



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY 12234

OFFICE OF VOCATIONAL AND EDUCATIONAL SERVICES FOR INDIVIDUALS WITH DISABILITIES  
STATEWIDE COORDINATOR FOR SPECIAL EDUCATION  
Room 1624 One Commerce Plaza • Albany, NY 12234 Telephone (518) 402-3353 Fax: (518) 473-5769  
www.nysed.gov

February 2006

To: Superintendents of Schools

From: James P. DeLorenzo *James P. DeLorenzo*

Subject: Information for School Districts Identified for Disproportionality Under Chapter 405 of the Laws of 1999 and the New York State Performance Plan 2005-2010

This memorandum provides information to school districts on their responsibilities to address issues of disproportionality as identified in 2005-06 under the State Performance Plan and in prior years consistent with Chapter 405 notifications. Beginning in February 2006, the Department will identify school districts with significant disproportionality in their rates of suspensions, identification, classification and placement of students with disabilities using a revised definition and new procedures pursuant to the State Performance Plan. The definition of "significant disproportionality" to be used for 2005-06 notifications was established to identify those school districts with the greatest disproportionality by race/ethnicity (i.e., relative risk ratio and weighted relative risk ratio of 3.0 or higher). Over the next six-years, the State will apply a more rigorous definition to identify school districts with disproportionality by race/ethnicity.

### **State Performance Plan Requirements: School Districts To Be Identified In 2005-06**

For school districts identified in 2005-06 pursuant to the State Performance Plan, the State must:

- require the school district to reserve 15 percent of its IDEA funds to provide comprehensive coordinated early intervening services<sup>1</sup> to serve students in the school district, particularly children that were significantly over identified;
- provide for the review of the school district's policies, procedures and practices relating to the disproportionality; and
- require the school district to publicly report on the revision of policies, practices and procedures.

Additional information will be provided to school districts identified based on 2004-05 data on the specific required actions. The new definition and procedures to identify school districts with disproportionality and the required improvement actions can be found in the State Performance Plan at: <http://www.vesid.nysed.gov/specialed/spp/plan/contents.htm>.

<sup>1</sup> Comprehensive coordinated early intervening services are services provided to students who have not yet been identified as students with disabilities but who need additional academic and behavioral support to succeed in a general education environment. [20 U.S.C. §1413(f)]





Beginning in 2005–06, the State will no longer identify school districts for one of the three levels of technical assistance used in prior years for the Chapter 405 notification.

### **School Districts Identified In Prior Years**

It is the State's expectation that school districts identified under Chapter 405 in previous years will continue to address all problem areas that still require effort to improve.

#### **Targeted Technical Assistance**

Those school districts identified in 2005 for "Targeted" technical assistance under Chapter 405 should continue to correct problem areas through activities that have been planned with Special Education Training and Resource Centers (SETRC), Regional School Support Centers (RSSC) and other technical assistance providers. Any school districts that are working with the NYU Metropolitan Center for Urban Education will continue to participate in those technical assistance activities this year.

#### **Regional Technical Assistance**

School districts identified with Chapter 405 problem areas that can potentially be addressed through training and information dissemination should continue their improvement activities and participate in regional training programs sponsored by the Department or through local sources.

#### **Self-Review**

School districts identified at this level should continue to resolve their Chapter 405 problem areas at the local level.

### **School Districts Identified For Other Chapter 405 Issues**

School districts that received notification in May 2005 on other Chapter 405 issues (classification rates, declassification rates and percent of students in separate settings) must continue to improve in these areas.

Additional information specific to 2005-06 notifications will be sent to individual school districts and will be posted on the Department's web site. We will continue to work with districts to clarify questions as we transition to the State Performance Plan requirements. Questions regarding this memorandum may be directed to Daniel Ryan at (518) 486-7462.

c: Rebecca H. Cort  
Daniel Ryan  
Special Education Quality Assurance Regional Offices  
District Superintendents  
SETRC Professional Development Specialists and Project Directors  
Executive Directors of RSSCs