

New York Part C FFY 2005 SPP/APR Response Table

| Monitoring Priorities and Indicators | Status | OSEP Analysis/Next Steps |
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| <p>1. Percent of infants and toddlers with IFSPs who receive the early intervention services on their IFSPs in a timely manner. [Compliance Indicator]</p> | <p>The State's FFY 2005 reported data for this indicator are 86.22%. This represents progress from the State's FFY 2004 reported data of 84.97%.</p> <p>The State did not meet its FFY 2005 target of 100%.</p> <p>OSEP was unable to determine from the State's FFY 2005 APR the extent to which prior noncompliance for this indicator was corrected in a timely manner.</p> | <p>The State revised its FFY 2004 baseline data, improvement activities, and targets for this indicator in its SPP and OSEP accepts the revised SPP for this indicator.</p> <p>The State's FFY 2005 APR/SPP included the following information requested in OSEP's March 2, 2006 SPP response letter: (1) FFY 2004 baseline data; (2) FFY 2005 actual target data; and (3) revised standard for the timely initiation of Part C services on the individualized family service plan (IFSP).</p> <p>The FFY 2005 APR indicates that the State did not report on the number of delays due to documented exceptional family circumstances. If the State collects this data during FFY 2006 and wishes to include it in the measurement, the number of children for whom the timeline was not met due to documented exceptional family circumstances would be included in both the numerator and the denominator for the measurement for this indicator in the FFY 2006 APR, due February 1, 2008, and the State must provide these numbers in its discussions.</p> <p>Although the State reported on pages 37 and 39 of its FFY 2005 APR 99% correction of the prior noncompliance in a timely manner, OSEP was unable to determine from the FFY 2005 data, the extent to which timely correction applied to this indicator.</p> <p>The State must review its improvement activities and revise them, if appropriate, to ensure they will enable the State to include data in the FFY 2006 APR, due February 1, 2008, that demonstrate compliance with the timely service provision requirements in 34 CFR §§303.340(c), 303.342(e), and 303.344(f)(1) including correction of noncompliance identified in FFY 2005.</p> |
| <p>2. Percent of infants and toddlers with IFSPs who primarily receive early intervention services in the home or programs for typically</p> | <p>The State's FFY 2005 reported data for this indicator are 89.81%.</p> <p>The State met its FFY 2005 target of 89%.</p> | <p>The State revised its targets for this indicator in its SPP and OSEP accepts those revisions.</p> <p>OSEP's March 2, 2006 FFY 2004 SPP response letter required the State to include in the February 1, 2007 APR documentation that the State ensures the</p> |

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| <p>developing children. [Results Indicator]</p> | <p>OSEP was unable to determine from the FFY 2005 APR the extent to which the prior noncompliance for this indicator was corrected in a timely manner.</p> | <p>correction of prior noncompliance in a timely manner with Part C's natural environments requirements. Although the State reported on pages 37 and 39 of the APR 99% correction of prior noncompliance in a timely manner, OSEP was unable to determine from the FFY 2005 data the extent to which timely correction applied to the noncompliance regarding 34 CFR §§303.12, 303.18 and 303.344(d)(1)(ii).</p> <p>In the FFY 2006 APR, due February 1, 2008, the State must provide data demonstrating compliance with the IFSP natural environments requirements in 34 CFR §§303.12, 303.18 and 303.344(d)(1)(ii), including correction of any noncompliance identified in FFYs 2004 and 2005.</p> <p>The State met its target and OSEP appreciates the State's efforts to improve performance. It is important that the State continue to monitor to ensure that IFSP teams make individualized decisions regarding the settings in which infants and toddlers receive early intervention services, in accordance with Part C natural environment requirements.</p> |
| <p>3. Percent of infants and toddlers with IFSPs who demonstrate improved:</p> <ul style="list-style-type: none"> A. Positive social-emotional skills (including social relationships); B. Acquisition and use of knowledge and skills (including early language/communication); and C. Use of appropriate behaviors to meet their needs. <p>[Results Indicator; New]</p> | <p>Entry data provided.</p> | <p>The State reported the required entry data and activities for this indicator. The State must provide progress data and improvement activities in the FFY 2006, due February 1, 2008.</p> <p>The State reported in the revised sampling plan that two samples, a statewide sample and a sample for a group of early intervention service programs would be conducted on a yearly basis. Please call your OSEP State Contact to confirm the random selection of those early intervention service programs that will be included in the annual sample.</p> |
| <p>4. Percent of families</p> | <p>Baseline, targets, and improvement</p> | <p>The State provided baseline data, targets and improvement activities and OSEP</p> |

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| <p>participating in Part C who report that early intervention services have helped the family:</p> <p>A. Know their rights;</p> <p>B. Effectively communicate their children's needs; and</p> <p>C. Help their children develop and learn.</p> <p>[Results Indicator; New]</p> | <p>activities provided. The State reported baseline of:</p> <p>4A. 71.2%</p> <p>4B. 65.69%</p> <p>4C. 82.41%</p> | <p>accepts the SPP for this indicator.</p> <p>OSEP's March 2 2006 SPP response letter required the State to include in the February 1, 2007 APR a revised methodology to describe how the State intended to collect valid and reliable data for this indicator. The State provided the required methodology in the revised sampling plan. Please call your OSEP State Contact to confirm the random selection of those early intervention service programs that will be included in the annual sample.</p> |
| <p>5. Percent of infants and toddlers birth to 1 with IFSPs compared to:</p> <p>A. Other States with similar eligibility definitions; and</p> <p>B. National data.</p> <p>[Results Indicator]</p> | <p>The State's FFY 2005 reported data for this indicator are 1.10%.</p> <p>The State met its FFY 2005 target of 1.10%.</p> | <p>OSEP appreciates the State's efforts to improve performance.</p> |
| <p>6. Percent of infants and toddlers birth to 3 with IFSPs compared to:</p> <p>A. Other States with similar eligibility definitions; and</p> <p>B. National data.</p> <p>[Results Indicator]</p> | <p>The State's FFY 2005 reported data for this indicator are 4.56%. The State met its FFY 2005 target of 4.29%.</p> | <p>OSEP appreciates the State's efforts to improve performance.</p> |
| <p>7. Percent of eligible infants and toddlers with IFSPs for whom an evaluation and assessment</p> | <p>The State's FFY 2005 reported data for this indicator are 52.9%. This represents slippage from the FFY</p> | <p>The State revised the improvement activities for this indicator in its SPP and OSEP accepts those revisions.</p> |

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| <p>and an initial IFSP meeting were conducted within Part C's 45-day timeline.</p> <p>[Compliance Indicator]</p> | <p>2004 data of 61.53%.</p> <p>The State did not meet its FFY 2005 target of 100%.</p> | <p>OSEP's March 2, 2007 SPP response letter required the State to include in the February 1, 2007 APR data demonstrating that prior noncompliance for this indicator was corrected.</p> <p>Although the State reported on pages 37 and 39 of the APR 99% correction of prior noncompliance, OSEP could not determine from the information provided the extent to which the prior noncompliance for this indicator was corrected in a timely manner.</p> <p>The State must implement and evaluate its improvement activities and revise them, if appropriate, to ensure they will enable the State to include data in the FFY 2006 APR, due February 1, 2008, that demonstrate compliance with the 45-day timeline requirements for both evaluations and initial IFSP meetings in 34 CFR §§303.321(e)(1), 303.322(e)(1) and 303.342(a), including correction of noncompliance identified in FFY 2005.</p> |
| <p>8A. Percent of all children exiting Part C who received timely transition planning to support the child's transition to preschool and other appropriate community services by their third birthday including:</p> <p>A. IFSPs with transition steps and services;</p> <p>[Compliance Indicator]</p> | <p>The State's FFY 2005 reported data for this indicator are 66.67%. This represents slippage from the FFY 2004 data of 81.33%.</p> <p>The State did not meet its FFY 2005 target of 100%.</p> | <p>OSEP's FFY 2004 SPP response letter required the State to include in the February 1, 2007 APR data demonstrating compliance with the requirements of this indicator. OSEP accepted the State's initial improvement plan to address lack of compliance with this indicator in February 2005. The State's FFY 2005 data represent slippage. The State revised the improvement activities for this indicator in its SPP and OSEP accepts those revisions.</p> <p>The State must implement and evaluate its improvement activities and revise them, if appropriate, to ensure they will enable the State to include data in the FFY 2006 APR, due February 1, 2008, that demonstrate compliance with the IFSP transition planning requirements in 34 CFR §§303.148(b)(4) and 303.344(h), including correction of any noncompliance identified in FFY 2005.</p> |
| <p>8B. Percent of all children exiting Part C who received timely transition planning to support the child's transition to preschool and other appropriate community services by their third birthday including:</p> | <p>The State's FFY 2005 reported data for this indicator are 77.38% (FFY 2004 data were also 77.38%).</p> <p>The State did not meet its FFY 2005 target of 100%.</p> | <p>OSEP's March 2, 2007 SPP response letter required the State to include in the February 1, 2007 APR data demonstrating compliance with the requirements of this sub-indicator. The State revised the improvement activities for this indicator in its SPP and OSEP accepts those revisions.</p> <p>The State must implement and evaluate its improvement activities and revise them, if appropriate, to ensure they will enable the State to include data in the FFY 2006 APR, due February 1, 2008, that demonstrate compliance with the</p> |

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| <p>B. Notification to LEA, if child potentially eligible for Part B; and</p> <p>[Compliance Indicator]</p> | | <p>IFSP transition planning requirements in 34 CFR §303.148(b)(1), including correction of any noncompliance identified in FFY 2005.</p> |
| <p>8C. Percent of all children exiting Part C who received timely transition planning to support the child's transition to preschool and other appropriate community services by their third birthday including:</p> <p>C. Transition conference, if child potentially eligible for Part B.</p> <p>[Compliance Indicator]</p> | <p>The State's FFY 2005 reported data for this indicator are 28.17 %. This represents slippage from the FFY 2004 data of 79.07%.</p> <p>The State did not meet its FFY 2005 target of 100%.</p> | <p>The State revised the improvement activities for this indicator in its SPP and OSEP accepts those revisions.</p> <p>OSEP's March 2, 2007 SPP response letter required the State to include in the February 1, 2007 APR data demonstrating compliance with the requirements of this sub-indicator. OSEP accepted the State's initial improvement plan to address lack of compliance with this indicator in February 2005.</p> <p>The State reported it implemented the following strategies to address noncompliance: (1) revising State law to require the referral of every child who is potentially eligible for Part B services; (2) training parents on how to make informed decisions regarding the transition process; (3) developing joint policies and procedures with the State Education Agency (SEA); and (4) developing corrective action plans that must be completed within one year of identification.</p> <p>The State must implement and evaluate its improvement activities and revise them, if appropriate, to ensure they will enable the State to include data in the FFY 2006 APR, due February 1, 2008, that demonstrate compliance with the IFSP transition planning requirements in 34 CFR §303.148(b)(2)(i) (as amended by IDEA section 637(a)(9)), including correction of any noncompliance identified in FFY 2005.</p> |
| <p>9. General supervision system (including monitoring, complaints, hearings, etc.) identifies and corrects noncompliance as soon as possible but in no case later than one year from identification.</p> | <p>The State's FFY 2005 reported data for this indicator are 99%. The State's FFY 2004 data were 100%.</p> <p>The State did not meet its FFY 2005 target of 100%.</p> | <p>The State revised its baseline data and improvement activities for this indicator in its SPP and OSEP accepts the SPP for this indicator.</p> <p>OSEP's March 2, 2006 SPP response letter required the State to include in the February 1, 2007 APR documentation that the State ensured correction of identified noncompliance, as soon as possible, but in no case later than one year from identification.</p> <p>The State provided data for this indicator indicating 99%, but did not break these data down by indicator or substantive finding areas. OSEP looks forward to</p> |

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| [Compliance Indicator] | | <p>reviewing data in the FFY 2006 APR, due February 1, 2008, that demonstrate compliance with the requirements in IDEA sections 616(a), 642, and 635(a)(10) and 34 CFR §303.510(b).</p> <p>In its response to Indicator 9 in the FFY 2006 APR due February 1, 2008, the State must disaggregate by APR indicator the status of timely correction of the noncompliance findings identified by the State during FFY 2005. In addition, the State must, in responding to Indicators 1, 2, 7, 8A, 8B, 8C, 10, 11 and 14 in the FFY 2006 APR, report on the correction of the noncompliance identified for those indicators in FFY 2005.</p> |
| <p>10. Percent of signed written complaints with reports issued that were resolved within 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint.</p> <p>[Compliance Indicator]</p> | <p>The State's FFY 2005 reported data for this indicator are 0%, based on the untimely resolution of 18 complaints filed. This represents the same data as the FFY 2004 data of 0%.</p> <p>The State did not meet its FFY 2005 target of 100%.</p> <p>The State reported that prior noncompliance was not corrected in a timely manner.</p> | <p>OSEP's March 2, 2007 SPP response letter required the State to include in the February 1, 2007 APR data to demonstrate compliance with the timely resolution of complaints as required by 34 CFR §303.512(b). The State reported that of 18 complaints filed, none were corrected in a timely manner. Failure to timely resolve complaints is a longstanding area of noncompliance for which OSEP accepted the State's plan in February 2005. The lack of progress in this area of longstanding noncompliance is a factor in the Department's determination under IDEA section 616 of New York's performance in implementing the requirements of Part C of IDEA.</p> <p>New York must implement and evaluate its improvement activities and revise them, if appropriate, to ensure they will enable New York to include data in the FFY 2006 APR that demonstrate compliance with the requirements in 34 CFR §303.512(b), including correction of noncompliance findings identified in FFY 2005 and any outstanding noncompliance findings identified in FFY 2004.</p> |
| <p>11. Percent of fully adjudicated due process hearing requests that were fully adjudicated within the applicable timeline.</p> <p>[Compliance Indicator]</p> | <p>The State' FFY 2005 reported data for this indicator are 50%. OSEP recalculated these data that indicate 33.33% for this indicator based on data in Table 4.</p> <p>This represents progress from FFY 2004 data of 0%.</p> <p>The State did not meet its FFY</p> | <p>OSEP's March 2, 2007 SPP response letter required the State to include in the February 1, 2007 APR data demonstrating compliance with the requirements in 34 CFR §303.423(b). The State reported that one of three due process requests were fully adjudicated within the applicable 30 day timeline.</p> <p>The small number of due process hearing requests may disproportionately negatively impact the State's compliance rate for this indicator. While the State is required to ensure that all due process hearings are timely resolved, the compliance percentage may not fully describe the extent of the compliance.</p> |

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| | 2005 target of 100%. | The State must implement and evaluate its improvement activities and revise them, if appropriate, to ensure they will enable New York to include data in the FFY 2006 APR that demonstrate compliance with the requirements in 34 CFR §303.512(b), including correction of noncompliance findings identified in FFY 2005 and any outstanding noncompliance findings identified in FFY 2004. |
| 12. Percent of hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements (applicable if Part B due process procedures are adopted). [Results Indicator; New] | Not applicable. | The State reported that it uses Part C due process hearing procedures under 34 CFR §303.420. |
| 13. Percent of mediations held that resulted in mediation agreements. [Results Indicator] | The State's FFY 2005 reported data for this indicator are 80%. This represents slippage from the FFY 2004 of 81.8%. The State did not meet its FFY 2005 target of 82%. | OSEP looks forward to the State's data demonstrating improvement in performance in the FFY 2006 APR, due February 1, 2008. |
| 14. State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate. [Compliance Indicator] | The State's FFY 2005 reported data for this indicator are 50%. This represents slippage from the FFY 2004 data of 100%. The State did not meet its FFY 2005 target of 100%. | The State must review its improvement activities and revise them, if appropriate, to ensure they will enable the State to include data in the FFY 2006 APR, due February 1, 2008, that demonstrate compliance with the requirements in IDEA sections 616, 618 and 642, and 34 CFR §§303.176 and 303.540. New York's FFY 2005 APR was untimely and the State must ensure its FFY 2006 APR is submitted no later than February 1, 2008. |