated.
- Technical assistance resources for Indicator 7 are posted on line at <http://www.vesid.nysed.gov/specialed/spp/indicators/7.htm> and were provided in the annual determination letters sent to school districts specifically scheduled to report on this indicator in the 2008-09 school year. Resources listed include the national Early Childhood Outcomes Center (ECO) - <http://www.fpg.unc.edu/~eco/index.cfm>.

Attachment 1: Report of Dispute Resolutions, 2007-08

TABLE 7

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U.S. DEPARTMENT OF EDUCATION
OFFICE OF SPECIAL EDUCATION
AND REHABILITATIVE SERVICES
OFFICE OF SPECIAL EDUCATION
PROGRAMS

REPORT OF DISPUTE RESOLUTION UNDER PART B, OF
THE
INDIVIDUALS WITH DISABILITIES EDUCATION ACT
2007-08

OMB NO.: 1820-0677
FORM EXPIRES:
08/31/2009

STATE: NEW YORK

SECTION A: WRITTEN, SIGNED COMPLAINTS	
(1) Written, signed complaints total	380
(1.1) Complaints with reports issued	339
(a) Reports with findings	219
(b) Reports within timeline	321
(c) Reports within extended timelines	7
(1.2) Complaints withdrawn or dismissed	41
(1.3) Complaints pending	0
(a) Complaints pending a due process hearing	0
SECTION B: MEDIATION REQUESTS	
(2) Mediation requests total	427
(2.1) Mediations held	257
(a) Mediations held related to due process complaints	17
(i) Mediation agreements	12
(b) Mediations held not related to due process complaints	240
(i) Mediation agreements	219
(2.2) Mediations not held (including pending)	170
SECTION C: DUE PROCESS COMPLAINTS	
(3) Due process complaints total	6075
(3.1) Resolution meetings	4677
(a) Written Settlement agreements	539
(3.2) Hearings (fully adjudicated)	550
(a) Decisions within timeline (include expedited)	130
(b) Decisions within extended timeline	315
(3.3) Resolved without a hearing	4633
SECTION D: EXPEDITED DUE PROCESS COMPLAINTS (RELATED TO DISCIPLINARY DECISION)	
(4) Expedited due process complaints total	24
(4.1) Resolution meetings	23
(a) Written settlement agreements	5
(4.2) Expedited hearings (fully adjudicated)	12
(a) Change of placement ordered	7

Attachment 2:

**Report of Participation and Performance on State
Assessments 2007-08 (OSEP Table 6)**