



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

DEPUTY COMMISSIONER FOR VOCATIONAL AND EDUCATIONAL SERVICES FOR INDIVIDUALS WITH DISABILITIES
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TO: Individuals Interested in the Education of Students with Disabilities
FROM: Rebecca H. Cort 
Subject: State Performance Plans and Annual Performance Reports

The purpose of this memorandum is to advise school districts, parents and the general public of a new requirement in the Individuals with Disabilities Education Act (IDEA) relating to State Performance Plans and Annual Performance Reports. These requirements will have significant data collection and reporting implications for the State and for every school district in the State.

Public Law 108-446, (IDEA 2004), requires that, no later than one year after the date of enactment (i.e., December 3, 2005), the State Education Department must develop and submit a six year State Performance Plan to the Office of Special Education Programs (OSEP) at the U.S. Department of Education. The State Performance Plan is designed to evaluate the State's efforts to implement the requirements and purposes of IDEA and describe how the State will improve its implementation. For more information on these federal requirements see:

www.ed.gov/policy/speced/guid/idea/bapr/index.html

OSEP has identified three monitoring priorities and 20 indicators relating to the priority areas. Indicators are statements that are used to help quantify and/or qualify a monitoring priority. For each of the indicators, the State must establish measurable and rigorous targets for improvement over a six-year period of time. Attached is a list of the monitoring priorities and indicators that must be included in the State's Performance Plan. These are the areas that will be the focus of the State's data collection and reporting, special education monitoring and school improvement efforts over the next six years. For many of the indicators, we have established mechanisms to collect the required data; others will require the State to establish new data collection mechanisms, which could be through sampling, monitoring or statewide data collection systems.

The State must report annually to the public and OSEP on the State's performance on the each target for all 20 of the indicators in the State Performance Plan. Furthermore the State must also report annually to the public on each local education agency's (LEA) performance on the targets for 14 of the indicators relating to free appropriate public education in the least restrictive environment, disproportionality, child find and effective transitions. The first annual performance report (APR) is due on February 1, 2007.



The State Performance Plan, including its targets and improvement strategies, must be developed with broad stakeholder input. We will be working with various stakeholder groups over the next two months to prepare New York's State Performance Plan. Upon submission to OSEP, the State will make its State Performance Plan available to the public, by posting on the Department's website and by distribution to the media through public agencies. Questions regarding this memorandum may be directed to Patricia Geary in the Special Education Policy and Partnerships Unit at 518-473-2878.

Attachment

Part B State Performance Plan
Monitoring Priorities and Indicators¹

** Starred items are new indicators for which baseline data will be for the 2005-06 school year. For these indicators, baselines will be reported in February 2007 in the APR and targets will be established for a five-year period. For all other indicators, the State must report baseline data for the 2004-05 school year.*

Priority: Free Appropriate Public Education in the Least Restrictive Environment

- 1) Percent of youth with individual education programs (IEPs) graduating from high school with a regular diploma compared to percent of all youth in the State graduating with a regular diploma.
- 2) Percent of youth with IEPs dropping out of high school compared to the percent of all youth in the State dropping out of high school.
- 3) Participation and performance of children with disabilities on statewide assessments:
 - (a) Percent of districts meeting the State's annual yearly progress (AYP) objectives for progress for disability subgroup.
 - (b) Participation rate for children 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.
 - (c) Proficiency rate for children with IEPs against grade level standards and alternate achievement standards.
- 4) Rates of suspension and expulsion:
 - (a) 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; 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.
- 5) Percent of children with IEPs ages 6 through 21:
 - (a) Removed from regular class less than 21 percent of the day;

¹ OSEP has identified the monitoring priorities and indicators and in some cases the measurement and targets for which all states and local educational agencies will be held accountable. These indicators cannot be revised by states.

- (b) Removed from regular class greater than 60 percent of the day; or
 - (c) Served in either public/private separate schools or in residential 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:
- (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.
- 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

- 11)*Percent of children with parental consent to evaluate, who were evaluated and eligibility determined within 60 days.

Effective Transitions

- 12)Percent of children referred by Part C (Early Intervention Services) prior to age three (3), who are found eligible for Part B, and who have an IEP developed and implemented by their third birthdays.
- 13)*Percent of youth aged 16 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 postsecondary school, or both, within one year of leaving high school.

General Supervision

For the following indicators, the State must report data on its progress toward meeting the targets, but is not required to report on the local educational agency's (LEA's) progress.

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 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 State Performance Plan and Annual Performance Report are timely and accurate.