



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

MAR 24 2004

Honorable Richard P. Mills  
Commissioner of Education  
New York State Education Department  
11 Education Building  
89 Washington Avenue  
Albany, New York 11234

Dear Commissioner Mills:

The purpose of this letter is to inform you of the results of the Office of Special Education Programs' (OSEP) recent verification visit to New York. As indicated in my letter to you of September 9, 2003, OSEP is conducting verification visits to a number of States as part of our Continuous Improvement and Focused Monitoring System (CIFMS) for ensuring compliance with, and improving performance under, Parts B and C of the Individuals with Disabilities Education Act (IDEA). We conducted our visit to New York during the week of November 17, 2003.

The purpose of our verification reviews of States is to determine how States use their general supervision, State-reported data collection, and State-wide assessment systems to assess and improve State performance, and to protect child and family rights. The purposes of the verification visits are to: (1) understand how the systems work at the State level; (2) determine how the State collects and uses data to make monitoring decisions; and (3) determine the extent to which the State's systems are designed to identify and correct noncompliance.

As part of the verification visit to the New York State Education Department (NYSED), OSEP staff met with Dr. Rebecca Cort, Interim Deputy Commissioner of the Office of Vocational and Educational Services for Individuals with Disabilities, New York State Education Department (NYSED) and members of NYSED staff who are responsible for: (1) the oversight of general supervision activities (including monitoring, mediation, complaint resolution, and impartial due process hearings); (2) the collection and analysis of State-reported data; and (3) ensuring participation in, and the reporting of student performance on, State-wide assessments. Prior to and during the visit, OSEP staff reviewed a number of documents,<sup>1</sup> including (but not limited to) the following: (1) NYSED Part B Eligibility Documents for Federal Fiscal Year 2003; (2) Center for Education Fundings Special Education Expenditures Project; (3) State documents, including *The State of Learning Report to the Governor and the Legislature*; (4) NYSED guidance to the field regarding State-wide assessments; (5) the NYSED NCLB Accountability Plan; (6) ) New York State 2002 Continuous Improvement Plan; (7) the

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<sup>1</sup> Documents reviewed as part of the verification process were not reviewed for legal sufficiency but rather to inform OSEP's understanding of your State's systems.

Biennial Performance Report 2000-2002; (11) NYSED Performance Report of Educational and Vocational Services and Results for Individual with Disabilities, 1999-2000 Volume 1 and 2; (8) NYSED 2003 Pocketbook of Goals and Results for Individuals with Disabilities; (9) NYSED State Improvement Grant (SIG); (10) NYSED General Supervision Enhancement Grant (GSEG); (11) NYSED Complaint Management and Resolution and due process log (including State Reviews and mediation services); (12) NYSED Quality Assurance manuals and selected monitoring files for school districts and individual schools; (13) NYSED required Comprehensive System of Personnel Development (CSPD); (14) the State's website; and (15) other pertinent data sources. OSEP also conducted a conference call on October 1, 2003, with a number of members of the NYSED Steering Committee, to hear their perspectives on the strengths and weaknesses of the State's systems for general supervision, data collection, and State-wide Assessment. Dr. Cort participated in the call and assisted us by recommending and inviting the participants.

The information that Dr. Cort and her staff provided during the OSEP visit, together with all of the information that OSEP staff reviewed in preparation for the visit, greatly enhanced our understanding of the NYSED systems for general supervision, data collection and reporting, and State-wide assessment. Dr. Cort and her staff were fully engaged and readily available throughout the duration of the visit. Dr. Cort also invited WESTAT to participate in the visit during the discussion of the State's data collection system.

### ***General Supervision***

In looking at the State's general supervision system, OSEP collected information regarding a number of elements, including whether the State: (1) has systemic, data-based, and reasonable approaches to identifying and correcting noncompliance; (2) has identified any barriers (e.g., limitations on authority, insufficient staff or other resources, etc.) that impede the State's ability to identify and correct noncompliance; (3) utilizes guidance, technical assistance, follow-up, and—if necessary—sanctions, to ensure timely correction of noncompliance; (4) has dispute resolution systems that ensure the timely resolution of complaints and due process hearings; and (5) has mechanisms in place to compile and integrate data across systems (e.g., 618 State-reported data, due process hearings, complaints, mediation, large-scale assessments, previous monitoring results, etc.) to identify systemic issues and problems.

OSEP believes that the NYSED systems for general supervision constitute a reasonable approach to the identification and correction of noncompliance; however, OSEP cannot, without also collecting data at the local level, determine whether the systems are fully effective in identifying and correcting noncompliance.

During the verification visit, OSEP reviewed the State's revised organization chart that illustrates how the administrative structure integrates the State's monitoring system (Special Education Quality Assurance (SEQA)) with policy and planning functions, technical assistance, professional development and support services systems. The

support services systems include Special Education Training and Resource Centers (SETRC), Regional School Support Centers (RSSC), Parent Centers, the Urban Initiatives, Transition Coordination Centers and Higher Education Support Centers (HESC). Vocational rehabilitation service delivery with independent living support services and State-operated and supported programs are also under the same administration. OSEP awarded NYSED a State Improvement Grant (SIG) during FFY 2002. SIG teams were created across the State to provide ongoing, intensive training programs and support to address specific root causes or barriers to full implementation of IDEA associated with State and local staff shortages and capacity building. OSEP awarded NYSED a General Supervision Enhancement Grant (GSEG) to assist the State in designing and building an Internet-based system to extend the State's capacity to collect, analyze, use, and report data to improve performance and ensure procedural compliance.

During the visit, NYSED described and presented documentation about the systems for addressing State-level complaints, due process hearings, the State review process and mediation and demonstrated how the systems have improved. OSEP reviewed NYSED documentation from NYSED's Office of Complaint Management and Resolution that indicated, for the period covering July 1, 2003 thru October 31, 2003, of the 28 formal State complaints, 100% were completed in accordance with IDEA timelines. OSEP reviewed data collected from the State's Impartial Hearing Reporting System that indicated NYSED completed, as of September 30, 2003, 95.5% of the 1269 cases on time with 2.6% of the hearing officer decisions exceeding the IDEA timelines. NYSED attributed the remaining 1.9% of the cases to the State's delay in appointing Impartial Hearing Officers (IHO). NYSED views the Internet-based system as a mechanism to enable the State to access real-time data regarding potential timeline violations and to notify the Office of Administrative hearings of approaching deadlines for IHO decisions and delays in appointments for IHOs. Parent surveys are also used to ascertain parental satisfaction regarding the impartial due process hearings especially as it relates to timelines and delays. NYSED also reported that the State Legislature gave the NYSED authority to de-certify hearing officers in cases involving incompetence and misconduct. To date, NYSED stated it has not had a need to exercise this authority. The State acknowledged the challenge of ensuring that local school districts implement hearing officer determinations and noted ongoing efforts to address the issue. NYSED must submit documentation in the Annual Performance Report (APR) of the State's progress on delays in IHO decisions and appointments as well as the backlog of State level complaint reviews.

The Senior Counsel in the NYSED State Review Office reported that the State reduced the backlog of State review hearings by 50% and that 100% of the backlog will be eliminated by December 2003. The State attributed delays in achieving this goal to obtaining needed records and documentation related to appeals. OSEP requests NYSED to submit documentation, in the APR that the State eliminated the backlog. Community Dispute Resolution Centers administer mediation with the goal of increasing usage of mediation and improving its 90% success rate. The State is addressing the limited

capacity to collect data on the use of mediation through the new Internet-based system to make real-time reporting available.

During the verification visit, NYSED staff informed OSEP that it reports data to the New York State Board of Regents, State Legislature, the Governor, OSEP and the public on State and local performance and procedural compliance. NYSED determines performance and compliance based on data related to the State's six goals and 14 key performance indicators, along with other program and student outcomes. The indicators include academic achievement outcomes, high school graduation and drop-out rates, classification rates, integration in regular education classes, disproportionality rates, career plans and postsecondary activities. The State uses school district performance outcome data and other trend data, such as State complaints and due process findings, to target districts for quality assurance reviews, issue-specific technical assistance, and training. NYSED uses performance outcome data and other trend data to determine the need of joint policy guidance from general and special education administrators.

NYSED staff discussed the positive impact of quality assurance measures that rely on trend data to broker technical assistance and personnel development activities. NYSED also appointed a broad cross section of stakeholders to serve in an advisory capacity as an added quality assurance measure. Stakeholders include teachers, parents, school administrators, BOCES administrators, preschool and private school staff, State Legislators, State Board Association members and other constituents. The stakeholders are also members of the NYSED Steering Committee, the State Early Intervention Coordinating Council and the Commissioner's State Advisory Panel further promoting a systemic approach to improve results for students with disabilities, a central theme of the NYSED 10-year Strategic Plan.

NYSED reported that the State revised its monitoring system. The system is designed to improve performance and ensure procedural compliance. Districts are required to submit annual School District Data Summary Reports that are used for desk audits and provide the NYSED with counts of school-aged students with disabilities, special education identification rates, and data on educational settings, and program and student performance data. NYSED's Special Education Quality Assurance Review manuals describe the review as a problem solving process that looks at the current state of student outcomes in a district, determines regulatory and programmatic root causes, resolves those areas of non-compliance and identifies strategies to address the causes of those gaps in student outcomes. NYSED analyzes multiple data sources in determining school district's performance against the 14 KPIs. Consideration is given for the number of years since the last review as well. The NYSED monitoring system focuses attention on the regulatory areas of greatest significance to student outcomes rather than relying on a cyclical monitoring schedule.

NYSED assigns forty Regional Associates to one of six Regional Offices located throughout the State. The Regional Associates provide IDEA grant oversight including complaint management and supervision of the quality assurance review teams (typically including special education administrator, chairperson of the Individual Education

Programs – if different from the administrator, special and general educators, and, as deemed appropriate, other stakeholders including parents and other agency representatives). The Regional Associate also provides direct support and assistance and, when appropriate, brokers the appropriate technical assistance to school districts.

During the 2002-2003 school year, NYSED piloted their comprehensive monitoring tool, the performance review protocol (to include Evaluation, Due Process, IEP, FAPE, LRE and Facilities, etc.), which is used in a limited number of school districts that do not meet the State's key performance indicators. The State continues to use the verification review protocol in school districts that meet and exceed the key performance indicators. NYSED revised program specific review protocols (i.e., Preschools, Charter, Non-district (to include BOCES) and Special Act Schools). NYSED also adopted specific focused monitoring protocols that address: (1) least restrictive environment; (2) exiting/transition; and (3) achievement. NYSED focused resources on districts with high need and low resources using a combination of technical assistance and supports.

State resources such as the Special Education Training and Resources Center, assist school districts to identify contributing root causes or barriers to full compliance. The Center teaches the root cause analysis techniques to local staff who serve as members of the quality assurance review teams. This has the benefit of capacity building at the local level to self-identify and correct non-compliance. Upon identifying the root causes for negative student outcomes, the State selects appropriate combination of technical assistance and resources to implement corrective actions and improvement strategies. NYSED uses Compliance Assurance Plans and, where applicable, the Quality Improvement Plans address both procedural compliance and the maintenance of programmatic performance. The Regional Associate is responsible for approving and tracking the Compliance Assurance Plan and submitting the Final Report to the NYSED. School districts correct the areas of non-compliance during the six to twelve month period the State monitoring teams are in the respective school districts. The State awards mini-grants within one year of the review to assist districts with their Compliance Assurance Plans. For those school districts requiring added support to address non-compliance, the State develops and provides the needed resources and supports. The NYSED has the authority to impose sanctions on poor performing school districts, to include, but not limited to, withholding of funds, and forcing failing schools to reform, reorganize, or close. The State considers public reporting of school results, in ways that the public can understand, as a critical part of the school reform strategy.

As an optional part of the State's review process, the Effective Practices section of the report is designed to be an information tool, which examines quality indicators of instructional and programmatic services and identifies the programs strengths and areas in need of improvement. The goal of this section is to identify those factors that lead to improved student achievement and increased integration of students with disabilities with their non-disabled peers for replication throughout the State.

The State reported ongoing efforts to increase their ability to address programmatic performance and procedural compliance through rigorous personnel recruitment,

retention and capacity building. OSEP recommends that NYSED analyze whether current and projected staffing levels are adequate to ensure ongoing implementation of a comprehensive general supervision oversight system.

***Collection of data under section 618 of the IDEA***

In looking at the State's system for data collection and reporting, OSEP collected information regarding a number of elements, including whether the State: (1) provides clear guidance and ongoing training to local programs/public agencies regarding requirements and procedures for reporting data under section 618 of the IDEA; (2) implements procedures to determine whether the individuals who enter and report data at the local and/or regional level do so accurately and in a manner that is consistent with the State's procedures, OSEP guidance, and section 618; (3) implements procedures for identifying anomalies in data that are reported, and correcting any inaccuracies; and (4) has addressed barriers to the implementation of procedures for data collection and reporting data under section 618 of the IDEA.

NYSED staff stated that the current data system accommodates both paper and electronic submissions at the school-level for 618 data reporting needs. Approximately 5% of the school districts do not have the capacity for electronic data submissions. After the 2003-2004 School Year, paper submissions will only be accepted from districts whose superintendents provide assurance that there is no electronic alternative for the specific site. Individual school key performance indicator data are reported using the NYSED School Report Card. These data are aggregated for the NYSED School District Report Card, including preschool data, to enable the State to meet all IDEA reporting requirements. The superintendents of the respective school districts certify the data's accuracy. The Commissioners and the Chief Administrative Officers for State agencies responsible for serving students with disabilities also certify the accuracy of their agencies' data. The NYSED data system has an added component that allows school districts to compare their performance with key performance indicators of other districts with similar profiles.

When the Special Education Data Collection, Analysis and Reporting Unit receive data, the data are processed electronically to avoid errors due to similar submissions and incomplete data fields. During the OSEP visit, Special Education Data Collection, Analysis and Reporting staff demonstrated the system's capacity to provide edit checks and real-time technical assistance to the field (including hyperlinks to provide immediate instructions and directions to navigate the State's website for other supports and guidance). Special Education Data Collection, Analysis and Reporting staff provide direct technical assistance to school districts by telephone or e-mail. The Special Education Training and Resources Center staff also provide training with added support from the Regional School Resource Center. As a part of the State's verification process, the State sends a notice to school districts instructing the districts to conduct a final review of the data and make needed changes before the data are considered 'final and locked'. The State uses only 'locked and error-free data' when reporting to OSEP, the State Legislature and the Governor.

Special Education Data Collection, Analysis and Reporting staff reported that they attend annual OSEP-sponsored data managers meetings as a means to ensure the State has up to date information. Prior to the visit, OSEP reviewed a letter from WESTAT to NYSED (dated February 2003) indicating the State had "...failed to submit timely, complete and accurate data reports for Part B of the IDEA as required by section 618 of IDEA, specifically: (1) NYSED did not submit discipline data for 2000-2001 in a timely manner; (2) NYSED race/ethnicity child count data for 2000 was submitted more than a year late; (3) NYSED did not submit educational environment by disability data for three through five year olds; and (4) 1999-2000 child count and environment for three through five year olds were inaccurate in that the totals did not match." OSEP and NYSED developed a plan that addressed the concerns raised in the WESTAT letter and NYSED submitted corrections to OSEP on July 15, 2003.

During the OSEP verification visit, NYSED raised additional concerns regarding the definitions for the data fields of least restrictive environment and child count. OSEP reviewed the 618 reporting forms used by NYSED. The forms are consistent with OSEP's definitions, with the following exceptions: (1) NYSED least restrictive environment data are collected and reported using sampling by discrete age for four through five year olds rather than OSEP's reporting requirement for combined data for K-level children with preschool children (three through five year olds); and (2) NYSED's quality assurance measures use data based on the amount of time students spend with their non-disabled peers regardless of educational environment categories rather than OSEP's reporting requirement for data regarding the time spent in the regular education classroom. NYSED also expressed concern for differences in definitions and requirements for graduation across states and their impact on both the reliability and validity of the data. OSEP and WESTAT continue to provide technical assistance to support NYSED's use of OSEP's required definitions when reporting 618 data.

Additional challenges noted by the State included the need to: (1) build a system for trend data; (2) increase the number of information technology system staff to provide full-time and on-site technical assistance; (3) implement paper reduction measures; (4) submit accurate data on-time; (5) develop an individual student record system; and (6) receive OSEP reporting forms in a timely manner.

The State is using its General Supervision Enhancement Grant as a resource to develop an Internet-based data collection, analysis and reporting system. NYSED reported the current system is outdated and that the new system will further advance the State's capacity to disseminate information, provide 'real-time' guidance, issue instant error edits and online training regarding requirements and procedures for reporting data under section 618 of the IDEA. The State views these efforts as added measures to ensure data reliability and validity. NYSED informed OSEP that the request-for-proposals for designing and building the new system has resulted in preliminary negotiations for a contract for the system's design with continued bidding for contractors to build the system. The State is identifying individual student indicators to enhance the State's capacity to determine individual student-level performance for all students and to follow students beyond secondary education experiences – an added measure of determining

long-term results for students with disabilities. NYSED anticipates that the new system will also address the aforementioned challenge of reporting delays by entities other than the school districts, given the capacity to issue instant notices regarding delays and errors. Withholding funds is an option for districts that do not submit data in a timely manner. However, to date, the State has reported that it has had no reason to exercise this level of enforcement.

The proposed Internet-based data collection, analysis and reporting system should further advance the State's capacity to utilize data as a quality assurance measure to ensure educational equity and excellence. OSEP believes that the NYSED's system for data collection and reporting is designed in a manner that is consistent with the requirements under section 618 of the IDEA.

### *State-wide Assessment*

In looking at the State's system for State-wide assessment, OSEP collected information regarding a number of elements, including whether the State: (1) establishes procedures for State-wide assessment that meet the participation, alternate assessment, and reporting requirements of Part B, including ensuring the participation of all students, including students with disabilities, and the provision of appropriate accommodations; (2) provides clear guidance and training to public agencies regarding those procedures and requirements; (3) monitors local implementation of those procedures and requirements; and (4) reports on the performance of children with disabilities on those assessments, in a manner consistent with those requirements. In order to better understand New York's system for State-wide assessment, OSEP also discussed with your staff how the alternate assessment is aligned with grade-appropriate content standards.

OSEP has determined, through its review of the State's written procedures for State-wide assessments and the State's reports to the public and the Secretary on the participation and performance of children with disabilities on such assessments, that those procedures, as written, and those reports are consistent with Part B requirements. OSEP cannot, however, without also collecting data at the local level, determine whether all public agencies in the State implement the State's procedures in a manner that is consistent with Part B.

State learning standards form the foundation for State-wide assessments. Performance is measured by the regular and alternate assessments. The NEW YORK STATE ASSESSMENT PROGRAM is administered at the fourth and eighth grades in the content areas of English Language Arts, Math, Science and Social Studies. Performance is reported using four levels of proficiency. At the secondary level the REGENTS EXAMINATIONS are administered to students (grouped in cohorts based on the year they first entered the ninth grade) when the students complete the coursework for the tenth grade core curriculum. THE NEW YORK STATE ALTERNATE ASSESSMENT PROGRAM is administered to test all students with severe disabilities in the specified age ranges and is predicated on adequate standards-based instruction. Student progress is measured against alternate performance indicators using assessment tests and a scoring rubric in the areas of English Language



Arts, Mathematics, Science and Technology, Social Studies, Health, Physical Education and Consumer Science. Performance is reported in four levels of proficiency. School districts must report all students eligible to take the alternate assessment and submit a data-folio (which may include videotapes, audio-tapes, photographs and samples of student work) to the scoring centers within required timelines.

Additional NYSED documents informed OSEP that NYSED gave school districts the option of accepting scores of 55 or higher on the Regents Examinations<sup>2</sup> as demonstrating competency. Since 1984, NYSED requires each successive class of ninth-graders to score 55 or higher on one or more additional Regents examination to receive a local diploma. In 1997, the Regents required students entering the ninth grade in 2001 to score 65 or higher on Regents examination in all required competency areas to receive a Regents-endorsed local diploma. NYSED phased-out the local diploma for students enrolling in the ninth grade after the September 2001 school year, leaving only the Regents and the Advanced Regents Diploma, the High School Equivalency or GED or another equivalency and the IEP diploma. To provide added time for districts to prepare students with disabilities to meet the higher graduation standards, the Regents adopted a safety net for students with disabilities and for general education students who qualify for services under Section 504 of the Rehabilitation Act. The safety net requires eligible students to participate in the Regents examination, but allows those unable to pass the Regents examination to earn a local diploma by passing the related Regents competency test. NYSED informed OSEP during the visit that the Regents Competency Tests would be phased out during the 2008-2009 School Year.

NYSED informed OSEP that as of April 2000, the Regents commissioned the Task Force on Closing the Performance Gap, assisted by the State-wide Performance Advisory Council, whose members represent a wide range of education and community interests. The Task Force will recommend strategies for ensuring that all students meet the new, higher standards. The Regents established core courses that are aligned with the requirements of the Elementary and Secondary Education Act of 1965.

NYSED defines locally selected assessments as 'instructional level' assessments and uses them for approximately 200 secondary students who are not able to pass the Regents exam and who are determined to be ineligible for the alternate assessment. The IEP team determines the type of assessments and the appropriate accommodations and modifications. Results from evaluation of a pilot conducted by the State at selected sites supported the decision to eliminate the use of the locally selected assessments at the end of the 2003-2004 School Year.

All local school districts submit State-wide assessment data to the NYSED Regional Information Centers. Upon receipt of local State-wide assessment data, the Regional Information Center validates the data and forwards the corrected and revised data to the NYSED Standards, Assessment and Reporting Division of Elementary, Middle, Secondary and Continuing Education. Assessment data for both students with disabilities and students without disabilities are also reported to parents, schools, service

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<sup>2</sup> There are a total of sixteen Regents Examinations.

providers and other stakeholders. NYSED informed OSEP that district-wide assessments are not a part of the State's accountability system. When district-wide assessments are administered by local school districts, student performance is reported to parents of children in the same manner and frequency as the scores are reported to parents of non-disabled students. NYSED informed OSEP that school districts are provided guidance concerning accommodations, modifications and alternate assessments as appropriate, NYSED monitors districts for compliance under requirements for State-wide assessments as well as district-wide assessments.

Through interviews with NYSED staff and a review of documents, OSEP learned that the IEP team determines both the type of State-wide assessment and the needed accommodations and modifications. NYSED does not consider a child with disabilities as participating in an assessment if he or she is given an accommodation or modification in administration that invalidates the assessment. In response to the OSEP letter, NYSED issued policy guidance, the publication *Tools to Guide Decision-making*, and other State documents to inform IEP teams about how student performance on State-wide assessments will be used, including the consequences for students with disabilities (e.g., students not receiving a regular high school diploma) when the IEP team selects a specific type of assessment. The State Improvement Grant sponsors state-wide training to develop Universal Design for Learning protocols. NYSED makes available an added fiscal incentive to local school districts to promote the purchase of instructional materials that meet Universal Design criteria. The State is attempting to develop Universal-Design for Assessments protocols as well.

As part of the State's monitoring system, NYSED reported that the key performance indicators related to academic achievement are interwoven into the quality assurance measures of all review protocols. The State piloted the achievement focused review to measure school district performance toward achieving the appropriate State key performance indicators. Protocols in the achievement focused review address the IEP team's decision-making regarding accommodations, modifications and practices that may result in negative outcomes for students with disabilities.

### ***Additional Information***

In 1995 NYSED started a strategic planning process to promote educational excellence and equity. During the verification visit, NYSED reported on several system change strategies that are positively impacting results for children with disabilities: (1) School districts are required to use NYSED approved Comprehensive System of Personnel Development (CSPD) plans as personnel development planning tools that ensure personnel are adequately prepared to provide the services and supports needed for the education of students with disabilities. The plans serve as the core of NYSED's continuum of technical assistance (i.e., a matrix of overlapping combinations of resources designed to target specific systemic issues identified through data analysis). The main focus of this technical assistance is to reach special education and regular education teachers directly to improve results for students with disabilities; (2) NYSED is reviewing the State aid funding system to increase the effective use of State and local

resources to provide students with the extra time and help they need to meet the Regents standards. The School Tax Relief program provides separate State revenues to reduce school district reliance on the property tax; and (3) Starting in 1999-2000 School Year school districts were required to submit a plan that included space availability for special education populations. The plans must be approved by NYSED prior to authorization for any building renovation or construction. NYSED believes that requiring local school districts to secure a State-approved space plan to be the most important strategy in placing students with disabilities in the least restrictive environment. The trend data reflect the success of this strategy; and (4) The Board of Regents reorganized to merge committee members from special and general education to ensure consistency across programs.

We appreciate the cooperation and assistance provided by your staff during our visit. As noted above, we request that you keep us informed concerning your progress in ensuring that due process hearing decision timelines are met in accordance with the due process hearing requirements. In addition, as noted earlier in this letter, NYSED must report the status of delays in IHO decisions and appointments and the backlog of State level complaint reviews, in the APR submission due March 31, 2004. We look forward to collaborating with New York as you continue to work to improve results for children with disabilities and their families.

Sincerely,

Stephanie Smith Lee  
Director  
Office of Special Education Programs

cc: Dr. Rebecca Cort