**State Performance Plan / Annual Performance Report: Part B**

**for STATE FORMULA GRANT PROGRAMS under the Individuals with Disabilities Education Act**

**For reporting on   
FFY 2019**

**New York**

U.S. Department of Education seal

**PART B DUE   
February 1, 2021**

**U.S. DEPARTMENT OF EDUCATION**

**WASHINGTON, DC 20202**

# Introduction

**Instructions**

Provide sufficient detail to ensure that the Secretary and the public are informed of and understand the State’s systems designed to drive improved results for students with disabilities and to ensure that the State Educational Agency (SEA) and Local Educational Agencies (LEAs) meet the requirements of IDEA Part B. This introduction must include descriptions of the State’s General Supervision System, Technical Assistance System, Professional Development System, Stakeholder Involvement, and Reporting to the Public.

## Intro - Indicator Data

**Executive Summary**

**Additional information related to data collection and reporting**

**Number of Districts in your State/Territory during reporting year**

675

**General Supervision System**

**The systems that are in place to ensure that IDEA Part B requirements are met, e.g., monitoring, dispute resolution, etc.**

The New York State Education Department (NYSED) provides general supervisory oversight of special education programs and services through various approaches including data collection, review and analysis, fiscal monitoring, self-reviews, on-site monitoring reviews, desk audits, State complaint investigations and impartial hearing decisions. Various monitoring protocols are used to conduct self-reviews and on-site reviews of the special education programs provided by public school districts, Boards of Cooperative Educational Services (BOCES), approved private day and residential schools, State-supported and State-operated schools, other State agency educational programs, correctional facilities, and approved preschool programs. School districts and programs are selected for on-site reviews based on a variety of information, including but not limited to, annual determinations under the Individuals with Disabilities Education Act (IDEA), State Performance Plan (SPP)/Annual Performance Report (APR) data related to performance and compliance outcomes, and any areas of unresolved noncompliance with special education laws and regulations that exceed twelve months. Information from regional partners (e.g., technical assistance (TA) providers, BOCES District Superintendents and leadership in the Big 5 City School Districts) is also considered in the selection of schools and programs to be reviewed. NYSED's Office of Special Education (OSE) Special Education Quality Assurance (SEQA) Unit (six regional offices located across New York and a Statewide Nondistrict Unit (NDU) as well as the Program Development and Support Services Unit coordinate the monitoring review process and also provide TA to parents, school district personnel, and private providers. SEQA Regional Associates are also assigned as State complaint investigators.  
  
As of August 21, 2019, NYSED’s OSE transitioned to a new web-based data system, Special Education Quality Assurance Information System (SEQAIS). This upgraded data system now generates and maintains final signed correspondence specific to compliance monitoring with public school districts, BOCES, and approved private programs across NYS. State complaints received and investigated by OSE will soon be able to interact with other NYSED data systems to facilitate data reporting. This upgraded data system also enables OSE to conduct data queries in order to satisfy data reporting requirements.  
  
Special education mediation, by State law, is conducted by regional community dispute resolution centers. Through a contract with the NYS Dispute Resolution Association, NYSED ensures data collection, outreach to increase awareness and use of mediation, and recruitment and training of special education mediators. Mediation is a cost to the State, and not to families or schools. A mediation Request for Proposal (RFP) was issued in June 2019 to ensure continuation of contracted services related to outreach, data collection and recruitment, and training of special education mediators. In response to this RFP, two Special Education Mediation contracts were awarded on October 1, 2020. These contracts provide high-quality training, professional development (PD) and coaching to current and new Special Education Mediators, increase Statewide awareness and use of mediation through strong outreach activities focused especially on areas of the State that have minimally used mediation, ensure timely and accurate data collection and reporting on mediation use and outcomes and provide reimbursement for administrative costs related to conducting special education mediation. Through these contracts, NYSED ensures timely mediation data collection and reporting, Statewide outreach to increase awareness and use of mediation, and specialized training of special education mediators.  
  
NYSED has a two-tier impartial hearing due process system with independent hearing officers at Tier 1 and a State Review Office at Tier 2. For Tier 1, NYSED has regulatory procedures for conducting hearings and appeals, and it certifies, trains and investigates complaints against impartial hearing officers (IHO). Based on the findings of a study of the impartial hearing procedures of a large city school district with a significant number of impartial hearings, a comprehensive compliance assurance plan was developed in May 2019 requiring the district to address issues identified in the report that impact the timeliness of impartial hearings. NYSED has, and continues to, work closely with this district to address these systemic and complex issues. NYSED has taken steps to recruit, train and certify new due process IHOs to address the high volume of due process complaints filed. A March 2020 training resulted in the certification of 36 new IHOs and an October 2020 training will result in approximately 41 additional certified IHOs who will begin in February 2021. NYSED proposed regulatory changes this year to expand the pool of IHO applicants and to clarify certain IHO duties and responsibilities. Additionally, in Spring 2020, NYSED sought regulatory amendments to assist in effective operations during the COVID-19 pandemic to allow IHOs to conduct special education due process hearings by video conference and to allow IHOs to extend cases up to 60 days rather than 30 days while schools were closed to provide IHOs and families increased flexibility while school witnesses, administrators and parents were unavailable to participate in due process hearings. NYSED continues to examine its two-tier due process system with consideration of possibly moving to a one-tier system and has taken steps to strengthen the first tier.

**Technical Assistance System**

**The mechanisms that the State has in place to ensure the timely delivery of high quality, evidenced based technical assistance and support to LEAs.**

The information provided in this section correlates to the information provided under "Professional Development System."  
  
NYSED’s OSE staff provide ongoing TA to parents, school personnel and others. OSE reviews and provides comment on proposed legislation to ensure NYS laws are consistent with federal requirements, and develops NYS regulations and policy guidance to direct the implementation of educational services to students with disabilities. NYSED's Blueprint for Improved Results for Students with Disabilities (http://www.p12.nysed.gov/specialed/publications/2015-memos/blueprint-for-improved-results-for-students-with-disabilities.html), developed in consultation with stakeholders, is a Statewide framework of expectations for administrators, policy makers and practitioners to improve instruction and results for students with disabilities. Focused on seven research and evidence-based principles, the Blueprint guides NYSED in its work specific to policy and PD priorities and initiatives and is used by its funded OSE Educational Partnership in work with school districts, preschool and school-age approved special education programs (ASEP), students and families.  
  
During the 2019-20 school year, NYSED was committed to providing ongoing, updated guidance to parents, families, school districts and ASEPs on the provision of services to students with disabilities during school closures due to the COVID-19 pandemic. OSE created guidance documents to address frequently asked questions raised by parents, educators, administrators, and other key stakeholders regarding the implementation of special education programs and services and the provision of a free appropriate public education during the COVID-19 pandemic. OSE staff also provided direct TA through regular and ongoing meetings with school administrators, provider organizations, and advocacy groups as well as through emails and phone calls from stakeholders to address student and school district specific issues.

**Professional Development System**

**The mechanisms the State has in place to ensure that service providers have the skills to effectively provide services that improve results for students with disabilities.**

Beginning July 1, 2019, OSE implemented a coordinated and cohesive network of support focused on enhancing services and supports for students with disabilities ages birth to 21. The network, called the OSE Educational Partnership (http://www.p12.nysed.gov/specialed/techassist/ed-partnership/home.html), is funded by NYSED. Its mission is to support and empower schools, families and communities to improve equity, access, opportunities and outcomes for all students with disabilities in New York. The work of the OSE Educational Partnership is to ensure efficient and effective implementation of the IDEA and the “Blueprint for Improved Results for Students with Disabilities.” The OSE Educational Partnership is designed to increase school district capacity using an intensive and embedded team approach to TA/PD that is implemented with consistency across New York. The OSE Educational Partnership supports implementation of NYSED’s priority areas related to student performance, least restrictive environment, disproportionality, family engagement and transition planning and services.   
  
The OSE Educational Partnership::  
• Provides a structure that facilitates systems change efforts and sustainability of those changes;  
• Promotes culturally and linguistically responsive and sustaining educational practices that include families and communities as valued partners;  
• Ensures greater efficiency and effectiveness in the delivery of high-quality services to families and professionals;  
• Creates a comprehensive, multi-disciplinary team approach focused on principles from NYSED’s “Blueprint for Improved Results for Students with Disabilities” that supports our stakeholders; and  
• Relies on data-based problem-solving and decision-making as well as the use of evidence-based practices.  
  
The OSE Educational Partnership is comprised of the Technical Assistance Partnerships (TAP) and the Regional Teams.  
OSE funds five TAPs: TAP for Academics at the State University of New York (SUNY) Albany; TAP for Behavior at SUNY Albany; TAP for Data at Cornell University; TAP for Equity at Bank Street College of Education; and TAP for Transition at Cornell University. The TAPs provide PD to the regional teams and develop materials for use with various stakeholders. A website for the OSE Educational Partnership is currently under development and will be home to many of these materials, as well as a community resource map. The Regional Teams are made up of the Regional Partnership Centers (RPC), Early Childhood Family and Community Engagement (FACE) Centers, and School-age FACE Centers. Regional Teams provide direct training and support to families, public schools and districts, ASEPs, and community partners.   
  
Through the OSE Educational Partnership, NYSED provides ongoing regional PD to schools and resources to parents to enhance parent participation in the special education process and to enhance the knowledge, skills and capacity of educators to improve results for students with disabilities. Due to the COVID-19 pandemic, the OSE Educational Partnership shifted the delivery of its PD offerings and support to parents and schools from an in-person to virtual format. A full list of PD training packages can be found at:  
http://www.p12.nysed.gov/specialed/techassist/ed-partnership/documents/approved-training-packages.pdf.  
  
In addition to the OSE Educational Partnership, NYSED provides a comprehensive array of PD and TA resources. These include, but are not limited to:  
  
Accessible Instructional Materials - Provides accessible versions of instructional materials to students who are blind or otherwise unable to use printed materials.   
  
Center for Autism and Related Disabilities - Provides evidence-based training and support to families and professionals, and through ongoing research, contributes knowledge to the field of autism spectrum disorders.   
  
Intensive Teacher Institute in Bilingual Special Education (ITI-BSE) - Addresses the shortage of certified bilingual and English as a second language special education teachers, bilingual teachers of the speech and hearing handicapped, and bilingual pupil personnel professionals. This State-funded program provides tuition assistance for 15 credits of specialized coursework and facilitates the bilingual certification process for professionals currently working in New York public schools or approved preschools.   
  
Speech-Language and Bilingual Speech-Language Personnel Development Technical Assistance Center (SLPDC) - Provides coursework and supports needed to obtain initial or professional certification in teaching students with speech and language disabilities and licensure in Speech-Language Pathology with the goal of increasing the number of the individuals with bilingual extensions for employment in New York City (NYC) public schools. The SLPDC also provides scholarship funding for 15 students to cover the cost of at least one course per semester.  
  
IHOs - NYSED and Special Education Solutions, LLC, have partnered to provide ongoing training and resources needed to effectively serve as Special Education IHOs and for the investigation of complaints against IHOs.  
  
Mediation Services for Special Education – Special education mediation for parents and school districts throughout New York is provided by local Community Dispute Resolution Centers (CDRCs) which provide dispute resolution services through the Unified Court System of the State of New York. CDRC mediators receive training in special education, and report data to NYSED related to mediations, through contracts with OSE.   
  
Response to Intervention (RtI) - Middle School Demonstration Project – Through August 31, 2020, supported capacity-building efforts of New York middle schools to implement proven and promising practices within a RtI model and provided direct and indirect TA and PD to New York schools on RtI-related topics.   
  
Intensive Teacher Institute for Teachers of the Blind and Visually Impaired - Addresses the shortage of teachers of the visually impaired (TVI) across the State and provides tuition assistance to students and teachers interested in becoming TVIs and are willing to serve as TVIs in New York for two years following completion of the program.   
  
To ensure that support to LEAs is timely, of high quality and is based on evidence-based practices, NYSED has developed research-based tools to guide our work (e.g., Quality Indicator Review and Resource Guides; Explicit and Specially Designed Instructional Walk Through Tool; and Diagnostic Tool of School District Effectiveness).   
  
NYSED was awarded a State Personnel Development Grant in October 2020. Through this SPDG, NYSED is establishing a Statewide, Multi-Tiered System of Support (MTSS) that integrates academics and behavior (MTSS-I) to train pre- and in-service educators to provide effective structures and practices that result in improved outcomes for students, particularly students with disabilities.  
  
The deployment of TA resources to the field is determined annually through a regional planning process to ensure coordination and efficient uses of NYSED resources. Current year data is considered in selecting LEAs where resources would be best targeted.

**Stakeholder Involvement**

**The mechanism for soliciting broad stakeholder input on targets in the SPP, including revisions to targets.**

Throughout the year, NYSED works with its Commissioner's Advisory Panel (CAP) for Special Education Services, which is the IDEA State Advisory Panel, to review SPP/APR data results, obtain input on revisions to the SPP and discuss improvement activities. CAP is continuously kept apprised regarding progress and issues reflected in the APR in order to obtain its insights and input in determining improvement strategies and need for revisions. During the 2019-20 school year, CAP members were asked for their recommendations regarding strategies NYSED can use to increase parent survey response rates in sampled school districts for Indicator 8 and ways New York can ensure that it is complying with the representativeness requirement. A Student Performance Outcomes subcommittee of CAP was also established this year to focus on data relative to the SPP/APR, conduct analysis around identified areas of concern, make recommendations, and advise NYSED regarding target setting. At the spring and fall 2020 CAP meetings, members discussed challenges students with disabilities, their families, and school communities were facing as a result of the COVID-19 pandemic and provided input on unmet needs in the education of students with disabilities due to COVID-19 as well model/best practices for supporting students with disabilities in remote or hybrid instructional models.  
  
At other meetings throughout the year, the State shares SPP/APR outcomes on compliance and outcome indicators with its funded TA providers and the Youth Advisory Panel, which consists of youth either currently attending high school or having exited high school within the past two years, to discuss improvement strategies. The SPP/APR outcomes are also shared with the New York Board of Regents and BOCES District Superintendents, who serve as chief executive officers of the BOCES, regional representatives of the Commissioner of Education, and educational leaders for local school districts.

**Apply stakeholder involvement from introduction to all Part B results indicators (y/n)**

NO

**Reporting to the Public**

**How and where the State reported to the public on the FFY18 performance of each LEA located in the State on the targets in the SPP/APR as soon as practicable, but no later than 120 days following the State’s submission of its FFY 2018 APR, as required by 34 CFR §300.602(b)(1)(i)(A); and a description of where, on its Web site, a complete copy of the State’s SPP, including any revision if the State has revised the SPP that it submitted with its FFY 2018 APR in 2020, is available.**

http://www.p12.nysed.gov/sedcar/state.htm   
  
https://data.nysed.gov/ (links to all years and all data, some of which must be filtered and data displays built)   
  
https://data.nysed.gov/reportcard.php?instid=800000081568&year=2017&createreport=1&38ELA=1&38MATH=1&48SCI=1&cohort=1&nysaa=1. Shows 2016-17 participation and performance for statewide assessments including results on the New York State Alternate Assessment (NYSAA) by grade and subject.   
  
http://data.nysed.gov. Shows school district report card data and special education reports. For special education reports, follow these steps:   
1. From data.nysed.gov, click on "DISTRICTS" in heading.   
2. Click on a district.   
3. Scroll down and click on a year.   
4. Click on Special Education Data.   
Note: FFY2019 data will be posted no later than June 1, 2021.   
  
For report card data, follow these steps:   
1. From data.nysed.gov, click on "DISTRICTS" in heading.   
2. Click on a district.   
3. Scroll down and click on a year.   
4. Click on School Report Card under 'School Data'.  
5. Build the report you want to see by selecting from the available data.   
  
The complete copy of the SPP/APR can be found at http://www.p12.nysed.gov/specialed/spp/.

## Intro - Prior FFY Required Actions

In the FFY 2019 SPP/APR, the State must report FFY 2019 data for the State-identified Measurable Result (SiMR). Additionally, the State must, consistent with its evaluation plan described in Phase II, assess and report on its progress in implementing the SSIP. Specifically, the State must provide: (1) a narrative or graphic representation of the principal activities implemented in Phase III, Year Five; (2) measures and outcomes that were implemented and achieved since the State's last SSIP submission (i.e., April 1, 2020); (3) a summary of the SSIP’s coherent improvement strategies, including infrastructure improvement strategies and evidence-based practices that were implemented and progress toward short-term and long-term outcomes that are intended to impact the SiMR; and (4) any supporting data that demonstrates that implementation of these activities is impacting the State’s capacity to improve its SiMR data.

**Response to actions required in FFY 2018 SPP/APR**

## Intro - OSEP Response

Due to the circumstances created by the COVID-19 pandemic, and resulting school closures, the State does not have any FFY 2019 data for indicator 17.

## Intro - Required Actions

## Intro - State Attachments



# Indicator 1: Graduation

**Instructions and Measurement**

**Monitoring Priority:** FAPE in the LRE

**Results indicator:** Percent of youth with Individualized Education Programs (IEPs) graduating from high school with a regular high school diploma. (20 U.S.C. 1416 (a)(3)(A))

**Data Source**

Same data as used for reporting to the Department of Education (Department) under Title I of the Elementary and Secondary Education Act (ESEA).

**Measurement**

States may report data for children with disabilities using either the four-year adjusted cohort graduation rate required under the ESEA or an extended-year adjusted cohort graduation rate under the ESEA, if the State has established one.

**Instructions**

Sampling is not allowed.

Describe the results of the State’s examination of the data for the year before the reporting year (e.g., for the FFY 2019 SPP/APR, use data from 2018-2019), and compare the results to the target. Provide the actual numbers used in the calculation.

Provide a narrative that describes the conditions youth must meet in order to graduate with a regular high school diploma and, if different, the conditions that youth with IEPs must meet in order to graduate with a regular high school diploma. If there is a difference, explain.

Targets should be the same as the annual graduation rate targets for children with disabilities under Title I of the ESEA.

States must continue to report the four-year adjusted cohort graduation rate for all students and disaggregated by student subgroups including the children with disabilities subgroup, as required under section 1111(h)(1)(C)(iii)(II) of the ESEA, on State report cards under Title I of the ESEA even if they only report an extended-year adjusted cohort graduation rate for the purpose of SPP/APR reporting.

## 1 - Indicator Data

**Historical Data**

| **Baseline Year** | **Baseline Data** |
| --- | --- |
| 2011 | 46.40% |

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **FFY** | **2014** | **2015** | **2016** | **2017** | **2018** |
| Target >= | 50.48% | 55.39% | 55.57% | 57.71% | 57.82% |
| Data | 52.65% | 52.86% | 52.55% | 55.35% | 56.91% |

**Targets**

|  |  |
| --- | --- |
| **FFY** | **2019** |
| Target >= | 60.66% |

**Targets: Description of Stakeholder Input**

USDE requires targets for this indicator to match accountability graduation targets, which in New York is 80% or a 10% improvement for the four-year graduation rate. Targets for this indicator represent a 10% gap reduction over prior year for the 4 yr. graduation rate and are adjusted annually as necessary.

**Prepopulated Data**

| **Source** | **Date** | **Description** | **Data** |
| --- | --- | --- | --- |
| SY 2018-19 Cohorts for Regulatory Adjusted-Cohort Graduation Rate (EDFacts file spec FS151; Data group 696) | 07/27/2020 | Number of youth with IEPs graduating with a regular diploma | \*[[1]](#footnote-2) |
| SY 2018-19 Cohorts for Regulatory Adjusted-Cohort Graduation Rate (EDFacts file spec FS151; Data group 696) | 07/27/2020 | Number of youth with IEPs eligible to graduate | 33,807 |
| SY 2018-19 Regulatory Adjusted Cohort Graduation Rate (EDFacts file spec FS150; Data group 695) | 07/27/2020 | Regulatory four-year adjusted-cohort graduation rate table | 58.8%[[2]](#footnote-3) |

**FFY 2019 SPP/APR Data**

| **Number of youth with IEPs in the current year’s adjusted cohort graduating with a regular diploma** | **Number of youth with IEPs in the current year’s adjusted cohort eligible to graduate** | **FFY 2018 Data** | **FFY 2019 Target** | **FFY 2019 Data** | **Status** | **Slippage** |
| --- | --- | --- | --- | --- | --- | --- |
| \*1 | 33,807 | 56.91% | 60.66% | 58.8%2 | Did Not Meet Target | No Slippage |

**Graduation Conditions**

**Choose the length of Adjusted Cohort Graduation Rate your state is using:**

4-year ACGR

**Provide a narrative that describes the conditions youth must meet in order to graduate with a regular high school diploma and, if different, the conditions that youth with IEPs must meet in order to graduate with a regular high school diploma. If there is a difference, explain*.***

Graduation rate data for students with disabilities is calculated the same as for all students. In New York, to be included in the counts of high school graduates, students, including students with disabilities, must earn either a Regents or local diploma. Students with disabilities who earn a non-diploma graduation credential are not considered high school graduates. Detailed information on graduation requirements can be found at: http://www.p12.nysed.gov/ciai/gradreq/intro.html.

**Are the conditions that youth with IEPs must meet to graduate with a regular high school diploma different from the conditions noted above? (yes/no)**

NO

**Provide additional information about this indicator (optional)**

## 1 - Prior FFY Required Actions

None

## 1 - OSEP Response

## 1 - Required Actions

# Indicator 2: Drop Out

**Instructions and Measurement**

**Monitoring Priority:** FAPE in the LRE

**Results indicator:** Percent of youth with IEPs dropping out of high school. (20 U.S.C. 1416 (a)(3)(A))

**Data Source**

OPTION 1:

Same data as used for reporting to the Department under section 618 of the Individuals with Disabilities Education Act (IDEA), using the definitions in EDFacts file specification FS009.

OPTION 2:

Use same data source and measurement that the State used to report in its FFY 2010 SPP/APR that was submitted on February 1, 2012.

**Measurement**

OPTION 1:

States must report a percentage using the number of youth with IEPs (ages 14-21) who exited special education due to dropping out in the numerator and the number of all youth with IEPs who left high school (ages 14-21) in the denominator.

OPTION 2:

Use same data source and measurement that the State used to report in its FFY 2010 SPP/APR that was submitted on February 1, 2012.

**Instructions**

Sampling is not allowed.

OPTION 1:

Use 618 exiting data for the year before the reporting year (e.g., for the FFY 2019 SPP/APR, use data from 2018-2019). Include in the denominator the following exiting categories: (a) graduated with a regular high school diploma; (b) received a certificate; (c) reached maximum age; (d) dropped out; or (e) died.

Do not include in the denominator the number of youths with IEPs who exited special education due to: (a) transferring to regular education; or (b) who moved, but are known to be continuing in an educational program.

OPTION 2:

Use the annual event school dropout rate for students leaving a school in a single year determined in accordance with the National Center for Education Statistic's Common Core of Data.

If the State has made or proposes to make changes to the data source or measurement under Option 2, when compared to the information reported in its FFY 2010 SPP/APR submitted on February 1, 2012, the State should include a justification as to why such changes are warranted.

Options 1 and 2:

Data for this indicator are “lag” data. Describe the results of the State’s examination of the data for the year before the reporting year (e.g., for the FFY 2019 SPP/APR, use data from 2018-2019), and compare the results to the target.

Provide a narrative that describes what counts as dropping out for all youth and, if different, what counts as dropping out for youth with IEPs. If there is a difference, explain.

## 2 - Indicator Data

**Historical Data**

| **Baseline Year** | **Baseline Data** |
| --- | --- |
| 2011 | 16.00% |

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **FFY** | **2014** | **2015** | **2016** | **2017** | **2018** |
| Target <= | 14.50% | 14.00% | 14.00% | 13.50% | 13.00% |
| Data | 13.05% | 12.55% | 12.66% | 11.70% | 11.07% |

**Targets**

|  |  |
| --- | --- |
| **FFY** | **2019** |
| Target <= | 13.00% |

**Targets: Description of Stakeholder Input**

FFY 2013 - FFY 2018 targets were developed in consultation with stakeholders. The State relies on its Commissioner's Advisory Panel (CAP) for Special Education Services (see introduction section) as its primary stakeholder group for purposes of target discussions. For this indicator, an internal workgroup analyzed historical targets and actual data and shared draft targets with CAP for consideration, discussion and recommendation. CAP discussed historical trends and new State policies that are expected to engage students to remain in school including, but not limited to, the Skills and Achievement Commencement Credential; the Career Development and Occupational Studies Commencement Credential; initiatives to increase student access to Career and Technical Education courses and work-based learning; and alternative pathways to a regular high school diploma. CAP suggested targets for dropout considering regional disparities and disparities by Need/Resource Capacity school districts. The FFY2018 target was extended for FFY2019 after consultation and discussion with CAP.

**Please indicate the reporting option used on this indicator**

Option 2

**Prepopulated Data**

| **Source** | **Date** | **Description** | **Data** |
| --- | --- | --- | --- |
| SY 2018-19 Exiting Data Groups (EDFacts file spec FS009; Data Group 85) | 05/27/2020 | Number of youth with IEPs (ages 14-21) who exited special education by graduating with a regular high school diploma (a) | 22,935 |
| SY 2018-19 Exiting Data Groups (EDFacts file spec FS009; Data Group 85) | 05/27/2020 | Number of youth with IEPs (ages 14-21) who exited special education by receiving a certificate (b) | 3,547 |
| SY 2018-19 Exiting Data Groups (EDFacts file spec FS009; Data Group 85) | 05/27/2020 | Number of youth with IEPs (ages 14-21) who exited special education by reaching maximum age (c) | 192 |
| SY 2018-19 Exiting Data Groups (EDFacts file spec FS009; Data Group 85) | 05/27/2020 | Number of youth with IEPs (ages 14-21) who exited special education due to dropping out (d) | 6,408 |
| SY 2018-19 Exiting Data Groups (EDFacts file spec FS009; Data Group 85) | 05/27/2020 | Number of youth with IEPs (ages 14-21) who exited special education as a result of death (e) | 83 |

**Has your State made or proposes to make changes to the data source under Option 2, when compared to the information reported in its FFY 2010 SPP/APR submitted on February 1, 2012? (yes/no)**

NO

**Use a different calculation methodology (yes/no)**

YES

**Change numerator description in data table (yes/no)**

YES

**Change denominator description in data table (yes/no)**

YES

**If use a different calculation methodology is yes, provide an explanation of the different calculation methodology**

New York’s Measurement: Percent of "total cohort" of students with disabilities who drop out as of August after four years of first entering 9th grade or, for ungraded students with disabilities, after four years of becoming 17 years of age. In New York’s Calculation for Drop Out Rate for FFY 2019, the 2015 school district total cohort is the denominator. The 2015 school district total cohort consists of all students, regardless of their current grade level, who met one of the following conditions: First entered 9th grade at any time during the 2015-16 school year (July 1, 2015 through June 30, 2016); or, in the case of ungraded students with disabilities, reached their 17th birthday during the 2015-16 school year.   
  
A student will be included in the school district total cohort if the student's enrollment record in the school district shows that the student was enrolled for at least one day (not including July and August) and the reason for ending enrollment in the school district was not one of the following: transferred to a school in another school district, a nonpublic school, or a school outside New York; died; transferred by court order; or left the United States. The numerator for the computation of the rate of dropping out is the number of total cohort students with disabilities who dropped out as of August after four years of first entering 9th grade or, for ungraded students with disabilities, after four years of becoming 17 years of age.

**FFY 2019 SPP/APR Data**

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| Number of youth with IEPs who exited special education due to dropping out | Total number of High School Students with IEPs by Cohort | **FFY** **2018 Data** | **FFY 2019 Target** | **FFY 2019 Data** | **Status** | **Slippage** |
| 3,763 | 34,033 | 11.07% | 13.00% | 11.06% | Met Target | No Slippage |

**Provide reasons for slippage, if applicable**

**Provide a narrative that describes what counts as dropping out for all youth**

Definition of Dropout: Information pertaining to the rules for reporting dropout data can be found throughout the Student Information Repository System (SIRS) Manual at http://www.p12.nysed.gov/irs/sirs/. The definition of "dropout" may be found Appendix VI: Terms and Acronyms: " A dropout is any student, regardless of age, who left school prior to graduation for any reason except leaving the country, earning a commencement credential or death and has not been documented to have entered another program leading to a high school diploma or an approved program leading to a high school equivalency diploma. The New York State Education Department (NYSED) reports an annual and cohort dropout rate. A student who leaves during the school year without documentation of a transfer to another program leading to a high school diploma or to an approved high school equivalency program or to a high school equivalency preparation program is counted as a dropout unless the student resumes school attendance before the end of the school year. The student's registration for the next school year does not exempt him or her from dropout status in the current school year. Students who resume and continue enrollment until graduation are not counted as dropouts in the cohort dropout calculation. In computing annual dropout rates, students who are reported as having been counted by the same school as a dropout in a previous school year are not counted as a dropout in the current school year."

**Is there a difference in what counts as dropping out for youth with IEPs? (yes/no)**

NO

**If yes, explain the difference in what counts as dropping out for youth with IEPs below.**

**Provide additional information about this indicator (optional)**

## 2 - Prior FFY Required Actions

None

## 2 - OSEP Response

## 2 - Required Actions

# Indicator 3B: Participation for Students with IEPs

**Instructions and Measurement**

**Monitoring Priority:** FAPE in the LRE

**Results indicator**: Participation and performance of children with IEPs on statewide assessments:

A. Indicator 3A – Reserved

B. Participation rate for children with IEPs

C. Proficiency rate for children with IEPs against grade level and alternate academic achievement standards.

(20 U.S.C. 1416 (a)(3)(A))

**Data Source**

3B. Same data as used for reporting to the Department under Title I of the ESEA, using EDFacts file specifications FS185 and 188.

**Measurement**

B. Participation rate percent = [(# of children with IEPs participating in an assessment) divided by the (total # of children with IEPs enrolled during the testing window)]. Calculate separately for reading and math. The participation rate is based on all children with IEPs, including both children with IEPs enrolled for a full academic year and those not enrolled for a full academic year.

**Instructions**

Describe the results of the calculations and compare the results to the targets. Provide the actual numbers used in the calculation.

Include information regarding where to find public reports of assessment participation and performance results, as required by 34 CFR §300.160(f), i.e., a link to the Web site where these data are reported.

Indicator 3B: Provide separate reading/language arts and mathematics participation rates, inclusive of all ESEA grades assessed (3-8 and high school), for children with IEPs. Account for ALL children with IEPs, in all grades assessed, including children not participating in assessments and those not enrolled for a full academic year. Only include children with disabilities who had an IEP at the time of testing.

## 3B - Indicator Data

**Reporting Group Selection**

**Based on previously reported data, these are the grade groups defined for this indicator.**

| **Group** | **Group Name** | **Grade 3** | **Grade 4** | **Grade 5** | **Grade 6** | **Grade 7** | **Grade 8** | **Grade 9** | **Grade 10** | **Grade 11** | **Grade 12** | **HS** |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **A** | Grade 3-8 | X | X | X | X | X | X |  |  |  |  |  |
| **B** | HS |  |  |  |  |  |  |  |  |  |  | X |

**Historical Data: Reading**

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Group** | **Group Name** | **Baseline** | **FFY** | **2014** | **2015** | **2016** | **2017** | **2018** |
| **A** | Grade 3-8 | 2005 | Target >= | 95.00% | 95.00% | 95.00% | 95.00% | 95.00% |
| **A** | Grade 3-8 | 95.00% | Actual | 80.80% | 76.18% | 71.13% | 71.66% | 72.77% |
| **B** | HS | 2005 | Target >= | 95.00% | 95.00% | 95.00% | 95.00% | 95.00% |
| **B** | HS | 90.00% | Actual | 90.94% | 90.69% | 90.53% | 94.90% | 95.63% |

**Historical Data: Math**

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Group** | **Group Name** | **Baseline** | **FFY** | **2014** | **2015** | **2016** | **2017** | **2018** |
| **A** | Grade 3-8 | 2005 | Target >= | 95.00% | 95.00% | 95.00% | 95.00% | 95.00% |
| **A** | Grade 3-8 | 96.00% | Actual | 76.81% | 74.15% | 69.75% | 70.73% | 71.92% |
| **B** | HS | 2005 | Target >= | 95.00% | 95.00% | 95.00% | 95.00% | 95.00% |
| **B** | HS | 91.00% | Actual | 94.13% | 94.06% | 94.48% | 97.15% | 97.49% |

**Targets**

|  |  |  |  |
| --- | --- | --- | --- |
| **Subject** | **Group** | **Group Name** | **2019** |
| Reading | A >= | Grade 3-8 | 95.00% |
| Reading | B >= | HS | 95.00% |
| Math | A >= | Grade 3-8 | 95.00% |
| Math | B >= | HS | 95.00% |

**Targets: Description of Stakeholder Input**

The targets for this indicator are set by the United States Department of Education (USDE) at 95%. New York shares results for this indicator with  
the State's Commissioner's Advisory Panel (CAP) for Special Education Services - see Introduction on Stakeholder Involvement.

**FFY 2019 Data Disaggregation from EDFacts**

**Include the disaggregated data in your final SPP/APR. (yes/no)**

NO

**Data Source:**

SY 2019-20 Assessment Data Groups - Reading (EDFacts file spec FS188; Data Group: 589)

**Date:**

**Reading Assessment Participation Data by Grade**

| **Grade** | **3** | **4** | **5** | **6** | **7** | **8** | **9** | **10** | **11** | **12** | **HS** |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| a. Children with IEPs |  |  |  |  |  |  |  |  |  |  |  |
| b. IEPs in regular assessment with no accommodations |  |  |  |  |  |  |  |  |  |  |  |
| c. IEPs in regular assessment with accommodations |  |  |  |  |  |  |  |  |  |  |  |
| f. IEPs in alternate assessment against alternate standards |  |  |  |  |  |  |  |  |  |  |  |

**Data Source:**

SY 2019-20 Assessment Data Groups - Math (EDFacts file spec FS185; Data Group: 588)

**Date:**

**Math Assessment Participation Data by Grade**

| **Grade** | **3** | **4** | **5** | **6** | **7** | **8** | **9** | **10** | **11** | **12** | **HS** |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| a. Children with IEPs |  |  |  |  |  |  |  |  |  |  |  |
| b. IEPs in regular assessment with no accommodations |  |  |  |  |  |  |  |  |  |  |  |
| c. IEPs in regular assessment with accommodations |  |  |  |  |  |  |  |  |  |  |  |
| f. IEPs in alternate assessment against alternate standards |  |  |  |  |  |  |  |  |  |  |  |

**FFY 2019 SPP/APR Data: Reading Assessment**

| **Group** | **Group Name** | **Number of Children with IEPs** | **Number of Children with IEPs Participating** | **FFY 2018 Data** | **FFY 2019 Target** | **FFY 2019 Data** | **Status** | **Slippage** |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **A** | Grade 3-8 |  |  | 72.77% | 95.00% |  | N/A | N/A |
| **B** | HS |  |  | 95.63% | 95.00% |  | N/A | N/A |

**FFY 2019 SPP/APR Data: Math Assessment**

| **Group** | **Group Name** | **Number of Children with IEPs** | **Number of Children with IEPs Participating** | **FFY 2018 Data** | **FFY 2019 Target** | **FFY 2019 Data** | **Status** | **Slippage** |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **A** | Grade 3-8 |  |  | 71.92% | 95.00% |  | N/A | N/A |
| **B** | HS |  |  | 97.49% | 95.00% |  | N/A | N/A |

**Regulatory Information**

**The SEA, (or, in the case of a district-wide assessment, LEA) must make available to the public, and report to the public with the same frequency and in the same detail as it reports on the assessment of nondisabled children: (1) the number of children with disabilities participating in: (a) regular assessments, and the number of those children who were provided accommodations in order to participate in those assessments; and (b) alternate assessments aligned with alternate achievement standards; and (2) the performance of children with disabilities on regular assessments and on alternate assessments, compared with the achievement of all children, including children with disabilities, on those assessments. [20 U.S.C. 1412 (a)(16)(D); 34 CFR §300.160(f)]**

**Public Reporting Information**

**Provide links to the page(s) where you provide public reports of assessment results.**

http://www.p12.nysed.gov/sedcar/state.htm https://data.nysed.gov/ (links to all years and all data, some of which must be filtered and data displays built).  
  
Statewide Assessment Performance of All Students, General Education Students and Students with Disabilities: https://data.nysed.gov/assessment38.php?subject=ELA&year=2019&state=yes and https://data.nysed.gov/assessment38.php?subject=Mathematics&year=2019&state=yes https://data.nysed.gov/assessment38.php?subject=ELA&year=2019&state=yes  
  
Statewide Assessment Participation of All Students, General Education Students and Students with Disabilities: https://data.nysed.gov/essa.php?instid=800000081568&year=2019&createreport=1&EMpart=1  
  
LEA Assessment Performance and Participation of All Students, General Education Students and Students with Disabilities: https://data.nysed.gov/lists.php?type=district.  
  
Users must navigate to a specific district and click on '3-8 ELA Assessment Data', '3-8 Math Assessment Data' or 'School Report Card'. http://data.nysed.gov. Shows school district report card data and special education reports. For special education reports, follow these steps:   
1. From data.nysed.gov, click on "DISTRICTS" in heading.   
2. Click on a district.   
3. Scroll down and click on a year.   
4. Click on Special Education Data.   
  
For report card data, follow these steps:   
1. From data.nysed.gov, click on "DISTRICTS" in heading.   
2. Click on a district.   
3. Scroll down and click on a year.   
4. Click on School Report Card under 'School Data'.   
5. Build the report you want to see by selecting from the available data.

**Provide additional information about this indicator (optional)**

Indicator not applicable for FFY 2019. As a result of the COVID-19 pandemic, New York received a waiver from the USDE pertaining to the administration of assessments for the 2019-20 school year.

## 3B - Prior FFY Required Actions

None

## 3B - OSEP Response

The State was not required to provide any data for this indicator. Due to the circumstances created by the COVID-19 pandemic, and resulting school closures, the State received a waiver of the assessment requirements in section 1111(b)(2) of the ESEA, and, as a result, does not have any FFY 2019 data for this indicator.

## 3B - Required Actions

# Indicator 3C: Proficiency for Students with IEPs

**Instructions and Measurement**

**Monitoring Priority:** FAPE in the LRE

**Results indicator:** Participation and performance of children with IEPs on statewide assessments:

A. Indicator 3A – Reserved

B. Participation rate for children with IEPs

C. Proficiency rate for children with IEPs against grade level and alternate academic achievement standards.

(20 U.S.C. 1416 (a)(3)(A))

**Data Source**

3C. Same data as used for reporting to the Department under Title I of the ESEA, using EDFacts file specifications FS175 and 178.

**Measurement**

C. Proficiency rate percent = [(# of children with IEPs scoring at or above proficient against grade level and alternate academic achievement standards) divided by the (total # of children with IEPs who received a valid score and for whom a proficiency level was assigned)]. Calculate separately for reading and math. The proficiency rate includes both children with IEPs enrolled for a full academic year and those not enrolled for a full academic year.

**Instructions**

Describe the results of the calculations and compare the results to the targets. Provide the actual numbers used in the calculation.

Include information regarding where to find public reports of assessment participation and performance results, as required by 34 CFR §300.160(f), i.e., a link to the Web site where these data are reported.

Indicator 3C: Proficiency calculations in this SPP/APR must result in proficiency rates for reading/language arts and mathematics assessments (combining regular and alternate) for children with IEPs, in all grades assessed (3-8 and high school), including both children with IEPs enrolled for a full academic year and those not enrolled for a full academic year. Only include children with disabilities who had an IEP at the time of testing.

## 3C - Indicator Data

**Reporting Group Selection**

**Based on previously reported data, these are the grade groups defined for this indicator.**

| **Group** | **Group Name** | **Grade 3** | **Grade 4** | **Grade 5** | **Grade 6** | **Grade 7** | **Grade 8** | **Grade 9** | **Grade 10** | **Grade 11** | **Grade 12** | **HS** |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **A** | Grade 3-8 | X | X | X | X | X | X |  |  |  |  |  |
| **B** | HS |  |  |  |  |  |  |  |  |  |  | X |

**Historical Data: Reading**

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Group** | **Group Name** | **Baseline** | **FFY** | **2014** | **2015** | **2016** | **2017** | **2018** |
| **A** | Grade 3-8 | 2012 | Target >= | 13.00% | 16.00% | 20.00% | 23.00% | 23.00% |
| **A** | Grade 3-8 | 12.39% | Actual | 13.83% | 15.69% | 16.95% | 20.25% | 20.00% |
| **B** | HS | 2012 | Target >= | 63.00% | 63.00% | 63.50% | 64.00% | 66.00% |
| **B** | HS | 65.62% | Actual | 70.87% | 70.98% | 74.75% | 72.55% | 72.16% |

**Historical Data: Math**

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Group** | **Group Name** | **Baseline** | **FFY** | **2014** | **2015** | **2016** | **2017** | **2018** |
| **A** | Grade 3-8 | 2012 | Target >= | 15.50% | 16.00% | 19.00% | 19.00% | 23.00% |
| **A** | Grade 3-8 | 14.26% | Actual | 17.84% | 18.34% | 18.78% | 20.96% | 21.44% |
| **B** | HS | 2012 | Target >= | 64.00% | 64.50% | 65.00% | 65.50% | 66.00% |
| **B** | HS | 50.22% | Actual | 68.46% | 67.16% | 64.49% | 62.75% | 65.14% |

**Targets**

|  |  |  |  |
| --- | --- | --- | --- |
| **Subject** | **Group** | **Group Name** | **2019** |
| Reading | A >= | Grade 3-8 | 23.00% |
| Reading | B >= | HS | 70.00% |
| Math | A >= | Grade 3-8 | 23.00% |
| Math | B >= | HS | 66.00% |

**Targets: Description of Stakeholder Input**

See Introduction for Stakeholder input. FFY 2013 -FFY2018 Targets for improvement for this Indicator for Grades 3-8 were established consistent with the Annual Measurable Objectives targets for the subgroup of students with disabilities in New York's approved Elementary and Secondary Education Act Waiver.  
  
After consultation and discussion with the Commissioner's Advisory Panel for Special Education Services, the FFY 2019 target for High School English Language Arts was set at 70% and FFY 2018 targets were extended for FFY 2019 for all other groups.

**FFY 2019 Data Disaggregation from EDFacts**

**Include the disaggregated data in your final SPP/APR. (yes/no)**

NO

**Data Source:**

SY 2019-20 Assessment Data Groups - Reading (EDFacts file spec FS178; Data Group: 584)

**Date:**

**Reading Proficiency Data by Grade**

| **Grade** | **3** | **4** | **5** | **6** | **7** | **8** | **9** | **10** | **11** | **12** | **HS** |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| a. Children with IEPs who received a valid score and a proficiency was assigned |  |  |  |  |  |  |  |  |  |  |  |
| b. IEPs in regular assessment with no accommodations scored at or above proficient against grade level |  |  |  |  |  |  |  |  |  |  |  |
| c. IEPs in regular assessment with accommodations scored at or above proficient against grade level |  |  |  |  |  |  |  |  |  |  |  |
| f. IEPs in alternate assessment against alternate standards scored at or above proficient against grade level |  |  |  |  |  |  |  |  |  |  |  |

**Data Source:**

SY 2019-20 Assessment Data Groups - Math (EDFacts file spec FS175; Data Group: 583)

**Date:**

**Math Proficiency Data by Grade**

| **Grade** | **3** | **4** | **5** | **6** | **7** | **8** | **9** | **10** | **11** | **12** | **HS** |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| a. Children with IEPs who received a valid score and a proficiency was assigned |  |  |  |  |  |  |  |  |  |  |  |
| b. IEPs in regular assessment with no accommodations scored at or above proficient against grade level |  |  |  |  |  |  |  |  |  |  |  |
| c. IEPs in regular assessment with accommodations scored at or above proficient against grade level |  |  |  |  |  |  |  |  |  |  |  |
| f. IEPs in alternate assessment against alternate standards scored at or above proficient against grade level |  |  |  |  |  |  |  |  |  |  |  |

**FFY 2019 SPP/APR Data: Reading Assessment**

| **Group** | **Group Name** | **Children with IEPs who received a valid score and a proficiency was assigned** | **Number of Children with IEPs Proficient** | **FFY 2018 Data** | **FFY 2019 Target** | **FFY 2019 Data** | **Status** | **Slippage** |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **A** | Grade 3-8 |  |  | 20.00% | 23.00% |  | N/A | N/A |
| **B** | HS |  |  | 72.16% | 70.00% |  | N/A | N/A |

**FFY 2019 SPP/APR Data: Math Assessment**

| **Group** | **Group Name** | **Children with IEPs who received a valid score and a proficiency was assigned** | **Number of Children with IEPs Proficient** | **FFY 2018 Data** | **FFY 2019 Target** | **FFY 2019 Data** | **Status** | **Slippage** |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **A** | Grade 3-8 |  |  | 21.44% | 23.00% |  | N/A | N/A |
| **B** | HS |  |  | 65.14% | 66.00% |  | N/A | N/A |

**Regulatory Information**

**The SEA, (or, in the case of a district-wide assessment, LEA) must make available to the public, and report to the public with the same frequency and in the same detail as it reports on the assessment of nondisabled children: (1) the number of children with disabilities participating in: (a) regular assessments, and the number of those children who were provided accommodations in order to participate in those assessments; and (b) alternate assessments aligned with alternate achievement standards; and (2) the performance of children with disabilities on regular assessments and on alternate assessments, compared with the achievement of all children, including children with disabilities, on those assessments. [20 U.S.C. 1412 (a)(16)(D); 34 CFR §300.160(f)]**

**Public Reporting Information**

**Provide links to the page(s) where you provide public reports of assessment results.**

http://www.p12.nysed.gov/sedcar/state.htm https://data.nysed.gov/ (links to all years and all data, some of which must be filtered and data displays built).  
  
Statewide Assessment Performance of All Students, General Education Students and Students with Disabilities: https://data.nysed.gov/assessment38.php?subject=ELA&year=2019&state=yes and https://data.nysed.gov/assessment38.php?subject=Mathematics&year=2019&state=yes https://data.nysed.gov/assessment38.php?subject=ELA&year=2019&state=yes  
  
Statewide Assessment Participation of All Students, General Education Students and Students with Disabilities: https://data.nysed.gov/essa.php?instid=800000081568&year=2019&createreport=1&EMpart=1  
  
LEA Assessment Performance and Participation of All Students, General Education Students and Students with Disabilities: https://data.nysed.gov/lists.php?type=district.  
  
Users must navigate to a specific district and click on '3-8 ELA Assessment Data', '3-8 Math Assessment Data' or 'School Report Card'. http://data.nysed.gov. Shows school district report card data and special education reports. For special education reports, follow these steps:   
1. From data.nysed.gov, click on "DISTRICTS" in heading.  
2. Click on a district.   
3. Scroll down and click on a year.   
4. Click on Special Education Data.   
  
For report card data, follow these steps:   
1. From data.nysed.gov, click on "DISTRICTS" in heading.   
2. Click on a district.   
3. Scroll down and click on a year.   
4. Click on School Report Card under 'School Data'.   
5. Build the report you want to see by selecting from the available data.

**Provide additional information about this indicator (optional)**

Indicator not applicable for FFY 2019. As a result of the COVID-19 pandemic, New York received a waiver from the United States Department of Education pertaining to the administration of assessments for the 2019-20 school year.

## 3C - Prior FFY Required Actions

None

## 3C - OSEP Response

The State was not required to provide any data for this indicator. Due to the circumstances created by the COVID-19 pandemic, and resulting school closures, the State received a waiver of the assessment requirements in section 1111(b)(2) of the ESEA, and, as a result, does not have any FFY 2019 data for this indicator.

## 3C - Required Actions

# Indicator 4A: Suspension/Expulsion

**Instructions and Measurement**

**Monitoring Priority:** FAPE in the LRE

**Results Indicator:** Rates of suspension and expulsion:

A. Percent of districts that have a significant discrepancy in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs

(20 U.S.C. 1416(a)(3)(A); 1412(a)(22))

**Data Source**

State discipline data, including State’s analysis of State’s Discipline data collected under IDEA Section 618, where applicable. Discrepancy can be computed by either comparing the rates of suspensions and expulsions for children with IEPs to rates for nondisabled children within the LEA or by comparing the rates of suspensions and expulsions for children with IEPs among LEAs within the State.

**Measurement**

Percent = [(# of districts that meet the State-established n size (if applicable) that have a significant discrepancy in the rates of suspensions and expulsions for greater than 10 days in a school year of children with IEPs) divided by the (# of districts in the State that meet the State-established n size (if applicable))] times 100.

Include State’s definition of “significant discrepancy.”

**Instructions**

If the State has established a minimum n size requirement, the State may only include, in both the numerator and the denominator, districts that met that State-established n size. If the State used a minimum n size requirement, report the number of districts excluded from the calculation as a result of this requirement.

Describe the results of the State’s examination of the data for the year before the reporting year (e.g., for the FFY 2019 SPP/APR, use data from 2018-2019), including data disaggregated by race and ethnicity to determine if significant discrepancies are occurring in the rates of long-term suspensions and expulsions of children with IEPs, as required at 20 U.S.C. 1412(a)(22). The State’s examination must include one of the following comparisons:

--The rates of suspensions and expulsions for children with IEPs among LEAs within the State; or

--The rates of suspensions and expulsions for children with IEPs to nondisabled children within the LEAs

In the description, specify which method the State used to determine possible discrepancies and explain what constitutes those discrepancies.

Indicator 4A: Provide the actual numbers used in the calculation (based upon districts that met the minimum n size requirement, if applicable). If significant discrepancies occurred, describe how the State educational agency reviewed and, if appropriate, revised (or required the affected local educational agency to revise) its 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 that such policies, procedures, and practices comply with applicable requirements.

Provide detailed information about the timely correction of noncompliance as noted in OSEP’s response for the previous SPP/APR. If discrepancies occurred and the district with discrepancies had policies, procedures or practices that contributed to the significant discrepancy and that do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards, describe how the State ensured that such policies, procedures, and practices were revised to comply with applicable requirements consistent with the Office of Special Education Programs (OSEP) Memorandum 09-02, dated October 17, 2008.

If the State did not ensure timely correction of the previous noncompliance, provide information on the extent to which noncompliance was subsequently corrected (more than one year after identification). In addition, provide information regarding the nature of any continuing noncompliance, improvement activities completed (e.g., review of policies and procedures, technical assistance, training, etc.) and any enforcement actions that were taken.

If the State reported less than 100% compliance for the previous reporting period (e.g., for the FFY 2019 SPP/APR, the data for 2018-2019), and the State did not identify any findings of noncompliance, provide an explanation of why the State did not identify any findings of noncompliance.

## 4A - Indicator Data

**Historical Data**

| **Baseline Year** | **Baseline Data** |
| --- | --- |
| 2016 | 6.22% |

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **FFY** | **2014** | **2015** | **2016** | **2017** | **2018** |
| Target <= | 4.50% | 4.50% | 6.22% | 4.25% | 4.00% |
| Data | 4.12% | 4.27% | 6.22% | 5.32% | 2.60% |

**Targets**

|  |  |
| --- | --- |
| **FFY** | **2019** |
| Target <= | 4.00% |

**Targets: Description of Stakeholder Input**

An internal NYSED work group analyzed historical targets and actual data to create proposed FFY 2013- FFY 2018 targets. The draft targets were shared with the State's Commissioner's Advisory Panel (CAP) for Special Education Services, which is the IDEA State Advisory Panel. Results for this indicator were also shared with the State's technical assistance providers, including the Technical Assistance Center on Disproportionality (TAC-D) and behavior specialists from the Regional Special Education-Technical Assistance Support Centers. Discussions in target setting included a review of historical trends and the State's resources dedicated to improving behavior practices in schools, including but not limited to the State funded Positive Behavioral Interventions and Supports (PBIS) technical assistance center, regional behavior specialists who are assigned to schools with high suspension rates, and the TAC-D. Also considered was the State's work, through the Office of Student Support Services, relating to "Safe Schools". Stakeholder input stressed that, because the State has targeted technical assistance to address suspension concerns, we should set our targets to be more rigorous than historical trend analysis alone would lead us to.  
  
FFY 2018 targets were extended for FFY 2019 after consultation and discussion with CAP.

**FFY 2019 SPP/APR Data**

**Has the state established a minimum n-size requirement? (yes/no)**

YES

**If yes, the State may only include, in both the numerator and the denominator, districts that met the State-established n size. Report the number of districts excluded from the calculation as a result of the requirement.**

26

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| --- | --- | --- | --- | --- | --- | --- |
| **Number of districts that have a significant discrepancy** | **Number of Districts that met the State's minimum n-size** | **FFY 2018 Data** | **FFY 2019 Target** | **FFY 2019 Data** | **Status** | **Slippage** |
| 21 | 650 | 2.60% | 4.00% | 3.23% | Met Target | No Slippage |

**Choose one of the following comparison methodologies to determine whether significant discrepancies are occurring (34 CFR §300.170(a))**

Compare the rates of suspensions and expulsions of greater than 10 days in a school year for children with IEPs among LEAs in the State

**State’s definition of “significant discrepancy” and methodology**

In New York, the rates of suspensions and expulsions of students with disabilities out of school for more than 10 days in a school year are compared among the school districts in the State. For the baseline year 2004-05 through 2006-07, significant discrepancy was defined as a suspension rate of greater than three times the baseline Statewide average (i.e., a rate of 4.0 percent or higher). The 2004-05 baseline Statewide average suspension rate was 1.34 percent. School districts with at least 30 school-age students with disabilities that had a suspension rate of 4.0 percent or higher were identified as having significant discrepancy in their rate among school districts. A minimum number of 30 students with disabilities is used since small numbers of students with disabilities may distort percentages. Beginning in 2007-08, significant discrepancy is defined as a suspension rate of greater than two times the baseline Statewide average (a rate of 2.7 percent or higher).  
  
Criteria for notification:  
- Minimum of 10 students with disabilities suspended out of school for more than 10 days;  
- Minimum of 30 students with disabilities were enrolled on the first Wednesday of October; and  
-The suspension rate is two times or higher than the baseline Statewide average in the 2004-05 (base) school year.  
  
The 2004-05 Statewide average suspension rate was 1.34 percent. Schools districts with a suspension rate of 2.7 percent or higher are notified they have a significant discrepancy.

**Provide additional information about this indicator (optional)**

**Review of Policies, Procedures, and Practices (completed in FFY 2019 using 2018-2019 data)**

**Provide a description of the review of policies, procedures, and practices relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.**

For each school district identified by its data as having a significant discrepancy in the rate of suspensions and expulsions of greater than 10 days in a school year for students with disabilities, the State ensures that a review is conducted of the school district’s policies, procedures and practices related to the development and implementation of IEPs, the uses of positive behavioral interventions and supports, and procedural safeguards among students with disabilities subject to discipline.  
  
The State provides for the review of policies, procedures and practices each year a school district’s data shows a significant discrepancy in its suspension rates for students with disabilities by requiring the school district to complete a State-developed self-review monitoring protocol, which requires the review of specific policies, practices and procedures related to discipline of students with disabilities, including requirements relating to the development and implementation of IEPs, use of positive behavioral interventions and supports, and procedural safeguards. School districts also receive targeted support from the New York State Education Department’s (NYSED) Office of Special Education's (OSE) IDEA - funded professional development (PD) network; the OSE Educational Partnership. PD specialists from the OSE Educational Partnership provided support to groups of the identified school districts in regions across the State. This intervention minimally included a root cause analysis of the contributing factors to each school district’s discrepancy in suspension followed by embedded support, as needed, in individual school districts to address the identified contributing factors.  
  
The monitoring protocol for this review is available at: http://www.p12.nysed.gov/specialed/spp/self-review-monitoring-protocol-suspension-2020.htm.  
  
A report of the results of this review is submitted by the school district to the State. At the time of submission, school districts that identify issues of noncompliance are notified through a written finding of noncompliance that they must correct all instances of noncompliance immediately, but not later than the prescribed due date contained in the school district’s notification (always within one year). The results from this review are reported to the State for follow-up and corrective actions if compliance issues are not corrected within one year or sooner.

The State DID identify noncompliance with Part B requirements as a result of the review required by 34 CFR §300.170(b).

**If YES, select one of the following:**

The State DID ensure that such policies, procedures, and practices were revised to comply with applicable requirements consistent with OSEP Memorandum 09-02, dated October 17, 2008.

**Describe how the State ensured that such policies, procedures, and practices were revised to comply with applicable requirements consistent with OSEP Memorandum 09-02, dated October 17, 2008*.***

School districts with significant discrepancy were notified through written findings of noncompliance that they must correct their policies, procedures and practices immediately, but not later than the prescribed due date in their notification (within one year of being notified of noncompliance). The State verifies that each non-compliant school district is correctly implementing the specific regulatory requirements (i.e., achieved 100 percent compliance) based on a review of updated data, such as data subsequently collected through on-site monitoring or a State data system, and corrects each individual case of noncompliance, unless the child is no longer within the jurisdiction of the school district, consistent with OSEP’s Memorandum 09-02, dated October 17, 2008 (OSEP Memo 09-02). Verification includes, but is not limited to, the review of revised policies and procedures, IEPs, behavioral intervention plans (BIP) and other documents as related to the findings of noncompliance, showing the correction of noncompliance for individual students.

**Correction of Findings of Noncompliance Identified in FFY 2018**

| **Findings of Noncompliance Identified** | **Findings of Noncompliance Verified as Corrected Within One Year** | **Findings of Noncompliance Subsequently Corrected** | **Findings Not Yet Verified as Corrected** |
| --- | --- | --- | --- |
| 68 | 60 | 8 | 0 |

**FFY 2018 Findings of Noncompliance Verified as Corrected**

**Describe how the State verified that the source of noncompliance is correctly implementing the *regulatory requirements***

The State required school districts identified with policies, procedures and practices not consistent with State and federal requirement to (1) document the steps the school district took (i.e., required corrective actions and improvement activities) to correct findings of noncompliance; (2) correct all instances of noncompliance immediately, but not later than the prescribed due date contained in the State's notification to the school district (within one year); and (3) provide the State with an assurance and documentation that the school district has corrected all issues of noncompliance. The State verified that the school districts with one or more findings of noncompliance had revised their policies, procedures and practices to ensure that the school district achieved 100 percent compliance in implementing the regulatory requirements related to the discipline of students with disabilities consistent with OSEP memorandum 09-02. Verification of the correction of noncompliance included, but was not limited to, review of subsequent year data, review of revised policies and procedures and a sample of revised IEPs, BIPs and other documents showing the correction of noncompliance through a submitted assurance from each school district.

**Describe how the State verified that each *individual case* of noncompliance was corrected**

The State notified each school district identified with individual student cases of noncompliance that it must correct the noncompliance for the individual case(s) immediately, but not later than the prescribed due date contained in the State's notification to the school district (within one year). The school district was required to provide an assurance and documentation to the State that the school district has corrected all issues of noncompliance. The State verified that the school districts with one or more findings of noncompliance had corrected each individual case of noncompliance and achieved 100 percent compliance, unless the student was no longer within jurisdiction of the school district. Verification of the correction of noncompliance included, but was not limited to, the review of revised IEPs, behavioral intervention plans, manifestation determination reviews and other documents showing the correction of noncompliance for individual students.

**Correction of Findings of Noncompliance Identified Prior to FFY 2018**

| **Year Findings of Noncompliance Were Identified** | **Findings of Noncompliance Not Yet Verified as Corrected as of FFY 2018 APR** | **Findings of Noncompliance Verified as Corrected** | **Findings Not Yet Verified as Corrected** |
| --- | --- | --- | --- |
|  |  |  |  |
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|  |  |  |  |

## 4A - Prior FFY Required Actions

None

## 4A - OSEP Response

## 4A - Required Actions

The State must report, in the FFY 2020 SPP/APR, on the correction of noncompliance that the State identified in FFY 2019 as a result of the review it conducted pursuant to 34 C.F.R. § 300.170(b). When reporting on the correction of this noncompliance, the State must report that it has verified that each district with noncompliance identified by the State: (1) is correctly implementing the specific regulatory requirements (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the district, consistent with OSEP Memo 09-02. In the FFY 2020 SPP/APR, the State must describe the specific actions that were taken to verify the correction.

# Indicator 4B: Suspension/Expulsion

**Instructions and Measurement**

**Monitoring Priority:** FAPE in the LRE

**Compliance Indicator:** Rates of suspension and expulsion:

B. Percent of districts that have: (a) a significant discrepancy, by race or ethnicity, in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs; and (b) policies, procedures or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.

(20 U.S.C. 1416(a)(3)(A); 1412(a)(22))

**Data Source**

State discipline data, including State’s analysis of State’s Discipline data collected under IDEA Section 618, where applicable. Discrepancy can be computed by either comparing the rates of suspensions and expulsions for children with IEPs to rates for nondisabled children within the LEA or by comparing the rates of suspensions and expulsions for children with IEPs among LEAs within the State.

**Measurement**

Percent = [(# of districts that meet the State-established n size (if applicable) for one or more racial/ethnic groups that have: (a) a significant discrepancy, by race or ethnicity, in the rates of suspensions and expulsions of greater than 10 days in a school year of children with IEPs; and (b) policies, procedures or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards) divided by the (# of districts in the State that meet the State-established n size (if applicable) for one or more racial/ethnic groups)] times 100.

Include State’s definition of “significant discrepancy.”

**Instructions**

If the State has established a minimum n size requirement, the State may only include, in both the numerator and the denominator, districts that met that State-established n size. If the State used a minimum n size requirement, report the number of districts excluded from the calculation as a result of this requirement.

Describe the results of the State’s examination of the data for the year before the reporting year (e.g., for the FFY 2019 SPP/APR, use data from 2018-2019), including data disaggregated by race and ethnicity to determine if significant discrepancies are occurring in the rates of long-term suspensions and expulsions of children with IEPs, as required at 20 U.S.C. 1412(a)(22). The State’s examination must include one of the following comparisons

--The rates of suspensions and expulsions for children with IEPs among LEAs within the State; or

--The rates of suspensions and expulsions for children with IEPs to nondisabled children within the LEAs

In the description, specify which method the State used to determine possible discrepancies and explain what constitutes those discrepancies.

Indicator 4B: Provide the following: (a) the number of districts that met the State-established n size (if applicable) for one or more racial/ethnic groups that have a significant discrepancy, by race or ethnicity, in the rates of suspensions and expulsions of greater than 10 days in a school year for children with IEPs; and (b) the number of those districts in which policies, procedures or practices contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.

Provide detailed information about the timely correction of noncompliance as noted in OSEP’s response for the previous SPP/APR. If discrepancies occurred and the district with discrepancies had policies, procedures or practices that contributed to the significant discrepancy and that do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards, describe how the State ensured that such policies, procedures, and practices were revised to comply with applicable requirements consistent with the Office of Special Education Programs (OSEP) Memorandum 09-02, dated October 17, 2008.

If the State did not ensure timely correction of the previous noncompliance, provide information on the extent to which noncompliance was subsequently corrected (more than one year after identification). In addition, provide information regarding the nature of any continuing noncompliance, improvement activities completed (e.g., review of policies and procedures, technical assistance, training, etc.) and any enforcement actions that were taken.

If the State reported less than 100% compliance for the previous reporting period (e.g., for the FFY 2019 SPP/APR, the data for 2018-2019), and the State did not identify any findings of noncompliance, provide an explanation of why the State did not identify any findings of noncompliance.

Targets must be 0% for 4B.

## 4B - Indicator Data

**Not Applicable**

**Select yes if this indicator is not applicable.**

NO

**Historical Data**

| **Baseline Year** | **Baseline Data** |
| --- | --- |
| 2016 | 1.95% |

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **FFY** | **2014** | **2015** | **2016** | **2017** | **2018** |
| Target | 0% | 0% | 0% | 0% | 0% |
| Data | 2.06% | 3.09% | 1.95% | 2.13% | 1.23% |

**Targets**

|  |  |
| --- | --- |
| **FFY** | **2019** |
| Target | 0% |

**FFY 2019 SPP/APR Data**

**Has the state established a minimum n-size requirement? (yes/no)**

YES

**If yes, the State may only include, in both the numerator and the denominator, districts that met the State-established n size. Report the number of districts excluded from the calculation as a result of the requirement.**

26

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| **Number of districts that have a significant discrepancy, by race or ethnicity** | **Number of those districts that have policies procedure, or practices that contribute to the significant discrepancy and do not comply with requirements** | **Number of Districts that met the State's minimum n-size** | **FFY 2018 Data** | **FFY 2019 Target** | **FFY 2019 Data** | **Status** | **Slippage** |
| 19 | 3 | 650 | 1.23% | 0% | 0.46% | Did Not Meet Target | No Slippage |

**Were all races and ethnicities included in the review?**

YES

**State’s definition of “significant discrepancy” and methodology**

New York compares the number of students suspended in each race/ethnicity category with the Statewide number of all students with disabilities suspended and computes a standard deviation to determine if there is significant discrepancy in suspensions.  
  
Criteria for notification:  
- Minimum of 30 students with disabilities were enrolled in the school district on the first Wednesday in October of the reporting year;   
- At least 10 students with disabilities of the particular race/ethnicity were suspended; and  
- The suspension rate is two standard deviations above the Statewide average in the 2018-19 school year.  
  
The 2018-19 Statewide average suspension rate was 0.76 percent and the standard deviation was 1.21 percent. School districts with any group with a suspension rate of 3.17 percent or higher are notified they have a significant discrepancy. For the school district calculations, the minimum numbers of students with disabilities is used because of the potential for small numbers of students with disabilities to distort percentages. Reports include significant discrepancies of students in the “two or more races” category for Indicator 4B. For each school district identified by its data as having a significant discrepancy in the rate of suspensions and expulsions of greater than 10 days in a school year of students with disabilities, the State ensures that a review is conducted of the school district’s policies, procedures and practices relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards among students with disabilities subject to discipline. The State provides for the review of policies, procedures and practices each year a school district’s data shows a significant discrepancy in its suspension rates for students with disabilities by requiring the school district to complete a State-developed self-review monitoring protocol, which requires the review of specific policies, procedures and practices related to discipline of students with disabilities, including requirements relating to the development and implementation of IEPs, use of positive behavioral supports and procedural safeguards. The monitoring protocol for this review is available at http://www.p12.nysed.gov/specialed/spp/indicators/4.htm. A report of the results of this review is submitted by the school district to the State. At the time of submission, school districts that identify issues of noncompliance are immediately notified through a written finding of noncompliance that they must correct all issues of noncompliance immediately, but not later than the prescribed due date in the school district's notification (always within 12 months). The results from this review are reported to the State for follow-up and corrective actions if compliance issues are identified. School districts that are identified with inappropriate policies, procedures and/or practices are identified for purposes of reporting in the SPP/APR for indicator 4B.

**Provide additional information about this indicator (optional)**

The State established a work group to identify root cause issues related to Indicator 4B and to develop recommendations to improve performance for this indicator. The work group reviewed extensive school district data for all districts that had been identified under Indicator 4B from 2006 to present. The analysis of trend data brought the work group to the conclusion that the current monitoring reviews conducted with the identified school districts needed revision as many school districts were identified for consecutive years. The State consequently established a second work group to review and revise its Indicator 4B monitoring protocols.

**Review of Policies, Procedures, and Practices (completed in FFY 2019 using 2018-2019 data)**

**Provide a description of the review of policies, procedures, and practices relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.**

For each school district identified by its data as having a significant discrepancy in the rate of suspensions and expulsions of greater than 10 days in a school year for students with disabilities, the State ensures that a review is conducted of the school district’s policies, procedures and practices related to the development and implementation of IEPs, the uses of positive behavioral interventions and supports, and procedural safeguards among students with disabilities subject to discipline.  
  
The State provides for the review of policies, procedures and practices each year a school district’s data shows a significant discrepancy in its suspension rates for students with disabilities by requiring the school district to complete a State-developed self-review monitoring protocol, which requires the review of specific policies, practices and procedures related to discipline of students with disabilities, including requirements relating to the development and implementation of IEPs, use of positive behavioral interventions and supports, and procedural safeguards. School districts also receive targeted support from the Office of Special Education’s (OSE) Educational Partnership. PD specialists from the OSE Educational Partnership provided support to groups of the identified school districts who had two or more consecutive years of identification under Indicator 4B, in regions across the New York. This intervention minimally included a root cause analysis of the contributing factors to each school district’s discrepancy in suspension followed by embedded support, as needed, in individual school districts to address the identified contributing factors.  
  
The monitoring protocol for this review is available at: http://www.p12.nysed.gov/specialed/spp/self-review-monitoring-protocol-suspension-2020.htm.  
  
A report of the results of this review is submitted by the school district to the State. At the time of submission, school districts that identify issues of noncompliance are notified through a written finding of noncompliance that they must correct all instances of noncompliance immediately, but not later than the prescribed due date contained in the district’s notification (always within one year). The results from this review are reported to the State for follow-up and corrective actions if compliance issues are not corrected within one year or sooner.

The State DID identify noncompliance with Part B requirements as a result of the review required by 34 CFR §300.170(b).

**If YES, select one of the following:**

The State DID ensure that such policies, procedures, and practices were revised to comply with applicable requirements consistent with OSEP Memorandum 09-02, dated October 17, 2008.

**Describe how the State ensured that such policies, procedures, and practices were revised to comply with applicable requirements consistent with OSEP Memorandum 09-02, dated October 17, 2008*.***

When the State identifies school district policies, procedures and practices that are not consistent with State and federal requirements, the State requires the school district to (1) document the steps the school district will take (i.e., required corrective actions required and improvement activities) to correct findings of noncompliance; (2) correct all instances of noncompliance immediately, but not later than the prescribed due date contained in the State's notification to the school district (within one year); and (3) provide the State with an assurance and documentation that the school district has corrected all issues of noncompliance. The State verified that the school districts with one or more findings of noncompliance had revised their policies, procedures and practices to ensure that the school district is correctly implementing the requirements. Verification of the correction of noncompliance included, but was not limited to, review of subsequent year data, review of revised policies, procedures and practices and a sample of revised IEPs, BIPs and other documents showing the correction of noncompliance.

**Correction of Findings of Noncompliance Identified in FFY 2018**

| **Findings of Noncompliance Identified** | **Findings of Noncompliance Verified as Corrected Within One Year** | **Findings of Noncompliance Subsequently Corrected** | **Findings Not Yet Verified as Corrected** |
| --- | --- | --- | --- |
| 11 | 11 | 0 | 0 |

**FFY 2018 Findings of Noncompliance Verified as Corrected**

**Describe how the State verified that the source of noncompliance is correctly implementing the *regulatory requirements***

The State required school districts identified with policies, procedures and practices not consistent with State and federal requirement to (1) document the steps the school district took (i.e., required corrective actions and improvement activities) to correct findings of noncompliance; (2) correct all instances of noncompliance immediately, but not later than the prescribed due date contained in the State's notification to the school district (within one year); and (3) provide the State with an assurance and documentation that the school district has corrected all issues of noncompliance. The State verified that each of the school districts with one or more findings of noncompliance had revised their policies, procedures and practices to ensure that the school district achieved 100 percent compliance in implementing the regulatory requirements related to the discipline of students with disabilities consistent with OSEP memorandum 09-02. Verification of the correction of noncompliance included, but was not limited to, review of subsequent year data, review of revised policies and procedures and a sample of revised IEPs, BIPs and other documents showing the correction of noncompliance through a submitted assurance from each school district.

**Describe how the State verified that each *individual case* of noncompliance was corrected**

The State notified each school district identified with individual student cases of noncompliancethat it must correct the noncompliance for the individual case(s) immediately, but not later than the prescribed due date contained in the State's notification to the school district (within one year). The school district was required to provide an assurance and documentation to the State that the school district has corrected all issues of noncompliance. The State verified that all of the school districts with one or more findings of noncompliance had corrected each individual case of noncompliance and achieved 100 percent compliance, unless the student was no longer within the jurisdiction of the school district. Verification of the correction of noncompliance by all school districts included, but was not limited to, the review of revised IEPs, behavioral intervention plans, manifestation determination reviews and other documents showing the correction of noncompliance for individual students.

**Correction of Findings of Noncompliance Identified Prior to FFY 2018**

| **Year Findings of Noncompliance Were Identified** | **Findings of Noncompliance Not Yet Verified as Corrected as of FFY 2018 APR** | **Findings of Noncompliance Verified as Corrected** | **Findings Not Yet Verified as Corrected** |
| --- | --- | --- | --- |
| FFY 2017 | 6 | 6 | 0 |
| FFY 2014 | 1 | 1 | 0 |
|  |  |  |  |

**FFY 2017**

**Findings of Noncompliance Verified as Corrected**

**Describe how the State verified that the source of noncompliance is correctly implementing the *regulatory requirements***

The State required school districts identified with policies, procedures and practices not consistent with State and federal requirement to (1) document the steps the school district took (i.e., required corrective actions and improvement activities) to correct findings of noncompliance; (2) correct all instances of noncompliance immediately, but not later than the prescribed due date contained in the State's notification to the school district (within one year); and (3) provide the State with an assurance and documentation that the school district has corrected all issues of noncompliance. The State verified that the school district with six findings of noncompliance had revised its policies, procedures and practices to ensure that the school district achieved 100 percent compliance in implementing the regulatory requirements related to the discipline of students with disabilities consistent with OSEP Memorandum 09-02. Verification of the correction of noncompliance included, but was not limited to, review of subsequent year data, review of revised policies, procedures and practices and a sample of revised IEPs, BIPs and other documents showing the correction of noncompliance.  
  
During FFY 2019, State monitors met with the school district on a monthly basis to provide technical assistance. In addition, NYSED’s grant funded PD network provided weekly embedded targeted PD to establish and maintain school districtwide systems to conduct FBAs, initiate and progress monitor BIPs, conduct timely manifestation determination reviews and provide parents with appropriate notices. These efforts have culminated with the school district resolving all student-specific noncompliance and 100 percent compliance in meeting the applicable regulatory requirements.

**Describe how the State verified that each *individual case* of noncompliance was corrected**

The State notified the school district identified with individual student cases of noncompliance that it must correct the noncompliance for the individual case(s) immediately, but not later than the prescribed due date contained in the State's notification to the school district (within one year). The school district was required to provide an assurance and documentation to the State that the school district has corrected all issues of noncompliance. The State verified that the school district had corrected each individual case of noncompliance and achieved 100 percent compliance, unless the student was no longer within the jurisdiction of the school district. Verification of the correction of noncompliance included, but was not limited to, the review of revised IEPs, behavioral intervention plans, manifestation determination reviews and other documents showing the correction of noncompliance for individual students.

**FFY 2014**

**Findings of Noncompliance Verified as Corrected**

**Describe how the State verified that the source of noncompliance is correctly implementing the *regulatory requirements***

The State required the school district identified with policies, procedures and practices not consistent with State and federal requirement to (1) document the steps the school district took (i.e., required corrective actions and improvement activities) to correct findings of noncompliance; (2) correct all instances of noncompliance immediately, but not later than the prescribed due date contained in the State's notification to the school district (within one year); and (3) provide the State with an assurance and documentation that the school district has corrected all issues of noncompliance.   
  
The State verified that the school district with one finding of noncompliance had revised its policies, procedures and practices to ensure that the school district achieved 100 percent compliance in implementing the regulatory requirements related to the discipline of students with disabilities consistent with OSEP Memorandum 09-02. Verification of the correction of noncompliance included, but was not limited to, review of subsequent year data, review of revised policies, procedures and practices and a sample of revised IEPs, BIPs and other documents showing the correction of noncompliance.

**Describe how the State verified that each *individual case* of noncompliance was corrected**

The State notified the school district identified with individual student cases of noncompliance that it must correct the noncompliance for the individual case(s) immediately, but not later than the prescribed due date contained in the State's notification to the school district (within one year). The school district was required to provide an assurance and documentation to the State that the school district has corrected all issues of noncompliance. The State verified that the school district with one finding of noncompliance had corrected each individual case of noncompliance and achieved 100 percent compliance, unless the student was no longer within the jurisdiction of the school district. Verification of the correction of noncompliance included, but was not limited to, the review of revised IEPs, behavioral intervention plans, manifestation determination reviews and other documents showing the correction of noncompliance for individual students.

## 4B - Prior FFY Required Actions

None

## 4B - OSEP Response

## 4B- Required Actions

Because the State reported less than 100% compliance (greater than 0% actual target data for this indicator) for FFY 2019, the State must report on the status of correction of noncompliance identified in FFY 2019 for this indicator. The State must demonstrate, in the FFY 2020 SPP/APR, that the districts identified with noncompliance in FFY 2019 have corrected the noncompliance, including that the State verified that each district with noncompliance: (1) is correctly implementing the specific regulatory requirement(s) (i.e., achieved 100% compliance) based on a review of updated data, such as data subsequently collected through on-site monitoring or a State data system; and (2) has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the district, consistent with OSEP Memo 09-02. In the FFY 2020 SPP/APR, the State must describe the specific actions that were taken to verify the correction.  
  
If the State did not identify any findings of noncompliance in FFY 2019, although its FFY 2019 data reflect less than 100% compliance (greater than 0% actual target data for this indicator), provide an explanation of why the State did not identify any findings of noncompliance in FFY 2019.

# Indicator 5: Education Environments (children 6-21)

**Instructions and Measurement**

**Monitoring Priority:** FAPE in the LRE

**Results indicator:** Education environments (children 6-21): Percent of children with IEPs aged 6 through 21 served:

A. Inside the regular class 80% or more of the day;

B. Inside the regular class less than 40% of the day; and

C. In separate schools, residential facilities, or homebound/hospital placements.

(20 U.S.C. 1416(a)(3)(A))

**Data Source**

Same data as used for reporting to the Department under section 618 of the IDEA, using the definitions in EDFacts file specification FS002.

**Measurement**

Percent = [(# of children with IEPs aged 6 through 21 served inside the regular class 80% or more of the day) divided by the (total # of students aged 6 through 21 with IEPs)] times 100.

Percent = [(# of children with IEPs aged 6 through 21 served inside the regular class less than 40% of the day) divided by the (total # of students aged 6 through 21 with IEPs)] times 100.

Percent = [(# of children with IEPs aged 6 through 21 served in separate schools, residential facilities, or homebound/hospital placements) divided by the (total # of students aged 6 through 21 with IEPs)]times 100.

**Instructions**

Sampling from the State’s 618 data is not allowed.

Describe the results of the calculations and compare the results to the target.

If the data reported in this indicator are not the same as the State’s data reported under section 618 of the IDEA, explain.

## 5 - Indicator Data

**Historical Data**

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| **Part** | **Baseline** | **FFY** | **2014** | **2015** | **2016** | **2017** | **2018** |
| A | 2005 | Target >= | 58.40% | 58.80% | 59.00% | 59.50% | 60.00% |
| A | 54.50% | Data | 57.80% | 57.98% | 58.26% | 58.48% | 58.51% |
| B | 2005 | Target <= | 21.00% | 20.50% | 20.00% | 19.00% | 18.00% |
| B | 25.50% | Data | 19.80% | 19.82% | 19.56% | 19.04% | 18.96% |
| C | 2005 | Target <= | 6.00% | 5.80% | 5.60% | 5.40% | 5.00% |
| C | 6.90% | Data | 6.13% | 5.44% | 6.04% | 5.55% | 5.43% |

**Targets**

|  |  |
| --- | --- |
| **FFY** | **2019** |
| Target A >= | 60.00% |
| Target B <= | 18.00% |
| Target C <= | 5.00% |

**Targets: Description of Stakeholder Input**

An internal NYSED workgroup analyzed historical targets and actual data to create proposed FFY 2013 - FFY 2018 targets. The draft targets were shared in the fall of 2014 with the State's Commissioner's Advisory Panel (CAP) for Special Education Services, which is the Individuals with Disabilities Education Act State Advisory Panel. Discussions regarding target setting included a review of historical trends, regional variations in least restrictive environment data and data disaggregated by Need/Resource capacity. CAP noted the need to target improvement strategies to increase the percentage of students who are in regular classes for 40 to 80 percent of the school day. Final targets were determined following this annual meeting in consideration of stakeholder comments.  
  
FFY 2018 targets were extended for FFY 2019 after consultation and discussion with CAP.

**Prepopulated Data**

| **Source** | **Date** | **Description** | **Data** |
| --- | --- | --- | --- |
| SY 2019-20 Child Count/Educational Environment Data Groups (EDFacts file spec FS002; Data group 74) | 07/08/2020 | Total number of children with IEPs aged 6 through 21 | 465,161 |
| SY 2019-20 Child Count/Educational Environment Data Groups (EDFacts file spec FS002; Data group 74) | 07/08/2020 | A. Number of children with IEPs aged 6 through 21 inside the regular class 80% or more of the day | 270,830 |
| SY 2019-20 Child Count/Educational Environment Data Groups (EDFacts file spec FS002; Data group 74) | 07/08/2020 | B. Number of children with IEPs aged 6 through 21 inside the regular class less than 40% of the day | 88,426 |
| SY 2019-20 Child Count/Educational Environment Data Groups (EDFacts file spec FS002; Data group 74) | 07/08/2020 | c1. Number of children with IEPs aged 6 through 21 in separate schools | 20,883 |
| SY 2019-20 Child Count/Educational Environment Data Groups (EDFacts file spec FS002; Data group 74) | 07/08/2020 | c2. Number of children with IEPs aged 6 through 21 in residential facilities | 1,657 |
| SY 2019-20 Child Count/Educational Environment Data Groups (EDFacts file spec FS002; Data group 74) | 07/08/2020 | c3. Number of children with IEPs aged 6 through 21 in homebound/hospital placements | 1,220 |

**Select yes if the data reported in this indicator are not the same as the State’s data reported under section 618 of the IDEA.**

NO

**FFY 2019 SPP/APR Data**

| **Education Environments** | **Number of children with IEPs aged 6 through 21 served** | **Total number of children with IEPs aged 6 through 21** | **FFY 2018 Data** | **FFY 2019 Target** | **FFY 2019 Data** | **Status** | **Slippage** |
| --- | --- | --- | --- | --- | --- | --- | --- |
| A. Number of children with IEPs aged 6 through 21 inside the regular class 80% or more of the day | 270,830 | 465,161 | 58.51% | 60.00% | 58.22% | Did Not Meet Target | No Slippage |
| B. Number of children with IEPs aged 6 through 21 inside the regular class less than 40% of the day | 88,426 | 465,161 | 18.96% | 18.00% | 19.01% | Did Not Meet Target | No Slippage |
| C. Number of children with IEPs aged 6 through 21 inside separate schools, residential facilities, or homebound/hospital placements [c1+c2+c3] | 23,760 | 465,161 | 5.43% | 5.00% | 5.11% | Did Not Meet Target | No Slippage |

**Use a different calculation methodology (yes/no)**

NO

**Provide additional information about this indicator (optional)**

NYSED guidance regarding LRE and school district responsibilities: http://www.p12.nysed.gov/specialed/publications/2015-memos/least-restrictive-environment-district-responsibilities.html  
  
Beginning with the 2019-20 school year, an LRE/Inclusion Subcommittee was established as part of CAP. The purpose of the subcommittee is to review and analyze data relating to LRE, focus on best practices to maximize participation of students with disabilities in general education programs and ensure that students with disabilities are being provided with opportunities to receive high-quality instruction in the LRE.

## 5 - Prior FFY Required Actions

None

## 5 - OSEP Response

## 5 - Required Actions

# Indicator 6: Preschool Environments

**Instructions and Measurement**

**Monitoring Priority:** FAPE in the LRE

**Results indicator:** Preschool environments: Percent of children aged 3 through 5 with IEPs attending a:

A. Regular early childhood program and receiving the majority of special education and related services in the regular early childhood program; and

B. Separate special education class, separate school or residential facility.

(20 U.S.C. 1416(a)(3)(A))

**Data Source**

Same data as used for reporting to the Department under section 618 of the IDEA, using the definitions in EDFacts file specification FS089.

**Measurement**

Percent = [(# of children aged 3 through 5 with IEPs attending a regular early childhood program and receiving the majority of special education and related services in the regular early childhood program) divided by the (total # of children aged 3 through 5 with IEPs)] times 100.

Percent = [(# of children aged 3 through 5 with IEPs attending a separate special education class, separate school or residential facility) divided by the (total # of children aged 3 through 5 with IEPs)] times 100.

**Instructions**

Sampling from the State’s 618 data is not allowed.

Describe the results of the calculations and compare the results to the target.

If the data reported in this indicator are not the same as the State’s data reported under section 618 of the IDEA, explain.

## 6 - Indicator Data

**Not Applicable**

**Select yes if this indicator is not applicable.**

NO

**Historical Data**

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| **Part** | **Baseline** | **FFY** | **2014** | **2015** | **2016** | **2017** | **2018** |
| A | 2011 | Target >= | 43.50% | 43.50% | 45.00% | 47.00% | 50.00% |
| A | 42.20% | Data | 43.19% | 41.94% | 43.41% | 43.56% | 43.06% |
| B | 2011 | Target <= | 22.00% | 21.00% | 20.00% | 19.00% | 18.00% |
| B | 26.80% | Data | 22.65% | 23.86% | 22.68% | 22.46% | 23.28% |

**Targets**

|  |  |
| --- | --- |
| **FFY** | **2019** |
| Target A >= | 50.00% |
| Target B <= | 18.00% |

**Targets: Description of Stakeholder Input**

An internal workgroup analyzed historical targets and actual data to create proposed FFY 2013 - FFY 2018 targets. The draft targets were shared with the State's Commissioner's Advisory Panel (CAP) for Special Education Services at one of its 2014 meetings. Discussions on target setting included a review of historical trends and variations in regional least restrictive environment (LRE) data; Statewide initiatives to expand State Administered PreKindergarten programs; additional Regional Special Education-Technical Assistance Support Center technical assistance resources to improve behavior supports for preschool children with disabilities; and information obtained from stakeholders at meetings conducted by New York State Education Department (NYSED) in collaboration with Early Childhood Direction Centers in regions of the State where data indicated disproportionate rates of separate school placements for preschool children with disabilities. Stakeholders from these regional meetings included special education preschool providers, special education directors from the public schools, municipality representatives, early intervention providers, regular early childhood providers, parents, and technical assistance providers.  
  
FFY 2018 targets were extended for FFY 2019 after consultation and discussion with CAP.

**Prepopulated Data**

| **Source** | **Date** | **Description** | **Data** |
| --- | --- | --- | --- |
| SY 2019-20 Child Count/Educational Environment Data Groups (EDFacts file spec FS089; Data group 613) | 07/08/2020 | Total number of children with IEPs aged 3 through 5 | 75,084 |
| SY 2019-20 Child Count/Educational Environment Data Groups (EDFacts file spec FS089; Data group 613) | 07/08/2020 | a1. Number of children attending a regular early childhood program and receiving the majority of special education and related services in the regular early childhood program | 31,686 |
| SY 2019-20 Child Count/Educational Environment Data Groups (EDFacts file spec FS089; Data group 613) | 07/08/2020 | b1. Number of children attending separate special education class | 13,833 |
| SY 2019-20 Child Count/Educational Environment Data Groups (EDFacts file spec FS089; Data group 613) | 07/08/2020 | b2. Number of children attending separate school | 3,624 |
| SY 2019-20 Child Count/Educational Environment Data Groups (EDFacts file spec FS089; Data group 613) | 07/08/2020 | b3. Number of children attending residential facility | 2 |

**Select yes if the data reported in this indicator are not the same as the State’s data reported under section 618 of the IDEA.**

NO

**FFY 2019 SPP/APR Data**

| **Preschool Environments** | **Number of children with IEPs aged 3 through 5 served** | **Total number of children with IEPs aged 3 through 5** | **FFY 2018 Data** | **FFY 2019 Target** | **FFY 2019 Data** | **Status** | **Slippage** |
| --- | --- | --- | --- | --- | --- | --- | --- |
| A. A regular early childhood program and receiving the majority of special education and related services in the regular early childhood program | 31,686 | 75,084 | 43.06% | 50.00% | 42.20% | Did Not Meet Target | No Slippage |
| B. Separate special education class, separate school or residential facility | 17,459 | 75,084 | 23.28% | 18.00% | 23.25% | Did Not Meet Target | No Slippage |

**Use a different calculation methodology (yes/no)**

NO

**Provide additional information about this indicator (optional)**

NYSED has been expanding efforts to leverage existing early childhood networks toward the expansion of preschool inclusion opportunities in New York. NYSED partnered with our State’s Council on Children and Families and Office of Children and Family Services on the second phase of the federal Preschool Development Birth to Five grant to expand access to existing programs and develop new programs to address the needs of children and families eligible for, but not served by, existing programs. Utilizing SPP Indicator 6 data, NYSED identified in the grant’s needs assessment the objective to increase the number of preschool students with disabilities attending regular early childhood programs. Grant activities include the publication of a “How To Guide” titled “Blending and Braiding Funds to Support Early Childhood Education Program” and upcoming work focused on sharing best practices regarding equity and inclusion curriculum, development, and training.   
  
Also, NYSED has worked specifically with a large city school district to require the creation of a preschool inclusion plan for the school district to enroll more preschool students with disabilities in their 3K and PreK for All programs where their special education services will also be provided. This will ensure that preschool students with disabilities have access to these important early childhood program opportunities across the school district and enable many more preschool students with disabilities to receive specially designed instruction and related services in the regular education environment alongside their typically developing peers.   
  
In addition, beginning with the 2019-20 school year, a subcommittee on Least Restrictive Environment (LRE)/Inclusion was established as part of the State’s Commissioner’s Advisory Panel for Special Education Services. The purpose of the subcommittee is to review and analyze data relating to LRE and focus on best practices to maximize participation of students with disabilities in general education programs and to ensure that students with disabilities are being provided with opportunities to receive high-quality instruction in the LRE.  
  
NYSED looks forward to performing more in-depth and disaggregate data analysis on SPP Indicator 6 performance and holding stakeholder discussions with parents, early childhood program providers, committees on preschool special education and other interested stakeholders on the new SPP Indicator 6C, reporting five-year-old children who are enrolled in kindergarten under SPP Indicator 5, and the flexibility either to set targets for each discreet age (age 3, age 4, and age 5 enrolled in preschool) or to set a single target for ages 3, 4, and 5 enrolled in a preschool program in each sub-indicator for SPP Indicator 6.

## 6 - Prior FFY Required Actions

None

## 6 - OSEP Response

## 6 - Required Actions

# Indicator 7: Preschool Outcomes

**Instructions and Measurement**

**Monitoring Priority:** FAPE in the LRE

**Results indicator:** Percent of preschool children aged 3 through 5 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.

(20 U.S.C. 1416 (a)(3)(A))

**Data Source**

State selected data source.

**Measurement**

Outcomes:

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.

Progress categories for A, B and C:

a. Percent of preschool children who did not improve functioning = [(# of preschool children who did not improve functioning) divided by (# of preschool children with IEPs assessed)] times 100.

b. Percent of preschool children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers = [(# of preschool children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers) divided by (# of preschool children with IEPs assessed)] times 100.

c. Percent of preschool children who improved functioning to a level nearer to same-aged peers but did not reach it = [(# of preschool children who improved functioning to a level nearer to same-aged peers but did not reach it) divided by (# of preschool children with IEPs assessed)] times 100.

d. Percent of preschool children who improved functioning to reach a level comparable to same-aged peers = [(# of preschool children who improved functioning to reach a level comparable to same-aged peers) divided by (# of preschool children with IEPs assessed)] times 100.

e. Percent of preschool children who maintained functioning at a level comparable to same-aged peers = [(# of preschool children who maintained functioning at a level comparable to same-aged peers) divided by (# of preschool children with IEPs assessed)] times 100.

**Summary Statements for Each of the Three Outcomes:**

**Summary Statement 1**: Of those preschool children who entered the preschool program below age expectations in each Outcome, the percent who substantially increased their rate of growth by the time they turned 6 years of age or exited the program.

**Measurement for Summary Statement 1:** Percent = [(# of preschool children reported in progress category (c) plus # of preschool children reported in category (d)) divided by (# of preschool children reported in progress category (a) plus # of preschool children reported in progress category (b) plus # of preschool children reported in progress category (c) plus # of preschool children reported in progress category (d))] times 100.

**Summary Statement 2:** The percent of preschool children who were functioning within age expectations in each Outcome by the time they turned 6 years of age or exited the program.

**Measurement for Summary Statement 2**: Percent = [(# of preschool children reported in progress category (d) plus # of preschool children reported in progress category (e)) divided by (the total # of preschool children reported in progress categories (a) + (b) + (c) + (d) + (e))] times 100.

**Instructions**

Sampling of **children for assessment** is allowed. When sampling is used, submit a description of the sampling methodology outlining how the design will yield valid and reliable estimates. (See General Instructions on page 2 for additional instructions on sampling.)

In the measurement include, in the numerator and denominator, only children who received special education and related services for at least six months during the age span of three through five years.

Describe the results of the calculations and compare the results to the targets. States will use the progress categories for each of the three Outcomes to calculate and report the two Summary Statements. States have provided targets for the two Summary Statements for the three Outcomes (six numbers for targets for each FFY).

Report progress data and calculate Summary Statements to compare against the six targets. Provide the actual numbers and percentages for the five reporting categories for each of the three outcomes.

In presenting results, provide the criteria for defining “comparable to same-aged peers.” If a State is using the Early Childhood Outcomes Center (ECO) Child Outcomes Summary (COS), then the criteria for defining “comparable to same-aged peers” has been defined as a child who has been assigned a score of 6 or 7 on the COS.

In addition, list the instruments and procedures used to gather data for this indicator, including if the State is using the ECO COS.

## 7 - Indicator Data

**Not Applicable**

**Select yes if this indicator is not applicable.**

NO

**Historical Data**

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| **Part** | **Baseline** | **FFY** | **2014** | **2015** | **2016** | **2017** | **2018** |
| A1 | 2008 | Target >= | 92.00% | 92.00% | 93.00% | 94.00% | 95.00% |
| A1 | 83.80% | Data | 87.00% | 91.18% | 89.67% | 86.33% | 89.59% |
| A2 | 2008 | Target >= | 45.00% | 48.00% | 50.00% | 52.00% | 56.00% |
| A2 | 55.40% | Data | 47.02% | 47.79% | 45.79% | 43.58% | 43.33% |
| B1 | 2008 | Target >= | 93.50% | 93.50% | 94.00% | 94.50% | 95.00% |
| B1 | 85.30% | Data | 88.64% | 90.86% | 90.76% | 87.85% | 90.57% |
| B2 | 2008 | Target >= | 45.00% | 48.00% | 50.00% | 52.00% | 56.00% |
| B2 | 55.30% | Data | 47.40% | 48.22% | 44.53% | 43.65% | 42.99% |
| C1 | 2008 | Target >= | 91.50% | 92.00% | 92.00% | 92.50% | 93.00% |
| C1 | 82.80% | Data | 87.60% | 90.15% | 88.81% | 85.80% | 89.14% |
| C2 | 2008 | Target >= | 50.00% | 52.00% | 55.00% | 60.00% | 64.00% |
| C2 | 63.20% | Data | 53.72% | 53.01% | 51.25% | 49.44% | 48.09% |

**Targets**

|  |  |
| --- | --- |
| **FFY** | **2019** |
| Target A1 >= | 95.00% |
| Target A2 >= | 56.00% |
| Target B1 >= | 95.00% |
| Target B2 >= | 56.00% |
| Target C1 >= | 93.00% |
| Target C2 >= | 64.00% |

**Targets: Description of Stakeholder Input**

Proposed FFY 2013 - FFY 2018 targets for preschool outcomes were discussed with the State's Commissioner's Advisory Panel (CAP) for Special Education Services. Outcomes for this indicator were also shared with the Early Childhood Direction Centers and other New York State Education Department (NYSED) technical assistance providers, including Parent Center representatives. Considerations discussed by stakeholders included the experience of school districts in reporting this data; preschool least restrictive environment data and regional meeting/planning initiatives (see Indicator 6); the addition of preschool behavior specialists to the Regional Special Education-Technical Assistance Support Centers; the expansion of State Administered PreKindergarten programs and access by students with disabilities; and the focus on the New York State (NYS) PreKindergarten State Standards. The preschool outcome results that less than 50% of children with disabilities, by the time they turn age 6 or exit preschool special education services, are functioning at the same level as their nondisabled peers in outcome B - acquisition and use of knowledge and skills (including early language/ communication and early literacy) was discussed from the perspective of the gap in early literacy achievement. This outcome, and the need to focus the State's improvement initiatives in this area, were discussed in the development of Indicator 7. FFY 2018 targets were extended to FFY 2019 after consultation and discussion with CAP.

**FFY 2019 SPP/APR Data**

**Number of preschool children aged 3 through 5 with IEPs assessed**

5,429

**Outcome A: Positive social-emotional skills (including social relationships)**

| **Outcome A Progress Category** | **Number of children** | **Percentage of Children** |
| --- | --- | --- |
| a. Preschool children who did not improve functioning | 30 | 0.55% |
| b. Preschool children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers | 551 | 10.15% |
| c. Preschool children who improved functioning to a level nearer to same-aged peers but did not reach it | 2,724 | 50.17% |
| d. Preschool children who improved functioning to reach a level comparable to same-aged peers | 1,638 | 30.17% |
| e. Preschool children who maintained functioning at a level comparable to same-aged peers | 486 | 8.95% |

| **Outcome A** | **Numerator** | **Denominator** | **FFY 2018 Data** | **FFY 2019 Target** | **FFY 2019 Data** | **Status** | **Slippage** |
| --- | --- | --- | --- | --- | --- | --- | --- |
| A1. Of those children who entered or exited the program below age expectations in Outcome A, the percent who substantially increased their rate of growth by the time they turned 6 years of age or exited the program. *Calculation:(c+d)/(a+b+c+d)* | 4,362 | 4,943 | 89.59% | 95.00% | 88.25% | Did Not Meet Target | Slippage |
| A2. The percent of preschool children who were functioning within age expectations in Outcome A by the time they turned 6 years of age or exited the program. *Calculation: (d+e)/(a+b+c+d+e)* | 2,124 | 5,429 | 43.33% | 56.00% | 39.12% | Did Not Meet Target | Slippage |

**Outcome B: Acquisition and use of knowledge and skills (including early language/communication)**

| **Outcome B Progress Category** | **Number of Children** | **Percentage of Children** |
| --- | --- | --- |
| a. Preschool children who did not improve functioning | 22 | 0.41% |
| b. Preschool children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers | 507 | 9.34% |
| c. Preschool children who improved functioning to a level nearer to same-aged peers but did not reach it | 2,727 | 50.23% |
| d. Preschool children who improved functioning to reach a level comparable to same-aged peers | 1,756 | 32.34% |
| e. Preschool children who maintained functioning at a level comparable to same-aged peers | 417 | 7.68% |

| **Outcome B** | **Numerator** | **Denominator** | **FFY 2018 Data** | **FFY 2019 Target** | **FFY 2019 Data** | **Status** | **Slippage** |
| --- | --- | --- | --- | --- | --- | --- | --- |
| B1. Of those children who entered or exited the program below age expectations in Outcome B, the percent who substantially increased their rate of growth by the time they turned 6 years of age or exited the program. *Calculation: (c+d)/(a+b+c+d)* | 4,483 | 5,012 | 90.57% | 95.00% | 89.45% | Did Not Meet Target | Slippage |
| B2. The percent of preschool children who were functioning within age expectations in Outcome B by the time they turned 6 years of age or exited the program. *Calculation: (d+e)/(a+b+c+d+e)* | 2,173 | 5,429 | 42.99% | 56.00% | 40.03% | Did Not Meet Target | Slippage |

**Outcome C: Use of appropriate behaviors to meet their needs**

| **Outcome C Progress Category** | **Number of Children** | **Percentage of Children** |
| --- | --- | --- |
| a. Preschool children who did not improve functioning | 36 | 0.66% |
| b. Preschool children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers | 540 | 9.95% |
| c. Preschool children who improved functioning to a level nearer to same-aged peers but did not reach it | 2,554 | 47.04% |
| d. Preschool children who improved functioning to reach a level comparable to same-aged peers | 1,634 | 30.10% |
| e. Preschool children who maintained functioning at a level comparable to same-aged peers | 665 | 12.25% |

| **Outcome C** | **Numerator** | **Denominator** | **FFY 2018 Data** | **FFY 2019 Target** | **FFY 2019 Data** | **Status** | **Slippage** |
| --- | --- | --- | --- | --- | --- | --- | --- |
| C1. Of those children who entered or exited the program below age expectations in Outcome C, the percent who substantially increased their rate of growth by the time they turned 6 years of age or exited the program.  *Calculation:(c+d)/(a+b+c+d)* | 4,188 | 4,764 | 89.14% | 93.00% | 87.91% | Did Not Meet Target | Slippage |
| C2. The percent of preschool children who were functioning within age expectations in Outcome C by the time they turned 6 years of age or exited the program.  *Calculation: (d+e)/(a+b+c+d+e)* | 2,299 | 5,429 | 48.09% | 64.00% | 42.35% | Did Not Meet Target | Slippage |

| **Part** | **Reasons for slippage, if applicable** |
| --- | --- |
| **A1** | As a sampling indicator, fluctuations between years are to be expected. This makes comparisons from year to year and root cause analysis difficult. Additionally, evaluators in New York have the option to use a multitude of assessment tools both for the entrance and exit evaluations. Whenever possible and appropriate, the exit and entry assessment instruments should be the same; however, New York does not require this and therefore, the assessment used at entry may not be the same assessment used upon exit. NYSED will review methods used by other states for this Indicator to determine if the lack of standard assessments upon entry and exit may contribute to inconsistent results. In the 2019-20 school year, as a result of the COVID-19 pandemic, New York Governor Executive Orders required the closure of schools, including approved preschool special education programs, from March 16, 2020 through the remainder of the school year, as well as intermittent closures of certain integrated early childhood settings. Consequently, schools were forced to shift to almost all remote learning, causing preschool students with disabilities to receive their special education and related services virtually in their homes. This switch to an alternate manner of instructional delivery resulted in fewer interactions with adults and very limited interactions with peers, which likely negatively impacted the rate of growth for Outcome A1 relating to positive social-emotional skills, including social relationships. |
| **A2** | As a sampling indicator, fluctuations between years are to be expected. This makes comparisons from year to year and root cause analysis difficult. Additionally, evaluators in New York have the option to use a multitude of assessment tools both for the entrance and exit evaluations. In the 2019-20 school year, as a result of the COVID-19 pandemic, New York Governor Executive Orders required the closure of schools, including approved preschool special education programs, from March 16, 2020 through the remainder of the school year, as well as intermittent closures of certain integrated early childhood settings. Consequently, schools were forced to shift to almost all remote learning, causing preschool students with disabilities to receive their special education and related services virtually in their homes. This switch to an alternate manner of instructional delivery resulted in fewer interactions with adults and very limited interactions with peers, which likely negatively impacted the percent of students functioning within age expectations for Outcome A2 relating to positive social-emotional skills, including social relationships. |
| **B1** | As a sampling indicator, fluctuations between years are to be expected. This makes comparisons from year to year and root cause analysis difficult. Additionally, evaluators in New York have the option to use a multitude of assessment tools both for the entrance and exit evaluations. In the 2019-20 school year, as a result of the COVID-19 pandemic, New York Governor Executive Orders required the closure of schools, including approved preschool special education programs, from March 16, 2020 through the remainder of the school year, as well as intermittent closures of certain integrated early childhood settings. Consequently, schools were forced to shift to almost all remote learning, causing preschool students with disabilities to receive their special education and related services virtually in their homes. This switch to an alternate manner of instructional delivery resulted in fewer interactions with adults and very limited interactions with peers, which likely negatively impacted the rate of growth for Outcome B1 relating to the acquisition and use of knowledge and skills (including early language/communication). |
| **B2** | As a sampling indicator, fluctuations between years are to be expected. This makes comparisons from year to year and root cause analysis difficult. Additionally, evaluators in New York have the option to use a multitude of assessment tools both for the entrance and exit evaluations. In the 2019-20 school year, as a result of the COVID-19 pandemic, New York Governor Executive Orders required the closure of schools, including approved preschool special education programs, from March 16, 2020 through the remainder of the school year, as well as intermittent closures of certain integrated early childhood settings. Consequently, schools were forced to shift to almost all remote learning, causing preschool students with disabilities to receive their special education and related services virtually in their homes. This switch to an alternate manner of instructional delivery resulted in fewer interactions with adults and very limited interactions with peers, which likely negatively impacted the percent of students functioning within age expectations for Outcome B2 relating to the acquisition and use of knowledge and skills (including early language/communication). |
| **C1** | As a sampling indicator, fluctuations between years are to be expected. This makes comparisons from year to year and root cause analysis difficult. Additionally, evaluators in New York have the option to use a multitude of assessment tools both for the entrance and exit evaluations. In the 2019-20 school year, as a result of the COVID-19 pandemic, New York Governor Executive Orders required the closure of schools, including approved preschool special education programs, from March 16, 2020 through the remainder of the school year, as well as intermittent closures of certain integrated early childhood settings. Consequently, schools were forced to shift to almost all remote learning, causing preschool students with disabilities to receive their special education and related services virtually in their homes. This switch to an alternate manner of instructional delivery resulted in fewer interactions with adults and very limited interactions with peers, which likely negatively impacted the rate of growth for Outcome C1 relating to the use of appropriate behaviors to meet their needs. |
| **C2** | As a sampling indicator, fluctuations between years are to be expected. This makes comparisons from year to year and root cause analysis difficult. Additionally, evaluators in New York have the option to use a multitude of assessment tools both for the entrance and exit evaluations. In the 2019-20 school year, as a result of the COVID-19 pandemic, NYS Governor Executive Orders required the closure of schools, including approved preschool special education programs, from March 16, 2020 through the remainder of the school year, as well as intermittent closures of certain integrated early childhood settings. Consequently, schools were forced to shift to almost all remote learning, causing preschool students with disabilities to receive their special education and related services virtually in their homes. This switch to an alternate manner of instructional delivery resulted in fewer interactions with adults and very limited interactions with peers, which likely negatively impacted the percent of students functioning within age expectations for Outcome C2 relating to the use of appropriate behaviors to meet their needs. |

**Does the State include in the numerator and denominator only children who received special education and related services for at least six months during the age span of three through five years? (yes/no)**

YES

| **Sampling Question** | **Yes / No** |
| --- | --- |
| Was sampling used? | YES |
| If yes, has your previously-approved sampling plan changed? | NO |

**Describe the sampling methodology outlining how the design will yield valid and reliable estimates.**

Sampling was used to establish the 2005-06 baseline sampled school districts for this indicator. One-sixth of the school districts in New York were randomly selected. This represents approximately 120 school districts each year. One large city school district is included in the sample each year; it is the only school district in the State with a total enrollment of 50,000 or more students.  
  
New York has distributed all school districts among six Statewide representative samples. These six groups of school districts were tested with Analysis of Variance (ANOVA) and there was no statistical difference among the six groups of school districts on the population variables. These population variables were from the 2000 decennial census.  
  
All school districts will have a choice of reporting data on all eligible preschool students or they may submit data on a randomly selected sample of a minimum number of preschool students using the sampling guidelines provided below. The vast majority of school districts will need to submit data on behalf of all eligible preschool students. Large school districts may choose to use the total random sampling methodology described below to report on a sample of preschool students. The total random sampling methodology is highly likely to produce a sample that is representative of the population in terms of all variables, since every eligible student has the same chance as another student to be selected for the sample.   
  
For Indicator 7, the eligible population of students for entry level assessment is all children who are referred for preschool special education programs and/or services. For exit level assessment it is all children who:  
- received preschool special education programs/or services for at least six months; and  
- who are declassified or are within their last six months of eligibility for preschool special education services; and  
- who have entry level evaluation data available from the child’s preschool annual review meeting.   
  
School districts may use a sampling calculator with a requirement of a 95% confidence interval and plus or minus 5% margin of error to determine the minimum number of students in the sample. Students may be selected randomly using a random number table. The total random sampling methodology and required documentation is designed to eliminate selection bias.  
  
School districts choosing to report data on a sample of students are required to maintain a list of all eligible students, a copy of the Random Number Table used, the beginning random number for selecting students and a list of all students who were selected and their number for a retention period of seven years.

**Did you use the Early Childhood Outcomes Center (ECO) Child Outcomes Summary Form (COS) process? (yes/no)**

YES

**List the instruments and procedures used to gather data for this indicator.**

Process to collect Entry Assessments: All preschool children who were initially evaluated on or after March 1, 2006 are required to have entry assessment results. These assessments are conducted by approved preschool evaluators. Results are reported to the Committee on Preschool Special Education (CPSE) [i.e., IEP team], which determines if the child is eligible for preschool special education programs and services and the entry levels of functioning in three early childhood outcome areas. Approved preschool evaluators are required to include specific assessment information on the Preschool Student Evaluation Summary Report and fill out the supporting evidence for questions 1a, 2a and 3a of the Child Outcomes Summary Form (COSF). CPSEs are required to meet to determine a preschool child's eligibility for preschool special education programs and/or services and, if determined eligible, review the summary evaluation results and reports from the approved evaluator. For preschool children found to be eligible, the CPSEs rate the child's functioning across settings in each of the three outcome areas identified in questions 1a, 2a and 3a of the COSF. The State provides directions for completing the COSF at http://www.p12.nysed.gov/specialed/spp/7summaryform0809.html. All school districts are required to maintain entry level assessment data on all preschool children who are determined to be eligible for preschool special education programs or services. Annually, a representative sample of school districts are required to collect and submit entry and exit data to NYSED through the Student Information Repository System (SIRS) for preschool children who leave preschool special education services anytime during the school year.  
  
Process to collect Exit Assessments: Exit assessments are conducted only for preschool children with disabilities who stop receiving preschool special education services due to program completion or declassification during the school year in which the school district is included in the sample for this indicator. Children in sample school districts with an entry assessment and who participated in preschool special education for at least six months prior to exiting are required to be given exit assessments. An exit assessment is conducted as part of the Committee on Special Education (CSE) reevaluation process to determine a child's eligibility for school age special education services. The exit assessment provides data in the three early childhood outcome areas. This data reflects the progress a preschool child with a disability has made as a result of receiving preschool special education programs and/or services. Whenever possible and appropriate, the exit and entry assessment instruments should be the same. The results of these assessments must be provided to the CSE. The CSE will review the exit assessment results and determine the child's progress rating in the three identified areas based on rating criteria provided by the State. Some preschool children with disabilities may be referred to the CPSE for possible declassification prior to aging out of preschool special education programs and/or services. When considering declassification of a preschool child with a disability, the CPSE must arrange for a reevaluation by an approved evaluator selected by the parent. The reevaluation process must include conducting exit assessments that measure the child's progress in the three early childhood outcome areas. Whenever possible, the entry and exit assessment instruments should be the same. The results of the reevaluation and exit assessments must be provided to the CPSE, including the child's parents and the person designated by the municipality in which the child resides. The CPSE must review the reevaluation and assessment results and determine the child's progress rating in each of the three identified areas. The most frequently administered assessments for 3- and 4-year old children used in the State to assess preschool children with disabilities in the three outcome areas for this indicator are provided in the chart found on the NYSED website: http://www.p12.nysed.gov/specialed/spp/indicators/documents/assessments-preschool-children-with-disabilities-indicator-7.pdf.

**Provide additional information about this indicator (optional)**

In addition to soliciting broad stakeholder input on the State’s targets for FFY 2020-2025, NYSED will also be engaging stakeholders in a review of the procedures and processes for currently sampled indicators to inform decisions as to whether revisions should be made to the State’s current sampling plan for the FFY 2020-2025 State Performance Plan/Annual Performance Report.

## 7 - Prior FFY Required Actions

None

## 7 - OSEP Response

## 7 - Required Actions

# Indicator 8: Parent involvement

**Instructions and Measurement**

**Monitoring Priority:** FAPE in the LRE

**Results indicator:** 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.

(20 U.S.C. 1416(a)(3)(A))

**Data Source**

State selected data source.

**Measurement**

Percent = [(# of respondent parents who report schools facilitated parent involvement as a means of improving services and results for children with disabilities) divided by the (total # of respondent parents of children with disabilities)] times 100.

**Instructions**

Sampling **of parents from whom response is requested** is allowed. When sampling is used, submit a description of the sampling methodology outlining how the design will yield valid and reliable estimates. (See General Instructions on page 2 for additional instructions on sampling.)

Describe the results of the calculations and compare the results to the target.

Provide the actual numbers used in the calculation.

If the State is using a separate data collection methodology for preschool children, the State must provide separate baseline data, targets, and actual target data or discuss the procedures used to combine data from school age and preschool data collection methodologies in a manner that is valid and reliable.

While a survey is not required for this indicator, a State using a survey must submit a copy of any new or revised survey with its SPP/APR.

Report the number of parents to whom the surveys were distributed.

Include the State’s analysis of the extent to which the demographics of the parents responding are representative of the demographics of children receiving special education services. States should consider categories such as race and ethnicity, age of the student, disability category, and geographic location in the State.

If the analysis shows that the demographics of the parents responding are not representative of the demographics of children receiving special education services in the State, describe the strategies that the State will use to ensure that in the future the response data are representative of those demographics. In identifying such strategies, the State should consider factors such as how the State distributed the survey to parents (e.g., by mail, by e-mail, on-line, by telephone, in-person through school personnel), and how responses were collected.

States are encouraged to work in collaboration with their OSEP-funded parent centers in collecting data.

## 8 - Indicator Data

| **Question** | **Yes / No** |
| --- | --- |
| Do you use a separate data collection methodology for preschool children? | NO |

**Targets: Description of Stakeholder Input**

Results for this indicator were shared and discussed with the State's technical assistance providers, including but not limited to the Special Education Parent Centers. Targets for this indicator were drafted in consideration of historical data trends and improvements in rates of survey completion as a result of outreach to parents by school districts and Special Education Parent Centers. Proposed targets were shared and discussed with the State's Commissioner's Advisory Panel (CAP) for Special Education Services.  
  
FFY 2018 targets have been extended to FFY 2019 after consultation and discussion with CAP.

**Historical Data**

| **Baseline Year** | **Baseline Data** |
| --- | --- |
| 2005 | 87.80% |

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **FFY** | **2014** | **2015** | **2016** | **2017** | **2018** |
| Target >= | 93.50% | 94.00% | 94.00% | 94.50% | 95.00% |
| Data | 93.93% | 93.45% | 93.36% | 93.43% | 99.49% |

**Targets**

|  |  |
| --- | --- |
| **FFY** | **2019** |
| Target >= | 95.00% |

**FFY 2019 SPP/APR Data**

| **Number of respondent parents who report schools facilitated parent involvement as a means of improving services and results for children with disabilities** | **Total number of respondent parents of children with disabilities** | | **FFY 2018 Data** | **FFY 2019 Target** | **FFY 2019 Data** | **Status** | **Slippage** |
| --- | --- | --- | --- | --- | --- | --- | --- |
| 7,602 | | 8,120 | 99.49% | 95.00% | 93.62% | Did Not Meet Target | Slippage |

**The number of parents to whom the surveys were distributed.**

41,554

**Percentage of respondent parents**

19.54%

**Provide reasons for slippage, if applicable**

In developing the FFY 2019 APR, it was discovered that an error was made in the FFY 2018 APR when entering data in the categories “Number of respondent parents who report schools facilitated parent involvement as a means of improving services and results for children with disabilities” and “Total number of respondent parents of children with disabilities. This error resulted in an incorrect compliance rate of 99.49% for FFY 2018 Data. The correct rate should have been 92.39% (8,918/9,653 instead of 9,653/9,702). The error was the result of pulling the wrong values from a report provided by the vendor and does not represent any kind of systemic data issue. The FFY 2019 compliance rate of 93.62% shows improvement over the actual FFY 2018 rate of 92.39% so there is actually no slippage.

**Since the State did not report preschool children separately, discuss the procedures used to combine data from school age and preschool surveys in a manner that is valid and reliable.**

The New York State Education Department (NYSED) directs school districts to include every preschool and school-age student with a disability who is provided special education programs and services in the eligible population of students from which a random sample must be selected. Based upon this pool of eligible students, school districts must use a sampling calculator. Each school district in the sample is required to over-sample by sending the survey to all the parents of preschool and school-age students with disabilities or by sending the survey to ten times the required minimum sample size. The sampling calculator used to determine minimum sample sizes is available at: http://eservices.nysed.gov/pdsystem/samplesizecalculator.jsp.   
  
While all school districts have a choice to either report data on all eligible students for this indicator or submit data on a randomly selected sample of a minimum number of students using the sampling guidelines provided by NYSED, the vast majority of districts submit data on behalf of all eligible students in order to meet the required minimum number.

| **Sampling Question** | **Yes / No** |
| --- | --- |
| Was sampling used? | YES |
| If yes, has your previously-approved sampling plan changed? | NO |

**Describe the sampling methodology outlining how the design will yield valid and reliable estimates.**

Survey Instrument NYSED uses a modified version of the survey developed by the National Center for Special Education Accountability Measures (NCSEAM). Twenty-five (25) items from NCSEAM's Parent Survey - Part B have been selected based on the rules established for item selection to ensure reliability and validity of the use of the survey. The directions, format and wording of some questions were revised slightly. Timelines for Data Collection and Reporting: The surveys may be distributed between September 1st and August 31st of the year in which a school district is required to report on Indicator 8. Surveys must be postmarked by August 31st of the reporting year. Report Criteria: The criteria used to determine if a parent has rated his or her school district positively for parental involvement will be as follows: The survey must be completed with a minimum of 15 responses and at least 51 percent of the responses must receive a positive rating of either agree, strongly agree, or very strongly agree. For reporting purposes, school districts that do not have the minimum number of parent surveys returned as indicated in the sampling methodology are reported as not having positive parent involvement, with the reason noted. If a school district’s number of completed surveys is less than 90 percent of the required minimum sample size and the school district has less than ten students with disabilities during the parent survey year, the school district must wait a year and then resubmit. Technical Assistance Information to assist school districts in meeting their responsibilities for data collection for this indicator is publicly posted at: http://parentsurvey.potsdam.edu/index\_school.htm, and http://www.p12.nysed.gov/specialed/spp/indicators/8.htm.

| **Survey Question** | **Yes / No** |
| --- | --- |
| Was a survey used? | YES |
| If yes, is it a new or revised survey? | NO |
| The demographics of the parents responding are representative of the demographics of children receiving special education services. | NO |

**If no, describe the strategies that the State will use to ensure that in the future the response data are representative of those demographics.**

Although parent surveys are submitted in sufficient numbers to accurately reflect students served in each school district, in districts that are known to have a larger non-White population of students, NYSED will implement additional measures such as increased outreach through email, phone calls and in-person contact to improve demographic representativeness. NYSED will also continue to explore additional strategies to increase parent survey response rates in these school districts and will work with its contractor that administers the survey throughout the survey period to monitor the demographic representation of the returned surveys and will use that data to inform appropriate outreach efforts to be taken during the survey period.. NYSED also plans to leverage its School-Age and Early Childhood Family and Community Engagement (FACE) Centers to encourage participation of all parents in responding to surveys.   
  
The Commissioner's Advisory Panel (CAP) for Special Education Services was asked for their recommendations regarding strategies NYSED can use to increase parent survey response rates in sampled school districts for Indicator 8 and ways New York can ensure that it is complying with the representativeness requirement. NYSED is reviewing the recommendations received by CAP members to inform future enhancements to our processes.

**Include the State’s analyses of the extent to which the demographics of the parents responding are representative of the demographics of children receiving special education services.**

The White race is overrepresented while the Black race and Hispanic ethnicity are underrepresented. This is due in part to one large city school district making up 49.5% of students with disabilities Statewide but making up only 1.3% of the returns from the Indicator 8 survey. This large city school district, as well as four other large city school districts, have a high proportion of black and Hispanic students, causing the overall State percentages from these groups to be high. This same large city school district is in the sample every year and makes up a relatively small percentage of the survey returns, which therefore reduces the percentages of the Black race and Hispanic ethnicity for Indicator 8. Also, in FFY 2019, none of the other four large city school districts were in the sample, further reducing representativeness.  
  
The COVID-19 pandemic is another contributing factor, as many school districts distribute and allow completion of the parent survey at in-person annual review meetings held in the Spring, many of which happened virtually rather than in-person. Additionally, due to the COVID-19 pandemic, some parents and school districts may have agreed to delay Committee on Preschool Special Education and Committee on Special Education meetings until after the closure of the parent survey period. It is likely that this change in format disproportionately negatively affected survey response rates of non-white families.   
  
The analysis is based on a review of the data based on the demographic information submitted on parent surveys.   
  
Surveys are made available to all parents. In addition to English, the surveys are made available by NYSED in the six predominant languages in this State (Spanish, Russian, Simplified Chinese, Haitian Creole, Bengali, and Urdu). NYSED requires the school districts to provide translations to ensure parents who do not read or understand one of these languages have an opportunity to participate in the survey. Surveys are returned directly to an independent research firm working with NYSED to print, disseminate, collect, analyze and report on the parent survey information. A parent’s individual responses are confidential. The totally random sampling methodology and required documentation (which school districts must maintain for seven years) should minimize selection bias. School districts are encouraged to provide the surveys in a variety of ways to improve the response rate. NYSED attempts to prevent missing data by first describing precisely what the State needs to collect, providing technical assistance and then following up with school districts to request missing data. School districts are directed to employ a variety of methods to encourage parents to complete the survey, including, but not limited to, using paper surveys, telephone surveys, interview surveys and web-based surveys. Parents are also able to complete the survey through an internet website made available by NYSED. School districts are responsible to ensure a statistically sound return rate.

**Provide additional information about this indicator (optional)**

In addition to soliciting broad stakeholder input on the State’s targets for FFY 2020-2025, NYSED will also be engaging stakeholders in a review of the procedures and processes for currently sampled indicators to inform decisions as to whether revisions should be made to the State’s current sampling plan for the FFY 2020-2025 State Performance Plan/Annual Performance Report.

## 8 - Prior FFY Required Actions

In the FFY 2019 SPP/APR, the State must report whether its FFY 2019 data are from a response group that is representative of the demographics of children receiving special education services, and, if not, the actions the State is taking to address this issue. The State must also include its analysis of the extent to which the demographics of the parents responding are representative of the demographics of children receiving special education services.

**Response to actions required in FFY 2018 SPP/APR**

## 8 - OSEP Response

## 8 - Required Actions

In the FFY 2020 SPP/APR, the State must report whether its FFY 2020 data are from a response group that is representative of the demographics of children receiving special education services, and, if not, the actions the State is taking to address this issue. The State must also include its analysis of the extent to which the demographics of the parents responding are representative of the demographics of children receiving special education services.

# Indicator 9: Disproportionate Representation

**Instructions and Measurement**

**Monitoring Priority:** Disproportionality

**Compliance indicator**: Percent of districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification.

(20 U.S.C. 1416(a)(3)(C))

**Data Source**

State’s analysis, based on State’s Child Count data collected under IDEA section 618, to determine if the disproportionate representation of racial and ethnic groups in special education and related services was the result of inappropriate identification.

**Measurement**

Percent = [(# of districts, that meet the State-established n and/or cell size (if applicable) for one or more racial/ethnic groups, with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification) divided by the (# of districts in the State that meet the State-established n and/or cell size (if applicable) for one or more racial/ethnic groups)] times 100.

Include State’s definition of “disproportionate representation.” Please specify in your definition: 1) the calculation method(s) being used (i.e., risk ratio, weighted risk ratio, e-formula, etc.); and 2) the threshold at which disproportionate representation is identified. Also include, as appropriate, 3) the number of years of data used in the calculation; and 4) any minimum cell and/or n-sizes (i.e., risk numerator and/or risk denominator).

Based on its review of the 618 data for FFY 2018, describe how the State made its annual determination as to whether the disproportionate representation it identified of racial and ethnic groups in special education and related services was the result of inappropriate identification as required by 34 CFR §§300.600(d)(3) and 300.602(a), e.g., using monitoring data; reviewing policies, practices and procedures, etc. In determining disproportionate representation, analyze data, for each district, for all racial and ethnic groups in the district, or all racial and ethnic groups in the district that meet a minimum n and/or cell size set by the State. Report on the percent of districts in which disproportionate representation of racial and ethnic groups in special education and related services is the result of inappropriate identification, even if the determination of inappropriate identification was made after the end of the FFY 2019 reporting period (i.e., after June 30, 2020).

**Instructions**

Provide racial/ethnic disproportionality data for all children aged 6 through 21 served under IDEA, aggregated across all disability categories.

States are not required to report on underrepresentation.

If the State has established a minimum n and/or cell size requirement, the State may only include, in both the numerator and the denominator, districts that met that State-established n and/or cell size. If the State used a minimum n and/or cell size requirement, report the number of districts totally excluded from the calculation as a result of this requirement because the district did not meet the minimum n and/or cell size for any racial/ethnic group.

Consider using multiple methods in calculating disproportionate representation of racial and ethnic groups to reduce the risk of overlooking potential problems. Describe the method(s) used to calculate disproportionate representation.

Provide the number of districts that met the State-established n and/or cell size (if applicable) for one or more racial/ethnic groups identified with disproportionate representation of racial and ethnic groups in special education and related services and the number of those districts identified with disproportionate representation that is the result of inappropriate identification.

Targets must be 0%.

Provide detailed information about the timely correction of noncompliance as noted in OSEP’s response for the previous SPP/APR. If the State did not ensure timely correction of the previous noncompliance, provide information on the extent to which noncompliance was subsequently corrected (more than one year after identification). In addition, provide information regarding the nature of any continuing noncompliance, improvement activities completed (e.g., review of policies and procedures, technical assistance, training, etc.) and any enforcement actions that were taken. If the State reported less than 100% compliance for the previous reporting period (e.g., for the FFY 2019 SPP/APR, the data for FFY 2018), and the State did not identify any findings of noncompliance, provide an explanation of why the State did not identify any findings of noncompliance.

## 9 - Indicator Data

**Not Applicable**

**Select yes if this indicator is not applicable.**

NO

**Historical Data**

| **Baseline Year** | **Baseline Data** |
| --- | --- |
| 2016 | 0.18% |

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **FFY** | **2014** | **2015** | **2016** | **2017** | **2018** |
| Target | 0% | 0% | 0% | 0% | 0% |
| Data | 0.15% | 0.59% | 0.18% | 0.53% | 0.90% |

**Targets**

|  |  |
| --- | --- |
| **FFY** | **2019** |
| Target | 0% |

**FFY 2019 SPP/APR Data**

**Has the state established a minimum n and/or cell size requirement? (yes/no)**

YES

**If yes, the State may only include, in both the numerator and the denominator, districts that met the State-established n and/or cell size. Report the number of districts excluded from the calculation as a result of the requirement.**

14

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| **Number of districts with disproportionate representation of racial and ethnic groups in special education and related services** | **Number of districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification** | **Number of Districts that met the State's minimum n-size** | **FFY 2018 Data** | **FFY 2019 Target** | **FFY 2019 Data** | **Status** | **Slippage** |
| 19 | 2 | 661 | 0.90% | 0% | 0.30% | Did Not Meet Target | No Slippage |

**Were all races and ethnicities included in the review?**

YES

**Define “disproportionate representation.” Please specify in your definition: 1) the calculation method(s) being used (i.e., risk ratio, weighted risk ratio, e-formula, etc.); and 2) the threshold at which disproportionate representation is identified. Also include, as appropriate, 3) the number of years of data used in the calculation; and 4) any minimum cell and/or n-sizes (i.e., risk numerator and/or risk denominator).**

Disproportionate Over-Representation in Special Education:  
  
Relative risk ratios are computed for each race/ethnicity. The ratios are a comparison of the risk of each race/ethnicity category to be identified for special education services compared to the risk of all other race/ethnicity categories combined to be identified for special education services. The ratios indicate how much more or less likely each race/ethnicity is to be identified for special education services compared to all other race/ethnicities combined.  
  
Criteria for Notification:  
- At least 10 students with disabilities of particular race/ethnicity were enrolled in the school district on the first Wednesday in October of the reporting year; and  
- At least 30 students of particular race/ethnicity were enrolled in the school district on the first Wednesday in October; and  
- The relative risk ratio for any race/ethnicity is 2.5 or higher.  
  
Detailed criteria can be found at http://www.p12.nysed.gov/sedcar/forms/instructions/spp\_criteria/criteria2021.html

**Describe how the State made its annual determination as to whether the disproportionate representation it identified of racial and ethnic groups in special education and related services was the result of inappropriate identification.**

New York provides for the review of policies, procedures and practices each year a school district’s data shows a disproportionate representation based on race/ethnicity by requiring notified school districts to complete a State-developed self-review monitoring protocol. This protocol requires the review of specific policies, procedures and practices to determine whether the disproportionate representation was the result of inappropriate identification.  
  
The monitoring protocol for this review is available at http://www.p12.nysed.gov/specialed/spp/9selfreview-Oct12.pdf. A report of the results of this review is submitted by the school district to the State. At the time of submission, school districts that identify issues of noncompliance are notified through written findings of noncompliance that they must correct all issues of noncompliance immediately, and not later than the prescribed due date in the school district’s notification, which is always within one year. The results from this review are reported to the State for follow-up and corrective actions if compliance issues are identified within or beyond the one year timeframe.

**Provide additional information about this indicator (optional)**

**Correction of Findings of Noncompliance Identified in FFY 2018**

| **Findings of Noncompliance Identified** | **Findings of Noncompliance Verified as Corrected Within One Year** | **Findings of Noncompliance Subsequently Corrected** | **Findings Not Yet Verified as Corrected** |
| --- | --- | --- | --- |
| 35 | 35 | 0 | 0 |

**FFY 2018 Findings of Noncompliance Verified as Corrected**

**Describe how the State verified that the source of noncompliance is correctly implementing the *regulatory requirements***

The State required school districts identified with policies, procedures and practices not consistent with State and federal requirement to (1) document the steps the school district took (i.e., required corrective actions and improvement activities) to correct findings of noncompliance; (2) correct all instances of noncompliance immediately, but not later than the prescribed due date contained in the State's notification to the school district (within one year); and (3) provide the State with an assurance and documentation that the school district has corrected all issues of noncompliance. The State verified that each school district with one or more findings of noncompliance had revised their policies, procedures and practices to ensure that the school district achieved 100 percent compliance in implementing the applicable regulatory requirements consistent with OSEP memorandum 09-02. Verification of the correction of noncompliance included, but was not limited to, review of subsequent year data, review of revised policies and procedures and a sample of revised IEPs and other documents showing the correction of noncompliance through a submitted assurance from each school district.

**Describe how the State verified that each *individual case* of noncompliance was corrected**

The State notified each school district identified with individual student cases of noncompliance that it must correct the noncompliance for the individual case(s) immediately, but not later than the prescribed due date contained in the State's notification to the school district (within one year). The school district was required to provide an assurance and documentation to the State that the school district has corrected all issues of noncompliance. The State verified that each school district with one or more findings of noncompliance had corrected each individual case of noncompliance achieved 100 percent compliance, unless the student was no longer within the jurisdiction school district. Verification of the correction of noncompliance included, but was not limited to, the review of revised IEPs and other documents including, but not limited to, referrals, committee on special education (CSE) meeting notices, CSE meeting minutes, prior written notices and evaluation reports, showing the correction of noncompliance for individual students.

**Correction of Findings of Noncompliance Identified Prior to FFY 2018**

| **Year Findings of Noncompliance Were Identified** | **Findings of Noncompliance Not Yet Verified as Corrected as of FFY 2018 APR** | **Findings of Noncompliance Verified as Corrected** | **Findings Not Yet Verified as Corrected** |
| --- | --- | --- | --- |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |

## 9 - Prior FFY Required Actions

None

## 9 - OSEP Response

## 9 - Required Actions

Because the State reported less than 100% compliance for FFY 2019 (greater than 0% actual target data for this indicator), the State must report on the status of correction of noncompliance identified in FFY 2019 for this indicator. The State must demonstrate, in the FFY 2020 SPP/APR, that the two districts identified in FFY 2019 with 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 in 34 C.F.R. §§ 300.111, 300.201, and 300.301 through 300.311, including that the State verified that each district with noncompliance: (1) is correctly implementing the specific regulatory requirement(s) (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the district, consistent with OSEP Memo 09-02. In the FFY 2020 SPP/APR, the State must describe the specific actions that were taken to verify the correction.  
  
If the State did not identify any findings of noncompliance in FFY 2019, although its FFY 2019 data reflect less than 100% compliance (greater than 0% actual target data for this indicator), provide an explanation of why the State did not identify any findings of noncompliance in FFY 2019.

# Indicator 10: Disproportionate Representation in Specific Disability Categories

**Instructions and Measurement**

**Monitoring Priority:** Disproportionality

**Compliance indicator**: Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.

(20 U.S.C. 1416(a)(3)(C))

**Data Source**

State’s analysis, based on State’s Child Count data collected under IDEA section 618, to determine if the disproportionate representation of racial and ethnic groups in specific disability categories was the result of inappropriate identification.

**Measurement**

Percent = [(# of districts, that meet the State-established n and/or cell size (if applicable) for one or more racial/ethnic groups, with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification) divided by the (# of districts in the State that meet the State-established n and/or cell size (if applicable) for one or more racial/ethnic groups)] times 100.

Include State’s definition of “disproportionate representation.” Please specify in your definition: 1) the calculation method(s) being used (i.e., risk ratio, weighted risk ratio, e-formula, etc.); and 2) the threshold at which disproportionate representation is identified. Also include, as appropriate, 3) the number of years of data used in the calculation; and 4) any minimum cell and/or n-sizes (i.e., risk numerator and/or risk denominator).

Based on its review of the 618 data for FFY 2019, describe how the State made its annual determination as to whether the disproportionate representation it identified of racial and ethnic groups in specific disability categories was the result of inappropriate identification as required by 34 CFR §§300.600(d)(3) and 300.602(a), e.g., using monitoring data; reviewing policies, practices and procedures, etc. In determining disproportionate representation, analyze data, for each district, for all racial and ethnic groups in the district, or all racial and ethnic groups in the district that meet a minimum n and/or cell size set by the State. Report on the percent of districts in which disproportionate representation of racial and ethnic groups in special education and related services is the result of inappropriate identification, even if the determination of inappropriate identification was made after the end of the FFY 2019 reporting period (i.e., after June 30, 2020).

**Instructions**

Provide racial/ethnic disproportionality data for all children aged 6 through 21 served under IDEA, aggregated across all disability categories.

States are not required to report on underrepresentation.

If the State has established a minimum n and/or cell size requirement, the State may only include, in both the numerator and the denominator, districts that met that State-established n and/or cell size. If the State used a minimum n and/or cell size requirement, report the number of districts totally excluded from the calculation as a result of this requirement because the district did not meet the minimum n and/or cell size for any racial/ethnic group.

Consider using multiple methods in calculating disproportionate representation of racial and ethnic groups to reduce the risk of overlooking potential problems. Describe the method(s) used to calculate disproportionate representation.

Provide the number of districts that met the State-established n and/or cell size (if applicable) for one or more racial/ethnic groups identified with disproportionate representation of racial and ethnic groups in special education and related services and the number of those districts identified with disproportionate representation that is the result of inappropriate identification.

Targets must be 0%.

Provide detailed information about the timely correction of noncompliance as noted in OSEP’s response for the previous SPP/APR. If the State did not ensure timely correction of the previous noncompliance, provide information on the extent to which noncompliance was subsequently corrected (more than one year after identification). In addition, provide information regarding the nature of any continuing noncompliance, improvement activities completed (e.g., review of policies and procedures, technical assistance, training, etc.) and any enforcement actions that were taken.

If the State reported less than 100% compliance for the previous reporting period (e.g., for the FFY 2019 SPP/APR, the data for FFY 2018), and the State did not identify any findings of noncompliance, provide an explanation of why the State did not identify any findings of noncompliance.

## 10 - Indicator Data

**Not Applicable**

**Select yes if this indicator is not applicable.**

NO

**Historical Data**

| **Baseline Year** | **Baseline Data** |
| --- | --- |
| 2016 | 0.71% |

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **FFY** | **2014** | **2015** | **2016** | **2017** | **2018** |
| Target | 0% | 0% | 0% | 0% | 0% |
| Data | 1.18% | 0.44% | 0.71% | 1.24% | 0.92% |

**Targets**

|  |  |
| --- | --- |
| **FFY** | **2019** |
| Target | 0% |

**FFY 2019 SPP/APR Data**

**Has the state established a minimum n and/or cell size requirement? (yes/no)**

YES

**If yes, the State may only include, in both the numerator and the denominator, districts that met the State-established n and/or cell size. Report the number of districts excluded from the calculation as a result of the requirement.**

14

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| **Number of districts with disproportionate representation of racial and ethnic groups in specific disability categories** | **Number of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification** | **Number of Districts that met the State's minimum n-size** | **FFY 2018 Data** | **FFY 2019 Target** | **FFY 2019 Data** | **Status** | **Slippage** |
| 28 | 3 | 661 | 0.92% | 0% | 0.45% | Did Not Meet Target | No Slippage |

**Were all races and ethnicities included in the review?**

YES

**Define “disproportionate representation.” Please specify in your definition: 1) the calculation method(s) being used (i.e., risk ratio, weighted risk ratio, e-formula, etc.); and 2) the threshold at which disproportionate representation is identified. Also include, as appropriate, 3) the number of years of data used in the calculation; and 4) any minimum cell and/or n-sizes (i.e., risk numerator and/or risk denominator).**

Definition: Significant disproportionality of racial and ethnic groups in specific disability categories is defined as a relative risk ratio for any race/ethnicity in a specific disability category being 4.0 or higher.  
  
Indicator 10 Measurement:  
Six relative risk ratios are computed for each race/ethnicity. The relative risk ratios are a comparison of the risk of each race/ethnicity to be identified by specific disabilities compared to the risk of all other races combined to be identified by specific disabilities. The specific disabilities evaluated are: Autism, Emotional Disturbance, Intellectual Disability, Learning Disability, Other Health Impairment, and Speech or Language Impairment. The ratios indicate how much more or less likely each race/ethnicity is to be identified by specific disabilities compared to all other race/ethnicities combined.  
  
Criteria for Notification:  
  
- At least 10 students with the specific disability of the race/ethnicity were enrolled in the school district on the first Wednesday in October of the reporting year; and  
- At least 30 students of the race/ethnicity were enrolled in the school district; and  
- The relative risk ratio for any race/ethnicity is 4.0 or higher.  
  
Detailed criteria can be found at http://www.p12.nysed.gov/sedcar/forms/instructions/spp\_criteria/criteria2021.html

**Describe how the State made its annual determination as to whether the disproportionate overrepresentation it identified of racial and ethnic groups in specific disability categories was the result of inappropriate identification.**

New York provides for the review of policies, procedures and practices each year a school district’s data shows a disproportionate representation based on race/ethnicity by requiring notified districts to complete a State-developed self-review monitoring protocol. This protocol requires the review of specific policies, procedures and practices to determine whether the disproportionate representation was the result of inappropriate identification.  
  
The monitoring protocol for this review is available at http://www.p12.nysed.gov/specialed/spp/10selfreviewclass-Oct2012.htm. A report of the results of this review is submitted by the school district to the State. At the time of submission, school districts that identify issues of noncompliance are notified through written findings of noncompliance that they must correct all issues of noncompliance immediately, and not later than the prescribed due date in the school district’s notification, which is always within one year. The results from this review are reported to the State for follow-up and corrective actions if compliance issues are identified within or beyond the one year timeframe.

**Provide additional information about this indicator (optional)**

**Correction of Findings of Noncompliance Identified in FFY 2018**

| **Findings of Noncompliance Identified** | **Findings of Noncompliance Verified as Corrected Within One Year** | **Findings of Noncompliance Subsequently Corrected** | **Findings Not Yet Verified as Corrected** |
| --- | --- | --- | --- |
| 36 | 33 | 1 | 2 |

**FFY 2018 Findings of Noncompliance Verified as Corrected**

**Describe how the State verified that the source of noncompliance is correctly implementing the *regulatory requirements***

The State required school districts identified with policies, procedures and practices not consistent with State and federal requirements to (1) document the steps the school district took (i.e., required corrective actions and improvement activities) to correct findings of noncompliance; (2) correct all instances of noncompliance immediately, but not later than the prescribed due date contained in the State's notification to the school district (within one year); and (3) provide the State with an assurance and documentation that the school district has corrected all issues of noncompliance. The State verified that all but one of the school districts with one or more findings of noncompliance had revised their policies, procedures and practices to ensure that the school district achieved 100 percent compliance in implementing the applicable regulatory requirements consistent with OSEP memorandum 09-02. Verification of the correction of noncompliance included, but was not limited to, review of subsequent year data, review of revised policies and procedures and a sample of revised IEPs and other documents showing the correction of noncompliance through a submitted assurance from each school district.

**Describe how the State verified that each *individual case* of noncompliance was corrected**

The State notified each school district identified with individual student cases of noncompliance that it must correct the noncompliance for the individual case(s) immediately, but not later than the prescribed due date contained in the State's notification to the school district (within one year). The school district was required to provide an assurance and documentation to the State that the school district has corrected all issues of noncompliance. The State verified that all but one of the school districts with one or more findings of noncompliance had corrected each individual case of noncompliance and achieved 100 percent compliance, unless the student was no longer within the jurisdiction of the school district. Verification of the correction of noncompliance included, but was not limited to, the review of revised IEPs and other documents including, but not limited to, referrals, committee on special education (CSE) meeting notices, CSE meeting minutes, prior written notices and evaluation reports, showing the correction of noncompliance for individual students.  
  
State monitors met with the one school district that did not come into compliance within one year, on a monthly basis to provide technical assistance. In addition, our grant funded professional development network is providing weekly embedded targeted professional development to address the CSE processes and consideration of evaluative data which resulted in the school district’s significant disproportionality in the identification of one racial/ethnic group in a specific disability category. Technical assistance and PD was targeted directly to the LEA representatives of the CSE. These efforts have culminated with the one school district resolving all student-specific noncompliance from FFY 2018.

**FFY 2018 Findings of Noncompliance Not Yet Verified as Corrected**

**Actions taken if noncompliance not corrected**

State monitors have initiated a verification monitoring review of the correction of the two issues of noncompliance that remain that includes a review of revised policies and procedures, as well as a sample of student records including IEPs. State monitors will ensure that both systemic and student-specific noncompliance is verified as corrected.

**Correction of Findings of Noncompliance Identified Prior to FFY 2018**

| **Year Findings of Noncompliance Were Identified** | **Findings of Noncompliance Not Yet Verified as Corrected as of FFY 2018 APR** | **Findings of Noncompliance Verified as Corrected** | **Findings Not Yet Verified as Corrected** |
| --- | --- | --- | --- |
| FFY 2017 | 8 | 8 | 0 |
|  |  |  |  |
|  |  |  |  |

**FFY 2017**

**Findings of Noncompliance Verified as Corrected**

**Describe how the State verified that the source of noncompliance is correctly implementing the *regulatory requirements***

The State required the school district identified with policies, procedures and practices not consistent with State and federal requirements to (1) document the steps the school district took (i.e., required corrective actions and improvement activities) to correct findings of noncompliance; (2) correct all instances of noncompliance immediately, but not later than the prescribed due date contained in the State's notification to the school district (within one year); and (3) provide the State with an assurance and documentation that the school district has corrected all issues of noncompliance. The State verified that the school district with 8 findings of noncompliance had revised its policies, procedures and practices to ensure that the school district achieved 100 percent compliance in implementing the applicable regulatory requirements consistent with OSEP memorandum 09-02. Verification of the correction of noncompliance included, but was not limited to, review of subsequent year data, review of revised policies and procedures and a sample of revised IEPs and other documents including, but not limited to, referrals, CSE meeting notices, CSE meeting minutes, prior written notices and evaluation reports, showing the correction of noncompliance through a submitted assurance from each school district.  
  
As described above, State monitors met with the one school district on a monthly basis to provide technical assistance. In addition, our grant funded PD network is providing weekly embedded targeted PD to address the CSE processes and consideration of evaluative data which resulted in the school district’s significant disproportionality in the identification of one racial/ethnic group in a specific disability category. These efforts have culminated with the one school district resolving all student-specific noncompliance from FFY 2017.  
  
Verification of the correction of issues of noncompliance included a review of revised policies, procedures and practices, as well as a sample of student records including IEPs, manifestation determination reviews, functional behavioral assessments and behavioral intervention plans.

**Describe how the State verified that each *individual case* of noncompliance was corrected**

The State notified the school district identified with individual student cases of noncompliance that it must correct the noncompliance for the individual case(s) immediately, but not later than the prescribed due date contained in the State's notification to the school district (within one year). The school district was required to provide an assurance and documentation to the State that the school district has corrected all issues of noncompliance. The State verified that the school district with 8 findings of noncompliance had corrected each individual case of noncompliance and achieved 100 percent compliance, unless the student was no longer enrolled in the school district. Verification of the correction of noncompliance included, but was not limited to, the review of revised IEPs and other documents including, but not limited to, referrals, CSE meeting notices, CSE meeting minutes, prior written notices and evaluation reports, showing the correction of noncompliance for individual students.

## 10 - Prior FFY Required Actions

None

## 10 - OSEP Response

## 10 - Required Actions

Because the State reported less than 100% compliance for FFY 2019 (greater than 0% actual target data for this indicator), the State must report on the status of correction of noncompliance identified in FFY 2019 for this indicator. The State must demonstrate, in the FFY 2020 SPP/APR, that the three districts identified in FFY 2019 with disproportionate representation of racial and ethnic groups in specific disability categories that was the result of inappropriate identification are in compliance with the requirements in 34 C.F.R. §§ 300.111, 300.201, and 300.301 through 300.311. If the State did not identify any findings of noncompliance in FFY 2019, although its FFY 2019 data reflect less than 100% compliance (greater than 0% actual target data for this indicator), provide an explanation of why the State did not identify any findings of noncompliance in FFY 2019.   
  
Further, the State must demonstrate, in the FFY 2020 SPP/APR, that the remaining one district identified in FFY 2018 with disproportionate representation of racial and ethnic groups in specific disability categories that was the result of inappropriate identification, is in compliance with the requirements in 34 C.F.R. §§ 300.111, 300.201, and 300.301 through 300.311. In demonstrating the correction of the noncompliance identified in FFY 2018, the State must report, in the FFY 2020 SPP/APR, that the State verified that each district with noncompliance identified in FFY 2019 and the district with remaining noncompliance identified in FFY 2018: (1) is correctly implementing the specific regulatory requirement(s) (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the district, consistent with OSEP Memo 09-02. In the FFY 2020 SPP/APR, the State must describe the specific actions that were taken to verify the correction.

# Indicator 11: Child Find

**Instructions and Measurement**

**Monitoring Priority**: Effective General Supervision Part B / Child Find

**Compliance indicator**: Percent of children who were evaluated within 60 days of receiving parental consent for initial evaluation or, if the State establishes a timeframe within which the evaluation must be conducted, within that timeframe.

(20 U.S.C. 1416(a)(3)(B))

**Data Source**

Data to be taken from State monitoring or State data system and must be based on actual, not an average, number of days. Indicate if the State has established a timeline and, if so, what is the State’s timeline for initial evaluations.

**Measurement**

a. # of children for whom parental consent to evaluate was received.

b. # of children whose evaluations were completed within 60 days (or State-established timeline).

Account for children included in (a), but not included in (b). Indicate the range of days beyond the timeline when the evaluation was completed and any reasons for the delays.

Percent = [(b) divided by (a)] times 100.

**Instructions**

If data are from State monitoring, describe the method used to select LEAs for monitoring. If data are from a State database, include data for the entire reporting year.

Describe the results of the calculations and compare the results to the target. Describe the method used to collect these data, and if data are from the State’s monitoring, describe the procedures used to collect these data. Provide the actual numbers used in the calculation.

Note that under 34 CFR §300.301(d), the timeframe set for initial evaluation does not apply to a public agency if: (1) the parent of a child repeatedly fails or refuses to produce the child for the evaluation; or (2) a child enrolls in a school of another public agency after the timeframe for initial evaluations has begun, and prior to a determination by the child’s previous public agency as to whether the child is a child with a disability. States should not report these exceptions in either the numerator (b) or denominator (a). If the State-established timeframe provides for exceptions through State regulation or policy, describe cases falling within those exceptions and include in b.

Targets must be 100%.

Provide detailed information about the timely correction of noncompliance as noted in OSEP’s response for the previous SPP/APR. If the State did not ensure timely correction of the previous noncompliance, provide information on the extent to which noncompliance was subsequently corrected (more than one year after identification). In addition, provide information regarding the nature of any continuing noncompliance, improvement activities completed (e.g., review of policies and procedures, technical assistance, training, etc.) and any enforcement actions that were taken.

If the State reported less than 100% compliance for the previous reporting period (e.g., for the FFY 2019 SPP/APR, the data for FFY 2018), and the State did not identify any findings of noncompliance, provide an explanation of why the State did not identify any findings of noncompliance.

## 11 - Indicator Data

**Historical Data**

| **Baseline Year** | **Baseline Data** |
| --- | --- |
| 2005 | 64.20% |

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **FFY** | **2014** | **2015** | **2016** | **2017** | **2018** |
| Target | 100% | 100% | 100% | 100% | 100% |
| Data | 83.84% | 83.30% | 85.10% | 84.00% | 87.67% |

**Targets**

|  |  |
| --- | --- |
| **FFY** | **2019** |
| Target | 100% |

**FFY 2019 SPP/APR Data**

| **(a) Number of children for whom parental consent to evaluate was received** | **(b) Number of children whose evaluations were completed within 60 days (or State-established timeline)** | **FFY 2018 Data** | **FFY 2019 Target** | **FFY 2019 Data** | **Status** | **Slippage** |
| --- | --- | --- | --- | --- | --- | --- |
| 11,969 | 10,556 | 87.67% | 100% | 88.19% | Did Not Meet Target | No Slippage |

**Number of children included in (a) but not included in (b)**

1,413

**Account for children included in (a) but not included in (b). Indicate the range of days beyond the timeline when the evaluation was completed and any reasons for the delays.**

1 to 10 Days Delayed   
Evaluator delays in completing the evaluation: 185  
An approved evaluator was not available to provide a timely evaluation: 53  
Multilingual evaluator was not available to provide a timely evaluation: 29  
  
11 to 20 Days Delayed   
Evaluator delays in completing the evaluation: 155  
An approved evaluator was not available to provide a timely evaluation: 54  
Multilingual evaluator was not available to provide a timely evaluation: 27  
  
21 to 30 Days Delayed   
Evaluator delays in completing the evaluation: 97  
An approved evaluator was not available to provide a timely evaluation: 44  
Multilingual evaluator was not available to provide a timely evaluation: 24  
  
Over 30 Days Delayed   
Evaluator delays in completing the evaluation: 503  
An approved evaluator was not available to provide a timely evaluation: 172  
Multilingual evaluator was not available to provide a timely evaluation: 67  
  
Unknown Number of Days  
Evaluator delays in completing the evaluation: 3  
An approved evaluator was not available to provide a timely evaluation: 0  
Multilingual evaluator was not available to provide a timely evaluation: 0

**Indicate the evaluation timeline used:**

The State used the 60 day timeframe within which the evaluation must be conducted

**What is the source of the data provided for this indicator?**

State database that includes data for the entire reporting year

**Describe the method used to collect these data, and if data are from the State’s monitoring, describe the procedures used to collect these data.**

The State provides assurance that it is using its previously approved sampling methodology and only changed the years for which it is used. NYSED collects individual student data through the Student Information Repository System (SIRS). School districts report specific dates when special education events occur, such as the date of referral, date of written parent consent for an initial individual evaluation and the date of the committee on preschool special education (CPSE) or committee on special education (CSE) meeting to discuss evaluation results. The State does not have an event for the date the evaluation is completed. Therefore, for purposes of monitoring for this indicator, districts report the date the CPSE or CSE meeting is held to discuss the evaluation results. If the number of days exceeds the State-established timelines, reasons for delays are collected. Some reasons are considered to be in compliance with State requirements and other reasons are not in compliance. If the district has documentation that shows that the evaluation was completed within 60 calendar days from parental consent, but the meeting to discuss the evaluation results was delayed, the district is determined to have evaluated such students in a timely manner. However, absent such documentation, the district is reported as having untimely evaluations.

**Provide additional information about this indicator (optional)**

Identification of noncompliance: Each year a school district has data indicating one or more students did not receive their evaluations within the required timeline, the State identifies the school district with (1) noncompliance with section 200.4(b) for timely evaluations of school-age students; and/or (2) noncompliance with section 200.16(c)(2) for timely evaluations of preschool children. Correction of noncompliance is not verified unless the State determines that (1) each student whose evaluation was not timely administered has subsequently received his/her evaluation and (2) based on a sample of records, the school district is now timely evaluating all students. In the 2012 SPP/APR, the State reported findings not yet corrected for all students (see Correction of Findings of Noncompliance Identified Prior to FFY 2013). Beginning with the FFY 2014 SPP/APR, if the State cannot verify the correction of noncompliance for all students, it will report this noncompliance in the current year only, as it is a continuation of the same systemic noncompliance that was identified prior to FFY 2014. Therefore, there are no findings of noncompliance prior to FFY 2014.   
  
In addition to soliciting broad stakeholder input on the State’s targets for FFY 2020-2025, NYSED will also be engaging stakeholders in a review of the procedures and processes for currently sampled indicators to inform decisions as to whether revisions should be made to the State’s current sampling plan for the FFY 2020-2025 State Performance Plan/Annual Performance Report.

**Correction of Findings of Noncompliance Identified in FFY 2018**

| **Findings of Noncompliance Identified** | **Findings of Noncompliance Verified as Corrected Within One Year** | **Findings of Noncompliance Subsequently Corrected** | **Findings Not Yet Verified as Corrected** |
| --- | --- | --- | --- |
| 61 | 41 | 9 | 11 |

**FFY 2018 Findings of Noncompliance Verified as Corrected**

**Describe how the State verified that the source of noncompliance is correctly implementing the *regulatory requirements***

The State has verified that all but 11 school districts with noncompliance for this indicator: (1) are correctly implementing 34 CFR §300.301(c)(1) (i.e., achieved 100 percent compliance) based on a review of updated data, such as data subsequently collected through on-site monitoring or a State data system; and (2) have completed the evaluation, although late, for any child whose initial evaluation was not timely, unless the child is no longer within the jurisdiction of the school district, consistent with OSEP’s Memo 09-02. The State verified the correction of noncompliance by requiring submission of the specific date that the individual evaluation was completed, although late, for each individual student whose evaluation was not timely. To verify 100 percent correction of noncompliance for all students through the review of subsequent data demonstrating compliance, the school districts were required to report to the State the percent of students who had a timely evaluation over a specified period of time. See http://www.p12.nysed.gov/sedcar/forms/vr/1819 /html/verif11.htm.

**Describe how the State verified that each *individual case* of noncompliance was corrected**

The State verified that all but 11 school districts with one or more findings of noncompliance had corrected each individual case of noncompliance and achieved 100 compliance, unless the student was no longer within the jurisdiction of the school district. To verify the correction of noncompliance for all students through the review of subsequent data demonstrating compliance, the school districts were required to report to the State the percent of students who had a timely evaluation over a specified period of time and identify the date in which the evaluation for each student was completed. See: http://www.p12.nysed.gov/sedcar/forms/vr/1819/html/verif11.htm.

**FFY 2018 Findings of Noncompliance Not Yet Verified as Corrected**

**Actions taken if noncompliance not corrected**

The New York State Education Department (NYSED) is initiating follow-up reviews to determine the foundational reasons why school districts were not providing timely evaluations to preschool and school-age students with disabilities. To assist with the resolution of the remaining findings of noncompliance, NYSED is providing ongoing technical assistance and assisting the school districts in establishing policies, procedures and practices that ensure evaluations are conducted in a timely manner. NYSED will continue to provide the school districts ongoing technical assistance as well as targeted professional development through our funded professional development network.

**Correction of Findings of Noncompliance Identified Prior to FFY 2018**

| **Year Findings of Noncompliance Were Identified** | **Findings of Noncompliance Not Yet Verified as Corrected as of FFY 2018 APR** | **Findings of Noncompliance Verified as Corrected** | **Findings Not Yet Verified as Corrected** |
| --- | --- | --- | --- |
| FFY 2017 | 1 | 1 | 0 |
|  |  |  |  |
|  |  |  |  |

**FFY 2017**

**Findings of Noncompliance Verified as Corrected**

**Describe how the State verified that the source of noncompliance is correctly implementing the *regulatory requirements***

The State has verified that the school district with noncompliance for this indicator: (1) is correctly implementing 34 CFR §300.301(c)(1) (i.e., achieved 100 percent compliance) based on a review of updated data, such as data subsequently collected through on-site monitoring or a State data system; and (2) has completed the evaluation, although late, for any child whose initial evaluation was not timely, unless the child is no longer within the jurisdiction of the school district, consistent with OSEP’s Memo 09-02. The State verified the correction of noncompliance by requiring submission of the specific date that the individual evaluation was completed, although late, for each individual student whose evaluation was not timely. To verify 100 percent correction of noncompliance for all students through the review of subsequent data demonstrating compliance, the school district was required to report to the State the percent of students who had a timely evaluation over a specified period of time. See http://www.p12.nysed.gov/sedcar/forms/vr/1718 /html/verif11.htm.

**Describe how the State verified that each *individual case* of noncompliance was corrected**

The State verified that the school district with one finding of noncompliance had corrected each individual case of noncompliance and achieved 100 percent compliance, unless the student was no longer within the jurisdiction of the school district. To verify the correction of noncompliance for all students through the review of subsequent data demonstrating compliance, the school district was required to report to the State the percent of students who had a timely evaluation over a specified period of time and identify the date in which the evaluation for each student was completed. Additionally, the school district was required to report that any outstanding evaluations were completed for individual students from the original submission, although not timely. See: http://www.p12.nysed.gov/sedcar/forms/vr/1718/html/verif11.htm.

## 11 - Prior FFY Required Actions

None

## 11 - OSEP Response

## 11 - Required Actions

Because the State reported less than 100% compliance for FFY 2019, the State must report on the status of correction of noncompliance identified in FFY 2019 for this indicator. In addition, the State must demonstrate, in the FFY 2020 SPP/APR, that the remaining 11 findings of noncompliance identified in FFY 2018 were corrected. When reporting on the correction of noncompliance, the State must report, in the FFY 2020 SPP/APR, that it has verified that each LEA with findings of noncompliance identified in FFY 2019 and each LEA with remaining noncompliance identified in FFY 2018: (1) is correctly implementing the specific regulatory requirements (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the LEA, consistent with OSEP Memo 09-02. In the FFY 2020 SPP/APR, the State must describe the specific actions that were taken to verify the correction.  
   
If the State did not identify any findings of noncompliance in FFY 2019, although its FFY 2019 data reflect less than 100% compliance, provide an explanation of why the State did not identify any findings of noncompliance in FFY 2019.

# Indicator 12: Early Childhood Transition

**Instructions and Measurement**

**Monitoring Priorit**y: Effective General Supervision Part B / Effective Transition

**Compliance indicator**: 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 birthdays.

(20 U.S.C. 1416(a)(3)(B))

**Data Source**

Data to be taken from State monitoring or State data system.

**Measurement**

a. # of children who have been served in Part C and referred to Part B for Part B eligibility determination.

b. # of those referred determined to be NOT eligible and whose eligibility was determined prior to their third birthdays.

c. # of those found eligible who have an IEP developed and implemented by their third birthdays.

d. # of children for whom parent refusal to provide consent caused delays in evaluation or initial services or to whom exceptions under 34 CFR §300.301(d) applied.

e. # of children determined to be eligible for early intervention services under Part C less than 90 days before their third birthdays.

f. # of children whose parents chose to continue early intervention services beyond the child’s third birthday through a State’s policy under 34 CFR §303.211 or a similar State option.

Account for children included in (a), but not included in b, c, d, e, or f. Indicate the range of days beyond the third birthday when eligibility was determined and the IEP developed, and the reasons for the delays.

Percent = [(c) divided by (a - b - d - e - f)] times 100.

**Instructions**

If data are from State monitoring, describe the method used to select LEAs for monitoring. If data are from a State database, include data for the entire reporting year.

Describe the results of the calculations and compare the results to the target. Describe the method used to collect these data, and if data are from the State’s monitoring, describe the procedures used to collect these data. Provide the actual numbers used in the calculation.

Category f is to be used only by States that have an approved policy for providing parents the option of continuing early intervention services beyond the child’s third birthday under 34 CFR §303.211 or a similar State option.

Targets must be 100%.

Provide detailed information about the timely correction of noncompliance as noted in OSEP’s response for the previous SPP/APR. If the State did not ensure timely correction of the previous noncompliance, provide information on the extent to which noncompliance was subsequently corrected (more than one year after identification). In addition, provide information regarding the nature of any continuing noncompliance, improvement activities completed (e.g., review of policies and procedures, technical assistance, training, etc.) and any enforcement actions that were taken.

If the State reported less than 100% compliance for the previous reporting period (e.g., for the FFY 2019 SPP/APR, the data for FFY 2018), and the State did not identify any findings of noncompliance, provide an explanation of why the State did not identify any findings of noncompliance.

## 12 - Indicator Data

**Not Applicable**

**Select yes if this indicator is not applicable.**

NO

**Historical Data**

| **Baseline Year** | **Baseline Data** |
| --- | --- |
| 2014 | 75.26% |

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **FFY** | **2014** | **2015** | **2016** | **2017** | **2018** |
| Target | 100% | 100% | 100% | 100% | 100% |
| Data | 75.26% | 67.35% | 71.73% | 56.67% | 75.75% |

**Targets**

|  |  |
| --- | --- |
| **FFY** | **2019** |
| Target | 100% |

**FFY 2019 SPP/APR Data**

|  |  |
| --- | --- |
| a. Number of children who have been served in Part C and referred to Part B for Part B eligibility determination. | 2,539 |
| b. Number of those referred determined to be NOT eligible and whose eligibility was determined prior to third birthday. | 86 |
| c. Number of those found eligible who have an IEP developed and implemented by their third birthdays. | 185 |
| d. Number for whom parent refusals to provide consent caused delays in evaluation or initial services or to whom exceptions under 34 CFR §300.301(d) applied. | 757 |
| e. Number of children who were referred to Part C less than 90 days before their third birthdays. | 4 |
| f. Number of children whose parents chose to continue early intervention services beyond the child’s third birthday through a State’s policy under 34 CFR §303.211 or a similar State option. | 1,424 |

| **Measure** | **Numerator (c)** | **Denominator (a-b-d-e-f)** | **FFY 2018 Data** | **FFY 2019 Target** | **FFY 2019 Data** | **Status** | **Slippage** |
| --- | --- | --- | --- | --- | --- | --- | --- |
| 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 birthdays. | 185 | 268 | 75.75% | 100% | 69.03% | Did Not Meet Target | Slippage |

**Provide reasons for slippage, if applicable**

As a sampling indicator, fluctuations between years are to be expected; however, the 2019-20 school year was unique as the COVID-19 pandemic brought challenges with school districts meeting existing timely evaluation requirements. In the 2019-20 school year, as a result of the COVID-19 pandemic, New York Governor Executive Orders required the closure of school districts, including approved preschool special education programs, from March 16, 2020 through the remainder of the school year. Consequently, schools were forced to shift to almost all remote services including evaluations, causing inevitable delays of timely evaluations as school districts and parents reached mutually agreeable extensions in the timeline for evaluation. Parent refusal to provide consent to evaluate also contributed to evaluation delays as demonstrated by a 10.9 percentage point increase in FFY 2019-line d. (number for whom parent refusals to provide consent). From conversations with stakeholder groups (including school districts, program providers, evaluators, and child advocacy groups), the New York State Education Department’s (NYSED) Office of Special Education (OSE) learned that parents and school districts mutually agreed to extend evaluation timelines when in-person assessments were determined to be needed but could not occur during school closures. While remote assessments were offered and provided and eventually in-person assessments resumed, some parents may have been reluctant or unable to participate in remote assessments or uncomfortable with in-person assessments during the COVID-19 pandemic. Additionally, in some regions of New York, OSE is learning that there are continued delays in obtaining physical examinations, which is a required component of an initial evaluation in New York but may be difficult to obtain given the current demands on medical professionals.   
  
Utilizing its own State funding resources, New York extended the period of time in which children could receive Part C services, beyond their third birthday due to the COVID-19 pandemic. This was consistent with the proposed U.S. Secretary of Education recommendation to provide waiver authority to allow Part C services to continue during delayed Part B transition so that a toddler may continue to receive Part C services after his or her third birthday and until a Part B evaluation is completed and an eligibility determination made. The COVID-19 pandemic resulted in evaluation delays and the inability to make an eligibility determination and develop an individualized education program necessary for transition to Part B services. The New York State Department of Health (NYS agency responsible for administering Part C) authorized an extension of the deadline and allowed children to continue to receive Part C services with New York resources for a longer period of time past their third birthday which resulted in more students remaining in Part C. Although New York experienced delays in timely preschool evaluations, it took measures to continue early intervention services beyond the date of eligibility in order to avoid a gap in services for children impacted by the delay.   
  
It is reasonable to consider that the delay in evaluation contributes to fewer opportunities for school districts to report students in line c (number of students found eligible by their third birthday). Overall, the FFY 2019 noncompliant count (83 children) was lower than FFY 2018 noncompliant count (97 children) but because our compliant line c also decreased, slippage occurred for this indicator.   
  
It is also noteworthy that one large city school district accounts for 80 percent of identified noncompliance for Indicator 12 in FFY 2019. Of the remaining 13 LEAs with noncompliance, four of them have noncompliance for just two students and nine of them have noncompliance for just one student.

**Number of children who served in part C and referred to Part B for eligibility determination that are not included in b, c, d, e, or f**

83

**Account for children included in (a), but not included in b, c, d, e, or f. Indicate the range of days beyond the third birthday when eligibility was determined and the IEP developed, and the reasons for the delays.**

1 to 10 Days Delayed   
Additional Evaluations were requested : 1  
Delays in scheduling committee on preschool special education (CPSE) meetings: 0   
Evaluator delays in completing the evaluation: 2  
Evaluator was not available to provide a timely evaluation: 0  
Multilingual evaluator was not available to provide a timely evaluation: 0  
The recommended Part B program/services were not available when the child turned 3 years of age: 1  
  
11 to 20 Days Delayed   
Additional Evaluations were requested : 0  
Delays in scheduling CPSE meetings: 2   
Evaluator delays in completing the evaluation: 2  
Evaluator was not available to provide a timely evaluation: 2  
Multilingual evaluator was not available to provide a timely evaluation: 0  
The recommended Part B program/services were not available when the child turned 3 years of age: 1  
  
21 to 30 Days Delayed   
Additional Evaluations were requested : 0  
Delays in scheduling CPSE meetings: 3   
Evaluator delays in completing the evaluation: 1  
Evaluator was not available to provide a timely evaluation: 1  
Multilingual evaluator was not available to provide a timely evaluation: 0  
The recommended Part B program/services were not available when the child turned 3 years of age: 0  
  
Over 30 Days Delayed   
Additional Evaluations were requested : 0  
Delays in scheduling CPSE meetings: 6   
Evaluator delays in completing the evaluation: 6  
Evaluator was not available to provide a timely evaluation: 5  
Multilingual evaluator was not available to provide a timely evaluation: 0  
The recommended Part B program/services were not available when the child turned 3 years of age: 4  
  
Unknown Number of Days  
Additional Evaluations were requested : 1  
Delays in scheduling CPSE meetings: 3   
Evaluator delays in completing the evaluation: 31  
Evaluator was not available to provide a timely evaluation: 8  
Multilingual evaluator was not available to provide a timely evaluation: 1  
The recommended Part B program/services were not available when the child turned 3 years of age: 2

**Attach PDF table (optional)**

**What is the source of the data provided for this indicator?**

State database that includes data for the entire reporting year

**Describe the method used to collect these data, and if data are from the State’s monitoring, describe the procedures used to collect these data.**

New York provides assurance that it is using its currently approved sampling plan and will only change the years for which it is used. New York collects data for this indicator via the Student Information Repository System (SIRS) and verifies these data by displaying them in a VR12 report, which was developed in the PD Data System. SIRS is New York's individual student data reporting system. School districts report the date of referral, date of written parent consent for an initial evaluation, date of the committee on preschool special education meeting to determine eligibility and date the individualized education program (IEP) is implemented. Reasons for delays are collected for children whose eligibility determination is not made or whose IEPs are not implemented by their third birthday or in compliance with State requirements. Each school district’s compliance rate is calculated.

**Provide additional information about this indicator (optional)**

NYS Public Health Law, section 2541(8)(a) provides that a child's eligibility for early intervention (EI) services ends as of his or her third birthday, unless the child has been referred to the CPSE and found eligible for preschool special education services before his or her third birthday. Under these provisions, parents may elect to either transition the child to preschool special education or continue their child in EI programming beyond the third birthday until either September or January, according to the following rules: (1) If the child turns three years of age on or before the thirty-first day of August, the child shall, if requested by the parent, be eligible to receive EI services contained in an individualized family service plan (IFSP) until the first day of September of that calendar year; or, (2) If the child turns three years of age on or after the first day of September, the child shall, if requested by the parent and if already receiving EI services, be eligible to continue receiving such services until the second day of January of the following calendar year. When the parent elects to continue in EI under these provisions, the CPSE would write the IEP and indicate the starting date for special education services as of September or January, respectively. In no cases may the child receive EI and preschool special education services simultaneously. To improve compliance with this indicator, NYSED is working with early intervention partners in New York to study its processes for collection of this data and to identify and address additional contributing factors.  
  
In partnership with the stakeholders from the New York Early Intervention (Part C) program and with our federal technical assistance partners, NYSED published a Tool Kit for Committees on Preschool Special Education for how to continue to perform evaluations during the COVID-19 pandemic, both in-person and remotely. This Tool Kit outlined expectations for evaluations to continue and the variety of methods and tools that may be used to appropriately complete evaluations in a timely manner. The Tool Kit is published on NYSED’s webpage and was shared with school districts and other stakeholders: http://www.p12.nysed.gov/specialed/publications/2020-memos/documents/preschool-evaluations-july-2020.pdf   
  
NYSED is also working directly with the one large city school district that accounts for 80 percent of identified noncompliance for Indicator 12 in FFY 2019. Notably, this school district has created a new data sharing agreement in collaboration with the citywide public health agency responsible for provision of Early Intervention Services to improve the transfer of student information and developed a pilot program for transition coordinators to provide individualized support for families as they transition out of early intervention and into preschool special education.   
  
In addition to soliciting broad stakeholder input on the State’s targets for FFY 2020-2025, NYSED will also be engaging stakeholders in a review of the procedures and processes for currently sampled indicators to inform decisions as to whether revisions should be made to the State’s current sampling plan for the FFY 2020-2025 State Performance Plan/Annual Performance Report.

**Correction of Findings of Noncompliance Identified in FFY 2018**

| **Findings of Noncompliance Identified** | **Findings of Noncompliance Verified as Corrected Within One Year** | **Findings of Noncompliance Subsequently Corrected** | **Findings Not Yet Verified as Corrected** |
| --- | --- | --- | --- |
| 10 | 6 | 0 | 4 |

**FFY 2018 Findings of Noncompliance Verified as Corrected**

**Describe how the State verified that the source of noncompliance is correctly implementing the *regulatory requirements***

New York has verified that all but four school districts with noncompliance identified for this Indicator: (1) are correctly implementing 34 CFR §300.124(b) (i.e., achieved 100 percent compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) have developed and implemented the IEP, although late, for any child for whom implementation of the IEP was not timely, unless the child was no longer within the jurisdiction of the school district, consistent with OSEP’s Memo 09-02. To verify 100% correction of noncompliance for all students through the review of subsequent data demonstrating compliance, the school districts were required to report to the State the percent of students who had a timely evaluation over a specified period of time. See http://www.p12.nysed.gov/sedcar/forms/vr/1819/html/verif12.htm.

**Describe how the State verified that each *individual case* of noncompliance was corrected**

New York has verified that all but four school districts with noncompliance identified for this Indicator: (1) are correctly implementing 34 CFR §300.124(b) (i.e., achieved 100 percent compliance) based on a review of updated data, such as data subsequently collected through on-site monitoring or a State data system; and (2) have developed and implemented the IEP, although late, for any child for whom implementation of the IEP was not timely, unless the child was no longer within the jurisdiction of the school district, consistent with OSEP Memo 09-02. The State verified the correction of noncompliance and found that the districts achieved 100 percent compliance by requiring submission of the specific date that the student’s IEP was implemented, although late, for each individual student whose IEP implementation was not timely.

**FFY 2018 Findings of Noncompliance Not Yet Verified as Corrected**

**Actions taken if noncompliance not corrected**

There is one finding of noncompliance from one large city school district that is not yet verified as corrected. This school district reported noncompliance that was not corrected within the reporting year. NYSED initiated a follow-up review and determined that the school district was not ensuring that initial IEPs were developed and implemented within timelines for students moving from Part C to Part B services. To assist with the resolution of the outstanding finding of noncompliance, NYSED has been providing technical assistance once a month to ten regional IEP teams within the school district and to the Executive Director of the regional IEP teams, as well as targeted professional development through our funded network. In addition, a comprehensive compliance assurance plan was issued for this school district which identifies action steps for staffing, professional development and procedures to address the outstanding noncompliance.   
  
For three findings of noncompliance, the review process is still ongoing. NYSED staff have initiated a monitoring review to verify the correction of noncompliance and require submission of the specific date that individual evaluations were completed, although late, for each individual student whose evaluation was not timely. Additionally, to verify the correction of noncompliance for all students through the review of subsequent data demonstrating compliance, the school districts are required to report to the State the percent of students who had a timely evaluation over a specified period of time.

**Correction of Findings of Noncompliance Identified Prior to FFY 2018**

| **Year Findings of Noncompliance Were Identified** | **Findings of Noncompliance Not Yet Verified as Corrected as of FFY 2018 APR** | **Findings of Noncompliance Verified as Corrected** | **Findings Not Yet Verified as Corrected** |
| --- | --- | --- | --- |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |

## 12 - Prior FFY Required Actions

None

## 12 - OSEP Response

## 12 - Required Actions

Because the State reported less than 100% compliance for FFY 2019, the State must report on the status of correction of noncompliance identified in FFY 2019 for this indicator. In addition, the State must demonstrate, in the FFY 2020 SPP/APR, that the four remaining findings of noncompliance identified in FFY 2018 were corrected. When reporting on the correction of noncompliance, the State must report, in the FFY 2020 SPP/APR, that it has verified that each LEA with findings of noncompliance identified in FFY 2019 and each LEA with remaining noncompliance identified in FFY 2018 : (1) is correctly implementing the specific regulatory requirements (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the LEA, consistent with OSEP Memo 09-02. In the FFY 2020 SPP/APR, the State must describe the specific actions that were taken to verify the correction.   
  
If the State did not identify any findings of noncompliance in FFY 2019, although its FFY 2019 data reflect less than 100% compliance, provide an explanation of why the State did not identify any findings of noncompliance in FFY 2019.

# Indicator 13: Secondary Transition

**Instructions and Measurement**

**Monitoring Priority**: Effective General Supervision Part B / Effective Transition

**Compliance indicator**: Secondary transition: Percent of youth with IEPs aged 16 and above with an IEP that includes appropriate measurable postsecondary goals that are annually updated and based upon an age appropriate transition assessment, transition services, including courses of study, that will reasonably enable the student to meet those postsecondary goals, and annual IEP goals related to the student’s transition services needs. There also must be evidence that the student was invited to the IEP Team meeting where transition services are to be discussed and evidence that, if appropriate, a representative of any participating agency was invited to the IEP Team meeting with the prior consent of the parent or student who has reached the age of majority.

(20 U.S.C. 1416(a)(3)(B))

**Data Source**

Data to be taken from State monitoring or State data system.

**Measurement**

Percent = [(# of youth with IEPs aged 16 and above with an IEP that includes appropriate measurable postsecondary goals that are annually updated and based upon an age appropriate transition assessment, transition services, including courses of study, that will reasonably enable the student to meet those postsecondary goals, and annual IEP goals related to the student’s transition services needs. There also must be evidence that the student was invited to the IEP Team meeting where transition services are to be discussed and evidence that, if appropriate, a representative of any participating agency was invited to the IEP Team meeting with the prior consent of the parent or student who has reached the age of majority) divided by the (# of youth with an IEP age 16 and above)] times 100.

If a State’s policies and procedures provide that public agencies must meet these requirements at an age younger than 16, the State may, but is not required to, choose to include youth beginning at that younger age in its data for this indicator. If a State chooses to do this, it must state this clearly in its SPP/APR and ensure that its baseline data are based on youth beginning at that younger age.

**Instructions**

If data are from State monitoring, describe the method used to select LEAs for monitoring. If data are from a State database, include data for the entire reporting year.

Describe the results of the calculations and compare the results to the target. Describe the method used to collect these data and if data are from the State’s monitoring, describe the procedures used to collect these data. Provide the actual numbers used in the calculation.

Targets must be 100%.

Provide detailed information about the timely correction of noncompliance as noted in OSEP’s response for the previous SPP/APR. If the State did not ensure timely correction of the previous noncompliance, provide information on the extent to which noncompliance was subsequently corrected (more than one year after identification). In addition, provide information regarding the nature of any continuing noncompliance, improvement activities completed (e.g., review of policies and procedures, technical assistance, training, etc.) and any enforcement actions that were taken.

If the State reported less than 100% compliance for the previous reporting period (e.g., for the FFY 2019 SPP/APR, the data for FFY 2018), and the State did not identify any findings of noncompliance, provide an explanation of why the State did not identify any findings of noncompliance.

## 13 - Indicator Data

**Historical Data**

| **Baseline Year** | **Baseline Data** |
| --- | --- |
| 2009 | 67.20% |

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **FFY** | **2014** | **2015** | **2016** | **2017** | **2018** |
| Target | 100% | 100% | 100% | 100% | 100% |
| Data | 78.29% | 76.50% | 90.23% | 88.05% | 92.51% |

**Targets**

|  |  |
| --- | --- |
| **FFY** | **2019** |
| Target | 100% |

**FFY 2019 SPP/APR Data**

| **Number of youth aged 16 and above with IEPs that contain each of the required components for secondary transition** | **Number of youth with IEPs aged 16 and above** | **FFY 2018 Data** | **FFY 2019 Target** | **FFY 2019 Data** | **Status** | **Slippage** |
| --- | --- | --- | --- | --- | --- | --- |
| 2,909 | 3,302 | 92.51% | 100% | 88.10% | Did Not Meet Target | Slippage |

**Provide reasons for slippage, if applicable**

Indicator 13 is a sampling indicator. School districts report data for this indicator once every six years. While the sampling methodology ensures that results are representative of the State population, the sampling of school districts makes comparisons from year-to-year and root-cause analysis difficult. When looking at year-to-year changes, the number of IEPs reviewed with 100% compliance decreased by 13.5 percentage points while the number of IEPs reviewed with 80- 99% compliance increased by 8.6%. The number of IEPs reviewed with 50-79% compliance remained mostly constant. The number of IEPs with less than 50% compliance increased 3.9%. The combination of a decrease in the number of IEPs with 100% compliance and an increase in the number of IEPs with less than 50% compliance resulted in slippage.  
  
When comparing results for this indicator from FFY 2013, the last time the same group of school districts were in the sample data, the FFY 2019 results show improvement. In FFY 2013, the compliance rate for the same group of school districts was 77.2%, which is 10.9 percentage points less than the 88.1% for FFY 2019.

**What is the source of the data provided for this indicator?**

State monitoring

**Describe the method used to collect these data, and if data are from the State’s monitoring, describe the procedures used to collect these data.**

Measurement: Percent = [(# of youth with IEPs aged 15 and above with an IEP that includes appropriate measurable post-secondary goals that are annually updated and based upon an age-appropriate transition assessment, transition services, including courses of study, that will reasonably enable the student to meet those post-secondary goals, and annual IEP goals related to the student’s transition services needs. There also must be evidence that the student was invited to the Committee on Special Education (CSE) [i.e., IEP Team] meeting where transition services are to be discussed and evidence that, if appropriate, a representative of any participating agency was invited to the CSE meeting with the prior consent of the parent or student who has reached the age of majority) divided by the (# of youth with an IEP age 15 and above)] times 100. Data Source: New York will use data taken from State monitoring, as described below. Overview of Issue/Description of System or Process State law and regulations define transition services to mean a coordinated set of activities for a student with a disability, designed within a results-oriented process that is focused on improving the academic and functional achievement of the student with a disability to facilitate the student's movement from school to post-school activities, including, but not limited to, postsecondary education, vocational education, integrated competitive employment (including supported employment), continuing and adult education, adult services, independent living, or community participation. The coordinated set of activities must be based on the individual student's needs, taking into account the student's strengths, preferences and interests, and must include needed activities in instruction; related services; community experiences; the development of employment and other post-school adult living objectives; and when appropriate, acquisition of daily living skills and functional vocational evaluation. When the purpose of an IEP meeting is to consider transition services, the meeting notice must indicate this purpose, indicate that the school district/agency will invite the student to participate in the meeting, and identify any other agency that will be invited to send a representative. In New York, transition services must be in a student's IEP beginning not later than the first IEP to be in effect when the student is age 15 (and at a younger age, if determined appropriate) and updated annually. The IEP must, under the applicable components of the student’s IEP, include: Under the student’s present levels of performance, a statement of the student's needs, taking into account the student's strengths, preferences and interests, as they relate to transition from school to post-school activities; - appropriate measurable post-secondary goals based upon age appropriate transition assessments relating to training, education, employment and, where appropriate, independent living skills; - annual IEP goals related to the student’s transition services needs; - statement of the transition service needs of the student that focuses on the student's courses of study, such as participation in advanced placement courses or a vocational education program; - needed activities to facilitate the student’s movement from school to post-school activities, including instruction, related services, community experiences, the development of employment and other post-school adult living objectives and, when appropriate, acquisition of daily living skills and functional vocational evaluation; and - a statement of the responsibilities of the school district and, when applicable, participating agencies for the provision of such services and activities that promote movement from school to post-school opportunities, or both, before the student leaves the school setting. Sampling Methodology: the State provides assurance that it is using its currently approved sampling methodology and only changing the years for which it will be used. IEP Monitoring Review Process The New York State Education Department (NYSED) has developed an “IEP/Transition Self-Review” monitoring protocol to be used each year in monitoring school districts for this Indicator. The school districts selected for the representative sample are directed to complete the “Transition IEP” self-review monitoring protocol on a representative sample of IEPs and document results on a form prescribed by NYSED. The form requires documentation of the percent of students whose IEPs met each of the compliance requirements on the monitoring protocol. School districts are directed to complete and enter data on their IEP reviews by August 31st. NYSED arranges for random verification reviews of reported data in school districts in each Special Education Quality Assurance region. All school districts identified through the self-review or verification process as not having IEPs that include appropriate documentation of post-secondary goals and transition services on a student's IEP will be directed to correct the noncompliance immediately, but not later than the prescribed due date in the district's notification (always within one year). The review of IEPs required a determination as to whether the IEPs in the sample selected included specific transition content information and whether the content of the IEP would reasonably enable the student to meet measurable post-secondary goals. A qualitative review of the IEPs, which focuses on requirements in the following areas, was conducted: Development of the IEP to include: - Appropriate measurable postsecondary goals that are annually updated and based upon an age-appropriate transition assessment; - Transition services, including course of study, that will reasonably enable the student to meet those postsecondary goals; and - annual IEP goals related to the student's transition services needs. CSE meeting: - Evidence that the student was invited to the CSE meeting where transition services were discussed; and - Evidence that, if appropriate, a representative of any participating agency was invited to the CSE meeting with prior consent of the parent or student who has reached the age of majority (age 18).

| **Question** | **Yes / No** |
| --- | --- |
| Do the State’s policies and procedures provide that public agencies must meet these requirements at an age younger than 16? | YES |
| If yes, did the State choose to include youth at an age younger than 16 in its data for this indicator and ensure that its baseline data are based on youth beginning at that younger age? | YES |
| If yes, at what age are youth included in the data for this indicator | 15 |

**Provide additional information about this indicator (optional)**

In addition to soliciting broad stakeholder input on the State’s targets for FFY 2020-2025, NYSED will also be engaging stakeholders in a review of the procedures and processes for currently sampled indicators to inform decisions as to whether revisions should be made to the State’s current sampling plan for the FFY 2020-2025 State Performance Plan/Annual Performance Report.

**Correction of Findings of Noncompliance Identified in FFY 2018**

| **Findings of Noncompliance Identified** | **Findings of Noncompliance Verified as Corrected Within One Year** | **Findings of Noncompliance Subsequently Corrected** | **Findings Not Yet Verified as Corrected** |
| --- | --- | --- | --- |
| 39 | 27 | 12 | 0 |

**FFY 2018 Findings of Noncompliance Verified as Corrected**

**Describe how the State verified that the source of noncompliance is correctly implementing the *regulatory requirements***

The State required school districts identified with policies, procedures and practices not consistent with State and federal requirements to (1) document the steps the school district took (i.e., required corrective actions and improvement activities) to correct findings of noncompliance; (2) correct all instances of noncompliance immediately, but not later than the prescribed due date contained in the State's notification to the school district (within one year); and (3) provide the State with an assurance and documentation that the school district has corrected all issues of noncompliance. The State verified that each school district with noncompliance identified for this Indicator has achieved 100 percent compliance in implementing 34 CFR §§300.320(b) and 300.321(b), consistent with OSEP memorandum 09-02. Verification of the correction of noncompliance included, but was not limited to, review of revised IEPs and other related documents showing the correction of noncompliance through a submitted assurance from each school district. For one large city school district, the State verified 100 percent correction of noncompliance, consistent with OSEP memorandum 09-02, based on a review of revised student IEPs, meeting notices and other related documentation previously identified as noncompliant.

**Describe how the State verified that each *individual case* of noncompliance was corrected**

The State notified each school district identified with individual student cases of noncompliance that it must correct the noncompliance for the individual case(s) immediately, but not later than the prescribed due date contained in the State's notification to the school district (within one year). The school district was required to provide an assurance and documentation to the State that the school district has corrected all issues of noncompliance. The State verified that the school districts with one or more findings of noncompliance had corrected each individual case of noncompliance and achieved 100 percent compliance, unless the student was no longer within the jurisdiction of the school district. Verification of the correction of noncompliance included, but was not limited to, the review of revised IEPs, meeting notices and other related documents showing the correction of noncompliance for all individual students.

**Correction of Findings of Noncompliance Identified Prior to FFY 2018**

| **Year Findings of Noncompliance Were Identified** | **Findings of Noncompliance Not Yet Verified as Corrected as of FFY 2018 APR** | **Findings of Noncompliance Verified as Corrected** | **Findings Not Yet Verified as Corrected** |
| --- | --- | --- | --- |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |

## 13 - Prior FFY Required Actions

None

## 13 - OSEP Response

## 13 - Required Actions

Because the State reported less than 100% compliance for FFY 2019, the State must report on the status of correction of noncompliance identified in FFY 2019 for this indicator. When reporting on the correction of noncompliance, the State must report, in the FFY 2020 SPP/APR, that it has verified that each LEA with noncompliance identified in FFY 2019 for this indicator: (1) is correctly implementing the specific regulatory requirements (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the LEA, consistent with OSEP Memo 09-02. In the FFY 2020 SPP/APR, the State must describe the specific actions that were taken to verify the correction.  
  
If the State did not identify any findings of noncompliance in FFY 2019, although its FFY 2019 data reflect less than 100% compliance, provide an explanation of why the State did not identify any findings of noncompliance in FFY 2019.

# Indicator 14: Post-School Outcomes

**Instructions and Measurement**

**Monitoring Priority**: Effective General Supervision Part B / Effective Transition

**Results indicator:** Post-school outcomes: Percent of youth who are no longer in secondary school, had IEPs in effect at the time they left school, and were:

Enrolled in higher education within one year of leaving high school.

Enrolled in higher education or competitively employed within one year of leaving high school.

Enrolled in higher education or in some other postsecondary education or training program; or competitively employed or in some other employment within one year of leaving high school.

(20 U.S.C. 1416(a)(3)(B))

**Data Source**

State selected data source.

**Measurement**

A. Percent enrolled in higher education = [(# of youth who are no longer in secondary school, had IEPs in effect at the time they left school and were enrolled in higher education within one year of leaving high school) divided by the (# of respondent youth who are no longer in secondary school and had IEPs in effect at the time they left school)] times 100.

B. Percent enrolled in higher education or competitively employed within one year of leaving high school = [(# of youth who are no longer in secondary school, had IEPs in effect at the time they left school and were enrolled in higher education or competitively employed within one year of leaving high school) divided by the (# of respondent youth who are no longer in secondary school and had IEPs in effect at the time they left school)] times 100.

C. Percent enrolled in higher education, or in some other postsecondary education or training program; or competitively employed or in some other employment = [(# of youth who are no longer in secondary school, had IEPs in effect at the time they left school and were enrolled in higher education, or in some other postsecondary education or training program; or competitively employed or in some other employment) divided by the (# of respondent youth who are no longer in secondary school and had IEPs in effect at the time they left school)] times 100.

**Instructions**

*Sampling****of youth who had IEPs and are no longer in secondary school****is allowed. When sampling is used, submit a description of the sampling methodology outlining how the design will yield valid and reliable estimates of the target population. (See General Instructions on page 2 for additional instructions on sampling.)*

Collect data by September 2020 on students who left school during 2018-2019, timing the data collection so that at least one year has passed since the students left school. Include students who dropped out during 2018-2019 or who were expected to return but did not return for the current school year. This includes all youth who had an IEP in effect at the time they left school, including those who graduated with a regular diploma or some other credential, dropped out, or aged out.

**I. *Definitions***

*Enrolled in higher education* as used in measures A, B, and C means youth have been enrolled on a full- or part-time basis in a community college (two-year program) or college/university (four or more year program) for at least one complete term, at any time in the year since leaving high school.

*Competitive employment* as used in measures B and C: States have two options to report data under “competitive employment” in the FFY 2019 SPP/APR, due February 2021:

Option 1: Use the same definition as used to report in the FFY 2015 SPP/APR, i.e., competitive employment means that youth have worked for pay at or above the minimum wage in a setting with others who are nondisabled for a period of 20 hours a week for at least 90 days at any time in the year since leaving high school. This includes military employment.

Option 2: States report in alignment with the term “competitive integrated employment” and its definition, in section 7(5) of the Rehabilitation Act, as amended by Workforce Innovation and Opportunity Act (WIOA), and 34 CFR §361.5(c)(9). For the purpose of defining the rate of compensation for students working on a “part-time basis” under this category, OSEP maintains the standard of 20 hours a week for at least 90 days at any time in the year since leaving high school. This definition applies to military employment.

*Enrolled in other postsecondary education or training* as used in measure C, means youth have been enrolled on a full- or part-time basis for at least 1 complete term at any time in the year since leaving high school in an education or training program (e.g., Job Corps, adult education, workforce development program, vocational technical school which is less than a two-year program).

*Some other employment* as used in measure C means youth have worked for pay or been self-employed for a period of at least 90 days at any time in the year since leaving high school. This includes working in a family business (e.g., farm, store, fishing, ranching, catering services, etc.).

**II. *Data Reporting***

Provide the actual numbers for each of the following mutually exclusive categories. The actual number of “leavers” who are:

1. Enrolled in higher education within one year of leaving high school;

2. Competitively employed within one year of leaving high school (but not enrolled in higher education);

3. Enrolled in some other postsecondary education or training program within one year of leaving high school (but not enrolled in higher education or competitively employed);

4. In some other employment within one year of leaving high school (but not enrolled in higher education, some other postsecondary education or training program, or competitively employed).

“Leavers” should only be counted in one of the above categories, and the categories are organized hierarchically. So, for example, “leavers” who are enrolled in full- or part-time higher education within one year of leaving high school should only be reported in category 1, even if they also happen to be employed. Likewise, “leavers” who are not enrolled in either part- or full-time higher education, but who are competitively employed, should only be reported under category 2, even if they happen to be enrolled in some other postsecondary education or training program.

**III. *Reporting on the Measures/Indicators***

Targets must be established for measures A, B, and C.

Measure A: For purposes of reporting on the measures/indicators, please note that any youth enrolled in an institution of higher education (that meets any definition of this term in the Higher Education Act (HEA)) within one year of leaving high school must be reported under measure A. This could include youth who also happen to be competitively employed, or in some other training program; however, the key outcome we are interested in here is enrollment in higher education.

Measure B: All youth reported under measure A should also be reported under measure B, in addition to all youth that obtain competitive employment within one year of leaving high school.

Measure C: All youth reported under measures A and B should also be reported under measure C, in addition to youth that are enrolled in some other postsecondary education or training program, or in some other employment.

Include the State’s analysis of the extent to which the response data are representative of the demographics of youth who are no longer in secondary school and had IEPs in effect at the time they left school. States should consider categories such as race and ethnicity, disability category, and geographic location in the State.

If the analysis shows that the response data are not representative of the demographics of youth who are no longer in secondary school and had IEPs in effect at the time they left school, describe the strategies that the State will use to ensure that in the future the response data are representative of those demographics. In identifying such strategies, the State should consider factors such as how the State collected the data.

## 14 - Indicator Data

**Historical Data**

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| **Measure** | **Baseline** | **FFY** | **2014** | **2015** | **2016** | **2017** | **2018** |
| A | 2009 | Target >= | 42.20% | 42.70% | 43.00% | 43.50% | 44.00% |
| A | 43.00% | Data | 48.12% | 40.77% | 44.02% | 43.39% | 44.37% |
| B | 2009 | Target >= | 66.00% | 67.00% | 68.00% | 69.00% | 70.00% |
| B | 64.00% | Data | 71.71% | 67.25% | 69.43% | 70.34% | 69.10% |
| C | 2009 | Target >= | 75.00% | 76.00% | 77.50% | 78.50% | 80.00% |
| C | 77.00% | Data | 80.85% | 77.75% | 80.66% | 82.84% | 80.65% |

**FFY 2019 Targets**

|  |  |
| --- | --- |
| **FFY** | **2019** |
| Target A >= | 44.00% |
| Target B >= | 70.00% |
| Target C >= | 80.00% |

**Targets: Description of Stakeholder Input**

An internal NYSED workgroup analyzed historical targets and actual data to create proposed FFY 2013- FFY 2018 targets. The draft targets were shared with the State's Commissioner's Advisory Panel (CAP) for Special Education Services, which is the IDEA State Advisory Panel, at one of its meetings. Discussions in target setting included a review of historical trends and the State's new policies that are expected to engage students to remain in school including, but not limited to, the Skills and Achievement Commencement Credential; the Career Development and Occupational Studies (CDOS) Commencement Credential; initiatives to increase student access to Career and Technical Education courses and work-based learning; and alternative pathways to a regular high school diploma. It was also recommended that targets consider the anticipated positive impact on employment related to the Adult Career and Continuing Education Services - Vocational Rehabilitation's (ACCES-VR's) newly formed Transition Unit. Final targets were determined following this annual meeting in consideration of stakeholder comments.  
  
FFY 2018 targets have been extended to FFY 2019 after consultation and discussion with CAP.

**FFY 2019 SPP/APR Data**

|  |  |
| --- | --- |
| Number of respondent youth who are no longer in secondary school and had IEPs in effect at the time they left school | 1,623 |
| 1. Number of respondent youth who enrolled in higher education within one year of leaving high school | 573 |
| 2. Number of respondent youth who competitively employed within one year of leaving high school | 491 |
| 3. Number of respondent youth enrolled in some other postsecondary education or training program within one year of leaving high school (but not enrolled in higher education or competitively employed) | 108 |
| 4. Number of respondent youth who are in some other employment within one year of leaving high school (but not enrolled in higher education, some other postsecondary education or training program, or competitively employed). | 46 |

| **Measure** | **Number of respondent youth** | **Number of respondent youth who are no longer in secondary school and had IEPs in effect at the time they left school** | **FFY 2018 Data** | **FFY 2019 Target** | **FFY 2019 Data** | **Status** | **Slippage** |
| --- | --- | --- | --- | --- | --- | --- | --- |
| A. Enrolled in higher education (1) | 573 | 1,623 | 44.37% | 44.00% | 35.30% | Did Not Meet Target | Slippage |
| B. Enrolled in higher education or competitively employed within one year of leaving high school (1 +2) | 1,064 | 1,623 | 69.10% | 70.00% | 65.56% | Did Not Meet Target | Slippage |
| C. Enrolled in higher education, or in some other postsecondary education or training program; or competitively employed or in some other employment (1+2+3+4) | 1,218 | 1,623 | 80.65% | 80.00% | 75.05% | Did Not Meet Target | Slippage |

| **Part** | **Reasons for slippage, if applicable** |
| --- | --- |
| **A** | The COVID-19 pandemic has dramatically impacted the enrollment of youth with and without disabilities in institutes of higher education (IHE). COVID-19 severely disrupted operations at New York’s IHEs during the Spring 2020 semester and continues to have profound impact on campuses during the 2020-21 academic year. COVID-19 had a particularly harmful effect on students with disabilities and their ability to receive the supports and resources necessary for a successful college experience. As colleges shifted to off-campus learning models, many students with disabilities did not have access to the internet, technology, or the accommodations or supports they needed to meaningfully participate in remote learning. A number of survey respondents cited the impact of COVID-19 on the household as a reason for not enrolling on a full- or part-time basis in an IHE for at least one complete term. In addition, while the 35.3% reported for Measure A is almost 10% less than the FFY 2018 data, it is a 2.32% decrease from the 37.62% reported in FFY 2013 for the same representative sample of school districts. |
| **B** | The COVID-19 pandemic has dramatically impacted the number of respondent youth enrolled in IHEs or competitively employed within one year of leaving high school. COVID-19 severely disrupted operations at New York’s IHEs during the Spring 2020 semester and continues to have profound impact on campuses during the 2020-21 academic year. COVID-19 had a particularly harmful effect on students with disabilities and their ability to receive the supports and resources necessary for a successful college experience. As colleges shifted to off-campus learning models, many students with disabilities did not have access to the internet, technology, or the accommodations or supports they needed to meaningfully participate in remote learning. Additionally, many businesses in communities Statewide have been financially impacted or closed indefinitely due to COVID-19 which has resulted in significant challenges in obtaining and retaining employment for many individuals, including those with disabilities. A number of survey respondents cited the impact of COVID-19 on the household as a reason for not enrolling on a full- or part-time basis in an IHE for at least one complete term. Many respondents also reported that COVID-19 made it difficult to obtain and maintain competitive employment. In addition, while the 65.56% reported for Measure B is a decrease from 69.10% reported for the FFY 2018 data, it is a 2.98% increase from the 62.58% reported in FFY 2013 for the same representative sample of school districts. |
| **C** | The COVID-19 pandemic has dramatically impacted the number of respondent youth enrolled in IHEs or in some other postsecondary education or training program; or competitively employed or in some other employment within one year of leaving high school. COVID-19 severely disrupted operations at New York’s IHEs during the Spring 2020 semester and continues to have profound impact on campuses during the 2020-21 academic year. COVID-19 had a particularly harmful effect on students with disabilities and their ability to receive the supports and resources necessary for a successful college experience. As colleges shifted to off-campus learning models, many students with disabilities did not have access to the internet, technology, or the accommodations or supports they needed to meaningfully participate in remote learning. Additionally, many businesses in communities Statewide have been financially impacted or closed indefinitely due to COVID-19 which has resulted in significant challenges in obtaining and retaining employment for many individuals, including students with disabilities. A number of survey respondents cited the impact of COVID-19 on the household as a reason for not enrolling on a full- or part-time basis in an IHE or in an education or training program for at least one complete term. Many respondents also reported that COVID-19 made it difficult to obtain and maintain competitive employment or some other employment. In addition, while the 75.05% reported for Measure C is a 5.6% decrease from the FFY 2018 data, it is a 2.64% decrease from the data reported in FFY 2013 for the same representative sample of school districts. |

**Please select the reporting option your State is using:**

Option 2: Report in alignment with the term “competitive integrated employment” and its definition, in section 7(5) of the Rehabilitation Act, as amended by Workforce Innovation and Opportunity Act (WIOA), and 34 CFR §361.5(c)(9). For the purpose of defining the rate of compensation for students working on a “part-time basis” under this category, OSEP maintains the standard of 20 hours a week for at least 90 days at any time in the year since leaving high school. This definition applies to military employment.

| **Sampling Question** | **Yes / No** |
| --- | --- |
| Was sampling used? | YES |
| If yes, has your previously-approved sampling plan changed? | NO |

**Describe the sampling methodology outlining how the design will yield valid and reliable estimates.**

The State provides assurance that it is using its currently approved sampling methodology and only changing the years in which it is used.  
  
Sampling Methodology: Data were collected from a statewide representative sample of school districts. One-sixth of the school districts reported data on this indicator for FFY 2019. For a detailed description of New York State’s (NYS's) sampling methodology, see: http://www.p12.nysed.gov/specialed/spp/2012/ind14.htm.

| **Survey Question** | **Yes / No** |
| --- | --- |
| Was a survey used? | YES |
| If yes, is it a new or revised survey? | NO |

**Include the State’s analyses of the extent to which the response data are representative of the demographics of youth who are no longer in secondary school and had IEPs in effect at the time they left school.**

The State's analysis of response data indicate that the response data is representative of the demographics of youth who are no longer in secondary school and had IEPs in effect at the time they left school, with the exception of White students who were found to be slightly over-represented (+11 percentage points). Race/ethnicity, gender and disability category data are included in the analysis. All other categories fell within the acceptable range of plus or minus 10 percentage points.   
  
The New York State Education Department (NYSED) considers differences of 10 percentage points or less, either negative or positive, to be representative. A difference of 10 or less percentage points is not statistically significant enough to demonstrate that the data is not representative, especially as the response data is from a sample of school districts. However, NYSED will also continue to explore additional strategies to strengthen representativeness and will work with its contractor that collects this data throughout the data collection period to monitor the demographic representation of the responses and we will use that data to inform the appropriate outreach efforts to be taken during the data collection period.

| **Question** | **Yes / No** |
| --- | --- |
| Are the response data representative of the demographics of youth who are no longer in school and had IEPs in effect at the time they left school? | NO |

**If no, describe the strategies that the State will use to ensure that in the future the response data are representative of those demographics.**

NYSED is working with stakeholders as well as the contractor used to collect data for this indicator to improve representativeness of Indicator 14 data. A NYSED workgroup has also been established to address Indicator 14 representativeness. Strategies under consideration include reviewing communications sent to youth, reviewing sampling methodology at the State level as well as at the LEA level, and working with state and federal technical assistance centers to identify better ways to reach all youth.

**Provide additional information about this indicator (optional)**

Data Source: New York continues to use a contractor to collect data for this indicator. The current contractor is Potsdam Institute for Applied Research at the State University of New York in Potsdam, NY. When possible, interviews with each identified exiter were conducted by telephone, but the survey was also available on the web and in hard copy by mail. See http://www.p12.nysed.gov/specialed/spp/2012/ind14.htm. Definitions: Exiters are defined to include those students with disabilities who had individualized education programs and who completed the high school program with any diploma or certificate of completion (i.e., Regents or local diploma; Skills and Achievement Commencement Credential; CDOS Commencement Credential; Test Accessing Secondary Completion, NYSED's high school equivalency test), who completed school by reaching the maximum age to attend school, or those who dropped out during the academic year being reviewed. Enrolled in higher education means youth have been enrolled on a full- or part-time basis in a community college (two-year program) or college/university (four or more year program) for at least one complete term, at any time in the year since leaving high school. Competitive employment means that youth have worked for pay at or above the State’s minimum wage in a setting with others who are nondisabled for a period of 20 hours a week for at least 90 days at any time in the year since leaving high school. This includes military employment. Enrolled in other postsecondary education or training means youth have been enrolled on a full- or part-time basis for at least one complete term at any time in the year since leaving high school in an education or training program (e.g., Job Corps; adult education; workforce development program; vocational technical school which is less than a two year program; or other).  
  
Part-time is defined differently depending on the standard for the postsecondary school program. For colleges, part-time course loads are typically defined as nine credit hours or fewer per semester. Each person interviewed responds based on their understanding of what constitutes full- or part-time for the institution or program they are attending. Interviewers are trained to provide guidance if requested or needed. Enrolled in other postsecondary education or training also includes enrollment on a full- or part-time basis for at least one complete term in a vocational technical school that is less than a two-year program at any time of the year since leaving high school. Some other employment means youth have worked for pay or been self-employed for a period of at least 90 days at any time in the year since leaving high school. This includes working in a family business (e.g., farm, store, fishing, ranching, catering services, etc.).  
  
In addition to soliciting broad stakeholder input on the State’s targets for FFY 2020-2025, NYSED will also be engaging stakeholders in a review of the procedures and processes for currently sampled indicators to inform decisions as to whether revisions should be made to the State’s current sampling plan for the FFY 2020-2025 State Performance Plan/Annual Performance Report.

## 14 - Prior FFY Required Actions

None

## 14 - OSEP Response

## 14 - Required Actions

In the FFY 2020 SPP/APR, the State must report whether the FFY 2020 data are representative of the demographics of youth who are no longer in secondary school and had IEPs in effect at the time they left school, and, if not, the actions the State is taking to address this issue. The State must also include its analysis of the extent to which the response data are representative of the demographics of youth who are no longer in secondary school and had IEPs in effect at the time they left school.

# Indicator 15: Resolution Sessions

**Instructions and Measurement**

**Monitoring Priority**: Effective General Supervision Part B / General Supervision

**Results Indicator:** Percent of hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements.

(20 U.S.C. 1416(a)(3)(B))

**Data Source**

Data collected under section 618 of the IDEA (IDEA Part B Dispute Resolution Survey in the EDFacts Metadata and Process System (E*MAPS*)).

**Measurement**

Percent = (3.1(a) divided by 3.1) times 100.

**Instructions**

Sampling is not allowed.

Describe the results of the calculations and compare the results to the target.

States are not required to establish baseline or targets if the number of resolution sessions is less than 10. In a reporting period when the number of resolution sessions reaches 10 or greater, develop baseline, targets and improvement activities, and report on them in the corresponding SPP/APR.

States may express their targets in a range (e.g., 75-85%).

If the data reported in this indicator are not the same as the State’s data under IDEA section 618, explain.

States are not required to report data at the LEA level.

## 15 - Indicator Data

Select yes to use target ranges

Target Range is used

**Prepopulated Data**

| **Source** | **Date** | **Description** | **Data** |
| --- | --- | --- | --- |
| SY 2019-20 EMAPS IDEA Part B Dispute Resolution Survey; Section C: Due Process Complaints | 11/04/2020 | 3.1 Number of resolution sessions | 10,770 |
| SY 2019-20 EMAPS IDEA Part B Dispute Resolution Survey; Section C: Due Process Complaints | 11/04/2020 | 3.1(a) Number resolution sessions resolved through settlement agreements | 110 |

**Select yes if the data reported in this indicator are not the same as the State’s data reported under section 618 of the IDEA.**

NO

**Targets: Description of Stakeholder Input**

The New York State Education Department (NYSED) consulted with the State's Commissioner's Advisory Panel (CAP) for Special Education Services for target setting for this indicator. To provide background to CAP for this discussion, a comprehensive data presentation on the State's due process system, including impartial hearings, mediation and resolution sessions was held in the spring of 2014. The target setting discussion then followed in the fall of 2014. A more comprehensive data presentation on the State's due process system, including impartial hearings, mediation and resolution sessions was held in the spring of 2018. In addition, a review of NYSED’s efforts toward reducing the number of impartial hearings, including both increasing the number of certified impartial hearing officers and increasing awareness and use of mediation, was provided to the Panel in November 2019.  
  
Considerations discussed for target setting included historical trends, the length of time it takes some school districts (particularly one large city school district) to enter into settlement agreements which may have initiated from resolution meeting discussions and a newly-proposed expedited settlement process in this school district. Mediation data was also considered, as were the reasons for the majority of requests for due process hearings (i.e., tuition reimbursement).   
  
Stakeholders discussed the variability in factors that impact this Indicator. Since FFY 2008, the State used a variable target of an increase of two percent over the prior year data which was not clear to many stakeholders since the percentage target changed each year. The State considered these factors in its decision to change targets to a range.

**Historical Data**

| **Baseline Year** | **Baseline Data** |
| --- | --- |
| 2006 | 10.63% |

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **FFY** | **2014** | **2015** | **2016** | **2017** | **2018** |
| Target >= | 6.00% | 7.00% | 8.00% | 9.00% - 10.00% | 11.00% - 12.00% |
| Data | 4.82% | 3.20% | 2.83% | 1.81% | 1.34% |

**Targets**

| **FFY** | **2019 (low)** | **2019 (high)** |
| --- | --- | --- |
| Target | 11.00% | 12.00% |

**FFY 2019 SPP/APR Data**

| **3.1(a) Number resolutions sessions resolved through settlement agreements** | **3.1 Number of resolutions sessions** | **FFY 2018 Data** | **FFY 2019 Target (low)** | **FFY 2019 Target (high)** | **FFY 2019 Data** | **Status** | **Slippage** |
| --- | --- | --- | --- | --- | --- | --- | --- |
| 110 | 10,770 | 1.34% | 11.00% | 12.00% | 1.02% | Did Not Meet Target | Slippage |

**Provide reasons for slippage, if applicable**

The percent of hearing requests that went to resolution sessions and that were resolved through resolution session settlement agreements declined from 1.34 percent in FFY 2018 to 1.02 percent in FFY 2019. Over 97 percent of all due process complaints in FFY 2019 originate from one large city school district. A significant number of these due process complaints involve parent tuition reimbursement. Based on the findings and information obtained after this large city school district was placed under a comprehensive compliance assurance plan (CAP) in May 2019, NYSED has learned that this school district requires that parents go to an impartial hearing to resolve tuition reimbursement disputes. Additionally, given the volume of the due process complaints in this district and this district’s delays in data entry, resolution sessions are not always commenced within 15 days of receiving the due process complaint. Contributing issues also include the increased number and complexity of hearing requests and that this school district does not provide its personnel with the appropriate authority to settle such cases.

**Provide additional information about this indicator (optional)**

Based on the findings of a study of the impartial hearing procedures of this large city school district, a comprehensive CAP was developed in May 2019 requiring the school district to develop methods to more effectively use resolution sessions to resolve due process hearing complaints. There are clearly systemic and complex issues in this school district, including significant issues with their procedures and processes for resolving disputes. Through this comprehensive CAP, NYSED identified issues (e.g., independent educational evaluations, unilateral placements in private schools and reimbursement for enhanced rate services) that should be addressed outside of the impartial hearing process and is requiring this school district to develop procedures and processes to do so.  
  
NYSED continues to consider the possibility of moving its two-tier due process system to a one-tier system and has taken steps to strengthen the first tier through the comprehensive CAP. NYSED continues to receive guidance from the Office of Special Education Programs.

## 15 - Prior FFY Required Actions

None

## 15 - OSEP Response

## 15 - Required Actions

# Indicator 16: Mediation

**Instructions and Measurement**

**Monitoring Priority**: Effective General Supervision Part B / General Supervision

**Results indicator:** Percent of mediations held that resulted in mediation agreements.

(20 U.S.C. 1416(a)(3(B))

**Data Source**

Data collected under section 618 of the IDEA (IDEA Part B Dispute Resolution Survey in the EDFacts Metadata and Process System (E*MAPS*)).

**Measurement**

Percent = (2.1(a)(i) + 2.1(b)(i)) divided by 2.1) times 100.

**Instructions**

Sampling is not allowed.

Describe the results of the calculations and compare the results to the target.

States are not required to establish baseline or targets if the number of resolution sessions is less than 10. In a reporting period when the number of resolution sessions reaches 10 or greater, develop baseline, targets and improvement activities, and report on them in the corresponding SPP/APR.

States may express their targets in a range (e.g., 75-85%).

If the data reported in this indicator are not the same as the State’s data under IDEA section 618, explain.

States are not required to report data at the LEA level.

## 16 - Indicator Data

**Select yes to use target ranges**

Target Range is used

**Prepopulated Data**

| **Source** | **Date** | **Description** | **Data** |
| --- | --- | --- | --- |
| SY 2019-20 EMAPS IDEA Part B Dispute Resolution Survey; Section B: Mediation Requests | 11/04/2020 | 2.1 Mediations held | 132 |
| SY 2019-20 EMAPS IDEA Part B Dispute Resolution Survey; Section B: Mediation Requests | 11/04/2020 | 2.1.a.i Mediations agreements related to due process complaints | 13 |
| SY 2019-20 EMAPS IDEA Part B Dispute Resolution Survey; Section B: Mediation Requests | 11/04/2020 | 2.1.b.i Mediations agreements not related to due process complaints | 97 |

**Select yes if the data reported in this indicator are not the same as the State’s data reported under section 618 of the IDEA.**

NO

**Targets: Description of Stakeholder Input**

The New York State Education Department (NYSED) consulted with the State's Commissioner's Advisory Panel (CAP) for Special Education Services for target setting for this Indicator. To provide background to CAP for this discussion, a comprehensive data presentation on the State's due process system, including impartial hearings, mediation and resolution sessions was held in the spring of 2014. The target setting discussion then followed in the fall of 2014. A more comprehensive data presentation on the State's due process system, including impartial hearings, mediation and resolution sessions was held in the spring of 2018. In addition, a review of NYSED’s efforts toward reducing the number of impartial hearings, including both increasing the number of certified impartial hearing officers and increasing awareness and use of mediation, was provided to the Panel in November 2019.  
  
Considerations discussed for target setting included historical trends, the length of time it takes some school districts (particularly one large city school district) to enter into settlement agreements which may have initiated from resolution meeting discussions and a newly-proposed expedited settlement process in this school district. Mediation data was also considered, as were the reasons for the majority of requests for due process hearings (i.e., tuition reimbursement). Given the State's fluctuation in performance shown in the historical data, ranges for targets have been set.

**Historical Data**

| **Baseline Year** | **Baseline Data** |
| --- | --- |
| 2006 | 90.64% |

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **FFY** | **2014** | **2015** | **2016** | **2017** | **2018** |
| Target >= | 88.00% | 90.00% | 94.00% | 89.00% - 92.00% | 91.00% - 95.00% |
| Data | 88.53% | 83.02% | 86.63% | 88.74% | 85.19% |

**Targets**

| **FFY** | **2019 (low)** | **2019 (high)** |
| --- | --- | --- |
| Target | 91.00% | 95.00% |

**FFY 2019 SPP/APR Data**

| **2.1.a.i Mediation agreements related to due process complaints** | **2.1.b.i Mediation agreements not related to due process complaints** | **2.1 Number of mediations held** | **FFY 2018 Data** | **FFY 2019 Target (low)** | | **FFY 2019 Target (high)** | **FFY 2019 Data** | **Status** | **Slippage** |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| 13 | 97 | 132 | 85.19% | 91.00% | 95.00% | | 83.33% | Did Not Meet Target | Slippage |

**Provide reasons for slippage, if applicable**

Due process complaints have significantly increased over the past several years in one large city school district while the number of mediations has decreased in this school district. Based on the findings and information obtained after this large city school district was placed under a comprehensive compliance assurance plan (CAP) in May 2019, NYSED has learned that this school district does not allow the use of mediation to resolve issues regarding unilateral private school placements, which comprise a majority of their requests for impartial hearings. This large city school district also does not provide its personnel with the appropriate authority to settle issues through mediation. Other possible reasons for the slippage include increased complexity and difficulty of the issues facing school districts and parents/students coming to mediation which may result in fewer mediation agreements. Parents may prefer to work with an impartial hearing officer, rather than try to reach agreement with a school district. Please see the additional information below on how the State is addressing mediation.

**Provide additional information about this indicator (optional)**

Mediation continues to be minimally used across the State with most disputes resulting in due process impartial hearings. To increase the awareness and use of mediation across the State, NYSED recently established new contracts in response to a request for proposals to address 1) promotion of the use of mediation Statewide and improved training of special education mediators; and 2) the collection and reporting of data on mediation sessions and the provision of administrative cost reimbursement to Community Dispute Resolution Centers across the State. In addition, the May 2019 comprehensive CAP with the large city school district requires the district to adopt new programs and processes to increase the number of mediations and implement training to school district staff to ensure an increased use in mediation. When mediation is used in this school district, it has proven to be very effective.

## 16 - Prior FFY Required Actions

None

## 16 - OSEP Response

## 16 - Required Actions

# Indicator 17: State Systemic Improvement Plan

 

# Certification

**Instructions**

**Choose the appropriate selection and complete all the certification information fields. Then click the "Submit" button to submit your APR.**

**Certify**

**I certify that I am the Chief State School Officer of the State, or his or her designee, and that the State's submission of its IDEA Part B State Performance Plan/Annual Performance Report is accurate.**

**Select the certifier’s role:**

Chief State School Officer

**Name and title of the individual certifying the accuracy of the State's submission of its IDEA Part B State Performance Plan/Annual Performance Report.**

**Name:**

Christopher Suriano

**Title:**

Assistant Commissioner

**Email:**

christopher.suriano@nysed.gov

**Phone:**

518-402-3353

**Submitted on:**

04/29/21 8:18:30 PM

# ED Attachments

   

1. Data suppressed due to privacy protection [↑](#footnote-ref-2)
2. Percentage blurred due to privacy protection [↑](#footnote-ref-3)