

Table B --New York Part C
Previously Identified Issues

Issue	State Submission	OSEP Analysis	Required Action
<p>Early Childhood Transition SPP Indicator 8A – OSEP’s February 2005 letter accepted the State’s plan to ensure compliance with the requirement to document steps on the Individualized Family Service Plan (IFSP) to support the transition of the child and family as required by 34 CFR §§303.148(b)(4) and 303.344(h). OSEP’s September 2005 letter required NYDOH to submit a final progress report by March 2, 2006 to demonstrate full compliance with this requirement.</p>	<p>8A: The State reported an 81.33% level of compliance for Indicator #8A in the SPP, specifically the IFSP transition planning requirements at 34 CFR §§303.148(b)(4) and 303.344(h). The State reported on pages 58 and 60 that it had fully corrected findings of noncompliance under 8A. NYDOH also included in the SPP improvement activities that include modifications to its database system to ensure compliance with the requirements of Indicator #8A.</p>	<p>The State reported data showing full correction of the previously-identified noncompliance with the requirement for Indicator #8A. OSEP appreciates the State’s efforts in correcting noncompliance with the specific EIS programs previously identified as being in noncompliance with this requirement. However, as noted in Table A, the State’s data indicates newly identified noncompliance for Indicator #8A.</p>	<p>OSEP looks forward to reviewing the State’s data in response to Indicator #8A in the APR, due February 1, 2007, demonstrating compliance with this requirement.</p>
<p>SPP Indicator 8C – OSEP’s February 2005 letter accepted the State’s plan to ensure compliance with the requirement to hold the transition meeting with the approval of the family, at least 90 days before the child’s third birthday as required by 34 CFR §303.148(b)(2)(i). The February 2005 letter required NYDOH to submit a final Progress Report by March 2, 2006 to demonstrate full compliance with this requirement.</p>	<p>8C: The State reported a 79.0% level of compliance for Indicator #8C in the SPP, specifically the transition conference requirement at 34 CFR §303.148(b)(2)(i). The State reported on pages 58 and 60 that it had fully corrected findings of noncompliance related to findings under 8C. NYDOH also included in the SPP improvement activities that include modifications to its database system to ensure compliance with the requirements of Indicator #8C.</p>	<p>The State reported data showing full correction of the previously-identified noncompliance with the requirement for Indicator #8C. OSEP appreciates the State’s efforts in correcting noncompliance with the specific EIS programs previously identified as being in noncompliance with this requirement. However, as noted in Table A, the State’s data indicates newly identified noncompliance for Indicator #8C.</p>	<p>OSEP looks forward to reviewing the State’s data in response to Indicator #8C in the APR, due February 1, 2007, demonstrating compliance with this requirement.</p>

Issue	State Submission	OSEP Analysis	Required Action
<p>General Supervision SPP Indicator 9A – OSEP’s February 2005 letter responding to the State’s FFY 2002 APR required the State to submit data demonstrating timely correction of State-identified noncompliance as required by 34 CFR §303.501(b) in the SPP due December 2, 2005. OSEP’s September 21, 2005 FFY 2003 APR response required NYDOH to submit updated data in its FFY 2005 SPP regarding the correction of identified noncompliance among the Early Intervention Programs (EIPs) as required by 34 CFR §303.501(b).</p> <p>The State was required to report on those agencies and individual providers who did not complete the strategies in their corrective action plans (CAPs).</p>	<p>On pages 58 and 60 (Table 1 and Table 2) of its FFY 2005 SPP, NYDOH reported that 57 of the 58 municipalities, 525 of the 582 agency providers and 1,173 of the 1,266 individual providers monitored were required to develop a CAP to correct the identified areas of noncompliance in FFY 2003.</p> <p>NYDOH reported data to demonstrate compliance with this indicator as follows: (1) 57 municipalities corrected 486 findings; (2) 525 agency providers corrected 6,018 findings; and (3) 1173 individual providers corrected some 6,689 findings.</p> <p>NYDOH reported that all municipalities, agency providers, and individual providers completed the activities in their CAPs by December 1, 2005 to demonstrate compliance with this requirement.</p> <p>The State reported data indicating 0% compliance with this Indicator, specifically with the requirement that complaint decisions be timely issued within 60 days of being filed with the lead agency.</p>	<p>The State reported data showing full correction of the previously-identified noncompliance with the requirement at 34 CFR §303.501(b). OSEP appreciates the State’s efforts in ensuring compliance with this requirement.</p>	<p>OSEP looks forward to reviewing the State’s data in the APR, due February 1, 2007, demonstrating continuing compliance with this requirement.</p>
<p>SPP Indicator 10 – OSEP’s February 2005 letter responding to the State’s FFY 2002 APR required the State to submit data demonstrating timely issuance of complaint decisions under 34 CFR §§303.510 through 303.512 by the SPP due December 2, 2005.</p> <p>OSEP’s September 21, 2005 FFY 2003 APR response required NYDOH to submit updated data in its FFY 2005 SPP regarding the timely resolution of complaints for the seven complaints pending as of June 30, 2004 and any additional complaints and due process hearings, as required by 34 CFR §§303.510-303.512.</p>	<p>The State reported data indicating continuing noncompliance. However, the number of complaints not timely issued were relatively small compared to the number received by the State and the State included strategies to address noncompliance.</p>	<p>The State’s data indicates continuing noncompliance. However, the number of complaints not timely issued were relatively small compared to the number received by the State and the State included strategies to address noncompliance.</p>	<p>OSEP looks forward to reviewing the State’s data in the APR, due February 1, 2007, demonstrating compliance with this requirement.</p>