

New York Part C FFY 2012 SPP/APR Response Table

Part C SPP/APR Indicators

1. Percent of infants and toddlers with IFSPs who receive the early intervention services on their IFSPs in a timely manner. [Compliance Indicator]
2. Percent of infants and toddlers with IFSPs who primarily receive early intervention services in the home or community-based settings. [Results Indicator]
3. Percent of infants and toddlers with IFSPs who demonstrate improved: A. Positive social-emotional skills (including social relationship); B. Acquisition and use of knowledge and skills (including early language/communication); and C. Use of appropriate behaviors to meet their needs. [Results Indicator]
4. Percent of families participating in Part C who report that early intervention services have helped the family: A. Know their rights; B. Effectively communicate their children's needs; and C. Help their children develop and learn. [Results Indicator]
5. Percent of infants and toddlers birth to 1 with IFSPs compared to national data. [Results Indicator]
6. Percent of infants and toddlers birth to 3 with IFSPs compared to national data. [Results Indicator]
7. Percent of eligible infants and toddlers with IFSPs for whom an initial evaluation and initial assessment and an initial IFSP meeting were conducted within Part C's 45-day timeline. [Compliance Indicator]
8. Percent of toddlers with disabilities exiting Part C with timely transition planning for whom the Lead Agency has: A. Developed an IFSP with transition steps and services at least 90 days, and at the discretion of all parties, not more than nine months, prior to the toddler's third birthday; [Compliance Indicator]
8. Percent of toddlers with disabilities exiting Part C with timely transition planning for whom the Lead Agency has: B. Notified (consistent with any opt-out policy adopted by the State) the SEA and the LEA where the toddler resides at least 90 days prior to the toddler's third birthday for toddlers potentially eligible for Part B preschool services; and [Compliance Indicator]
8. Percent of toddlers with disabilities exiting Part C with timely transition planning for whom the Lead Agency has: C. Conducted the transition conference held with the approval of the family at least 90 days, and at the discretion of all parties, not more than nine months, prior to the toddler's birthday for toddlers potentially eligible for Part B preschool services. [Compliance Indicator]
9. General Supervision system (including monitoring, complaints, hearings, etc.) identifies and corrects noncompliance as soon as possible but in no case later than one year from identification. [Compliance Indicator]
12. Percent of hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements (applicable if Part B due process procedures are adopted). [Results Indicator]
13. Percent of mediations held that resulted in mediation agreements. [Results Indicator]
14. State-reported data (IDEA Section 618 and State Performance Plan and Annual Performance Report) are timely and accurate. [Compliance Indicator]

Timeliness of State Complaint and Due Process Hearing Decisions
(Collected as Part of IDEA Section 618 Data rather than through an SPP/APR Indicator)

Timely Resolution of State Complaints: Percent of signed written complaints with reports issued that were resolved within 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint, or because the parent (or individual or organization) and the public agency agree to extend the time to engage in mediation or other alternative means of dispute resolution, if available in the State.

Timely Adjudication of Due Process Hearing Requests: Percent of adjudicated due process hearing requests that were adjudicated within the timeline or a timeline that is properly extended by the hearing officer at the request of either party.

New York Part C FFY 2012 SPP/APR Results Data Summary

INDICATOR	FFY 2011 DATA	FFY 2012 DATA	FFY 2012 TARGET
2. Infants and Toddlers Served in Natural Environments	93.3%	93.7%	$\geq 89.97\%^1$
3. Early Childhood Outcomes Data	See Attached Table	See Attached Table	See Attached Table
4. Percent of families participating in Part C who report that early intervention services have helped the family:			
A. Know their rights;	75.2%	70.04%	$\geq 78.2\%$
B. Effectively communicate their children's needs; and	70.0%	68.28%	$\geq 72.69\%$
C. Help their children develop and learn.	83.0%	78.85%	$\geq 89.41\%$
5. Infants and Toddlers Served Birth to One	1.1%	1.1%	$\geq 1.22\%$
6. Infants and Toddlers Served Birth to Three	4.09%	4.05%	$\geq 4.095\%$
12. Hearing Requests Resolved through Resolution Session Agreements	Not Applicable	Not Applicable	Not Applicable
13. Mediations Held that Resulted in Mediation Agreements	92.1%	95.5%	$\geq 82\%$

¹ As used in this table, the symbol “ \geq ” means that, to meet the target, the State’s data must be greater than or equal to the established target.

3. Percent of Infants and Toddlers with IFSPs Who Demonstrate Improved Outcomes

Summary Statement 1²	FFY 2011 Data	FFY 2012 Data	FFY 2012 Target
Outcome A: Positive social-emotional skills (including social relationships) (%)	65%	64.1%	≥ 64.3%
Outcome B: Acquisition and use of knowledge and skills (including early language/ communication) (%)	69%	71.2%	≥ 73.5%
Outcome C: Use of appropriate behaviors to meet their needs (%)	75%	70.7%	≥ 69.5%
Summary Statement 2³	FFY 2011 Data	FFY 2012 Data	FFY 2012 Target
Outcome A: Positive social-emotional skills (including social relationships) (%)	48%	47.7%	≥ 54.5%
Outcome B: Acquisition and use of knowledge and skills (including early language/ communication) (%)	44%	44.2%	≥ 51.8%
Outcome C: Use of appropriate behaviors to meet their needs (%)	41%	42.2%	≥ 45.8%

² **Summary Statement 1:** Of those infants and toddlers who entered or exited early intervention below age expectations in each Outcome, the percent who substantially increased their rate of growth by the time they turned 3 years of age or exited the program.

³ **Summary Statement 2:** The percent of infants and toddlers who were functioning within age expectations in each Outcome by the time they turned 3 years of age or exited the program.

New York FFY 2012 Results Data Summary Notes

INDICATOR 3:

REQUIRED ACTIONS

The State must report progress data and actual target data for FFY 2013 in the FFY 2013 APR.

INDICATOR 4A, 4B, and C: The State reported that the data for this indicator were collected from a response group that was not representative of the population. OSEP notes that the State included strategies or improvement activities to address this issue in the future.

REQUIRED ACTIONS

In the FFY 2013 APR, the State must report whether its FFY 2013 data are from a group representative of the population, and, if not, the actions the State are taking to address this issue.

New York Part C FFY 2012 SPP/APR Compliance Data Summary

INDICATOR	FFY 2011 DATA	FFY 2012 DATA	FFY 2012 TARGET	CORRECTION OF FINDINGS OF NONCOMPLIANCE IDENTIFIED IN FFY 2011
1. Timely provision of early intervention services	63.0%	88.5%	100%	The State reported that 40 of 53 findings of noncompliance identified in FFY 2011 were corrected in a timely manner and that three findings were subsequently corrected by February 2014. The State reported on the actions it took to address the uncorrected noncompliance.
7. 45-day timeline for evaluation and assessment and initial IFSP meeting	82.9%	82.5%	100%	The State reported that 42 of 46 findings of noncompliance identified in FFY 2011 were corrected in a timely manner. The State reported on the actions it took to address the uncorrected noncompliance.
8. A. IFSPs with transition steps and services	90.8%	96.3%	100%	The State reported that all 13 of its findings of noncompliance identified in FFY 2011 were corrected in a timely manner.
8. B. Notification to LEA and SEA, if child potentially eligible for Part B	90.0%	92.8%	100%	The State reported that 30 of 47 findings of noncompliance identified in FFY 2011 were corrected in a timely manner and that 13 findings were subsequently corrected by February 2014. The State reported on the actions it took to address the uncorrected noncompliance.
8. C. Transition conference, if child potentially eligible for Part B	80%	91.8%	100%	The State reported that 21 of 41 findings of noncompliance identified in FFY 2011 were corrected in a timely manner and that 16 findings were subsequently corrected by February 2014. The State reported on the actions it took to address the uncorrected noncompliance.
9. Timely correction	98.3%	89.7%	100%	The State reported that 547 of 610 findings of noncompliance identified in FFY 2011 were corrected in a timely manner and that 41 findings were subsequently corrected by February 2014. The State reported on the actions it took to address the uncorrected noncompliance.

INDICATOR	FFY 2011 DATA	FFY 2012 DATA	FFY 2012 TARGET	CORRECTION OF FINDINGS OF NONCOMPLIANCE IDENTIFIED IN FFY 2011
14. Timely and accurate data	96.4%	92.9%	100%	The State's FFY 2012 data for this indicator are 100%. However, OSEP recalculated the data for this indicator to be 92.9%.

New York Part C FFY 2012 State Complaint and Hearing Data from IDEA Section 618 Data Reports

REQUIREMENT	FFY 2011 DATA	FFY 2012 DATA
Timely resolution of complaints	100%	100%
Timely adjudication of due process hearing requests	No fully adjudicated due process hearings during the reporting period.	100% (based on three due process hearings)

New York FFY 2012 Compliance Data Summary Notes

INDICATOR 1: The State reported that it used data from a State database to report on this indicator. The State further reported that it did not use data for the full reporting period (July 1, 2012-June 30, 2013), and the State described how the time period in which the data were collected accurately reflects data for infants and toddlers with IFSPs for the full reporting period.

The State was identified as being in need of assistance for two consecutive years based on the State's FFY 2010 and FFY 2011 APRs, was advised of available technical assistance, and was required to report, with the FFY 2012 APR, on: (1) the technical assistance sources from which the State received assistance; and (2) the actions the State took as a result of that technical assistance. The State reported on the technical assistance sources from which the State received assistance for this indicator and reported on the actions the State took as a result of that technical assistance.

The State reported that 11 findings of noncompliance identified in FFY 2008 and 11 findings of noncompliance identified in FFY 2007 were corrected.

REQUIRED ACTIONS

Because the State reported less than 100% compliance for FFY 2012, the State must report on the status of correction of noncompliance identified in FFY 2012 for this indicator. In addition, the State must demonstrate, in the FFY 2013 APR, that the remaining 10 uncorrected findings of noncompliance identified in FFY 2011 were corrected. When reporting on the correction of noncompliance, the State must report, in its FFY 2013 APR, that it has verified that each EIS program with findings of noncompliance identified in FFY 2012 and each EIS program or provider with remaining findings of noncompliance identified in FFY 2011: (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 EIS program or provider, consistent with OSEP Memo 09-02.⁴ In the FFY 2013 APR, the State must describe the specific actions that were taken to verify the correction.

⁴ OSEP Memorandum 09-02 (OSEP Memo 09-02), dated October 17, 2008, requires that the State report that it verified that each EIS program or provider with noncompliance: (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 EIS program or provider.

INDICATOR 7: The State was identified as being in need of assistance for two consecutive years based on the State's FFY 2010 and FFY 2011 APRs, was advised of available technical assistance, and was required to report, with the FFY 2012 APR, on: (1) the technical assistance sources from which the State received assistance; and (2) the actions the State took as a result of that technical assistance. The State reported on the technical assistance sources from which the State received assistance for this indicator and reported on the actions the State took as a result of that technical assistance.

The State reported that three findings of noncompliance identified in FFY 2008 and three findings of noncompliance identified in FFY 2007 were corrected.

REQUIRED ACTIONS

Because the State reported less than 100% compliance for FFY 2012, the State must report on the status of correction of noncompliance identified in FFY 2012 for this indicator. In addition, the State must demonstrate, in the FFY 2013 APR, that the remaining four uncorrected findings of noncompliance identified in FFY 2011 were corrected. When reporting on the correction of noncompliance, the State must report, in its FFY 2013 APR, that it has verified that each EIS program with findings of noncompliance identified in FFY 2012 and each EIS program or provider with remaining findings of noncompliance identified in FFY 2011: (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 EIS program or provider, consistent with OSEP Memo 09-02. In the FFY 2013 APR, the State must describe the specific actions that were taken to verify the correction.

INDICATOR 8A:

REQUIRED ACTIONS

Because the State reported less than 100% compliance for FFY 2012, the State must report on the status of correction of noncompliance identified in FFY 2012 for this indicator. When reporting on the correction of noncompliance, the State must report, in its FFY 2013 APR, that it has verified that each EIS program or provider with noncompliance identified in FFY 2012 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 EIS program or provider, consistent with OSEP Memo 09-02. In the FFY 2013 APR, the State must describe the specific actions that were taken to verify the correction.

INDICATOR 8B: The State was identified as being in need of assistance for two consecutive years based on the State's FFY 2010 and FFY 2011 APRs, was advised of available technical assistance, and was required to report, with the FFY 2012 APR, on: (1) the technical assistance sources from which the State received assistance; and (2) the actions the State took as a result of that technical assistance. The State reported on the technical assistance sources from which the State received assistance for this indicator and reported on the actions the State took as a result of that technical assistance.

The State reported that the one remaining finding of noncompliance identified in FFY 2007 was corrected.

REQUIRED ACTIONS

Because the State reported less than 100% compliance for FFY 2012, the State must report on the status of correction of noncompliance identified in FFY 2012 for this indicator. In addition, the State must demonstrate, in the FFY 2013 APR, that the remaining four uncorrected findings of noncompliance identified in FFY 2011 were corrected. When reporting on the correction of noncompliance, the State must report, in its FFY 2013 APR, that it has verified that each EIS program with findings of noncompliance identified in FFY 2012 and each EIS program or provider with remaining findings of noncompliance identified in FFY 2011: (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 EIS program or provider, consistent with OSEP Memo 09-02. In the FFY 2013 APR, the State must describe the specific actions that were taken to verify the correction.

INDICATOR 8C: The State was identified as being in need of assistance for two consecutive years based on the State's FFY 2010 and FFY 2011 APRs, was advised of available technical assistance, and was required to report, with the FFY 2012 APR, on: (1) the technical assistance sources from which the State received assistance; and (2) the actions the State took as a result of that technical assistance. The State reported on the technical assistance sources from which the State received assistance for this indicator and reported on the actions the State took as a result of that technical assistance.

The State reported that two findings of noncompliance identified in FFY 2008 and three findings of noncompliance identified in FFY 2007 were corrected.

REQUIRED ACTIONS

Because the State reported less than 100% compliance for FFY 2012, the State must report on the status of correction of noncompliance identified in FFY 2012 for this indicator. In addition, the State must demonstrate, in the FFY 2013 APR, that the remaining four uncorrected findings of noncompliance identified in FFY 2011 were corrected. When reporting on the correction of noncompliance, the State must report, in its FFY 2013 APR, that it has verified that each EIS program with findings of noncompliance identified in FFY 2012 and each EIS program or provider with remaining findings of noncompliance identified in FFY 2011: (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 EIS program or provider, consistent with OSEP Memo 09-02. In the FFY 2013 APR, the State must describe the specific actions that were taken to verify the correction.

INDICATOR 9:

REQUIRED ACTIONS

The State must report, with the FFY 2013 SPP/APR, that it has corrected the remaining 22 findings of noncompliance identified in FFY 2011 that were not reported as corrected in the FFY 2012 APR.

When reporting with the FFY 2013 SPP/APR on the correction of the remaining findings of noncompliance identified in FFY 2011, the State must report that it verified that each EIS program or provider with remaining findings of noncompliance: (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 EIS program or provider, consistent with OSEP Memo 09-02.

In addition, in responding to Indicators 1, 7, 8A, 8B, and 8C in the FFY 2013 SPP/APR, the State must report on correction of the noncompliance described in this table under those indicators.

OTHER ISSUES: Longstanding Noncompliance: The State was identified as being in need of assistance for two consecutive years based on the State's FFY 2010 and FFY 2011 APRs, was advised of available technical assistance, and was required to report, with the FFY 2012 APR, on: (1) the technical assistance sources from which the State received assistance; and (2) the actions the State took as a result of that technical assistance. The State reported on the technical assistance sources from which the State received assistance for longstanding noncompliance related to timely correction and reported on the actions the State took as a result of that technical assistance.