

New York Part B FFY 2006 SPP/APR Response Table

Monitoring Priorities and Indicators	Status	OSEP Analysis/Next Steps
<p>1. Percent of youth with IEPs graduating from high school with a regular diploma compared to percent of all youth in the State graduating with a regular diploma.</p> <p>[Results Indicator]</p>	<p>The State reported FFY 2005 data for this indicator of 37%.</p> <p>These data are not valid and reliable because the State did not provide data for FFY 2006. Therefore, OSEP could not determine whether there was progress or slippage or whether the State met its target.</p>	<p>OSEP's June 15, 2007 FFY 2005 SPP/APR response table required the State to include in the FFY 2006 APR, due February 1, 2008, data for this indicator for FFY 2005 and FFY 2006. The State provided the required data for FFY 2005.</p> <p>The State did not submit the required data for FFY 2006 because of the State's transition to a new data collection system for high school students. The State must provide the required data for FFY 2006 and FFY 2007 in the FFY 2007 APR, due February 1, 2009. The State may provide either comparison data for children with disabilities and nondisabled children for FFY 2006 and FFY 2007, or data for just children with disabilities for FFY 2006 and FFY 2007.</p>
<p>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.</p> <p>[Results Indicator]</p>	<p>The State reported FFY 2005 data of 22.2%.</p> <p>These data are not valid and reliable because the State did not provide data for FFY 2006. Therefore, OSEP could not determine whether there was progress or slippage or whether the State met its target.</p>	<p>OSEP's June 15, 2007 FFY 2005 SPP/APR response table required the State to include in the FFY 2006 APR, due February 1, 2008, data for this indicator for FFY 2005 and FFY 2006. The State provided the required data for FFY 2005.</p> <p>The State did not submit the required data for FFY 2006 because of the State's transition to a new data collection system for high school students. The State must provide the required data for FFY 2006 and FFY 2007 in the FFY 2007 APR, due February 1, 2009. The State may provide either comparison data for children with disabilities and nondisabled children for FFY 2006 and FFY 2007, or data for just children with disabilities for FFY 2006 and FFY 2007.</p>
<p>3. Participation and performance of children with disabilities on statewide assessments:</p> <p>A. Percent of districts that have a</p>	<p>The State revised its targets in its FFY 2006 APR.</p> <p>The State's FFY 2006 reported data for this indicator are 75.5%. These data represent progress from the FFY 2005 data of 57.6% (also reported in the FFY 2006 APR).</p>	<p>OSEP's June 15, 2007 FFY 2005 SPP/APR response table required the State to include in the FFY 2006 APR, due February 1, 2008, data for this indicator for FFY 2005 and FFY 2006. The</p>

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<p>disability subgroup that meets the State's minimum "n" size meeting the State's AYP objectives for progress for disability subgroup.</p> <p>[Results Indicator]</p>	<p>The State met its FFY 2006 target of 57%.</p>	<p>State provided the required data.</p> <p>OSEP appreciates the State's efforts to improve performance.</p>																																																															
<p>3. Participation and performance of children with disabilities on statewide assessments:</p> <p>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.</p> <p>[Results Indicator]</p>	<p>The State's FFY 2006 reported data for this indicator are:</p> <table border="1" data-bbox="548 500 1419 951"> <thead> <tr> <th>Grade</th> <th>FFY 2005 Data</th> <th>FFY 2006 Data</th> <th>FFY 2006 Target</th> <th>FFY 2005 Data</th> <th>FFY 2006 Data</th> <th>FFY 2006 Target</th> </tr> <tr> <td></td> <td colspan="3">Reading</td> <td colspan="3">Math</td> </tr> </thead> <tbody> <tr> <td>3</td> <td>95%</td> <td>96.8%</td> <td>95%</td> <td>96%</td> <td>96.9%</td> <td>95%</td> </tr> <tr> <td>4</td> <td>95%</td> <td>96.8%</td> <td>95%</td> <td>96%</td> <td>96.9%</td> <td>95%</td> </tr> <tr> <td>5</td> <td>95%</td> <td>96.8%</td> <td>95%</td> <td>96%</td> <td>96.9%</td> <td>95%</td> </tr> <tr> <td>6</td> <td>95%</td> <td>96.8%</td> <td>95%</td> <td>96%</td> <td>96.9%</td> <td>95%</td> </tr> <tr> <td>7</td> <td>95%</td> <td>96.8%</td> <td>95%</td> <td>96%</td> <td>96.9%</td> <td>95%</td> </tr> <tr> <td>8</td> <td>95%</td> <td>96.8%</td> <td>95%</td> <td>96%</td> <td>96.9%</td> <td>95%</td> </tr> <tr> <td>HS</td> <td>90%</td> <td>92.7%</td> <td>95%</td> <td>91%</td> <td>94%</td> <td>95%</td> </tr> </tbody> </table> <p>These data represent progress from the FFY 2005 data (also reported in the FFY 2006 APR).</p> <p>The State met part of its FFY 2006 targets.</p>	Grade	FFY 2005 Data	FFY 2006 Data	FFY 2006 Target	FFY 2005 Data	FFY 2006 Data	FFY 2006 Target		Reading			Math			3	95%	96.8%	95%	96%	96.9%	95%	4	95%	96.8%	95%	96%	96.9%	95%	5	95%	96.8%	95%	96%	96.9%	95%	6	95%	96.8%	95%	96%	96.9%	95%	7	95%	96.8%	95%	96%	96.9%	95%	8	95%	96.8%	95%	96%	96.9%	95%	HS	90%	92.7%	95%	91%	94%	95%	<p>OSEP's June 15, 2007 FFY 2005 SPP/APR response table required the State to include in the FFY 2006 APR, due February 1, 2008, data for this indicator for FFY 2005 and FFY 2006. The State provided the required data.</p> <p>OSEP appreciates the State's efforts to improve performance and looks forward to the State's data demonstrating improvement in performance in the FFY 2007 APR, due February 1, 2009.</p>
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HS	90%	92.7%	95%	91%	94%	95%																																																											
<p>3. Participation and performance of children with disabilities on statewide assessments:</p> <p>C. Proficiency rate for children with IEPs against grade level standards and alternate achievement standards.</p> <p>[Results Indicator]</p>	<p>The State's FFY 2006 reported data for this indicator are:</p> <table border="1" data-bbox="548 1182 1335 1521"> <thead> <tr> <th rowspan="2">Grade Level & Subject</th> <th colspan="3">Performance Index</th> </tr> <tr> <th>FFY 2005</th> <th>FFY 2006</th> <th>FFY 2006 Target</th> </tr> </thead> <tbody> <tr> <td>3-8 ELA</td> <td>91</td> <td>103</td> <td>96</td> </tr> <tr> <td>3-8 Math</td> <td>100</td> <td>115</td> <td>105</td> </tr> <tr> <td>High School ELA</td> <td>114</td> <td>117</td> <td>119</td> </tr> <tr> <td>High School</td> <td>124</td> <td>127</td> <td>129</td> </tr> </tbody> </table>	Grade Level & Subject	Performance Index			FFY 2005	FFY 2006	FFY 2006 Target	3-8 ELA	91	103	96	3-8 Math	100	115	105	High School ELA	114	117	119	High School	124	127	129	<p>OSEP's June 15, 2007 FFY 2005 SPP/APR response table required the State to include in the FFY 2006 APR, due February 1, 2008, data for this indicator for FFY 2005 and FFY 2006. The State provided the required data.</p> <p>OSEP appreciates the State's efforts to improve performance and looks forward to the State's data demonstrating improvement in performance in the FFY 2007 APR, due February 1, 2009.</p>																																								
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Monitoring Priorities and Indicators	Status				OSEP Analysis/Next Steps
	Math				
<p>4. Rates of suspension and expulsion:</p> <p>A. Percent of districts identified by the State as having a significant discrepancy in the rates of suspensions and expulsions of children with disabilities for greater than 10 days in a school year; and</p> <p>[Results Indicator]</p>	<p>The State's FFY 2006 reported data for this indicator are 2.3%. These data represent progress from the FFY 2005 data of 2.5%.</p> <p>The State met part of its FFY 2006 targets.</p> <p>The State did not meet its FFY 2006 target of 0%.</p> <p>The State reported on correction of noncompliance identified through the review of policies, practices and procedures relating to development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards. Of the 18 districts with problems identified during reviews in FFY 2005, 13 districts had corrected noncompliance within one year.</p>				<p>OSEP's June 15, 2007 FFY 2005 SPP/APR response table required the State to include in the FFY 2006 APR, due February 1, 2008, a description of the review, and if appropriate, revision, of policies, procedures, and practices relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards to ensure compliance with the IDEA for the LEAs identified as having significant discrepancies in the FFY 2005 APR. The State provided the required information.</p> <p>OSEP looks forward to the State's data demonstrating improvement in performance in the FFY 2007 APR, due February 1, 2009, including correction of the noncompliance identified in the FFY 2006 APR.</p> <p>The State reported that noncompliance, identified in FFY 2005 as a result of the review required by 34 CFR §300.170(b), was partially corrected. The State must demonstrate, in the FFY 2007 APR, due February 1, 2009, that the uncorrected noncompliance was corrected.</p> <p>In reporting on this indicator in the FFY 2007 APR, due February 1, 2009, the State must describe the results of the State's examination of data from FFY 2007 (2007-2008). In addition, the State must describe the review, and if appropriate, revision, of policies, procedures and practices relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and</p>

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Monitoring Priorities and Indicators	Status	OSEP Analysis/Next Steps								
		<p>procedural safeguards to ensure compliance with the IDEA for the LEAs identified with significant discrepancies in FFY 2006, as required by 34 CFR §300.170(b). For districts identified with significant discrepancies based on FFY 2005 and FFY 2006 data whose policies and procedures were reviewed consistent with §300.170(b) and that were also identified with significant discrepancies based on FFY 2006 and/or FFY 2007 data, the subsequent review, at a minimum, must include whether there have been changes to the policies and procedures since the last review; if so, whether those changes comply with requirements regarding the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards; and whether practices in these areas continue to comply with applicable requirements.</p>								
<p>4. Rates of suspension and expulsion: 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. [Results Indicator]</p>	<p>Reporting on Indicator 4B was not required for the FFY 2006 APR.</p>									
<p>5. Percent of children with IEPs aged 6 through 21: A. Removed from regular class less than 21% of the day; B. Removed from regular class</p>	<p>The State's reported data for this indicator are:</p> <table border="1" data-bbox="550 1352 1325 1511"> <thead> <tr> <th></th> <th>FFY 2005 Data</th> <th>FFY 2006 Data</th> <th>FFY 2006 Target</th> </tr> </thead> <tbody> <tr> <td>A. Removed from regular class</td> <td>54.5%</td> <td>53.1%</td> <td>55%</td> </tr> </tbody> </table>		FFY 2005 Data	FFY 2006 Data	FFY 2006 Target	A. Removed from regular class	54.5%	53.1%	55%	<p>OSEP appreciates the State's efforts and looks forward to the State's data demonstrating improvement in performance in the FFY 2007 APR, due February 1, 2009.</p>
	FFY 2005 Data	FFY 2006 Data	FFY 2006 Target							
A. Removed from regular class	54.5%	53.1%	55%							

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<p>greater than 60% of the day; or C. Served in public or private separate schools, residential placements, or homebound or hospital placements. [Results Indicator]</p>	less than 21% of the day.																
	B. Removed from regular class greater than 60% of the day.	25.5%	24.6%	26%													
	C. Served in public or private separate schools, residential placements, or homebound or hospital placements.	6.9%	6.8%	6.5%													
	<p>These data represent progress for 5B and 5C and slippage for 5A from the FFY 2005 data.</p> <p>The State met its FFY 2006 targets for 5B and 5C and did not meet its FFY 2006 target for 5A.</p>																
<p>6. Percent of preschool children with IEPs who received special education and related services in settings with typically developing peers (i.e., early childhood settings, home, and part-time early childhood/part-time early childhood special education settings). [Results Indicator]</p>	Reporting on Indicator 6 was not required for the FFY 2006 APR.																
<p>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. [Results Indicator; New]</p>	<p>The State's FFY 2006 reported progress data for this indicator are:</p> <table border="1" data-bbox="548 1089 1312 1502"> <thead> <tr> <th data-bbox="548 1089 930 1263">06-07 Preschool Outcome Progress Data</th> <th data-bbox="930 1089 1062 1263">Social Emotional</th> <th data-bbox="1062 1089 1180 1263">Knowledge & Skills</th> <th data-bbox="1180 1089 1312 1263">Appropriate Behavior</th> </tr> </thead> <tbody> <tr> <td data-bbox="548 1263 930 1333">a. % of preschoolers who did not improve functioning.</td> <td data-bbox="930 1263 1062 1333">3.2%</td> <td data-bbox="1062 1263 1180 1333">2.3%</td> <td data-bbox="1180 1263 1312 1333">3.1%</td> </tr> <tr> <td data-bbox="548 1333 930 1502">b. % of preschoolers who improved but not sufficient to move nearer to functioning comparable to same-aged peers.</td> <td data-bbox="930 1333 1062 1502">14.5%</td> <td data-bbox="1062 1333 1180 1502">15.7%</td> <td data-bbox="1180 1333 1312 1502">13.5%</td> </tr> </tbody> </table>				06-07 Preschool Outcome Progress Data	Social Emotional	Knowledge & Skills	Appropriate Behavior	a. % of preschoolers who did not improve functioning.	3.2%	2.3%	3.1%	b. % of preschoolers who improved but not sufficient to move nearer to functioning comparable to same-aged peers.	14.5%	15.7%	13.5%	<p>OSEP's June 15, 2007 FFY 2005 SPP/APR response table required the State to include, in the FFY 2006 APR, due February 1, 2008, progress data and improvement activities. The State reported the required progress data and improvement activities. The State must provide progress data with the FFY 2007 APR, due February 1, 2009, and baseline data and targets with the FFY 2008 APR, due February 1, 2010.</p>
06-07 Preschool Outcome Progress Data	Social Emotional	Knowledge & Skills	Appropriate Behavior														
a. % of preschoolers who did not improve functioning.	3.2%	2.3%	3.1%														
b. % of preschoolers who improved but not sufficient to move nearer to functioning comparable to same-aged peers.	14.5%	15.7%	13.5%														

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	c. % of preschoolers who improved to a level nearer to same-aged peers but did not reach it.	24.6%	26.2%	19.8%	
	d. % of preschoolers who improved functioning to reach a level comparable to same-aged peers.	28.0%	31.2%	27.5%	
	e. % of preschoolers who maintained functioning at a level comparable to same-aged peers.	29.6%	24.6	36.0%	
	The State provided improvement activities for this indicator covering the remaining years of the SPP.				
<p>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.</p> <p>[Results Indicator]</p>	<p>The State's FFY 2006 reported data for this indicator are 86.9%. These data remain unchanged from the FFY 2005 data of 86.9%. However, based on the actual numbers provided by the State, OSEP recalculated the data for this indicator to be 87.8% (an unweighted average of responses on the parent survey).</p> <p>The State met its FFY 2006 target of 87%.</p>				<p>OSEP appreciates the State's efforts to improve performance.</p>
<p>9. Percent of districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification.</p> <p>[Compliance Indicator]</p>	<p>The State reported FFY 2005 data for this indicator of 0.9%.</p> <p>The State reported the actual number of districts determined in FFY 2005 to have disproportionate overrepresentation that was the result of inappropriate identification. However, for FFY 2006, the State identified districts with disproportionate overrepresentation of racial and ethnic groups in special education and related services, but did not determine if the disproportionate representation was the result of inappropriate identification.</p> <p>The State did not provide valid and reliable data because the complete data the State provided were for the previous fiscal year, and the FFY 2006 data are not consistent with the measurement. In addition, these data are not valid and reliable because the State did not examine data for</p>				<p>OSEP's June 15, 2007 FFY 2005 SPP/APR response table required the State to clarify whether it defined disproportionate representation to be the same as significant disproportionality, since it used both terms in responding to this indicator. (The State is not required to define these terms to be the same.) The State clarified that its definitions of disproportionate representation and significant disproportionality are the same. This raises concerns about the State's compliance with 34 CFR §300.646. In the FFY 2007 APR, due February 1, 2009, the State must address whether</p>

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Monitoring Priorities and Indicators	Status	OSEP Analysis/Next Steps
	<p>underrepresentation of racial and ethnic groups in special education and related services. Therefore, OSEP could not determine whether there was progress or slippage or whether the State met its target.</p> <p>The State reported that 4 of the 6 LEAs identified based on FFY 2005 data as having disproportionate representation of racial and ethnic groups in special education and related services that was the result of inappropriate identification are in compliance with the requirements of 34 CFR §§300.111, 300.201 and 300.301 through 300.311. The State reported that the one year timeline had not expired on the other LEAs.</p>	<p>it complied with the requirements of 34 CFR §300.646(b) for the districts it identified with significant disproportionality based on FFY 2005, FFY 2006 and FFY 2007 data.</p> <p>OSEP's June 15, 2007 FFY 2005 SPP/APR response table also required the State to include in the FFY 2006 APR, due February 1, 2008, data demonstrating that it had determined whether disproportionate representation was the result of inappropriate identification for data from FFY 2005 and FFY 2006, including information demonstrating that it had examined data for FFY 2005 and FFY 2006 to identify both overrepresentation and underrepresentation of racial and ethnic groups in special education and related services that is the result of inappropriate identification. While the State provided FFY 2005 data for this indicator on overrepresentation that was the result of inappropriate identification, it reported that data from FFY 2005 was only examined for overrepresentation and that it had not yet selected a method to analyze data for underrepresentation. We conclude that the State is not complying with the requirements of 34 CFR §300.600(d)(3).</p> <p>Additionally, the State did not report on disproportionate representation that is the result of inappropriate identification based on school year 2006-2007 data.</p> <p>In the FFY 2007 APR, due February 1, 2009, the State must report on the number of districts with disproportionate representation (both overrepresentation and underrepresentation) of racial and ethnic groups in special education and related services that is the result of inappropriate identification based on child count data from</p>

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Monitoring Priorities and Indicators	Status	OSEP Analysis/Next Steps
		<p>FFY 2006 and FFY 2007.</p> <p>The State reported that noncompliance identified in FFY 2005 (based on FFY 2004 data) and FFY 2006 (based on FFY 2005 data) with the requirements in 34 CFR §§300.173, 300.111, 300.201 and 300.301 through 300.311 was partially corrected. The State must demonstrate, in the FFY 2007 APR, due February 1, 2009, that the uncorrected noncompliance was corrected.</p> <p>The State must review its improvement activities and revise, if appropriate, to ensure they will enable the State to demonstrate in the FFY 2007 APR, due February 1, 2009, that the State has in effect policies and procedures as required by 34 CFR §300.173 and that the LEAs identified based on data from FFY 2006 and FFY 2007 as having disproportionate representation of racial or ethnic groups in special education and related services that was the result of inappropriate identification are in compliance with the requirements of 34 CFR §§300.111, 300.201 and 300.301 through 300.311. For districts identified as having disproportionate representation of racial or ethnic groups in special education and related services that was the result of inappropriate identification based on FFY 2004 and/or FFY 2005 data, that were reviewed for compliance with the requirements of 34 CFR §§300.111, 300.201 and 300.301 through 300.311, and that were also identified as having disproportionate representation that was the result of inappropriate identification based on FFY 2006 and/or FFY 2007 data, the subsequent review, at a minimum, must include whether there have been changes to the policies and procedures since the last review; and, if so, whether those changes comply with requirements</p>

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Monitoring Priorities and Indicators	Status	OSEP Analysis/Next Steps
		of 34 CFR §§300.111, 300.201 and 300.301 through 300.311.
<p>10. Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.</p> <p>[Compliance Indicator]</p>	<p>The State reported FFY 2005 data for this indicator of 1.0%.</p> <p>The State reported the actual number of districts determined in FFY 2005 to have disproportionate overrepresentation that was the result of inappropriate identification. However, for FFY 2006, the State identified districts with disproportionate overrepresentation of racial or ethnic groups in specific disability categories, but did not determine if the disproportionate overrepresentation was the result of inappropriate identification.</p> <p>The State did not provide valid and reliable data because the complete data the State provided were for the previous year, and the FFY 2006 data are not consistent with the measurement. In addition, these data are not valid and reliable because the State did not examine data for underrepresentation of racial and ethnic groups in specific disability categories. Therefore, OSEP could not determine whether there was progress or slippage or whether the State met its target.</p> <p>The State reported that two of seven LEAs identified based on FFY 2005 data as having disproportionate representation of racial and ethnic groups in specific disability categories that was the result of inappropriate identification are in compliance with the requirements of 34 CFR §§300.111, 300.201 and 300.301 through 300.311. The State reported that the one year timeline had not expired on the other LEAs.</p>	<p>OSEP’s June 15, 2007 FFY 2005 SPP/APR response table required the State to clarify whether it defined disproportionate representation to be the same as significant disproportionality, since it used both terms in responding to this indicator. (The State is not required to define these terms to be the same.) The State clarified that its definitions of disproportionate representation and significant disproportionality are the same. This raises concerns about the State’s compliance with 34 CFR §300.646. In the FFY 2007 APR, due February 1, 2009, the State must address whether it complied with the requirements of 34 CFR §300.646(b) for the districts it identified with significant disproportionality based on FFY 2005, FFY 2006 and FFY 2007 data.</p> <p>OSEP’s June 15, 2007 FFY 2005 SPP/APR response table also required the State to include in the FFY 2006 APR, due February 1, 2008, data demonstrating that it had determined whether disproportionate representation was the result of inappropriate identification for data from FFY 2005 and FFY 2006, including information demonstrating that it had examined data for FFY 2005 and FFY 2006 to identify both overrepresentation and underrepresentation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification. While the State provided FFY 2005 data for this indicator on overrepresentation that was the result of inappropriate identification, it reported that data from FFY 2005 was only examined for overrepresentation and that it had not yet selected a method to analyze data for</p>

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		<p>underrepresentation. We conclude that the State is not complying with the requirements of 34 CFR §300.600(d)(3).</p> <p>Additionally, the State did not report on disproportionate representation that is the result of inappropriate identification based on school year 2006-2007 data.</p> <p>In the FFY 2007 APR, due February 1, 2009, the State must report on the number of districts with disproportionate representation (both overrepresentation and underrepresentation) of racial and ethnic groups in specific disability categories that is the result of inappropriate identification based on child count data from FFY 2006 and FFY 2007.</p> <p>The State reported that noncompliance identified in FFY 2005 (based on FFY 2004 data) and FFY 2006 (based on FFY 2005 data) with the requirements in 34 CFR §§300.173, 300.111, 300.201 and 300.301 through 300.311 was partially corrected. The State must demonstrate, in the FFY 2007 APR, due February 1, 2009, that the uncorrected noncompliance was corrected.</p> <p>The State must review its improvement activities and revise, if appropriate, to ensure they will enable the State to demonstrate in the FFY 2007 APR, due February 1, 2009, that the State has in effect policies and procedures as required by 34 CFR §300.173 and that the LEAs identified based on data from FFY 2005 and FFY 2006 as having disproportionate representation of racial or ethnic groups in specific disability categories that was the result of inappropriate identification are in compliance with the requirements of 34 CFR §§300.111, 300.201 and 300.301 through 300.311. For districts identified as having</p>

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Monitoring Priorities and Indicators	Status	OSEP Analysis/Next Steps
		<p>disproportionate representation of racial or ethnic groups in specific disability categories that was the result of inappropriate identification based on FFY 2004 and/or FFY 2005 data, that were reviewed for compliance with the requirements of 34 CFR §§300.111, 300.201 and 300.301 through 300.311, and that were also identified as having disproportionate representation that was the result of inappropriate identification based on FFY 2006 and/or FFY 2007 data, the subsequent review, at a minimum, must include whether there have been changes to the policies and procedures since the last review; and, if so, whether those changes comply with requirements of 34 CFR §§300.111, 300.201 and 300.301 through 300.311.</p>
<p>11. Percent of children with parental consent to evaluate, who were evaluated within 60 days (or State established timeline). [Compliance Indicator]</p>	<p>The State revised the baseline and improvement activities for this indicator in its SPP and OSEP accepts those revisions.</p> <p>The State’s FFY 2006 reported data for this indicator are 64.2% and will be used as the new baseline for this indicator.</p> <p>The State did not meet its FFY 2006 target of 100%.</p> <p>In Indicator 15, the State reported that 221 of 228 findings of noncompliance related to this indicator that were identified in FFY 2005 had been corrected in a timely manner. For the uncorrected noncompliance, the State reported that it engaged in a variety of activities, such as providing technical assistance; requiring corrective action plans; and requiring districts to resubmit data annually until they demonstrate compliance.</p>	<p>The State reported that noncompliance identified in FFY 2005 with the timely evaluations requirements in 34 CFR §300.301(c)(1) was partially corrected. The State must demonstrate, in the FFY 2007 APR, due February 1, 2009, that the uncorrected noncompliance from FFY 2005 was corrected.</p> <p>The State must review its improvement activities and revise them, if appropriate, to ensure they will enable the State to provide data in the FFY 2007 APR, due February 1, 2009, demonstrating that the State is in compliance with the requirements in 34 CFR §300.301(c)(1), including reporting correction of the noncompliance identified in the FFY 2006 APR.</p>
<p>12. Percent of children referred by Part C prior to age 3, who are found eligible for Part B, and who have an IEP developed and implemented by their third</p>	<p>The State revised the improvement activities for this indicator in its SPP and OSEP accepts those revisions.</p> <p>The State’s FFY 2006 reported data for this indicator are 73.8%. These data represent slippage from the FFY 2005 data of 86.5%.</p>	<p>OSEP could not determine whether noncompliance identified in FFY 2005 with the early childhood transition requirements in 34 CFR §300.124(b) was corrected in a timely manner. The State must demonstrate, in the FFY</p>

New York Part B FFY 2006 SPP/APR Response Table

Monitoring Priorities and Indicators	Status	OSEP Analysis/Next Steps				
<p>birthdays. [Compliance Indicator]</p>	<p>The State did not meet its FFY 2006 target of 100%. OSEP could not determine if the State timely corrected prior findings of noncompliance related to this indicator. The State reported that all districts not in compliance with this indicator were required to analyze reasons for the delays in determining eligibility, to develop and or revise their processes and procedures related to timely determinations, and to provide an assurance once changes were made. The State also reported that before a district submits its assurance of compliance, it must conduct a review of a sample of students to ensure correction of the noncompliance. However, the State did not report on whether those changes resulted in the correction of noncompliance for the districts identified.</p>	<p>2007 APR, due February 1, 2009, that this noncompliance was corrected in a timely manner, or if not corrected in a timely manner, when the noncompliance was corrected. The State must review its improvement activities and revise them, if appropriate, to ensure they will enable the State to provide data in the FFY 2007 APR, due February 1, 2009, demonstrating that the State is in compliance with the requirements in 34 CFR §300.124(b), including reporting correction of the noncompliance identified in the FFY 2006 APR.</p>				
<p>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. [Compliance Indicator]</p>	<p>The State's FFY 2006 reported data for this indicator are 45.8%. These data represent progress from the FFY 2005 data of 33.3%. The State did not meet its FFY 2006 target of 100%. The State reported that 9 of 108 LEAs corrected noncompliance related to this indicator in a timely manner and that 69 LEAs have subsequently corrected their noncompliance. For the uncorrected noncompliance, the State reported that it redirected local use of IDEA funds; required corrective action plans; and required districts to resubmit data annually until they demonstrated compliance and, thereafter, the district must conduct a review of a sample of students to ensure correction of noncompliance. The State also indicated that additional monitoring will take place to verify correction of the noncompliance.</p>	<p>The State reported that noncompliance identified in FFY 2005 with the secondary transition requirements in 34 CFR §300.320(b) was partially corrected. The State must demonstrate, in the FFY 2007 APR, due February 1, 2009, that the uncorrected noncompliance from FFY 2005 was corrected. The State must review its improvement activities and revise them, if appropriate, to ensure they will enable the State to provide data in the FFY 2007 APR, due February 1, 2009, demonstrating that the State is in compliance with the requirements in 34 CFR §300.320(b), including reporting correction of the noncompliance identified in the FFY 2006 APR.</p>				
<p>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.</p>	<p>The State provided baseline data, targets and improvement activities for this indicator in its SPP and OSEP accepts the SPP for this indicator. The State's FFY 2006 reported baseline data for this indicator are:</p> <table border="1" data-bbox="552 1382 1276 1503"> <tbody> <tr> <td data-bbox="552 1382 1167 1463">Percent of youth who are competitively employed.</td> <td data-bbox="1167 1382 1276 1463">29%</td> </tr> <tr> <td data-bbox="552 1463 1167 1503">Percent of youth who are in some type of</td> <td data-bbox="1167 1463 1276 1503">17%</td> </tr> </tbody> </table>	Percent of youth who are competitively employed.	29%	Percent of youth who are in some type of	17%	<p>OSEP looks forward to reviewing the State's data in the FFY 2007 APR, due February 1, 2009.</p>
Percent of youth who are competitively employed.	29%					
Percent of youth who are in some type of	17%					

New York Part B FFY 2006 SPP/APR Response Table

Monitoring Priorities and Indicators	Status	OSEP Analysis/Next Steps				
[Results Indicator; New]	<table border="1"> <tr> <td data-bbox="548 237 1167 277">postsecondary school.</td> <td data-bbox="1167 237 1274 277"></td> </tr> <tr> <td data-bbox="548 277 1167 378">Percent of youth who are both competitively employed and in some type of postsecondary school.</td> <td data-bbox="1167 277 1274 378">46%</td> </tr> </table>	postsecondary school.		Percent of youth who are both competitively employed and in some type of postsecondary school.	46%	
postsecondary school.						
Percent of youth who are both competitively employed and in some type of postsecondary school.	46%					
<p>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.</p> <p>[Compliance Indicator]</p>	<p>The State's FFY 2006 reported data for this indicator are 91.41%. These data represent progress from the FFY 2005 data of 83.7%.</p> <p>The State did not meet its FFY 2006 target of 100%.</p> <p>The State reported that 1767 of 1933 findings of noncompliance identified in FFY 2005 were corrected in a timely manner. The State further reported that as of January 18, 2008, 98.44% of the 1933 noncompliance issues identified in FFY 2005 and 99.71% of the 1772 noncompliance issues identified in FFY 2004 were corrected. It reported that 33 of the 35 remaining findings relate to staff certification issues.</p>	<p>The State must demonstrate, in the FFY 2007 APR, due February 1, 2009, that the State has corrected the remaining noncompliance identified in Indicator 15 from FFY 2005 and FFY 2004.</p> <p>The State must review its improvement activities and revise, if appropriate, to ensure they will enable the State to provide data in the FFY 2007 APR, due February 1, 2009, demonstrating that the State timely corrected noncompliance identified in FFY 2006 (2006-2007) under this indicator in accordance with 20 U.S.C. 1232d(b)(3)(E) and 34 CFR §§300.149 and 300.600.</p> <p>In addition, in responding to Indicators 4, 9, 10, 11, 12, and 13, the State must specifically identify and address the noncompliance identified in this table under those indicators.</p>				
<p>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.</p> <p>[Compliance Indicator]</p>	<p>The State's FFY 2006 reported data for this indicator are 82.82%. These data represent slippage from the FFY 2005 data of 95.34%.</p> <p>The State did not meet its FFY 2006 target of 100%.</p>	<p>The State must review its improvement activities and revise them, if appropriate, to ensure they will enable the State to provide data in the FFY 2007 APR, due February 1, 2009, demonstrating that the State is in compliance with the timely complaint resolution requirements in 34 CFR §300.152.</p>				
<p>17. Percent of fully adjudicated due process hearing requests that were fully adjudicated within the 45-day timeline or a timeline that is</p>	<p>The State's FFY 2006 reported data for this indicator are 79.62%. These data represent slippage from the State's FFY 2005 data of 83.39%.</p> <p>The State did not meet its FFY 2006 target of 100%.</p>	<p>The State must review its improvement activities and revise them, if appropriate, to ensure they will enable the State to provide data in the FFY 2007 APR, due February 1, 2009, demonstrating</p>				

New York Part B FFY 2006 SPP/APR Response Table

Monitoring Priorities and Indicators	Status	OSEP Analysis/Next Steps
properly extended by the hearing officer at the request of either party. [Compliance Indicator]		that the State is in compliance with the timely due process hearing resolution requirements in 34 CFR §300.515.
18. Percent of hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements. [Results Indicator]	The State's FFY 2006 reported data for this indicator are 10.63%. The State did not meet its FFY 2006 target of an increase by 1%.	OSEP looks forward to the State's data demonstrating improvement in performance in the FFY 2007 APR, due February 1, 2009.
19. Percent of mediations held that resulted in mediation agreements. [Results Indicator]	The State's FFY 2006 reported data for this indicator are 90.64%. The State did not meet its FFY 2006 target of 95%.	OSEP looks forward to the State's data demonstrating improvement in performance in the FFY 2007 APR, due February 1, 2009.
20. State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate. [Compliance Indicator]	The State's FFY 2006 reported data for this indicator are 92.2%. The State did not meet its FFY 2006 target of 100%.	The State must review its improvement activities and revise them, if appropriate, to ensure they will enable the State to provide data in the FFY 2007 APR, due February 1, 2009, demonstrating that the State is in compliance with the timely and accurate data requirements in IDEA sections 616 and 618 and 34 CFR §§76.720 and 300.601(b).