

NEW YORK STATE
DEPARTMENT OF HEALTH
DIVISION OF FAMILY HEALTH
BUREAU OF EARLY INTERVENTION

Annual Performance Report for the NYS Early Intervention Program

2005 - 2006

February 2007



Part C State Annual Performance Report (APR) for 2005-2006**Overview of the Annual Performance Report Development:***Development of the Annual Performance Report:*

Data used in this Annual Performance Report (APR) and New York's revised State Performance Plan (SPP) were collected through the process described in detail in the SPP. Data necessary to meet the 618 reporting requirements are generated primarily from the Kids Integrated Data System (KIDS), which is an application used by municipalities to collect, maintain and update local data regarding the statewide Early Intervention Program (EIP). Required data are submitted by municipalities to the New York State Department of Health (Department) on a quarterly basis by all 58 localities (57 counties and New York City) on or before specified timeframes required in the Department's contract with municipalities for funds to administer the EIP.

Data submissions are monitored to ensure that they are submitted by municipalities within sufficient time for the Department to complete data analyses and submit timely reports and staff follow up on any late submissions. Quarterly data submissions are reviewed for accuracy, completeness, potential problems with the data, and/or inconsistencies from one data transfer to the next. Problems with file transfers and data submissions are identified, investigated and corrected with municipalities, as appropriate.

Additional data used in the revised SPP and APR come from the Department's software applications to process claims from municipalities for reimbursement of the State share of the costs for early intervention services (the Fiscal System – "FS"), a provider approval application which maintains data on provider information and status, and data obtained from the Department's monitoring contractor resulting from on-site monitoring reviews. Combined, these data sets provide the Department with a wealth of data with respect to New York State's EIP.

In addition to submitting a revised SPP and APR, IDEA requires the State to report on the performance of local programs for this reporting period, July 1, 2005 – June 30, 2006. In New York, "local programs" are defined as the 57 counties and New York City, which are responsible for the local administration of the EIP. The State will meet this requirement by following the reporting schedule approved by the U.S. Department of Education's Office of Special Education Programs (OSEP). Where sampling or monitoring data are used (indicators #3, 4 and 8), each municipality's performance will be examined and reported to the public once during the period covered by the SPP. The counties for which local sampling/monitoring data for 2005-06 for Indicators #3 and 8 will be published in 2007 are Nassau and Suffolk counties and for Indicator #4, it will be New York City. For Indicators #1, 2, 5, 6 and #7, data for all municipalities will be published in 2007.

Data analysis, monitoring, technical assistance and training and other quality improvement activities are being implemented on an ongoing basis with all local programs to improve local performance. These improvement activities are further described in the revised SPP and APR.

OSEP's requirements for the Annual Performance Report (APR) were presented to the New York State Early Intervention Coordinating Council (EICC) at its quarterly meeting on December 6, 2006. Details regarding the APR development were explained, targets reviewed, and each of the fourteen indicators were reviewed. The requirements for the content and format were also presented and the need for a revised State Performance Plan (SPP) for new indicators and revised baseline data was discussed. This APR will be presented to the EICC for its approval during its next quarterly meeting on March 14, 2007.

Part C State Annual Performance Report (APR) for 2005-2006*SPP/APR Dissemination and Reporting on Local Program Performance:*

The APR is the mechanism the State will use to report on progress and/or slippage in meeting the 'measurable and rigorous targets' established in New York's SPP.

The revised SPP and APR will be distributed in print to members of the state's Early Intervention Coordinating Council (EICC), provider representatives and municipalities for dissemination to EIP providers and parents. In addition to these key constituents, the revised SPP and APR will also be disseminated to other State advisory councils with an interest in the EIP, including the Department's Maternal-Child Health Block Grant and Lead Prevention Advisory Councils, and the State Education Department's Commissioner's Advisory Panel on Special Education. Public notice of the revised SPP and APR, in print and media format, will also be promulgated by the Department. Printed and electronic copies of the revised SPP and APR will be available at no cost to the public to any citizen of the State requesting the document. The revised SPP and APR will be posted on the Department's public web site at: www.health.ny.gov/community/infants_children/early_intervention/index.htm. The webpage is easily located through a search of the website or by following content-specific links.

Following publication and dissemination of the revised SPP and APR, per the publication schedule approved by OSEP, the State will report to the public on the performance of local programs (municipalities) for this reporting period by publishing local program performance data from Nassau and Suffolk Counties for Indicators #3 and #8, and New York City for Indicator #4, and for all municipalities for Indicators #1, 2, 5, 6, and #7 on the EIP's webpage located on the Department's website.

All pertinent information and documents are posted to the Department's Health Information Network (intranet for local health units, including local early intervention programs). In addition to public awareness materials, the following documents are posted to the Bureau of Early Intervention's webpage and HIN during the reporting period: State Performance Plan for the NYS Early Intervention Program (FFY 2005 - 2010); Annual State Application: Part C of IDEA FFY 2006 Funding for Early Intervention Program; Notice to Seek Public Comment: NYSDOH Annual Application for FFY 2006 Funding – Part C of IDEA; Guidance Document – Standards and Procedures for Evaluations, Evaluation Requirements, and Eligibility Requirements and Determination Under the EIP; BEI Publications Order Form; Individual Provider Application and Instructions; Agency Provider Application and Instructions; The Down syndrome Clinical Practice Guideline Report of the Recommendations and Motor Disorders Report of the Recommendations; Monthly Calendars of Scheduled Early Intervention Statewide Training; and the internet link to the National Zero- to-Three web site.

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Monitoring Priority: Early Intervention Services In Natural Environments

Indicator 1: Percent of infants and toddlers with IFSPs who receive the early intervention services on their IFSPs in a timely manner.

(20 U.S.C. 1416(a)(3)(A) and 1442)

Measurement:

Percent = [(# of infants and toddlers with IFSPs who receive the early intervention services on their IFSPs in a timely manner) divided by the (total # of infants and toddlers with IFSPs)] times 100.
Account for untimely receipt of services.

| <i>FFY</i> | <i>Measurable and Rigorous Target</i> |
|---------------------|---|
| 2005 (2005-2006) | TARGET: 100% of infants and toddlers with IFSPs will receive the early intervention services on their IFSPs within 3 weeks of the date of the applicable IFSP for which parent consent for services was obtained. * |

Actual Target Data for 2005-06:

31,428 / 36,452 = **86.22%** of infants and toddlers with IFSPs received the early intervention services on their IFSPs within 3 weeks of the date of the applicable IFSP for which parent consent for services was obtained

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that Occurred for 2005-06:

Data Analysis:

In addition to the measure required by OSEP to calculate and report on timeliness of delivery of early intervention services to children in the EIP, the Department continues to perform extensive analyses of other statewide data, which are described more fully in New York’s SPP, to examine factors that impact on the timeliness of service delivery to children and families in the program. These analyses include examination of service utilization, monitoring and service coordination data on a statewide, regional and local program level.

*revised language – see section: “Revisions, with Justification, to Proposed Targets / Improvement Activities/Timelines / Resources for 2005-06”

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These analyses allow the Department to further focus its efforts to monitor local performance, identify noncompliance and local programs that need assistance and intervention in this priority monitoring area (see discussion regarding “Improvement activities implemented during 2005-06 and progress on meeting targets”).

Due to limitations in the KIDS data application, the Department does not currently capture reasons for the late initiation of services. Further, the current onsite monitoring protocol does not examine this indicator with this level of detail. As a result, no data were available during this reporting period to determine the extent to which delays were the result of a problem with the *EIP system* (such as delays in assigning a service provider, problems/delays in authorizing services, etc) or were due to *family circumstances* (such as illness, missed appointments, problems locating or contacting the family, etc).

The Department continues to strive to reach 100% compliance for timeliness of initiation of each service on an eligible child’s IFSP. In response to OSEP’s SPP response and guidance, a new methodology was used for this indicator (see “Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for 2005-06.” Applying the new methodology, the Department’s data demonstrate continued statewide improvement in timeliness, even without discounting late initiation of services due to reasons outside the control of the public agency. The 2003-04 data for this indicator was 82%; 2004-05 data is 84.97%, and 2005-06 is 86.22% compliance. This suggests that the various strategies for improvement described in the SPP have resulted in progress and yielded positive results. The Department expects to continue to see increases in the statewide percent of IFSP services initiated in a timely manner during the course of implementation of the six-year period covered by the SPP, and intends to work with individual local programs to ensure improvement activities occur and corrective action is implemented.

Improvement activities implemented during 2005-06 and progress on meeting targets:

Data on the timeliness of initiation of new IFSP services were analyzed during the reporting period to determine the extent to which services are initiated in accordance with the State standard, and to assist in targeting of technical assistance and training efforts. Variations in local data were identified and intervention efforts were taken, including individualized technical assistance and discussions with specific local programs, targeting those municipalities whose data showed significant deviation from the State rate with no demonstrated improvement over time. The discussions began the process of identifying and addressing the causes of poor performance, such as capacity issues, untimely designation of service coordinators, etc.

The Department’s rigorous monitoring efforts continued to be implemented during this reporting period (see description of New York’s comprehensive monitoring procedures in the state’s SPP). Onsite visits were conducted by the Department’s monitoring agent to verify correction within one year of identification; corrective action plans were submitted, approved and implemented with respect to examining the timeliness of initiation of IFSP services and to ensure there is minimal or no interruption of services during the IFSP period.

An in-depth clinical record review process was instituted for a sample of children diagnosed with autism spectrum disorder or pervasive developmental disorder. The results will assist the Department to identify systemic issues that result in delays of initiation of delivery of services included in IFSPs for children with these diagnoses.

A competitive RFP was issued and a contractor selected, to develop a new data system to replace KIDS in 2008, which will include data fields needed to capture reasons for the late initiation of IFSP services. This will improve the Department’s capacity to analyze, interpret, and implement appropriate actions to address factors contributing to the delays in delivery of IFSP services.

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The Department continued to identify and address systems issues contributing to delays in the delivery of IFSP services (such as shortages of qualified personnel in specific regions) with the State Education Department (SED). Topics under discussion during the reporting period included the qualifications for Teachers of the Speech and Hearing Handicapped, and credentials for individuals providing vision services.

An Annual Meeting of Early Intervention Officials and Managers was held in April 2006. During the meeting, the Department facilitated networking among representatives from local municipal programs across the state. Formal reports from local programs identified regional concerns, including timely initiation of IFSP services, which the Department addressed through technical assistance both at the Annual Meeting and thereafter.

Lack of progress, slippage and plans to address this:

New York reports **86.22%** compliance with this indicator, up from 84.97% in 2004-05. No slippage to report during this reporting period.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for 2005-06:Revised methodology to calculate data for Indicator #1:

New York originally responded to Indicator #1 in the SPP using utilization data. Because complete utilization data was not available to provide baseline data for the required SPP reporting period (July 1, 2004-June 30, 2005), the Department submitted data for this indicator for July 1, 2003-June 30, 2004. In its March 2, 2006 letter responding to New York's SPP, OSEP determined that New York did not provide FFY 2004 baseline data in the SPP as required, and directed New York to include, in the FFY 2005 APR, both baseline data from FFY 2004 and progress data from FFY 2005.

In its SPP, New York only measured timeliness of initiation of services contained in each child's initial IFSP. In its March 3, 2006 letter responding to New York's SPP, OSEP determined that New York's baseline data must measure the timeliness of early intervention services for all children with IFSPs (not just children with initial IFSPs).

In its March 3, 2006 letter responding to New York's SPP, OSEP also pointed out that New York should ensure that its methodology to measure compliance should be in conformance with Part C regulations which require that early intervention services that are consented to by the parent should be provided as soon as possible after the IFSP meeting.

In response to these findings by OSEP, New York has revised the methodology used to respond to this indicator for both the baseline SPP reporting period (July 1, 2004-June 30, 2005) and for the reporting period covered by this APR (July 1, 2005-June 30, 2006). New York's revised methodology clarifies that this indicator uses a starting point when examining timeliness that is consistent with Part C regulations.

The revised methodology used for Indicator #1 is:

Using available data from all 58 municipalities (local programs) in the State, for each child with an IFSP in the reporting period being examined, the first date of each type of service delivered is examined to determine if the first date of each service is 21 days or fewer from the date of the child's initial or subsequent IFSP for which the parent gave consent for the service. A child is counted as having received IFSP services in a timely manner if 100% of his/her IFSP services began within 21 of the date of the initial or subsequent IFSP where parent consent for the service was obtained. Program (defined as

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municipality) compliance is counted by calculating the number of infants and toddlers in the municipality who received IFSP services within the required timeframe, and dividing by the total number of infants and toddlers with IFSPs in the municipality, and multiplying by 100.

Revisions to SPP proposed targets:

The target for this indicator for each year of the SPP will remain at 100%, as required by OSEP. However, New York has revised the “measurable and rigorous target” language in the SPP to more accurately reflect the modified methodology language now used per OSEP’s response to the SPP. The target language now reads:

| FFY | Measurable and Rigorous Target |
|---------------------|---|
| 2004 (2004-2005) | TARGET: 100% of infants and toddlers with IFSPs will receive the early intervention services on their IFSPs within 3 weeks of the date of the applicable IFSP for which parent consent for services was obtained. |
| 2005 (2005-2006) | TARGET: 100% of infants and toddlers with IFSPs will receive the early intervention services on their IFSPs within 3 weeks of the date of the applicable IFSP for which parent consent for services was obtained. |
| 2006 (2006-2007) | TARGET: 100% of infants and toddlers with IFSPs will receive the early intervention services on their IFSPs within 3 weeks of the date of the applicable IFSP for which parent consent for services was obtained. |
| 2007 (2007-2008) | TARGET: 100% of infants and toddlers with IFSPs will receive the early intervention services on their IFSPs within 3 weeks of the date of the applicable IFSP for which parent consent for services was obtained. |
| 2008 (2008-2009) | TARGET: 100% of infants and toddlers with IFSPs will receive the early intervention services on their IFSPs within 3 weeks of the date of the applicable IFSP for which parent consent for services was obtained. |
| 2009 (2009-2010) | TARGET: 100% of infants and toddlers with IFSPs will receive the early intervention services on their IFSPs within 3 weeks of the date of the applicable IFSP for which parent consent for services was obtained. |
| 2010 (2010-2011) | TARGET: 100% of infants and toddlers with IFSPs will receive the early intervention services on their IFSPs within 3 weeks of the date of the applicable IFSP for which parent consent for services was obtained. |

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Revisions to future SPP improvement activities and timelines:

None – SPP improvement activities and timelines for this indicator will remain the same and will not be revised at this time.

Revisions to resources:

None - resources mentioned in the SPP for this indicator will remain the same and will not be revised at this time.

Revised SPP:

The revised SPP contains these changes for Indicator #1. Baseline data for Indicator #1 has been recalculated using the revised methodology in the revised SPP for the period July 2004 – June 2005. Please refer to New York State's revised SPP to see changes to Indicator #1.

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Overview of the Annual Performance Report Development:

Please see Indicator #1

Monitoring Priority: Early Intervention Services In Natural Environments

Indicator 2: Percent of infants and toddlers with IFSPs who primarily receive early intervention services in the home or programs for typically developing children.¹

20 U.S.C. 1416(a)(3)(A) and 1442)

Measurement: Percent = [(# of infants and toddlers with IFSPs who primarily receive early intervention services in the home or programs for typically developing children) divided by the (total # of infants and toddlers with IFSPs)] times 100.

| FFY | Measurable and Rigorous Target |
|---------------------|---|
| 2005 (2005-2006) | 89.03% children will receive most EI services in natural settings |

Actual Target Data for 2005-06:

29,240 / 32,558 x 100 = **89.81%** children received most EI services in natural settings.

The target for FFY2005 was achieved.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that Occurred for 2005-06:

Data Analysis:

In addition to data required by OSEP for this indicator, during this reporting period the Department continued to analyze other data related to service settings to track and determine the settings in which children received their EIP services. As described more fully in New York’s SPP, these ongoing analyses include: examination of service setting data, children’s diagnoses and severity of delay, and monitoring data.

During this reporting period, the State monitored local performance and carefully examined local data with respect to this indicator. These analyses allowed the Department to further focus its efforts to identify local programs and contracted providers that need assistance and intervention in this priority monitoring

¹ At the time of the release of this package, revised forms for collection of 618 State reported data had not yet been approved. Indicators will be revised as needed to align with language in the 2005-2006 State reported data collections.

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area (see discussion regarding “Improvement activities implemented during 2005-06 and progress on meeting targets”).

During the reporting period for this APR, the majority of children continued to receive their early intervention services primarily in home and community settings, such as family day care homes, child care centers, or community recreation sites. The Department’s data for this indicator for 2005-06 (89.81%) shows achievement of the 2005-06 target (89.03%) contained in the SPP.

Improvement activities implemented during 2005-06 and progress on meeting targets:

Data on service settings were analyzed to determine the extent to which services are being delivered in natural environments, and to assist with the targeting of technical assistance and training. Variations in local data were identified and intervention efforts were taken. The Department began individualized technical assistance and discussions with specific local programs, whose data showed significant deviation from the State-set target of 89.03%.

The Department’s monitoring procedures continued onsite examination of IFSPs to ensure that they contained justifications from the IFSP team when services were delivered in specialized service settings, and to make sure that services/settings were linked to the child’s multidisciplinary evaluation. Deficiencies in this area required corrective action and referral to Department-sponsored training.

Nine full-day training sessions on Natural Environments were held across the State for 361 service providers and municipal early intervention staff. The provision of this specialized training was a result of monitoring reviews that indicated that service providers were not exercising due diligence in providing early intervention services in the natural environment.

Training curricula on *Introduction to Service Coordination*; *Advanced Service Coordination: Effectively Utilizing Community Resources*; and, *Advanced Service Coordination: Enhancing and Expanding Skills for Working with Families* were revised and reformatted. The IFSP Development curriculum is also under revision and will be finalized during the next report period. Each of these four training curricula address competencies related to appropriately providing services in natural environments and decision-making related to the most appropriate service setting based on the needs of the child and family.

The new *Early Intervention Evaluation, Assessment, and Eligibility Determination* curriculum was developed and pilot-tested with a representative sample of service providers, municipal early intervention staff, evaluators, and parents in Central New York region. The new curriculum addresses competencies for evaluation teams related to identifying appropriate types of services, service settings, and goals and strategies based on the needs of the child and family. Additionally, another new curriculum, *Introduction to the New York State Early Intervention Program and Services* was developed and includes sections on evaluation, assessment and eligibility. Regionally-based training sessions on the revised curricula, *Introduction to Service Coordination*; *Advanced Service Coordination: Effectively Utilizing Community Resources*; and, *Advanced Service Coordination: Enhancing and Expanding Skills for Working with Families*; and, *Individualized Family Service Plan Development* will begin to be delivered on a regular basis during the next reporting period.

Training sessions on four of the Department’s six evidence-based guidelines for intervention with children with autism/pervasive developmental disorders, communication disorders, Down syndrome, and motor disorders have been conducted in five regions. Each training session is 3 ½ hours long and provides the trainees with a PowerPoint presentation, samples of the hardcopy and compact disc guidelines, handouts, DVD clips, evaluation feedback forms. Attendees have an opportunity to apply for continuing education units, and receive certificates of completion.

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Technical assistance was provided in response to telephone, public e-mail, and written inquiries. An average of 90 technical assistance contacts was handled each month, of which approximately one-third were related to IFSP development and/or service delivery.

Input from the EICC and other key constituents (municipalities, providers, and parents) continued to be sought to assist the Department in addressing emerging issues related to the delivery of services in appropriate settings.

One thousand one hundred seventy early intervention parents responded to a Department survey to ascertain their knowledge and understanding of family supports and services. Data were collected to: identify the extent to which parents are being offered the chance to participate in Family Assessment; identify barriers to participation in Family Assessment; understand parent perspectives about access to family supports; identify how to improve family supports and services to assist parents in enhancing the child's development; and, to gather parent perspectives on their early intervention experiences. Data analysis is underway for this project and will be reported in the next APR report period. The Department began the development of a new guidance document on *Family Assessment* which will be released to the field in a future reporting period.

Lack of progress, slippage and plans to address this:

New York reports **89.81%** compliance with this indicator. This exceeds the state target set in the SPP (89.03%). No slippage to report during this reporting period.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for 2005-06:

Revisions to SPP proposed targets:

No revisions to the State-set targets for this indicator. As explained in the SPP, New York expects that the percent of children who receive most of their EIP services in natural environments will eventually stabilize to approximately 90%, since there will always be children for whom more specialized service settings will be appropriate to meet their complex needs. Progress will be evaluated by continued analysis of data collected for each child this indicator.

Revisions to future SPP improvement activities and timelines:

None – improvement activities and timelines mentioned in the SPP for this indicator will remain the same and will not be revised at this time.

Revisions to resources:

None – resources mentioned in the SPP for this indicator will remain the same and will not be revised at this time.

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Overview of the Annual Performance Report Development:

Please refer to New York’s revised State Performance Plan for this new indicator.

Monitoring Priority: Early Intervention Services In Natural Environments

Indicator 3: Percent of infants and toddlers with IFSPs who demonstrate improved:

- A. Positive social-emotional skills (including social relationships);
- B. Acquisition and use of knowledge and skills (including early language/ communication); and
- C. Use of appropriate behaviors to meet their needs.

(20 U.S.C. 1416(a)(3)(A) and 1442)

Measurement:

A. Positive social-emotional skills (including social relationships):

- a. Percent of infants and toddlers who did not improve functioning = [(# of infants and toddlers who did not improve functioning) divided by (# of infants and toddlers with IFSPs assessed)] times 100.
- b. Percent of infants and toddlers who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers = [(# of infants and toddlers who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers) divided by (# of infants and toddlers with IFSPs assessed)] times 100.
- c. Percent of infants and toddlers who improved functioning to a level nearer to same-aged peers but did not reach it = [(# of infants and toddlers who improved functioning to a level nearer to same-aged peers but did not reach it) divided by (# of infants and toddlers with IFSPs assessed)] times 100.
- d. Percent of infants and toddlers who improved functioning to reach a level comparable to same-aged peers = [(# of infants and toddlers who improved functioning to reach a level comparable to same-aged peers) divided by (# of infants and toddlers with IFSPs assessed)] times 100.
- e. Percent of infants and toddlers who maintained functioning at a level comparable to same-aged peers = [(# of infants and toddlers who maintained functioning at a level comparable to same-aged peers) divided by (# of infants and toddlers with IFSPs assessed)] times 100.

If a + b + c + d + e does not sum to 100%, explain the difference.

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B. Acquisition and use of knowledge and skills (including early language/communication and early literacy):

- a. Percent of infants and toddlers who did not improve functioning = [(# of infants and toddlers who did not improve functioning) divided by (# of infants and toddlers with IFSPs assessed)] times 100.
- b. Percent of infants and toddlers who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers = [(# of infants and toddlers who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers) divided by (# of infants and toddlers with IFSPs assessed)] times 100.
- c. Percent of infants and toddlers who improved functioning to a level nearer to same-aged peers but did not reach it = [(# of infants and toddlers who improved functioning to a level nearer to same-aged peers but did not reach it) divided by (# of infants and toddlers with IFSPs assessed)] times 100.
- d. Percent of infants and toddlers who improved functioning to reach a level comparable to same-aged peers = [(# of infants and toddlers who improved functioning to reach a level comparable to same-aged peers) divided by (# of infants and toddlers with IFSPs assessed)] times 100.
- e. Percent of infants and toddlers who maintained functioning at a level comparable to same-aged peers = [(# of infants and toddlers who maintained functioning at a level comparable to same-aged peers) divided by (# of infants and toddlers with IFSPs assessed)] times 100.

If a + b + c + d + e does not sum to 100%, explain the difference.

C. Use of appropriate behaviors to meet their needs:

- a. Percent of infants and toddlers who did not improve functioning = [(# of infants and toddlers who did not improve functioning) divided by (# of infants and toddlers with IFSPs assessed)] times 100.
- b. Percent of infants and toddlers who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers = [(# of infants and toddlers who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers) divided by the (# of infants and toddlers with IFSPs assessed)] times 100.
- c. Percent of infants and toddlers who improved functioning to a level nearer to same-aged peers but did not reach it = [(# of infants and toddlers who improved functioning to a level nearer to same-aged peers but did not reach it) divided by the (# of infants and toddlers with IFSPs assessed)] times 100.
- d. Percent of infants and toddlers who improved functioning to reach a level comparable to same-aged peers = [(# of infants and toddlers who improved functioning to reach a level comparable to same-aged peers) divided by the (# of infants and toddlers with IFSPs assessed)] times 100.
- e. Percent of infants and toddlers who maintained functioning at a level comparable to same-aged peers = [(# of infants and toddlers who maintained functioning at a level comparable to same-aged peers) divided by the (# of infants and toddlers with IFSPs assessed)] times 100.

If a + b + c + d + e does not sum to 100%, explain the difference.

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| FFY | Measurable and Rigorous Target |
|---------------------|---|
| <i>(Insert FFY)</i> | <i>(Insert Measurable and Rigorous Target.)</i> |

Actual Target Data for *(Insert FFY)*:

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for *(Insert FFY)*:

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for *(Insert FFY)*
[If applicable]

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Overview of the Annual Performance Report Development:

Please refer to New York’s revised State Performance Plan for this new indicator.

Monitoring Priority: Early Intervention Services In Natural Environments

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.

(20 U.S.C. 1416(a)(3)(A) and 1442)

Measurement:

- A. Percent = [(# of respondent families participating in Part C who report that early intervention services have helped the family know their rights) divided by the (# of respondent families participating in Part C)] times 100.
- B. Percent = [(# of respondent families participating in Part C who report that early intervention services have helped the family effectively communicate their children's needs) divided by the (# of respondent families participating in Part C)] times 100.
- C. Percent = [(# of respondent families participating in Part C who report that early intervention services have helped the family help their children develop and learn) divided by the (# of respondent families participating in Part C)] times 100.

| FFY | Measurable and Rigorous Target |
|---------------------|---|
| <i>(Insert FFY)</i> | <i>(Insert Measurable and Rigorous Target.)</i> |

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Actual Target Data for *(Insert FFY)*:

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for *(Insert FFY)*:

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for *(Insert FFY)*
[If applicable]

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Overview of the Annual Performance Report Development:

Please see Indicator #1

Monitoring Priority: Effective General Supervision Part C / Child Find

Indicator 5: Percent of infants and toddlers birth to 1 with IFSPs compared to:

- A. Other States with similar eligibility definitions; and
- B. National data.

(20 U.S.C. 1416(a)(3)(B) and 1442)

Measurement:

- A. Percent = [(# of infants and toddlers birth to 1 with IFSPs) divided by the (population of infants and toddlers birth to 1)] times 100 compared to the same percent calculated for other States with similar (narrow, moderate or broad) eligibility definitions.
- B. Percent = [(# of infants and toddlers birth to 1 with IFSPs) divided by the (population of infants and toddlers birth to 1)] times 100 compared to National data.

| <i>FFY</i> | <i>Measurable and Rigorous Target</i> |
|---------------------|---|
| 2005 (2005-2006) | Based on the December 1, 2005 count of children with an IFSP, 1.11% of children between birth and one year of age will receive early intervention services. |

Actual Target Data for 2005-06:

2,619 / 237,932 x 100 = **1.10%** children between birth and one year of age received early intervention services.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for 2005-06:

Data Analysis:

Considering the order of magnitude of the birth cohort (approximately 238,000), the difference between the actual data for this reporting period and the target is insignificant. The Department will monitor this indicator for progress.

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Based on the December 1, 2005 count of children with an IFSP, 1.1% of children receiving early intervention services were under the age of one year in New York State. New York State's eligibility definition falls within the federal category "moderate" along with: Alaska, Colorado, Delaware, Illinois, Indiana, Kentucky, Minnesota, Missouri, New Jersey, Puerto Rico, Rhode Island, and South Dakota. The percentages of children under the age of one year with an IFSP in these states/territory range from .46% to 1.86%.

Based on the December 1, 2005 count of children with an IFSP, 1.1% of children receiving early intervention services were under the age of one year. New York exceeds the national average baseline percent of infants less than 12 months of age served, which is .95%.

The Department continued to conduct extensive analyses of its data to determine patterns of referrals for children under age one to the Early Intervention Program which are more fully described in New York's SPP. This includes examination of age at referral and type of disability to determine the characteristics of the children entering the program and to ensure the referrals are consistent with the earliest age at which specific disabilities and developmental problems can be identified.

During this reporting period, the Department monitored local performance with respect to this indicator to further identify which programs need assistance and intervention in this priority monitoring area (see "Improvement activities implemented during 2005-06 and progress on meeting targets"). The variability of rates for Indicator #5 for local programs causes the rates for local programs to vary widely from year to year. In 2005-06, 34 local programs had fewer than 10 children ages birth to 1 year with IFSPs. New York State is investigating methods to obtain consistent and comparable rates for this indicator from year to year, including the feasibility of pooling multiple years of data and calculating the rate for local programs for combined years. This is similar to methodology employed by the Census Bureau for the American Community Survey. Another option would be to use a moving average over several years to smooth the rates for local programs.

Improvement activities implemented during 2005-06 and progress on meeting targets:

Child find data were analyzed to determine the extent to which all eligible children are identified as early as possible, and to assist in targeting technical assistance and training. Variations in local data were identified and individualized technical assistance and discussions were held with local programs whose data show they were not doing an adequate job identifying children under age one year in relation to the State-set target of 1.11%.

During the reporting period, the Department worked with New York City to improve reporting of race and ethnicity. In addition to providing additional training to service coordinators and early intervention official designees who work with families, New York City agreed to provide the Department with data to apportion children with "unknown" race/ethnicity, using the results of a match of early intervention eligible children with race/ethnicity reported by their birth mother from birth certificate records. This distribution methodology was used and described in the required federal 618 data tables submitted to OSEP in February 2007.

The Department's rigorous monitoring efforts continued to be implemented (see the full description of New York's comprehensive monitoring procedures in the state's SPP) during this reporting period to ensure appropriate child find activities and referrals occur.

During the reporting period, the Department continued to implement and maintain the statewide Universal Newborn Hearing Screening Program which identifies infants with potential hearing loss within the first three months of life and ensures referral to early intervention for an audiologic evaluation, and for children with established hearing loss, appropriate early intervention services. New York State hospitals reported that 99% of all infants were screened for hearing loss within one month of their birth in 2005.

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Approximately one third of technical assistance responses provided by the Department during the reporting period were related to referral issues.

A total of 148 trainings were conducted across the state during the reporting period, with 3,712 participants successfully completing the coursework. The training was delivered to parents, service providers, primary referral sources, municipal staff and officials, and other key stakeholders.

The Department continued to update and disseminate its statewide public awareness materials, including: *The Early Intervention Program – A Parent's Guide* (translated into 17 languages); *Early Help Makes a Difference* brochure (translated into 18 languages); 4 versions of the Newborn Hearing Screening brochures (*Information for Parents, Your Baby Passed, Your Baby Needs Another Screening, and How to Get Your Baby's Hearing Screened* -- translated into 6 languages); *Can Your Baby Hear You?* Posters (translated into 6 languages); *Welcome to Parenthood – A Family Guide* booklet (translated into Spanish); and *New York State's Central Directory of Early Intervention Services and Resources* on compact disc and printed in 7 regional booklets.

The Department continued to update and maintain its web page on the Department's public web site for use by primary referral sources, parents and other interested stakeholders at:
www.health.state.ny.us/community/infants_children/early_intervention/index.htm.

A Guidance Document on *Reporting of Children's Eligibility Status Based on Diagnosed Conditions with High Probability of Developmental Delay* was reviewed in preparation for posting on the BEI Web page.

Please refer to Indicator #6 for a description of additional activities the Department implemented to improve its overall birth through age 2 child find system during this reporting period.

Lack of progress, slippage and plans to address this:

New York continued to maintain a comprehensive, coordinated child find system that was effective and ensured that infants and toddlers eligible for early intervention services are identified, referred, and evaluated as early as possible, particularly children under one year of age, exceeding the national average baseline percent of infants less than 12 months of age served.

The Department will continue to monitor this indicator.

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Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for 2005-06:

Revisions to Proposed targets:

None – SPP targets for this indicator will remain the same and will not be revised at this time.

Revisions to Improvement Activities and Timelines:

None – SPP improvement activities and timelines for this indicator will remain the same and will not be revised at this time.

Revisions to resources:

None - resources mentioned in the SPP for this indicator will remain the same and will not be revised at this time.

Part C State Annual Performance Report (APR) for 2005-2006

Overview of the Annual Performance Report Development:

Please see Indicator #1

Monitoring Priority: Effective General Supervision Part C / Child Find

Indicator 6: Percent of infants and toddlers birth to 3 with IFSPs compared to:

- A. Other States with similar eligibility definitions; and
- B. National data.

(20 U.S.C. 1416(a)(3)(B) and 1442)

Measurement:

A. Percent = [(# of infants and toddlers birth to 3 with IFSPs) divided by the (population of infants and toddlers birth to 3)] times 100 compared to the same percent calculated for other States with similar (narrow, moderate or broad) eligibility definitions.

B. Percent = [(# of infants and toddlers birth to 3 with IFSPs) divided by the (population of infants and toddlers birth to 3)] times 100 compared to National data.

| FFY | Measurable and Rigorous Target |
|---------------------|--|
| 2005 (2005-2006) | Based on the December 1, 2005 count of children with an IFSP, 4.29% of children between birth and three years of age will receive early intervention services. |

Actual Target Data for 2005-06:

$32,558 / 713,558 \times 100 = 4.56\%$ children between birth and three years of age received early intervention services.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for 2005-06:

Data analysis:

Based on the December 1, 2005 count of children with an IFSP, **4.56%** of children between birth and three years of age received early intervention services during this reporting period. New York State's eligibility definition falls within the federal category "moderate" along with Alaska, Colorado, Delaware, Illinois, Indiana, Kentucky, Minnesota, Missouri, New Jersey, Puerto Rico, Rhode Island, and South Dakota. The proportion of children served for these states/territories range from **1.47** to **4.09%**. New York served a higher percent of children than any other state/territory with an eligibility definition falling within

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the federal category “moderate.” New York continues to exceed the national baseline for percent of children birth to three years of age who received EIP services, which is **2.34%**.

The Department continued to conduct extensive analyses of its data to determine patterns of referrals for children to the Early Intervention Program - see Indicator #5.

During this reporting period, the Department monitored local performance with respect to this indicator to further identify which programs need assistance and intervention in this priority monitoring area (see “Improvement activities implemented during 2005-06 and progress on meeting targets”).

Improvement activities implemented during 2005-06 and progress on meeting targets:

Data describing referral patterns continued to be analyzed to determine the extent to which all eligible children under three years of age are identified as early as possible, and to assist in targeting technical assistance and training. Variations in local data were identified and individualized technical assistance and discussions were held with local programs whose data show they were not doing an adequate job of identifying children eligible for early intervention services, particularly where referral patterns from underserved populations were below target expectations or where child find activities failed to identify eligible children in relation to the federal baseline for 2004 (**2%**).

Eligibility data were analyzed and used to monitor trends that require investigation and potential action by the Department, and to begin to track and monitor the impact of the standards and procedures issued by the Department in August, 2005 on evaluations, eligibility determinations, and ongoing eligibility for the EIP. During this reporting period additional questions from the field were solicited to clarify general evaluation and eligibility issues. These questions are being compiled and a Frequently Asked Questions addendum to the guidance document will be issued.

The Department’s rigorous monitoring efforts continued to be implemented (see the full description of New York’s comprehensive monitoring procedures in the state’s SPP) during this reporting period to ensure appropriate child find activities and referrals occur.

The Department provides administrative funds to all 58 municipalities with requirements to carry out public awareness, child find and referral activities.

The first meeting of the Early Intervention Coordinating Council’s Task Force on *Marketing Standards for Early Intervention Service Providers* was held during the reporting period. The charge of the Task Force was to provide recommendations to the Department on marketing standards to ensure that providers and contractors market Early Intervention (EI) services accurately, fairly and honestly. The Task Force met and reviewed drafts of the Marketing Standards throughout 2005-06. Final Marketing Standards were disseminated in December 2006.

The new *Early Intervention Evaluation, Assessment, and Eligibility Determination* curriculum was finalized and pilot-tested with a representative sample of service providers, municipal early intervention staff, evaluators, and parents in Central New York. Revisions are being made to the curriculum based on the pilot-test session.

The *Early Help Makes a Difference* brochure has been updated, printed in English and disseminated. The updated brochure was translated into 20 languages and is being proofed for errors. The *Early Intervention Program: A Parent’s Guide* has also been updated, printed in English and disseminated.

The three Down Syndrome and Motor Disorders Clinical Practice Guideline books and accompanying Evidence Tables were printed in the following formats/quantities for dissemination for training and general purpose usage:

25,000 Quick Reference Guides

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- 15,000 Report of the Recommendations
- 3,000 Guideline Technical Reports
- 4,000 Evidence Tables
- 10,000 Compact Discs (contains 3 books and evidence tables)

The Down syndrome compact disc was mailed to 2,300 contracted service providers.

The Hearing Loss and Vision Impairment Clinical Practice Guidelines Technical Reports (and Evidence Tables), Report of the Recommendations, and Quick Reference Guides were proofed, corrected, and reformatted.

Training is being conducted on Autism/Pervasive Developmental Disorders, Communication Disorders, Down syndrome, and Motor Disorders in each of the state's five regions.

The Autism/PDD and Communication Disorders Clinical Practice Guideline Quick Reference Guides have been proofed, corrected, and updated to include new program information.

Training sessions have been conducted in five regions on Down syndrome and Motor Disorders. Each training session is 3 ½ hours long and provides trainees with a PowerPoint presentation, samples of the hardcopy and compact disc guidelines, handouts, DVD clips, evaluation feedback forms, opportunity to apply for continuing education units, and certificates of completion.

The Department developed a technical assistance tracking system to identify the type of technical assistance being requested and the type of requestor, so that trends and regional needs can be identified in order to target technical assistance efforts or training needed.

Lack of progress, slippage and plans to address this:

New York's comprehensive, coordinated child find system continued to be implemented and monitored to ensure that infants and toddlers eligible for early intervention services are re-identified, referred, and evaluated as early as possible.

No slippage to report during this reporting period.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for 2005-06:

Revisions to Proposed targets:

None – SPP targets for this indicator will remain the same and will not be revised at this time.

Revisions to Improvement Activities and Timelines:

None – improvement activities and timelines mentioned in the SPP for this indicator will remain the same and will not be revised.

Revisions to resources:

None - resources mentioned in the SPP for this indicator will remain the same and will not be revised at this time.

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Overview of the Annual Performance Report Development:

Please see Indicator #1

Monitoring Priority: Effective General Supervision Part C / Child Find

Indicator 7: Percent of eligible infants and toddlers with IFSPs for whom an evaluation and assessment and an initial IFSP meeting were conducted within Part C’s 45-day timeline.

(20 U.S.C. 1416(a)(3)(B) and 1442)

Measurement:

Percent = [(# of eligible infants and toddlers with IFSPs for whom an evaluation and assessment and an initial IFSP meeting was conducted within Part C’s 45-day timeline) divided by the (# of eligible infants and toddlers evaluated and assessed)] times 100.
Account for untimely evaluations.

| FFY | Measurable and Rigorous Target |
|---------------------|--|
| 2005 (2005-2006) | TARGET: 100% of eligible children’s initial IFSPs will be completed within the federally-required 45 day timeframe * |

Actual Target Data for (Insert FFY):

During the reporting period, **52.94%** (15,906/30,047) of all initial IFSPs in New York State were completed within the federally-required 45 day timeframe.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for 2005-06:

Data Analysis:

Data for this reporting period showed a decline in the statewide percent of initial IFSPs that were completed within the federally-required 45 day timeframe, from the baseline of **61.53%** (2004-05) to **52.94%** compliance in this reporting period. The most significant reason for the decline was that New

* revised – see section: “Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for 2005-06”

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York City, the State's largest metropolitan area, saw a drop from 55% in 2004-05 to 37.83% during 2005-06.

Additional analyses showed municipalities outside of New York City continued to maintain a rate of nearly 70% of IFSPs completed within the federally required timeframe (up slightly from the 68.8% compliance reported in the SPP for 2004-05).

New York State continued to conduct extensive analyses of its data to determine patterns of timeliness of initial IFSPs, including examination of data available from KIDS and the Early Intervention Fiscal System. When examining the data for this reporting period:

- 40 local programs completed 70% or more of all IFSPs within 45 days of referral (up from 21 in 2003-04 and 24 in 2004-05) and
- 10 local programs completed over 90% of IFSPs within 45 days of referral (up from 7 in 2003-04 and 11 in 2004-05)
- the average number of days from referral to the first service coordination visit continues to decrease. During the reporting period the average was 7.7 days, down significantly from 2000 when the average was 13 days, demonstrating a steady improvement in initiation of service coordination services to facilitate the evaluation and IFSP meeting process.

An analysis was completed on the IFSPs reported as delayed to determine the extent to which these delays were the result of a problem with the EIP system (such as delays in evaluations or submission of evaluation reports, high service coordinator caseloads, translation difficulties, delays related to foster care, etc) or were due to family circumstances (such as illness, missed appointments, delays in signing consents, problems locating or contacting the family, etc). Of the 58 local programs, 43 (74%) had more than 70% of their late IFSPs delayed due to family circumstances **only**.

Excluding NYC, the remaining 57 local programs had a discounted IFSP timeliness rate of 84.92% IFSPs completed within the 45-day timeline when delays due to family or other reasons outside the control of the public agency were excluded. This was an improvement from 2004-05 when the remaining 57 local programs had a timely IFSP rate of 82.89% IFSPs completed within the 45-day timeline when delays due to family or other reasons outside the control of the public agency were excluded.

During this reporting period, the Department monitored local performance and carefully examined local data with respect to this indicator to further target efforts to monitor local performance and identify which programs need assistance and intervention in this priority monitoring area (see "Improvement activities implemented during 2005-06 and progress on meeting targets").

These analyses allow the Department to further target efforts to monitor local performance, identify noncompliance and which local programs need assistance and intervention in this priority monitoring area (see discussion regarding "Improvement activities implemented during 2005-06 and progress on meeting targets"). The Department continues to strive to reach 100% compliance for timeliness of initial IFSPs and was expecting to see improvement during the reporting period and, therefore, is concerned about the slippage that occurred in this priority monitoring area, especially in New York City which serves almost half the children in the State. The Department began work with individual local programs, particularly New York City, to ensure improvement activities and appropriate corrective actions occur which we anticipate will result in improvement.

Part C State Annual Performance Report (APR) for 2005-2006*Improvement activities implemented during 2005-06 and progress on meeting targets:*

In addition to the measure required by OSEP to calculate and report on timeliness of initial IFSPs, the Department continued to perform analyses of other statewide data, which is extensively described in New York's SPP, to examine factors that impact on the timeliness of IFSPs. These analyses include ongoing examination of service utilization, monitoring, and service coordination data on a statewide, regional and local program level.

During this reporting period, when the IFSP meeting did not occur within 45 days of referral, municipalities were required to ensure that the IFSP contained a statement indicating the reason for the delay, and they were required to record the reason for the delay in the KIDS data system. KIDS data submitted with reason for delayed IFSPs were analyzed to determine completeness as recorded by municipalities. Technical assistance was provided when the data was inaccurate or missing.

The Department's rigorous monitoring efforts continued to be implemented (see description of New York's comprehensive monitoring procedures in the state's SPP) during this reporting period.

Data for the timeliness of initial IFSPs were analyzed to assist in targeting technical assistance and training efforts. Variations in local data were identified and intervention efforts were taken, including individualized technical assistance and discussions with specific local programs, targeting those municipalities whose data demonstrated significant findings with no improvement or municipalities whose data showed significant problems. The discussions began the process of identifying and addressing the causes of poor performance, such as late evaluation reports, evaluator capacity issues, scheduling problems, unavailability of Early Intervention Official/designee, etc.

The Department developed a technical assistance tracking system to identify the type of technical assistance being requested and the type of requestor, so that trends and regional needs can be identified in order to target technical assistance efforts or training needed, particularly regarding late IFSPs.

The *Introduction to Service Coordination* and the *Advance Service Coordination* curricula were revised, reformatted and updated. Training on each of these continued on a regular basis in each training region of the state to ensure service coordinators understood their responsibilities to facilitate timely initial IFSP meetings.

A service coordination pamphlet continues to be finalized in preparation for printing and dissemination to assist parents and service coordinators in understanding their respective roles and responsibilities.

The Department continued to work with the EICC, its officers and task forces to identify challenges, barriers, and potential strategies to reduce challenges and barriers to completion of an IFSP within forty-five days of referral to the EIP.

A competitive RFP was issued and a contractor selected, to develop a new data system which will include data fields needed to capture reasons for late IFSPs. This will improve the Department's capacity to analyze, interpret, and implement appropriate actions to address factors contributing to delays in holding the initial IFSP meeting with 45 days of referral of the child.

The Annual Meeting of Early Intervention Officials and Managers was held in April 2006. During the meeting, the Department facilitated networking among representatives from local municipal programs across the state. Formal reports from local programs identified regional concerns, including issues that contribute to failure to meet federally-required timeframes, which the Department addressed through technical assistance both at the Annual Meeting and thereafter.

Part C State Annual Performance Report (APR) for 2005-2006*Lack of progress, slippage and plans to address this:*

New York reports **52.94%** compliance with this indicator down from the baseline of **61.53%** (2004-05). The most significant decline occurred in New York City (from 55% in 2004-05 to 37.83% in this reporting period).

The State's SPP indicated that data analyses with respect to completion of IFSPs within federally-required timeframes would be completed on a quarterly and annual basis. During this reporting period, these analyses were not routinely performed on a quarterly basis, however, a comprehensive analysis of IFSP timeliness was accomplished and this was used to by the Department to better target its technical assistance, monitoring and enforcement activities.

The State will improve performance for this indicator by:

Continuing to analyze/review local performance data to help determine the cause of non compliance for this indicator. These data will be shared and reviewed with local programs.

Conducting bimonthly conference calls with all municipalities to review Department standards and guidance in this area and brainstorm general improvement strategies.

When significant deficiencies for particular local programs are identified through data, the Department will promote improvement through individual technical assistance to: discuss/examine local policies and procedures and other local program issues; identify which policies, procedures and forms contribute to incorrect local practices that result in noncompliance for this indicator, and identify data problems that influence the rate of compliance for this indicator.

Department procedures to address local noncompliance will be reviewed / revised to ensure they are consistent with the OSEP "determination" process. Consistent, progressive enforcement procedures that address continued noncompliance by local programs or their contractors will be implemented when there is no demonstrated progress over time. This includes formal corrective action plans, required attendance at Department-sponsored training, on site follow-up reviews as necessary, referrals for legal or audit action, or appropriate funding restrictions or sanctions.

Municipalities will be notified that continued lack of improvement or slippage over time will result in development of a corrective action plan co-developed with the Department, with achievable, realistic timelines and milestones and goals specific to this indicator. The Department will regularly monitor corrective action for progress. When milestones and timelines are not achieved, intervention and corrective action modifications will occur.

The Department will review statewide EIP procedures and policies to ensure that the federal monitoring priority areas are more fully integrated into all aspects of the Department's oversight of the EIP, including its data collection efforts, training curricula and courses, monitoring indicators and tools, provider applications, etc.

The Department's rigorous monitoring efforts will continue to be implemented to ensure findings are addressed within one year of identification.

The Department will develop new, and revise existing, statewide training curricula based on identified systemic issues, as needed.

The Department will continue to ensure that the system and software requirements for the new data system (NYEIS) will include the ability to collect the reasons that IFSP services are not initiated according to the state's standard.

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Until the NYEIS is implemented in 2008, the Department will explore the feasibility of requiring local programs to conduct a self-assessment of their contracted providers to obtain sample data regarding reasons new IFSP services were delivered later than the State standard established in the SPP. These data will provide the percent of services that were late due to reasons within and outside the control of local programs, such as family circumstances.

The Department is particularly concerned about the decline that occurred in this priority monitoring area in New York City during the reporting period so, in addition to working with individual counties with significant problems in this area, the Department will specifically focus on working with New York City to identify and address late initial IFSPs. The Department is currently working closely with New York City to improve reporting reasons for late IFSPs. New York City has conducted additional training to its early intervention official designees who work with evaluators to ensure accurate reasons for late IFSPs are captured and reported.

The Department will disable several choices for late IFSP reasons in the state data application to eliminate poor data in the future.

The Department will continue to analyze/review performance data for local programs and their contracted providers and, when no improvement or slippage is identified in the data, the state will promote improvement through technical assistance efforts that include: bimonthly conference calls with all municipalities to review Department standards and guidance in this area and individual technical assistance to municipalities with such significant findings. Individual technical assistance will discuss/review local policies and procedures and review local written policies, procedures and forms to address incorrect local practices that impact on compliance with this indicator.

The Department's rigorous monitoring efforts will continue to be implemented (see description of New York's comprehensive monitoring procedures in the state's SPP); corrective action plans will be submitted, approved and implemented with respect to examining the timeliness of initial IFSPs. The Department's monitoring agent will continue to examine evaluation provider records to ensure the multidisciplinary evaluation to determine program eligibility is completed in a timely manner and the results are provided to the municipality, service coordinator and parent in sufficient time for the initial IFSP meeting to be held within 45 days of the child's referral to the EIP. The evaluator must provide reasons for the delay on their part to the municipality to be recorded in KIDS. If this did not occur, evaluation providers continued to be cited and required to submit and implement corrective actions within one year of identification of the deficiency. The monitoring agent will also continue to monitor EIP service coordination providers to ensure service coordination functions are completed in a timely fashion to ensure that IFSPs are completed within federally-required timeframes.

The Department will institute a more intense, graduated, follow up process to ensure improvement at the local program level occurs. The focus of the follow up process will be to work with individual local programs in specific priority monitoring areas where noncompliance is ongoing. The SPP improvement activities will be revised to include this process. See section "Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources."

Part C State Annual Performance Report (APR) for 2005-2006

SECTION: Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for 2005-06:

Revisions to SPP proposed targets:

OSEP requires that the target for this indicator for all years covered by the SPP remain at 100% compliance. New York had intended, beginning with this APR, to include data for eligible children with initial IFSPs completed within the federally-required 45 day timeframe and discount IFSPs that contain a statement indicating the IFSP was delayed due to family circumstances. In the SPP, the targets from 2005-06 forward was “100% of eligible children’s initial IFSPs will be completed within the federally-required 45 day timeframe or the IFSP will contain a statement indicating the IFSP was delayed due to family circumstances.” OSEP clarified that actual target data should only include data for eligible children with initial IFSPs completed within the federally-required 45 day timeframe. Circumstances and data that reflect when the IFSP is late for family or other reasons outside the control of the public agency should be discussed in the APR narrative for this indicator, which was done in this APR.

Therefore, the target for this indicator for each year of the SPP will remain at 100%, as required by OSEP. The “measurable and rigorous target” language in the SPP is revised to more accurately reflect the methodology now being used by the state. The language now reads:

| FFY | Measurable and Rigorous Target |
|---------------------|---|
| 2005 (2005-2006) | TARGET: 100% of eligible children’s initial IFSPs will be completed within the federally-required 45 day timeframe. |
| 2006 (2006-2007) | TARGET: 100% of eligible children’s initial IFSPs will be completed within the federally-required 45 day timeframe. |
| 2007 (2007-2008) | TARGET: 100% of eligible children’s initial IFSPs will be completed within the federally-required 45 day timeframe. |
| 2008 (2008-2009) | TARGET: 100% of eligible children’s initial IFSPs will be completed within the federally-required 45 day timeframe. |
| 2009 (2009-2010) | TARGET: 100% of eligible children’s initial IFSPs will be completed within the federally-required 45 day timeframe. |
| 2010 (2010-2011) | TARGET: 100% of eligible children’s initial IFSPs will be completed within the federally-required 45 day timeframe. |

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Because the Department is particularly concerned about the decline that occurred in this APR indicator, it will institute a more intense, graduated, follow up process to ensure improvement at the local program level occurs. The focus of the follow up process will be to work with individual local programs in specific priority monitoring areas where noncompliance is ongoing, including untimely initial IFSPs. Efforts will include:

- regularly scheduled phone calls with local program staff;
- in person meetings to discuss and review materials and policies,
- formal written letters of notification to the local program for continued findings,
- examination of data to ensure correct and timely data entry,
- submission of a corrective action plan that is co-developed with input from the Department containing concrete action steps, realistic and verifiable milestones to measure progress, and an evaluation plan by both the local program and the Department.

Revisions to resources:

None – resources mentioned in the SPP for this indicator will remain the same and will not be revised at this time.

Revisions to SPP:

Revisions to future improvement activities for Indicator #7 has been included in the revised SPP. Please refer to New York State's revised SPP to see future improvement activities changes to Indicator #7.

Part C State Annual Performance Report (APR) for 2005-2006

Overview of the Annual Performance Report Development:

Please see Indicator #1

Monitoring Priority: Effective General Supervision Part C / Effective Transition

Indicator 8: Percent of all children exiting Part C who received timely transition planning to support the child’s transition to preschool and other appropriate community services by their third birthday including:

- A. IFSPs with transition steps and services;
- B. Notification to LEA, if child potentially eligible for Part B; and
- C. Transition conference, if child potentially eligible for Part B.

(20 U.S.C. 1416(a)(3)(B) and 1442)

Measurement:

A. Percent = [(# of children exiting Part C who have an IFSP with transition steps and services) divided by the (# of children exiting Part C)] times 100.

B. Percent = [(# of children exiting Part C and potentially eligible for Part B where notification to the LEA occurred) divided by the (# of children exiting Part C who were potentially eligible for Part B)] times 100.

C. Percent = [(# of children exiting Part C and potentially eligible for Part B where the transition conference occurred) divided by the (# of children exiting Part C who were potentially eligible for Part B)] times 100.

| FFY | Measurable and Rigorous Target |
|---------------------|---|
| 2005 (2005-2006) | <p>A. TARGET: 100% percent of all children exiting Part C will receive timely transition planning to support the child’s transition to preschool and other appropriate community services by their third birthday, including IFSPs with transition steps and services.</p> <p>B. TARGET: 100% percent of all children exiting Part C will receive timely transition planning to support the child’s transition to preschool and other appropriate community services by their third birthday, including notification to LEA, if child potentially eligible for Part B services.</p> <p>C. TARGET: 100% percent of all children exiting Part C will receive timely transition planning to support the child’s transition to preschool and other appropriate community services by their third birthday including a transition conference, if child potentially eligible for Part B services.</p> |

Part C State Annual Performance Report (APR) for 2005-2006**Actual Target Data for 2005-2006:**

- A. Percent = # of children exiting Part C who have an IFSP with transition steps and services divided by # of children exiting Part C times 100.
 $88 / 132 \times 100 = 66.67\%$ (95% CI = 58.6%, 74.7%)
- B. Percent = # of children exiting Part C and potentially eligible for Part B where notification to the LEA occurred divided by the # of children exiting Part C who were potentially eligible for Part B times 100.
 $75 / 97 \times 100 = 77.3\%$ (95% CI = 69.0%, 85.7%)
- C. Percent = # of children exiting Part C and potentially eligible for Part B where the transition conference occurred divided by the # of children exiting Part C who were potentially eligible for Part B times 100.
 $20 / 61 \times 100 = 28.17\%$ (95% CI = 17.7%, 38.6%)

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for 2005-06:Data Analysis:

In its SPP, New York included in its calculation for Indicator #8C, children for whom the state identified the lack of a timely conference attributable either to exceptional family circumstances documented in the child's record or lack of family approval for the conference. In its March 3, 2006 letter responding to New York's SPP, OSEP determined that these children should not be included, but in its discussion of APR data, New York should report separately the number of documented delays attributable to family circumstances and the number of children for whom the family did not provide approval to conduct the conference. Therefore, for this reporting period, New York calculated the data for Indicator #8C per OSEP's guidance.

For Indicator #8C, 12 of 132 (16.7%) sample cases had comments indicating that the lack of a transition conference was due to parental refusal. Per OSEP guidance, these cases were excluded from the calculations.

The source of data for Indicator #8 for this APR is a record review conducted by all local programs. The Department provided the names of children for a random sample of children who had transitioned during the reporting period to each municipality, along with the data template and protocol to be used to conduct the record review and capture data for Indicator #8A, B and C.

Last reporting period, data from State monitoring were used to report in the SPP for Indicator #8. The State monitoring protocol, however, did not include as a finding instances when the transition conference was not held due to family or other exceptional circumstances (such as natural disasters/extreme weather). Therefore, the Department cannot establish new baseline data for Indicator #8C in a revised SPP for the period 2004-05. As mentioned above, the source of data for Indicator #8C in this APR is a record review by municipalities. The differences between the baseline SPP data and data in the APR, especially for Indicator #8C, may be due to the differences in the respective methodologies, rather than true differences in performance.

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Data for this Indicator showed:

Regarding Indicator #8A:

The statewide percent of children exiting Part C who have an IFSP with transition steps and services declined from **81.33%** baseline in 2004-05 to **66.67%** during this reporting period. In New York City, the percent of children exiting Part C who have an IFSP with transition steps and services was 50% for this reporting period and the rest of state (ROS) was 76.83%.

Regarding Indicator #8B:

The statewide percent of children exiting Part C and potentially eligible for Part B where notification to the LEA occurred declined from **77.38%** baseline in 2004-05 to **77.32%** during this reporting period, a negligible drop. In New York City the percent of children exiting Part C and potentially eligible for Part B where notification to the LEA occurred was 54.05% for this reporting period and the ROS was 91.67%.

Regarding Indicator #8C:

Monitoring data used to establish the baseline data for the SPP only identified findings when the transition conference did not occur due to system problems in the control of the local program being reviewed. The Department, therefore, could not establish a new baseline for 2004-05 for Indicator #8C that included family or exception circumstances as required by OSEP because there was no data collected using this methodology for the 2004-05 reporting period. New York will use this APR reporting period, 2005-06, to establish a baseline from which to show improvement in the future toward the OSEP target of 100%, and will use a similar sampling strategy to assure comparability with future APRs. When findings for when the transition conference was not held due to family circumstances (such as parent refusals) were excluded and compared to 2004-05 data, the statewide percent of children exiting Part C and potentially eligible for Part B where the transition conference occurred still declined from 79.07% (2004-05) to 30.3% (2005-06). Of particular concern was that local data analyses show that in New York City, no (0 %) transition conferences occurred. ROS conducted transition conferences for 68.97% of children exiting Part C and potentially eligible for Part B.

Analyses for this indicator allow the Department to further target efforts to monitor local performance, identify noncompliance and which local programs need assistance and intervention in this priority monitoring area (see discussion regarding "Improvement activities implemented during 2005-06 and progress on meeting targets"). The Department continues to strive to reach 100% compliance for transition steps and was expecting to see improvement during the reporting period. Therefore, we are concerned about the slippage that occurred in this priority monitoring area, especially in New York City, which serves almost half the children in the state. The Department began to work with individual local programs, particularly New York City, to ensure improvement activities and appropriate corrective actions occur which should result in future improvement.

Improvement activities implemented during 2005-06 and progress on meeting targets:

In addition to the measure required by OSEP to report on transition requirements for children in the EIP, the Department continued to perform analyses of other statewide data, which are described in New York's SPP, to examine factors that impact on transition and affect the appropriateness and timeliness of transition planning and access for children potentially eligible for a free appropriate public education by their third birthdays.

During this reporting period, when the transition conference did not occur, municipalities were required to ensure that the child's record contained a statement indicating the reason the conference was not held.

The Department's rigorous monitoring efforts continued to be implemented (see description of New York's comprehensive monitoring procedures in the state's SPP) during this reporting period.

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Technical assistance was provided to assist in the correction of deficiencies identified through the monitoring process. The Department began individualized technical assistance and discussions with specific local programs during this reporting period, targeting those municipalities whose data demonstrated significant findings with no demonstrated improvement or municipalities with data that showed slippage over time. The discussions began the process of addressing the causes for required transition steps not occurring, such as unavailability of preschool system representatives, scheduling problems, failure to complete/send necessary paperwork, etc.

This data allows the Department to further identify local programs in need of assistance and intervention in this priority monitoring area (see discussion regarding "Improvement activities implemented during 2005-06 and progress on meeting targets"). The Department continues to strive to reach 100% compliance for transition requirements and was expecting to see improvement during the reporting period and, therefore, is concerned about the slippage that occurred in this priority monitoring area, especially in New York City, which serves almost half the children in the State. The Department began to work with individual local programs, particularly New York City, to ensure correction of deficiencies and improvement occurs.

Beginning in 2006, monthly telephone calls were held between key staff from the Department and the New York City early intervention program, to begin the process of identifying the reasons behind ongoing implementation problems particularly regarding late IFSPs and poor/incorrect transition practices.

During the reporting period, a significant amount of technical assistance was provided to the field regarding the guidance document *Transition of Children from the Early Intervention Program to the Preschool Special Education Program*, which was released in February 2005. Targeted assistance was provided to eight local programs.

The Department began developing educational materials specifically for parents intended to complement the comprehensive guidance document on transition.

Statewide training on transition continued to be available for key stakeholders, as part of the Information Sessions for Families and Introduction to Service Coordination training courses.

The Department continued to collaborate with the State Education Department (SED) and held monthly meetings which included discussion of transition issues and plans for joint training activities for municipalities and school districts on transition requirements, including regional training for CPSE chairpersons, and ensure technical assistance and training to individuals responsible for transition in both the EI and preschool systems was consistent.

Parents of children in the Early Intervention system continued to access information on Transition from the Bureau's web page. Transition information continues to be updated and revised in the *The Early Intervention Program – A Parent's Guide* booklet.

A competitive RFP was issued and a contractor selected, to develop a new data system to replace KIDS in 2008, which will include data fields needed to capture required transition steps. This will improve the Department's capacity to analyze, interpret, and implement appropriate actions to address factors contributing to incorrect or poor local program transition practices.

The Department began to plan for the 2007 Annual Meeting of Early Intervention officials and is taking local performance for this indicator into consideration when constructing the meeting agenda. The meeting will provide another opportunity to provide technical assistance and guidance to address ongoing noncompliance in this and other federal priority monitoring areas.

Part C State Annual Performance Report (APR) for 2005-2006*Lack of progress, slippage and plans to address this:*

New York reports **66.67%** compliance with Indicator #8A (down from the baseline of 81.33% in 2004-05), **77.3%** compliance with Indicator #8B (down from the baseline of 77.38% in 2004-05), and **28.17%** compliance with Indicator #8C. For Indicators #8A and #8C, state performance declined; state performance remained relatively stable for Indicator #8B.

The State will improve performance for this indicator by:

Implementing the improvement strategies described in this APR for Indicator #7. In summary, the State's rigorous monitoring efforts will continue to be implemented, progressive enforcement procedures that address continued noncompliance by local programs or their contractors will be implemented, with the goal of achieving 100% compliance with this indicator. Municipalities will be put on notice that local programs that continue to demonstrate no improvement or slippage over time will be required to collaborate with the Department when developing a corrective action plan with achievable, realistic timelines and milestones and goals specific to this indicator. The Department will regularly monitor corrective action and data for progress. When milestones and timelines are not achieved, intensive intervention and corrective action modifications will occur and possible performance-based budgeting for administrative funding to local programs currently provided by the state may be implemented.

The Department is particularly concerned about the slippage that occurred in this priority monitoring area in New York City during the reporting period so, in addition to working with individual counties with significant problems in this area, the Department will specifically focus on working with New York City to identify and address poor/incorrect transition practices. Specific efforts will include continuation of monthly calls with New York City staff; in person meetings to discuss and review materials and policies, formal written letters of notification to New York City for continued findings, submission of a corrective action plan that is co-developed with input from the Department with concrete action steps, realistic and verifiable milestones to measure progress, and an evaluation plan by New York City and the Department.

The Department will continue to analyze/review performance data for local programs and their contracted providers and, when no improvement or slippage is identified in the data, the state will promote improvement through technical assistance efforts that include: bimonthly conference calls with all municipalities to review Department standards and guidance in this area and individual technical assistance to municipalities with such significant findings. Individual technical assistance will discuss/review local policies and procedures and review local written policies, procedures and forms to address incorrect local practices that impact on compliance with this indicator.

The State's rigorous monitoring efforts will continue to be implemented (see description of New York's comprehensive monitoring procedures in the SPP); corrective action plans will be submitted, approved and implemented with respect to examining the timeliness and appropriateness of transition steps.

The Department will institute a more intense, graduated, follow up process to ensure improvement at the local program level occurs. The focus of the follow up process will be to work with individual local programs in specific priority monitoring areas where noncompliance is ongoing. The SPP improvement activities will be revised to include this process. See section "Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources."

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SECTION: Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for 2005-06:

Revisions to SPP proposed targets:

None – SPP targets for this indicator for A, B, and C will remain at 100%, as required by OSEP.

Revisions to future SPP improvement activities and timelines:

Because the Department is particularly concerned about the slippage that occurred in this APR indicator, it will institute a more intense, graduated, follow up process to ensure improvement at the local program level occurs. The focus of the follow up process will be to work with individual local programs in specific priority monitoring areas where noncompliance is ongoing, including incorrect transition procedures. Efforts will include:

- regularly scheduled phone calls with local program staff;
- in person meetings to discuss and review materials and policies,
- formal written letters of notification to the local program for continued findings,
- examination of data to ensure correct and timely data entry,
- submission of a corrective action plan that is co-developed with input from the Department containing concrete action steps, realistic and verifiable milestones to measure progress, and an evaluation plan by both the local program and the Department.

Revisions to resources:

None – resources mentioned in the SPP for this indicator will remain the same and will not be revised at this time.

Revisions to SPP:

Revisions to future improvement activities and timelines for Indicator #8 has been included in the revised SPP. Please refer to New York State's revised SPP to see changes to Indicator #8.

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Overview of the Annual Performance Report Development:

Please see Indicator #1

Monitoring Priority: Effective General Supervision Part C / General Supervision

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.

(20 U.S.C. 1416(a)(3)(B) and 1442)

Measurement:

Percent of noncompliance corrected within one year of identification:

A. # of findings of noncompliance.

B. # of corrections completed as soon as possible but in no case later than one year from identification.

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

For any noncompliance not corrected within one year of identification, describe what actions, including technical assistance and/or enforcement that the State has taken.

| FFY | Measurable and Rigorous Target |
|---------------------|--|
| 2005 (2005-2006) | 100% of noncompliance in federal priority areas will be identified and corrected within one year of identification |

Actual Target Data for 2005-2006:

99% of noncompliance in federal priority areas were identified and corrected within one year of identification.

Part C State Annual Performance Report (APR) for 2005-2006**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for 2005-06:**Data Analysis:

Data used for Indicator #9 to demonstrate the rate of correction of deficiencies within one year of identification was obtained from the Department's monitoring system (providers and municipalities) and internal tracking systems for system complaints, mediations, due process hearings, and timely/accurate submission of data and reports to OSEP. Findings were grouped into the federal monitoring priority areas ("early intervention services in natural environments;" "child find;" "transition;" and "general supervision"). The Department verifies that correction of deficiencies was achieved within one year of identification by:

- reviewing and approving corrective action plans
- requiring attestations pledging that deficiencies will be corrected within one year of identification
- evaluating and approving revised written policies and procedures that describe how the municipality or provider will carry out program requirements on the local level
- requiring a rigorous immediate remediation process to be followed when serious deficiencies affecting the health and safety of children or others is identified
- conducting follow-up focused onsite monitoring visits when significant and/or numerous deficiencies are identified
- providing technical assistance through the monitoring agent and/or the Department's program or regional office staff during the remediation process to ensure an understanding of program requirements
- requiring attendance at Department-sponsored training, as appropriate.

Please refer to the state's SPP for a more detailed description of New York's comprehensive monitoring/correction processes.

During July 1, 2004 and June 30, 2005, 1512 providers contracted to municipalities were monitored by the Department's monitoring agent, and the Department conducted focused monitoring activities for 9 local programs (municipalities). Providers and municipalities are cited for deficiencies related to federal and state requirements. Deficiencies are linked to the four federal monitoring priority areas: "early intervention services in natural environments;" "child find;" "transition;" and "general supervision." Monitored entities are required to submit corrective action plans (CAPs) with timelines for correction within one year of identification of the deficiency, and a written attestation assuring that corrective action will be completed within one year of identification (please also refer to the state's SPP for additional information about New York's process to identify federal and state deficiencies through monitoring providers and municipalities). The monitored entity then goes through the correction process summarized earlier and more fully described in the state's SPP: CAPs are approved, policies and procedures are revised as necessary, serious deficiencies are immediately corrected, follow-up onsite visits occur as appropriate, referral to training occurs, and technical assistance is provided. The number and rates of correction for deficiencies identified through monitoring of providers and municipalities for this reporting period are included in the following chart:

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| Monitoring Method | # of Findings Identified PY2004-05 | # of Findings Corrected within 1 year | % Corrected within 1 year |
|--|------------------------------------|---------------------------------------|---------------------------|
| Priority area: Early Intervention Services in Natural Environment | | | |
| Onsite provider monitoring visits | 22 | 22 | 100% |
| Focused local program monitoring | 15 | 15 | 100% |
| Priority area: Child Find | | | |
| Onsite provider monitoring visits | 5 | 5 | 100% |
| Focused local program monitoring | 4 | 4 | 100% |
| Priority area: Transition | | | |
| Onsite provider monitoring visits | 24 | 23 | 96% |
| Focused local program monitoring | 0 | NA | NA |

During July 1, 2004 and June 30, 2005, 15 system complaints were received from parents or other key stakeholders in New York’s e arly intervention system. During the investigation process, 14 of the 15 complaints were withdrawn or pended. For the one remaining complaint, no deficiencies related to federal requirements were identified. The entities involved in the complaint received appropriate technical assistance and guidance.

During July 1, 2004 and June 30, 2005, 10 due process hearing requests were received. During the hearing process, 9 of the 10 hearing requests were withdrawn or pended. For the one remaining hearing, deficiencies related to federal and state requirements were identified, and the municipality involved in the hearing was ordered by the Administrative Law Judge to correct the deficiency immediately (refer to the state’s SPP for additional information about New York’ s due process impartial hearing system which identifies federal and state deficiencies). The deficiency was linked to the federal monitoring priority area “child find.” The local program went through a correction process to ensure the order was carried out immediately.

The number and rates of correction for deficiencies identified through the state’s due process system for systems complaints and due process hearings for this reporting period are included in the following chart:

| Monitoring Method | # of Findings Identified PY2004-05 | # of Findings Corrected within 1 year | % Corrected within 1 year |
|----------------------------------|------------------------------------|---------------------------------------|---------------------------|
| Priority area: Child Find | | | |
| System Complaints | 0 | NA | NA |
| Due Process Hearings | 1 | 1 | 100% |

During July 1, 2004 and June 30, 2005, 18 mediation requests were filed with local programs. During the mediation process, 7 requests were withdrawn or pended. Of the 11 remaining mediation requests, 10 resulted in negotiated agreements (refer to the state’s SPP for additional information about New York’ s mediation process). The mediation center directs local programs to modify the IFSP per the mediation agreement. The Department currently does not collect child specific data regarding the subject of each mediation to link to federal monitoring priority areas. The total number of mediation agreements that were fully implemented within one year of the dispute are included in the calculations for the rate of compliance for this Indicator (see summary chart p. 40).

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Between July 1, 2004 and June 30, 2005, the Department was required to submit 4 reports to OSEP:

- 618 data in Tables 2-5. These tables were due November 1, 2004 and were submitted on time. The Department responded to Westat’s request for additional information and revisions to Table 3 on May 26, 2005.
- 618 data in Table 1. This table provides the December 1, 2004 child count and was due February 1, 2005. It was submitted on March 15, 2005. The late submission was due to late receipt of data from New York City, which had to be integrated with data from the rest of the state, cleaned, and verified before internal approval could be obtained to submit the Table. The Department responded to Westat’s questions regarding this table on March 23, 2006.
- Annual Performance Report (APR). In 2004-05, an Annual Performance Report was due March 31, 2005 and submitted on June 20, 2005. The report was late because additional clarification from OSEP was necessary before internal approvals and Early Intervention Coordinating Council endorsement could be obtained for the plan to be submitted.
- Grant Application. In 2004-05, the Grant Application was due May 2005 and submitted May 2005.

The number and rates of correction for deficiencies identified for timely and accurate data submissions for this reporting period are included in the following chart:

| Monitoring Method | # of Findings (late submissions and/or corrections) PY2004-05 | # of Findings Corrected within 1 year | % Corrected within 1 year |
|--|--|--|----------------------------------|
| Department’s internal tracking systems | 2 | 2 | 100% |

The following summary chart provides the data used in APR Indicator #9 to determine New York’s rate of correction of noncompliance in federal priority areas within one year of identification:

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SUMMARY CHART

| Monitoring Method | # of Findings Identified PY2004-05 | # of Findings Corrected within 1 year | % Corrected within 1 year |
|--|------------------------------------|---------------------------------------|---------------------------|
| Priority area: Early Intervention Services in Natural Environment | | | |
| Onsite provider monitoring visits | 22 | 22 | 100% |
| Focused local program monitoring | 15 | 15 | 100% |
| System Complaints | | | |
| Due Process Hearings | | | |
| Priority area: Child Find | | | |
| Onsite provider monitoring visits | 5 | 5 | 100% |
| Focused local program monitoring | 4 | 4 | 100% |
| System Complaints | | | |
| Due Process Hearings | | | |
| Priority area: Transition | | | |
| Onsite provider monitoring visits | 24 | 23 | 96% |
| Focused local program monitoring | 0 | NA | NA |
| System Complaints | | | |
| Due Process Hearings | 1 | 1 | 100% |
| Priority area: General Supervision | | | |
| * Mediations | 10 | 10 | 100% |
| Data/report submissions to OSEP | 3 | 3 | 100% |
| Total | 84 | 83 | 99% |

Improvement activities implemented during 2005-06 and progress on meeting targets:

One thousand two hundred fifteen providers, approved by the Department and under contract with one or more municipalities, received a comprehensive, on-site review by the Department’s monitoring agent, to ensure that all previously required corrective actions have been completed if applicable, and to ensure continued compliance with State and Federal requirements. Within one year of identification of deficiencies, these providers completed and submitted corrective action plans and attestations assuring that deficiencies would be corrected within one year of identification of a deficiency. Their written policies and procedures were examined and revised as necessary, immediate remediation of serious deficiencies (health and safety concerns or use of unqualified personnel) occurred, technical assistance was provided by the Department’s monitoring agent or Department staff and follow-up onsite visits to ensure immediate remediation occurred was conducted by the Department’s monitoring agent, as appropriate. Follow-up visits began February 2005.

Nine local programs (municipal agencies responsible for local administration of the EIP) were the subject of focused monitoring efforts conducted by Department staff to ensure that all previously required corrective actions were completed and to ensure continued compliance with all State and Federal requirements. Within one year of identification of deficiencies, these local programs completed and submitted corrective action plans and attestations assuring that deficiencies would be corrected within one year of identification of a deficiency. Their written policies and procedures were examined and revised as necessary, immediate remediation of serious deficiencies occurred, technical assistance was provided by Department program and regional office staff as needed. Onsite visits to ensure immediate remediation occurred was conducted by regional staff, as appropriate.

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The State Education Department (SED) continued to review providers, approved by that agency to deliver EIP services and under contract with one or more municipalities to deliver EIP services. During the reporting period, 11 providers were monitored by SED and the same follow up/verification process was implemented by SED to ensure timely correction occurred. Municipalities also receive copies of reports for these providers with whom the municipality contracts to deliver EIP services.

Department Central Office staff and its monitoring agent provided technical assistance to municipalities and providers that required assistance in understanding State and/or Federal requirements and identifying actions necessary to address findings of non-compliance with these requirements.

Municipalities with whom providers contract to deliver EIP services, continued to review and provide feedback to the Department on appropriateness and timeliness of provider corrective action.

A contract to ensure sufficient capacity and resources exist at the State level to maintain a comprehensive, statewide monitoring system for the EIP was maintained. Monitoring data continued to be captured and analyzed which tracked corrective actions and compliance with State and Federal IDEA requirements. Provisions are in place to continue the current monitoring contract through July 31, 2007. An RFP to establish a new contract for the comprehensive monitoring system was issued in the Fall 2006.

State-level data-driven performance indicators continued to be used to assess the extent to which monitoring and completed corrective actions are resulting in improved services to eligible children and their families, and monitoring tools and protocols were revised as necessary to refine and improve the monitoring process.

An interagency agreement continued in effect with the State Education Department (SED), including a workplan, budget, and suballocation of Part C funds, to delegate responsibility and resources for monitoring by SED of providers approved by that agency and under contract with one or more municipalities to deliver EIP services. The interagency agreement with SED will continue to be reviewed, revised as necessary, and renewed annually.

The Department and SED collaborated to ensure consistency in: monitoring tools and protocols; identification of areas of compliance and non-compliance, and enforcement activities. Meetings with the State Education Department staff on the monitoring process occurred on a monthly basis and will continue to occur with regular frequency.

An in-depth record review process for children with the diagnosis of autism spectrum disorder and pervasive developmental disorder was implemented, designed to provide the Department with additional information regarding how these children receive their services in the EIP.

Fiscal audits were conducted when monitoring or other data indicated potential concerns with fiscal practices and management. Twelve provider agencies in New York City were audited during the reporting period; draft findings were discussed with New York City and 8 draft reports were issued. Four audit reports are pending.

Enforcement actions at the State and local levels were taken when necessary to ensure required corrective actions are completed by EIP providers or municipalities.

A guidance document on the *Standards and Procedures for Evaluations, Evaluation Requirements and Eligibility Requirements and Determinations Under the EIP* was developed and distributed, two audit-related protocols were disseminated: *New York State Department of Health Early Intervention program Fiscal Audit Procedures for Municipalities as Local Administrators of the EIP*, and *New York State Department of Health Early Intervention Program Fiscal Audit Procedures for Providers and Municipalities*

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Providing Early Intervention Services; and two policy letters regarding co-visits and amendments to CAPTA were disseminated during the reporting period.

Training contracts to conduct training and modify/develop curricula were extended, new contractors selected and contracts were maintained during the reporting period to ensure continued availability of statewide training. During the reporting period 148 training sessions were provided and a total of 3,712 individuals attended Department-sponsored training.

Department staff continued to provide direct telephone and e-mail technical assistance to providers, families and local programs.

The Department developed a technical assistance tracking system to identify the type of technical assistance being requested and the type of requestor, so that trends and regional needs can be identified in order to target technical assistance efforts or training needed.

The Department continued its contract to offer “Partners in Policymaking” training sessions for parents. In the Fall 2005, an *Early Intervention Partners* training took place in New York City. Fifty-three parents completed this leadership-training project to help them learn more about opportunities for parent involvement within New York State’s Early Intervention Program. In addition, the training sessions also provide information, resources and skill building activities designed to increase advocacy and leadership skills.

The Department convened bimonthly conference calls with municipal Early Intervention Officials and program managers across the state, to discuss issues related to administration of the EIP and local performance.

The Department convened a statewide meeting with Early Intervention Officials and Managers in April 2006 to discuss State and Federal EIP requirements and issues of local import and concern related to the EIP.

Lack of progress, slippage and plans to address this:

The Department is reviewing its monitoring procedures to better address continued noncompliance that occurs despite the activities undertaken by the Department to verify that correction of deficiencies was achieved within one year of identification. The Department plans to institute a more intense, graduated, follow up process (see *Revisions to future SPP improvement activities and timelines*), which will involve program staff and the Department’s monitoring agent.

The Department still plans to develop and issue policy and procedure manuals for local program administrators, and to update these on a periodic basis.

Also, the Department continues its commitment to issue data reports on a variety of local management issues to municipalities for their use in enhancing and improving local administration of the EIP. At the time of this APR, local program data reports are close to being finalized. Reports will be consistent with the federal priority monitoring areas and the Department’s monitoring process.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for 2005-06

Revisions to SPP proposed targets:

None – SPP targets for this indicator will remain at 100%, as required by OSEP.

Part C State Annual Performance Report (APR) for 2005-2006

Revisions to future SPP improvement activities and timelines:

The Department will develop and issue policy and procedure manuals for local program administrators, and update these on a periodic basis. It is anticipated that these administrative guidance documents will begin to be issued in 2008.

The Department will issue periodic data reports on a variety of local management issues to municipalities for their use in enhancing and improving local administration of the EIP. The local program data reports will be consistent with the federal priority monitoring areas and the Department's monitoring process. It is anticipated that these annual data reports will be issued in 2007.

The Department will institute a more intense, graduated, follow up process to ensure correction and improvement at the local program level occurs. The process will be data-driven and will focus on working with individual local programs in specific priority monitoring areas where noncompliance is ongoing. Efforts will include regularly scheduled phone calls with local program staff; in person meetings to discuss and review materials and policies, formal written letters of notification to the local program for continued findings, examination of data to ensure correct and timely data entry, submission of a corrective action plan that is co-developed with input from the Department containing concrete action steps, realistic and verifiable milestones to measure progress, and an evaluation plan by both the local program and the Department.

Revisions to resources:

None – resources mentioned in the SPP for this indicator will remain the same and will not be revised at this time.

Revisions to SPP:

Revisions to future improvement activities and timelines for Indicator #9 has been included in the revised SPP. Please refer to New York State's revised SPP to see changes to Indicator #9.

Part C State Annual Performance Report (APR) for 2005-2006

Overview of the Annual Performance Report Development:

Please see Indicator #1

Monitoring Priority: Effective General Supervision Part C / General Supervision

Indicator 10: 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.

(20 U.S.C. 1416(a)(3)(B) and 1442)

Measurement: Percent = [(1.1(b) + 1.1(c)) divided by 1.1] times 100.

| FFY | Measurable and Rigorous Target |
|---------------------|--|
| 2005 (2005-2006) | 100% of all systems complaints filed will be completed within the federally required 60-day time line. |

Actual Target Data for 2005-06:

0% of all systems complaints filed were completed within the federally required 60 day time line.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for 2005-06:

Data Analysis:

During the reporting period, 18 written system complaints were received. Four were issued, 3 were withdrawn and 11 complaint reports were pended. Of the issued reports, none were issued within the 60-day time line.

NYS recognizes the necessity to achieve 100% compliance, issuing all complaint reports within a 60 day time frame. During this reporting period, staff continued to focus on resolving child/family issues identified in a complaint while administratively the complaint process was examined to determine the actions necessary to bring the State into 100% compliance as soon as possible.

Substantial effort continues in the first instance to resolve any problems identified through a system complaint that are directly impacting on a child and family. During the course of the investigation, Department staff will discuss the deficiencies being identified with the subject of the complaint, and determine how to address deficiencies through the completion of corrective action. System complaint investigation reports are then finalized and routed through the Department's approval process.

Part C State Annual Performance Report (APR) for 2005-2006Improvement activities implemented during 2005-06 and progress on meeting targets:

During this report period, NYS focused on the collection and analysis of data to identify ways to increase the issuance of reports within the sixty day time line and on the identification of ways to improve the efficiency of the complaint process

The internal process for the transmittal of complaints from the Department's executive correspondence unit to the Bureau of Early Intervention has been changed to allow for the Bureau of Early Intervention to receive the complaint directly for investigation.

While procedures to streamline the investigation included the notification by telephone of the initiation of the investigation, a need for additional streamlining was identified. As a result, staff refined the process to request documentation from municipalities and others involved in the investigation. This process includes focused requests for records, verbal notification followed by written/faxed requests for records and reducing the amount of time for subjects of an investigation to submit requested records.

A lack of understanding by municipalities and service providers of the system complaint process also negatively impacted the Department's ability to complete investigations within the 60 day timeline, therefore, a need to further educate municipalities regarding multiple due process options and the role of a municipality in a system complaint process was identified.

Lack of progress, slippage and plans to address this:

To address the lack of progress meeting 100% compliance, we have done the following in the current reporting period.

Staff was redeployed from other activities to address the backlog of systems complaints investigation reports, but a need was identified for the addition of permanent staff devoted to the system complaint process. As a result, one new staff person has been permanently reassigned to assist the two other professional staff who perform system complaint investigations.

In addition, the Department has established and implemented a new timeline and protocol for the completion of an investigation and final report. As a result, for the two system complaints newly received since September 2006, both were completed and issued within the required 60 day timeframe. Since September 2006, ten system complaint reports have been issued that had been pending completion, reducing the backlog.

The Department will continue to prioritize the timely completion of all newly received reports within sixty days while reducing any remaining backlog of reports from the previous reporting period. Finally, staff will assess further strategies for streamlining efforts to obtain records as part of a system complaint investigation and explore.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for 2005-06Revisions to SPP proposed targets:

None – SPP targets for this indicator will remain at 100%, as required by OSEP.

Part C State Annual Performance Report (APR) for 2005-2006

Revisions to future SPP improvement activities and timelines:

None – improvement activities and timelines for this indicator will remain the same and will not be revised at this time.

Revisions to resources:

None – resources for this indicator will remain the same and will not be revised at this time.

Part C State Annual Performance Report (APR) for 2005-2006

Overview of the Annual Performance Report Development:

Please see Indicator #1

Monitoring Priority: Effective General Supervision Part C / General Supervision

Indicator 11: Percent of fully adjudicated due process hearing requests that were fully adjudicated within the applicable timeline.

(20 U.S.C. 1416(a)(3)(B) and 1442)

Measurement: Percent = [(3.2(a) + 3.2(b)) divided by 3.2] times 100.

| FFY | Measurable and Rigorous Target |
|---------------------|--|
| 2005 (2005-2006) | 100% of all due process hearing requests will be filed within the federally required 30 day time frame |

Actual Target Data for 2005-06:

50% of all due process hearing requests were filed within the federally required 30-day time frame

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for 2005-06:

Data Analysis:

During the reporting period, 14 hearing requests were received. For 11 of those requests, the parents opted to withdraw the request because their issues were resolved outside of the hearing process prior to the hearing date. Of the remaining 3 hearing requests, 2 were fully adjudicated. Of the fully adjudicated due process hearings, one decision was rendered within the 30-day time line. One hearing did not occur within the 30 day time frame. The petitioners failed to prove that the services in the IFSP were not appropriate. For 2005-2006, one of two hearing requests were fully adjudicated resulting in a 50% compliance rate. While based upon small numbers of fully adjudicated hearings, this represents an improvement over the 0% compliance in 2004-2005.

Improvement activities implemented during 2005-06 and progress on meeting targets:

Department staff contact families who request impartial hearings to ensure that families have been informed about the availability of mediation, and that they understand that accessing mediation does not affect their right to request an impartial hearing at any time. Department Administrative Law Judges continue to be available to conduct impartial hearings.

Part C State Annual Performance Report (APR) for 2005-2006

All Administrative Law Judges (ALJ) receive current information regarding State and Federal regulatory and statutory requirements pertaining to the EIP. Program and policy guidance documents issued by the Bureau of Early Intervention are routinely distributed to all ALJs.

A tracking system was implemented by the Department's Bureau of Adjudication to help assure that hearings are conducted and decisions rendered within the Federally-required timeframe. No later than 30 days after the receipt of a parent's request, the impartial hearing proceeding should be completed and a written decision mailed to each of the parties. During the pendency of a hearing, the child will continue to receive the appropriate early intervention services currently being provided and if the hearing involves initial services, the child will receive those services that are not in dispute.

Lack of progress, slippage and plans to address this:

The Department will continue conducting meetings with ALJs to ensure that they have current information regarding State and Federal regulatory and Statutory requirements pertaining to the EIP. Staff work closely with the Department's Bureau of Adjudication to assure that all hearings are scheduled to occur within the 30 day timeframe, and then they are cancelled if the request for a hearing is ultimately withdrawn.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for 2005-06

Revisions to SPP proposed targets:

SPP targets for this indicator will remain at 100%, as required by OSEP.

Revisions to future SPP improvement activities and timelines:

None – improvement activities and timelines for this indicator will remain the same and will not be revised at this time.

Revisions to resources:

None – resources for this indicator will remain the same and will not be revised at this time.

Part C State Annual Performance Report (APR) for 2005-2006

Overview of the Annual Performance Report Development:

This indicator does not apply to New York State

Monitoring Priority: Effective General Supervision Part C / General Supervision

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).

(20 U.S.C. 1416(a)(3)(B) and 1442)

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

| FFY | Measurable and Rigorous Target |
|---------------------|---|
| <i>(Insert FFY)</i> | <i>(Insert Measurable and Rigorous Target.)</i> |

Actual Target Data for *(Insert FFY)*:

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for *(Insert FFY)*:

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for *(Insert FFY)*

[If applicable]

Part C State Annual Performance Report (APR) for 2005-2006

Overview of the Annual Performance Report Development:

Please see Indicator #1

Monitoring Priority: Effective General Supervision Part C / General Supervision

Indicator 13: Percent of mediations held that resulted in mediation agreements.

(20 U.S.C. 1416(a)(3)(B) and 1442)

Measurement: Percent = [(2.1(a)(i) + 2.1(b)(i)) divided by 2.1] times 100.

| <i>FFY</i> | Measurable and Rigorous Target |
|---------------------|---|
| 2005 (2005-2006) | 82% of mediation requests will result in mediation agreements |

Actual Target Data for 2005-06:

16 / 20= **80%** of mediation requests resulted in mediation agreements.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for 2005-06:

Data Analysis:

During the reporting period, there were 42 requests for mediation and, of those, 22 requests were withdrawn. Of the remaining 20 requests, 16 reached agreement.

There was no significant slippage. 2004-2005 data indicated 81.8% of mediations resulted in mediation agreements and 2005-2006 data indicated 80% of mediations resulted in mediation agreements. Eighty percent is within the recognized reasonable rate of 75-85% and is consistent with the national mediation success rate.

Improvement activities implemented during 2005-06 and progress on meeting targets:

As evidenced by the baseline data, New York State’s mediation system for the EIP continues to be successful and works well to assist parents and municipalities with the resolution of disputes regarding services for eligible children and their families. The Department will maintain this mediation system through the following activities:

The contract with the New York State Dispute Resolution Association will be maintained to ensure sufficient capacity to resolve disputes related to Early Intervention Program services.

Part C State Annual Performance Report (APR) for 2005-2006

Training will continue to be provided to municipalities on the due process rights of families and other entities, including mediation procedures. All new and revised training curricula will be modified to assure that due process procedures are incorporated in many of the Department's training curricula, as well as the Department's guidance documents.

Lack of progress, slippage and plans to address this:

There was no slippage. The Department is considering the development of a guidance document on due process procedures under the EIP, that would include the procedural and timeframe requirements for mediations.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for 2005-06:

Revisions to proposed targets:

None - the State-set targets for this indicator will remain the same and will not be revised at this time. As explained in the SPP, New York expects that the percent of mediations will stabilize to approximately 80%, since there will always be mediations that will not result in agreements. Progress will be evaluated by continued analysis of data collected for this indicator

Revisions to future SPP improvement activities and timelines:

None – improvement activities and timelines for this indicator will remain the same and will not be revised at this time.

Revisions to resources:

None – resources for this indicator will remain the same and will not be revised at this time.

Part C State Annual Performance Report (APR) for 2005-2006

Overview of the Annual Performance Report Development:

Please see Indicator #1

Monitoring Priority: Effective General Supervision Part C / General Supervision

Indicator 14: State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate.

(20 U.S.C. 1416(a)(3)(B) and 1442)

Measurement: State reported data, including 618 data, State performance plan, and annual performance reports, are:
 a. Submitted on or before due dates (February 1 for child count, including race and ethnicity, settings and November 1 for exiting, personnel, dispute resolution); and
 b. Accurate (describe mechanisms for ensuring error free, consistent, valid and reliable data and evidence that these standards are met).

| FFY | Measurable and Rigorous Target |
|-----------------|---|
| 2005 2005-06 | 100% State reported data, including 618 data, State performance plan, and annual performance reports, are submitted on time and are accurate. |

Actual Data for 2005-06:

618 data in Tables 2-5. These tables are due on November 1st of each year. During the 2005-06 reporting period, the tables were submitted on January 17, 2006. The late submission was due to the late receipt of data from New York City, which had to be integrated with data from the rest of the state, cleaned, verified and internal approval had to be obtained. Table 3 was subsequently revised based on additional instructions from Westat. The Department responded to Westat's Year to Year Change Report, as requested.

618 data in Table 1. This table is due February 1st of each year. During the 2005-06 reporting period, the table was submitted on March 10, 2006. The late submission was due to the late receipt of data from New York City, which had to be integrated with data from the rest of the state, cleaned, verified and internal approval had to be obtained. The Department responded to Westat's request for clarification of comments.

State Performance Plan. During the 2005-06 reporting period, a six-year State Performance Plan (SPP) was due December 1, 2005 and submitted on time. The Department subsequently submitted a revised SPP after OSEP clarified that the targets for compliance indicators had to be 100%.

Grant Application. During the 2005-06 reporting period, the Grant Application was due April 7, 2006 and was submitted on time.

Part C State Annual Performance Report (APR) for 2005-2006**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for 2005-06:***Improvement activities implemented during 2005-06 and progress on meeting targets:*

The Department revised the reporting appendix to the Early Intervention Administrative contracts regarding timeframes for submitting data necessary for program management and State and Federal reporting requirements to improve timely submissions.

The Department worked with New York City to improve reporting of race and ethnicity. In addition to providing additional training to service coordinators and early intervention official designees who work with families, New York City agreed to provide the Department with data to apportion children with “unknown” race/ethnicity, using the results of a match of early intervention eligible children with race/ethnicity reported by their birth mother from birth certificate records. This distribution methodology was used and described in the required federal 618 data tables submitted to OSEP in February 2007.

KIDS software was maintained and updated as necessary to meet State and Federal requirements. Department staff continued to prioritize ongoing KIDS maintenance requirements and needed modifications, enhancements, and additions to the KIDS application.

Technical assistance was available to all municipalities on data collection and reporting requirements and the use of the KIDS application from the OITPM Help Desk and the EIP Data Unit.

During the reporting period, a competitive RFP was issued and a contractor selected, to develop a new data system to replace KIDS. System requirements for the new, centralized data system for the EIP (New York Early Intervention System – NYEIS) that will provide the Department with real-time data for the EIP were defined. NYEIS is expected to be fully operational by 2011.

The Department focused on the development of quality assurance protocols, instructions, data field definitions and protocols for the new NYEIS to ensure the accuracy of data upon implementation of that system in 2008. Efforts were begun to analyze existing KIDS data in preparation for conversion and to prepare municipalities for involvement in data cleaning that is planned to occur in 2007.

Lack of progress, slippage and plans to address this:

The Department recognizes that some submissions to OSEP or Westat are late due primarily to the lengthy process to manually obtain data from the 58 local programs/municipalities, integrate all submissions, clean and verify the data, and obtain internal approvals before releasing the reports. The Department will address this through several steps:

In 2008, the new NYEIS data system will provide the Department with real-time data, eliminating the need to obtain copies on CD of the 58 databases from local programs.

Beginning in 2007, the Department will use an October 1 child count date to populate federal tables and for the SPP/APR in the future. This should provide the additional time needed to develop the reports and obtain necessary approvals.

The Department will continue focused efforts with New York City to address data collection, data entry and data accuracy problems, and timely data submission.

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Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for 2005-06

Revisions to SPP proposed targets:

None – SPP target for this indicator will remain at 100%, as required by OSEP.

Revisions to future SPP improvement activities and timelines:

The Department will use October 1 child count data to populate federal tables and for the SPP/APR in the future. This should provide the additional time needed to develop the reports and obtain necessary approvals.

Revisions to resources:

None – resources mentioned in the SPP for this indicator will remain the same and will not be revised at this time.

Revisions to SPP:

Revisions to future improvement activities and timelines for Indicator #14 has been included in the revised SPP. Please refer to New York State's revised SPP to see changes to Indicator #14.

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U.S. DEPARTMENT OF EDUCATION
OFFICE OF SPECIAL EDUCATION
AND REHABILITATIVE SERVICES
OFFICE OF SPECIAL EDUCATION
PROGRAMS

TABLE 4

PAGE 1 OF 1

REPORT OF DISPUTE RESOLUTION UNDER PART C, OF THE
INDIVIDUALS WITH DISABILITIES EDUCATION ACT
2006-07

OMB NO.: 1820-0678

FORM EXPIRES: 11/30/2009

STATE: New York

| SECTION A: Written, signed complaints | |
|--|----|
| (1) Written, signed complaints total | 18 |
| (1.1) Complaints with reports issued | 4 |
| (a) Reports with findings | 4 |
| (b) Reports within timeline | 0 |
| (c) Reports within extended timelines | 0 |
| (1.2) Complaints withdrawn or dismissed | 3 |
| (1.3) Complaints pending | 11 |
| (a) Complaints pending a due process hearing | 0 |

| SECTION B: Mediation requests | |
|---|----|
| (2) Mediation requests total | 42 |
| (2.1) Mediations | |
| (a) Mediations related to due process | 20 |
| (i) Mediation agreements | 20 |
| (b) Mediations not related to due process | 0 |
| (i) Mediation agreements | 0 |
| (2.2) Mediations not held (including pending) | 22 |

| SECTION C: Hearing requests | |
|--|--------|
| (3) Hearing requests total | 14 |
| (3.1) Resolution meetings (For States adopted Part B Procedures) | 0 |
| (a) Settlement agreements | 0 |
| (3.2) Hearings (fully adjudicated) (For all states) | 2 |
| (a) Decisions within timeline | 1 |
| SELECT timeline used {30 day Part C, 30 day Part B, or 45 day Part B} | 30 day |
| (b) Decisions within extended timeline (only applicable if using Part B due process hearing procedures). | 0 |
| (3.3) Resolved without a hearing | 11 |